

All-Appointed Proposal
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Submitted By:

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A. Proposed Size and Composition of Board of Governors

15 Board Members:

- 9 attorney members
- 6 public members (same appointing authorities)

B. Re-name “the Board of Governors” to “the Board of Trustees”

- “Board of Governors” would be changed to “Board of Trustees”
- Individual Board members would be “Trustees”

C. Proposed Appointing Authorities

- Qualified attorney members would be appointed by the Supreme Court
 - ▶ No seats reserved for any constituent groups
- No change to public member appointment process

D. Proposed Screening Process for Selecting Attorney Members

- The Supreme Court may establish a Merit Screening Committee (MSC) to solicit, receive, screen, and evaluate all applications for attorney appointments to the Board of Trustees
- The MSC would serve at the pleasure of the Supreme Court
- The Supreme Court may adopt rules to create and populate the MSC
- The Merit Screening Committee would 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

E. Separate Oath

- Members of the Board of Trustees would take a separate oath that is specifically tailored to the responsibilities of this office, and which would make public protection a priority in fulfilling their duties

F. Proposed Board Structure: Member Terms

- Attorney Members
 - 3-year terms
 - Staggered
 - The Supreme Court would retain authority to re-appoint an attorney member on the same terms as public members may now be re-appointed
- Public Members
 - No change (three-year terms, could be re-appointed by an appointing authority)

G. President Selection Process

- The Supreme Court would appoint the President from among the Board members who have served at least two years and who apply to the Supreme Court for the position
- One year term, but could be re-appointed

H. Enhanced Ethics Continuing Legal Education

- The State Bar shall be required to make available at least 25 hours of continuing legal education in the field of ethics at no charge

I. Proposed Statutory Change to Bar's Charge

Revise existing B&P Code Section 6031(a) to read as follows:

- “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. The board may aid in all matters pertaining to the advancement of jurisprudence or to the improvement of the administration of justice, including, but not by way of limitation, all matters that may advance the professional interests of the members of the State Bar and such matters as concern the relations of the bar with the public. Whenever protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.”

J. Bagley-Keene Open Meetings Act

Recommend adoption by Board rule or otherwise of substantially all of requirements of Bagley-Keene Open Meetings Act.

K. Unified Bar

We believe that the current unified Bar may not be the appropriate structure to enhance public protection or improve the quality of legal services. Therefore, the Task Force should be directed, by the Legislature and Governor, to evaluate whether the unified Bar advances public protection, report its conclusions, and regardless of its conclusions to submit to the Legislature, Governor and the Supreme Court by May 15, 2013 a work plan, with concrete steps and a 2-year timeline for dis-unifying the Bar into (a) a separate regulatory agency supported by mandatory dues and (b) a separate voluntary trade association.