

AGENDA ITEM

DECEMBER 701 Request for Authorization to Transmit Email to all Members of the Bar

DATE: December 10, 2010

TO: Members, Board of Governors

FROM: Larry Yee, Chief Asst. General Counsel
Starr Babcock, General Counsel
Office of General Counsel.

SUBJECT: Governance in the Public Interest Task Force Request for Authorization to Transmit and E-mail to Bar Membership Regarding Public Hearings and Requesting Comment

EXECUTIVE SUMMARY

The Governance in the Public Interest Task Force (GTF) at its December 3, 2010, meeting directed staff to circulate a Request For Information (RFI) to the State Bar membership and to other interested persons and organizations requesting responses to questions on governance of the State Bar. (The RFI is attached.) Responses can be in writing or through an on-line survey service. The deadline for responses is February 1, 2010. Rule 6.21 of the Rules of the State Bar requires Board of Governor's authorization before the membership may be surveyed by any committee or entity of the State Bar. The GTF requests Board authorization to survey all State Bar members who have provided an e-mail address in compliance with Supreme Court Rule 9.7.

BACKGROUND

In new section 6001.2 of the Business and Professions Code, added Statutes 2010, Chapter 476, section 1, effective January 1, 2011, the California legislature created within the State Bar, a Governance in the Public Interest Task Force ("GTF"), 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."¹ As part of its process, the GTF has prepared a request for information, in which it is

¹ The first GTF report to Legislative Judiciary Committees, the Governor's Office, and the Supreme Court is due no later than May 15, 2011. To assure that the task force has sufficient time to complete its work and to comply with this deadline, the State Bar President appointed the task force after the Annual Meeting in September.

seeking broad comment and input from its membership and all interested individuals and organizations on a number of questions related to governance of the State Bar. (See attached.) The questions include:

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*

Public Hearings will be held in Los Angeles on January 20, 2011, and San Francisco, on January 27, 2011 and all interested parties are being invited to speak on these issues. In addition, the GTF will seek comments through an online survey, with a deadline of February 1, 2011. To facilitate public comment, the GTF has proposed that an e-mail notice be sent to all members of the State Bar,² as well as interested individuals and organizations.

ISSUE

Rules of the State Bar, rule 6.21 requires that no survey of the membership of the State Bar or public communication on behalf of the State Bar may be transmitted without the express authorization of the Board of Governors. In order to proceed with the direction from the task force, authorization of the Board is requested.

CONCLUSION

Authorization of the Board of Governors is recommended.

FISCAL / PERSONNEL IMPACT:

Not applicable.

RULE AMENDMENTS:

Not applicable.

² Each member of the State Bar is required to provide an e-mail address to the State Bar to facilitate communications by the State Bar to its membership. Cal. Rules of Court 9.7(a).

BOARD BOOK IMPACT:

Not applicable. .

RECOMMENDATION

In order for the Governance in Public Interest Task Force to complete its charge and receive the benefit of full public comment, it is recommended that the Board of Governors authorize the transmittal of the request for information and input from the membership and the public.

PROPOSED BOARD RESOLUTION:

Should the Board concur with the Governance in the Public Interest Task Force's recommendation, the following resolutions would be in order:

RESOLVED, that Board hereby authorizes the Governance in the Public Interest Task Force to communicate and transmit the request for information in the form attached hereto.