

## Request for Information

You are being sent this request for information because the State Bar has identified you or your organization as having an interest in the work of the State Bar's Governance in the Public Interest Task Force (Governance Task Force).

The charge of the Governance Task Force is to make,

“recommendations for enhancing protection of the public and ensuring that public protection is the highest priority in the licensing, regulation and discipline of attorneys. Central to this charge is a review of the governance structure of the State Bar of California. The State Bar assists the Supreme Court in regulating the legal profession, works to improve the administration of justice and access to the courts, and provides services to assist attorneys. The Governance Task Force shall review the policy setting and governance model of the current State Bar of California Board of Governors. The Governance Task Force shall make recommendations (including the structure of the Board, its composition and the selection process for the members) to best advance the goals of ensuring public protection and assisting the California Supreme Court in the exercise of its statutory and inherent authority over the admission and discipline of attorneys of California (See, e.g., *O'Brien v. Jones* (2000) 23 Cal.4<sup>th</sup> 40; *In re Attorney Discipline System* (1998) 19 Cal.4<sup>th</sup> 582).”

Among the issues the Governance Task Force is exploring are the process and methods for selection of Members of the State Bar Board of Governors; the optimal size of the Board; the composition of the Board, selection of the attorney members; the number and selection of public members; an all or partially appointed Board with selections by the Supreme Court, and other changes, if any, to the State Bar's governance structure that would best advance its role as the administrative arm of the Supreme Court in the protection of the public.

You are also invited to present the information provided to the questions at the public hearings, set for January 20, 2011, at the State Bar's Los Angeles Office, 1149 South Hill Street, 7<sup>th</sup> floor and January 27, 2011, at the State Bar's San Francisco Office, 180 Howard Street, 4<sup>th</sup> floor, 9:30 a.m. to 5 p.m. You or a representative of your organization will be offered the opportunity to make a statement setting forth your views of the governance structure of the State Bar, and its impact on the goal of public protection. You may be asked questions by the Governance Task Force members as it gathers information to assist the Governance Task Force in making its report to the Supreme Court, the Governor, and the Assembly and Senate Committees on the Judiciary on or before May 15, 2011.

### **Please respond to the following questions, if applicable:**

- 1) The State Bar serves as the administrative arm of the Supreme Court in its responsibility to regulate the admission and discipline of attorneys. Should public protection be the highest priority of the State Bar in performing these duties?**

**Please give reasons for your answer.**

- 2) **As currently composed, the Board of Governors is made up of 6 appointed non-lawyer public members and 17 elected lawyer members (one of whom serves a one- year term as president and one of whom serves as a representative for lawyers under 37 or with 5 years or less of practice) for a total of 23 members. Does the current composition of the Board best advance the State Bar’s role as the administrative arm of the Supreme Court in the licensing, regulation and discipline of attorneys?**

**Please give reasons for your answer.**

- 3) **Does the election of lawyer members from defined home districts to the State Bar Board of Governors advance the State Bar’s role in ensuring that public protection is a priority in the licensing, regulation and discipline of attorneys? There presently are 9 districts. Should that number be adjusted?**

**Please give reasons for your answer.**

- 4) **As mentioned above, currently the Board of Governors has 6 non-lawyer public members appointed by the executive and legislative branches of the government and seventeen elected by the active California-resident lawyer members of the Bar. Four of the non-lawyer members are appointed by the governor, and one each by the President Pro Tem of the Senate and the Speaker of the Assembly. Should the method by which these six non-lawyer members are selected change or should it stay the same?**

**Please give reasons for your answer.**

- 5) **Members of the Board of Governors currently serve 3-year terms. Is this term too long or too short?**

**Please give reasons for your answer.**

- 6) **Currently the President of the Board of Governors serves for one year. Should the President of the Board serve more than one year?**

**Please give reasons for your answer.**

- 7) **What are the advantages and disadvantages of a State Bar Board of Governors appointed by the Supreme Court in whole or in part?**

**Please give reasons for your answer.**

- 8) Would a Board of Governors with lawyer members appointed by the Supreme Court be more or less beneficial to the protection of the public than the current process of electing all lawyer members to the Board?**

**Please give reasons for your answer.**

- 9) What impact, if any, would there be on local and specialty bar associations if some or all of the members of the Board of Governors were appointed instead of elected.**

**Please give reasons for your answer.**

- 10) Should the Supreme Court appoint non-lawyer members to the Board of Governors?**

**Please give reasons for your answer.**

- 11) Should the President of the Board of Governors be selected by an appointing authority?**

**Please give reasons for your answer.**

- 12) What qualifications are relevant to serving on the Board of Governors for both lawyer and non-lawyer members?**

**Please give reasons for your answer.**

On behalf of the State Bar and the Governance Task Force, thank you for taking the time to respond to any or all of these questions. For additional assistance please call Starr Babcock, State Bar General Counsel and lead staff to the Governance Task Force, and Starr will assist you in answering questions you may have about responding to this Request for Information. Starr can be reached at (415) 538-2070 or by e-mail at [starr.babcock@calbar.ca.gov](mailto:starr.babcock@calbar.ca.gov).