

GOVERNANCE PROPOSAL

Submitted by Wells B. Lyman

To President Hebert and the Task Force, thank you for considering the following governance proposal:

Critique of present governance proposal

1. Key staff and leadership of the State Legislature and the public members of the State Bar Board of Governors assert that attorneys should not be elected by attorneys to govern an institution that disciplines attorneys. If that is a correct assertion then the plan presently submitted misses the essence of the problem. The public perception is related to State Bar governance that allows attorneys to control by number the Board of Governors. The public is not concerned about how the attorneys obtained their position of governance but rather that they control the governance. The present plan does not substantially alter the number of attorneys that govern and therefore the "perception" issue persists. Additionally, the attorneys that would be appointed still have to come from somewhere and could still be vulnerable to protecting their own interests.
2. The present plan does not address the issue of a diverse cross-section of Governors. This present Board of Governors possesses diversity of gender, sexual orientation, race, ethnicity, age and type of law practice. It did not happen through contrivance. It happened through the election process.
3. The present plan offered by President Hebert would require the input of the Supreme Court who would be tasked with appointing the majority of Governors. The Court appears willing to take on this role, however, in due respect it also seems ambivalent to the prospect of appointing the majority of the board. I would submit that negative opinions directed at the State Bar could additionally reflect upon the Supreme Court.

4. The present proposal does not address the issue of rank and file attorney involvement with the activities of the State Bar. Many of the state bar activities conducted for the benefit of the public are functioning because of the enthusiastic involvement of those attorneys who also care about public protection. Attorneys, in other words, feel a part of the State Bar. Should they be divested of any leadership selection then the potential for a future withdrawal of volunteer commitment may occur.

Rational for my proposal

If attorneys controlling the governance of the state bar are the problem then take away the control by attorneys.

Proposal

We have nine districts. Reduce the elected attorney members to nine With each representing one district (Redistricting can again be visited to assure equal representation from each district).

Increase the public board members by three to be appointed by the Supreme Court. The effect of these changes would be to convene a Board of Governors consisting of nineteen to include a president, nine public members and nine elected attorney members.

Thank you for considering this proposal.

Respectfully, Wells B. Lyman