

I. Governance Task Force Charge

Pursuant to Business and Professions Code section 6001.2, subdivision (b), the State Bar of California's Governance in the Public Interest Task Force ("Governance Task Force") is charged with making recommendations for enhancing and ensuring that public protection is the highest priority in the licensing, regulation and discipline of attorneys.

II. Governance Task Force Mission Statement

- Review Policy Setting and Governance Model of the Board of Governors
- Make recommendations to advance public protection in the following areas:
 - Board Structure and Composition
 - Election Process for Lawyer Members

III. Proposal

A. Proposed Size and Composition of Board of Governors

Less than 23 Board Members:

- Less than 17 attorney members
- 6 public members (same appointing authorities)

B. Proposed Board of Governors Member Appointing Bodies

Qualified attorney members appointed by the Supreme Court

- No seats reserved for any constituent groups
- No change to public member process

C. Proposed Screening Process for Selecting Attorney Members

- Establishment of a Merit Screening Committee (MSC) to solicit, receive, screen, and evaluate all applications for attorney appointments to the Board of Governors
- The MSC to serve at the pleasure of the Supreme Court
- Adoption of rules by the Supreme Court to create and populate the MSC
- The Merit Screening Committee to vet the applications, choose a subset of applicants to interview, and send to the Supreme Court for selection the names of three applicants who would be qualified to serve on the Board
- Public member selection process should be unchanged

D. Proposed Qualifications of Attorney Appointees

Attorney members should be members of the Bar who have been active for at least five consecutive years at the time of appointment and demonstrate some or all of the following attributes:

- Commitment to public protection, impartiality, freedom from bias, industry, integrity, honesty, broad legal experience (e.g., litigation and non litigation experience; legal work for a business or nonprofit entity; experience as a law

professor or other academic position; legal work in any of the three branches of government and; legal work in dispute resolution), professional skills, past bar leadership, intellectual capacity, judgment, community respect, commitment to equal justice, temperament, communication skills, adding diversity to the Board, with “diversity” being defined broadly

E. Proposed Board Structure: Member Terms

- Attorney Members
 - 3-year terms
 - Staggered
 - The Supreme Court would retain authority to re-appoint an attorney member for a second term
- Public Members
 - No change

F. President Selection Process and Term

- Elected from among other Board members?
or
- The Supreme Court appoints the President?
or
- Nominated by the Board from among Board members and confirmed by the Supreme Court?

G. Other Changes to Advance Public Protection: Answer

- Necessary Statutory Changes: Amend the State Bar Act to make public protection the primary purpose of the Bar board
- Consider: More continuing legal education, especially in ethics and law practice management

H. Proposed Statutory Change to Bar’s Charge

At the beginning of Section 6031(a), add the following language:

- “Protection of the public and improving the quality of legal services available to the people of this State shall be the highest priority for the board in exercising its licensing, regulatory and disciplinary functions.”
- At the end of Section 6031(a), add the following language: “Whenever protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.”

This proposed amendment is taken from Medical Board Act (B&P Code Section 2001.1) and *Keller*