

Request for Information from State Bar Governance in the Public Interest Task Force

The California legislature recently created within the State Bar a *Governance in the Public Interest Task Force* to provide “recommendations for enhancing protection of the public and ensuring that public protection is the highest priority in the licensing, regulation, and discipline of attorneys.”

As it develops these recommendations, the Task Force is seeking input from all interested individuals and organizations. In particular, we invite you to share your thoughts on the State Bar’s current governance model and on ways it could be improved with a view to enhancing public protection.

Please see the attached description of the current governance model together with a list of questions to which the Task Force would appreciate receiving your responses. (An overview of the State Bar and its various functions is available at calbar.ca.gov under “About Us.”)

Responses are due by Monday, **January 3, 2011**, and should be sent to Amy Anderson, Office of the General Counsel, 180 Howard St., San Francisco, CA 94105 or amy.anderson@calbar.ca.gov. All responses will become public and will be posted on the State Bar’s website as attachments to the Task Force’s public hearing notice.

The State Bar will also hold public hearings to receive additional input from interested parties. The hearings will take place as follows:

January 20, 2011 (Thursday), from 9:30 a.m. to 5:00 p.m.
Los Angeles Office of the State Bar, 1149 S. Hill St., 7th Flr.

January 27, 2011 (Thursday), from 9:30 a.m. to 5:00 p.m.
San Francisco Office of the State Bar, 180 Howard St., 4th Flr.

In addition to your written suggestions, the Task Force would look forward to receiving public comments from you at either of these hearings. (Priority to speak at the hearings will be given to those who have submitted written responses.)

Please contact Amy Anderson at (415) 538-2539 or amy.anderson@calbar.ca.gov if you would like to participate at one of the hearings. For any other questions, please contact Starr Babcock at (415) 538-2070 or starr.babcock@calbar.ca.gov.

Sincerely,

William N. Hebert
President, State Bar of California

- I. **Description of current governance model.** The State Bar is governed by a Board of Governors consisting of 22 members plus a president.

Composition

- 15 lawyers elected by active lawyers from 9 geographic districts of 1 or more counties
- 1 lawyer selected from among lawyers age 36 or under (or in practice less than 5 years) by the board of the California Young Lawyers Association (CYLA)
- 6 members of the public (4 appointed by the Governor, 1 appointed by the Senate Rules Committee, and 1 appointed by the Speaker of the Assembly)
- A president elected by the board from among board members whose terms expire that year

Qualifications

Elected lawyer members must be active lawyers and have their principal office for the practice of law in the geographic district from which elected.

Public members may not be current or former lawyers, may not have close family members who are lawyers, and may not within 5 years before being appointed employ or be employed by lawyers. Public members may not have a financial interest in any organization regulated by the board and may not within five years before being appointed have “engaged in pursuits” within the legal profession or represented the legal profession.

Terms

Each elected lawyer member and each public member serves a term of 3 years. (Elected lawyer members are not eligible to serve consecutive terms; public members may be reappointed to consecutive terms.) The CYLA representative serves for 1 year. The president serves for 1 year.¹

See Cal. Bus. & Prof. Code §§ 450-453, 6010-6028.

II. Questions to address

1. The legislature is interested in receiving “recommendations for enhancing the protection of the public and ensuring that protection of the public is the highest priority in the licensing, regulation, and discipline of attorneys.” What do you understand “protection of the public” to mean in the context of governance of the State Bar?
2. Who should serve on the board that governs the State Bar?
3. How should each of these individuals be selected? By whom and by what criteria?
4. What qualifications should be required for each member of the board?
5. What size should the board be?
6. How long should the terms of the members (and of the president) be?
7. How should the president and other officers be selected?
8. What changes or other governance models may enable the board to better serve the interest of public protection?

¹ Neither the president nor the lawyer members receive compensation other than reimbursement of necessary expenses; public members receive \$50 for each day spent discharging official duties, up to \$500 per month.