



Overview and Recommendations of Five-Year Sunset Review for Subentities

OVERVIEW AND BACKGROUND

[Board Policy Manual \(BPM\) Section 4.8](#) requires all subentities, except those that are statutorily mandated, to undergo a sunset review every five years beginning in 2023¹. This BPM provision stems from recommendations of the 2017 Governance in the Public Interest Task Force, and subsequent action by the Board of Trustees to codify [those recommendations](#), including ones regarding centralization and standardization of the appointments process and a cyclical zero-base review of each subentity.

In September 2023, the Board Executive Committee initiated this review.

This report provides an overview of the subentities subject to the subentity review requirement, an overview of prior Board consideration of operation and scope issues related to these bodies, summaries of activities done to effectuate the review, and preliminary recommendations generated in alignment with the [Staff Subentity Policy Statement](#).

Recognizing the substantial workload involved in managing the appointments and terms of 185 volunteers annually, and in light of the State Bar's need to adapt its business processes to accommodate a reduced headcount starting in 2025, the 2023/2024 Subentity Review will adopt the elimination of all nonstatutory subcommittees as a baseline position. This baseline may be adjusted based on a thorough functional and policy analysis.

Review criteria and processes include a functional analysis, fiscal impact, duplication of effort, and effectiveness; additional information about these criteria can be found [here](#).

The State Bar's appointments process involves managing approximately 200 applications per cycle, with one cycle held each year and around 30 vacancies to fill annually. Two full-time staff members from the offices of the Executive Director's and Strategic Communications & Stakeholder Engagement spend about .5FTE combined of their time on tasks related to appointments throughout the year. These tasks include coordinating meetings, developing timelines, ensuring accurate website information, creating a strategic outreach plan, preparing a demographic breakdown of the composition of each committee, communicating with

¹ California Board of Legal Specialization, Client Security Fund Commission, Council on Access and Fairness, Committee on Professional Responsibility and Conduct, and Committee of State Bar Accredited and Registered Schools.

applicants, drafting congratulatory and regret letters, and maintaining appointee terms and information. Expanded outreach and engagement efforts directed by the Board have had positive results, increasing both the number and diversity of attorney and nonattorney appointees; these efforts have also generated an increased workload for appointments staff. Compliance tasks, executed in part by the Office of Human Resources, include ensuring Form 700s (assuming, annual, and departing) and Rule 2201 questionnaires are timely completed. Human Resources also adds Board and subentity members in the State Bar's financial and people management system to enable the Board Secretary to add questionnaires for volunteers. The Office of General Counsel reviews Form 700 submissions to ensure completeness and accuracy, may reach out to Trustees for clarification, and provides guidance to Board and subentity members on completing their forms. Human Resources audits Form 700s to ensure timely filing, while the Office of Compliance staff runs periodic reports to ensure accurate data is posted on the State Bar's Transparency and Accountability webpage.

The Board of Trustees has established liaisons to oversee the appointments function and to review comprehensive materials for each appointment. The Board liaison review process typically includes 1–3 meetings per cycle, each lasting 1–4 hours, along with interviews for officer candidates. Initial meetings with individual committee staff are held to understand vacancies. Meetings are coordinated to facilitate the appointments process, with both the Executive Director's and Strategic Communications & Stakeholder Engagement staff attending and assisting with coordination.

In addition to the centralized work conducted by staff in the Executive Director's and Strategic Communications & Stakeholder Engagement offices, programmatic staff support each subentity.

A reduction in the total number of State Bar volunteers will therefore impact staff in the Offices of Compliance, Executive Director, General Counsel, Human Resources, Strategic Communications & Stakeholder Engagement, and supporting programmatic offices. In addition, the workload of the Board's appointments liaisons would be reduced.

ANALYSIS AND RECOMMENDATIONS

CALIFORNIA BOARD OF LEGAL SPECIALIZATION (CBLS) OVERVIEW AND BACKGROUND

California Rule of Court rule 9.35, requires the State Bar to establish and administer a program for certifying legal specialists, and additionally allows the State Bar to provide certification through the CBLS "or any other entity approved by the State Bar to designate specialists."²

Established in 1970 and approved by the California Supreme Court in 1985, CBLS oversees the State Bar's legal specialization program, certifying legal specialists across 11 areas of law.

The board consists of seven members with a maximum of two being nonattorneys. Attorney members may be a combination of certified specialists and non-specialists. If attorney members

² Rule 9.35 of the California Rules of Court, http://www.courts.ca.gov/documents/title_9.pdf (as of July 24, 2018).

are specialists, recusal from certain topics, particularly financial matters, may be required.

During the 2017 Governance in the Public Interest Task Force deliberations, differing views emerged on whether the legal specialization certification program served primarily as a public protection function or as a means for attorneys to develop their law practices. No conclusive determination was made. Follow-up exploration for the Board related to three questions:

- Should certification be characterized as a public protection function or as an associational activity?
- Should the certifications offered by the State Bar be discontinued and the function outsourced to accredited providers of certification?
- Could certification of legal specializations be streamlined by redesigning the work and altering the division of labor among State Bar staff, subject matter experts, and paid consultants?

The Board ultimately took action on these questions in September 2018 pursuant to a report, [*Opportunities for Improving Governance and Service Delivery*](#), specifically opting to: (1) retain the legal specialization function in the State Bar; (2) eliminate the Advisory Commissions that had theretofore been part of the Commission; and (3) professionalize the test development and administration process, aligning it more squarely with that used for the California Bar Exam. The relevant Board resolution read in part:

*regarding the work of the California Board of Legal Specialization, the Board of Trustees approves Option 1 as summarized on p. 40 of the [*Opportunities for Improving Governance and Service Delivery*](#) report and requests that staff identify legal specializations that increase access to justice (emphasis added).*

Workflow and Efficiency

The CBLS conducts 4–6 meetings annually.

CBLS is staffed by one direct member and supported by 2–3 additional staff members. In total, staff allocate approximately 4–8 hours each month for CBLS support.

CBLS's 2024 budget totals \$6,000. This amount does not include the personnel costs outlined above.

CBLS has proposed one new area of specialization in the last 16 years, privacy law.

Functions

Table 1 below provides an overview of key legal specialization functions and the role of CBLS and other entities in relation to those functions.

Table 1. Key Functions and Responsibilities of CBLS

Function	Responsible	CBLS Role	Board of Trustees Role
Exam Development			
Develop questions	Paid consultants (LSEDG)	None	None
Review questions	Paid consultants (LSEDG)	None	None
Evaluate grading	Psychometrician	None	None
Grading	Paid consultants (LSEDG)	None	None
Exam violation appeals	CBLS reviews appeals	Full responsibility	None
Challenges to exam questions	Paid consultants (LSEDG and staff)	None	None
Set exam fee	Staff	None	Board approves as part of the schedule of charges and deadlines.
General Program Administration			
Create additional areas of legal specialization	CBLS creates a working group to study new areas of specialization and makes recommendations to the Board for the creation of new specialty areas.	Staff vets new specialties and presents results to CBLS; CBLS develops recommendations for Board consideration.	Board to approve upon recommendation from CBLS to create a new legal specialization area.
Develop outreach efforts to increase awareness of the program	CBLS and staff	CBLS contributes ideas and input for outreach initiatives, while staff are responsible for executing these activities.	None
Recommend program updates (to application, rules, etc.)	CBLS and staff	CBLS reviews and provides input on any program updates.	None
Review application denials	CBLS	Full responsibility	None
Review waiver of rules denials	CBLS	Full responsibility	None
Testing Accommodations			
Policy development	Staff and CBE	None	Board has no involvement in policy development; however, the Board does approve rule changes.
Review petitions	Staff in consultation with consultants and testing accommodations medical doctors	None	None
Review appeals	Two-person working group (members of the CBLS)	Limited responsibility.	None

Function	Responsible	CBLS Role	Board of Trustees Role
		This function is confined to a two-person working group.	

A survey was issued to current CBLS staff and focused on the specific functions currently performed by CBLS. A majority of the six respondents indicated that most of the functions currently performed by CBLS are necessary. Respondents generally expressed a view that these functions could be more efficiently and perhaps effectively performed by staff or paid consultants, as opposed to by the committee itself, although some indicated that the unique experience of CBLS members as active licensees and in some instances specialists, is beneficial to the program.

A survey was also sent to 15 current and former CBLS members; 8 responses were received. Respondents generally felt that CBLS performs the duties outlined in Table 1 above well or very well, highlighting CBLS's value in upholding public trust, designating qualified specialists, and promoting attorney competence. Concerns were raised regarding the removal of advisory commissions pursuant to 2018 Board action, as respondents feel this change has reduced program effectiveness and specialist involvement.

More detailed survey results can be found [here](#).

Preliminary CBLS Recommendations

Consistent with the staff Subentity Policy Statement, options for conducting critical CBLS functions outside of the status quo committee structure are identified below.

Reviewing examination violation appeals:

1. The Committee of Bar Examiners (CBE) absorbs responsibility.
 - a. Pros:
 - i. The CBE already performs this function in relation to the California Bar Exam. A similar skillset and knowledge base is needed for legal specialization exam purposes.
 - ii. This approach would expedite review of these appeals as the CBE meets more frequently than does CBLS.
 - b. Cons:
 - i. Increased CBE workload.
2. Staff performs this function.
 - a. Pros:
 - i. Faster appeals processing times.
 - ii. More consistent handling of appeals.
 - b. Cons:
 - i. A non-staff appeals avenue may be required and if not is ideal optically.
 - ii. Increased staff workload.

Making recommendations to the Board for consideration of new specialties³:

1. Paid consultants absorb this responsibility.
 - a. Pros:
 - i. Paid consultants could develop a structured and comprehensive process for identifying potential new specialties.
 - ii. The process for identifying new specialties could be data-driven and informed by the State Bar's mission.
 - b. Cons:
 - i. Cost.
 - ii. It is unclear if there are appropriately experienced and skilled consultants available for this type of engagement.
2. Staff performs this function.
 - a. Pros:
 - i. The process for identifying new specialties could be data-driven and informed by the State Bar's mission.
 - ii. The process for identifying new specialties could be standardized and expedited.
 - iii. This transition of responsibilities was contemplated at least in part by the Board's 2018 action, which has not yet been fully implemented. Staff currently do participate in the vetting of new specialties prior to presentation to the CBLS.
 - b. Cons:
 - i. Increased staff workload.

Developing outreach efforts to increase awareness of the program:

1. Paid consultants perform this function.
 - a. Pros:
 - i. The process for approving and issuing outreach communication materials could be expedited.
 - ii. Paid consultants would have more experience and knowledge regarding effective outreach than the CBLS.
 - b. Cons:
 - i. Cost.
 - ii. Paid consultants may lack the personal connections within the legal specialization community that could be important for effective outreach.

³ No new specialty areas have been added in the past 18 years. The last two created were Admiralty and Legal Malpractice in 2008. In 2020, CBLS formed the Consulting Group on the Establishment of a Legal Specialization in Privacy Law. Recommendations are expected to be presented to the CBLS in December 2024, with final recommendations to be submitted to the Board in May 2025.

2. The State Bar's Office of Strategic Communications and Stakeholder Engagements performs this function (staff).
 - a. Pros:
 - i. The process for approving and issuing outreach communication materials could be expedited.
 - ii. State Bar communications staff have significant expertise with outreach efforts which would benefit the legal specialization program overall.⁴
 - b. Cons:
 - i. Increased staff workload.
 - ii. Staff lacks the personal connections within the legal specialization community that could be important for effective outreach.

Recommending program updates:

1. Staff absorbs this function.
 - a. Pros:
 - i. There are staff who are more familiar with the program than current members of CBLS; these staff may be more readily able to identify needed program updates.
 - b. Cons:
 - i. Increased staff workload.
 - ii. An active attorney with the specialization at issue may have the most up-to-date insight on standards and rules that need to be amended.

Reviewing testing accommodation appeals:

1. CBE absorbs this responsibility.
 - a. Pros:
 - i. The CBE already performs this function in relation to the California Bar Exam. A similar skillset and knowledge base is needed for legal specialization exam purposes.
 - b. Cons:
 - i. Increased CBE workload
2. Staff performs this function.
 - a. Pros:
 - i. Faster appeals processing times.
 - ii. More consistent handling of appeals.
 - b. Cons:
 - i. A non-staff appeals avenue may be required and if not is ideal optically.
 - ii. Increased staff workload.

⁴ There were approximately 5,150 legal specialists at the time the 2018 report was published; there are an estimated 4,750 today, reflecting a reduction of approximately 8 percent. More effective marketing and outreach efforts could reverse this downward trajectory.

Staff Recommendations

Eliminate CBLS and replace it by functional area as follows:

Functional Area	Current	Proposed
Exam Violation Appeals	CBLS	CBE
Testing Accommodations Appeals	CBLS	CBE
Recommendations for New Specialties	CBLS	Staff in partnership with CLA, local and affinity bars, and working groups convened for this purpose
Outreach	CBLS	Strategic Communications
Program Updates	Primarily staff	Staff

This recommendation will result in CBLS staff savings of 4–8 hours monthly, Appointments staff savings of 16–24 hours annually, and \$6,000 in annual travel and catering expense savings. If the Board Executive Committee agrees with this recommendation staff will develop a proposed implementation plan, likely to reflect a phase-out of CBLS over time, and will engage the Committee of Bar Examiners to mindfully plan for that body's assumption of new responsibilities.

Implementation of this recommendation would require amendments to Title 3, Division 2, Chapter 2 of the State Bar Rules governing legal specialization.

CLIENT SECURITY FUND (CSF) COMMISSION OVERVIEW AND BACKGROUND

The Client Security Fund (CSF) reimburses clients who have lost money or property due to theft or an equivalent dishonest act committed by a California lawyer acting in a professional capacity. Under the State Bar Act, the Board may administer the Client Security Fund itself or may delegate the administration to the State Bar Court or to any board or committee created by the Board. The CSF is overseen by the Client Security Fund Commission.

The CSF Commission is comprised of five members who are appointed by the BOT. The composition requirements specify that no more than three members may be lawyers and the commission must have at least two nonlawyer public members.

The commission's primary responsibility is reviewing objections to tentative decisions or notices of intention to pay issued by staff and subsequently issue final decisions in such cases.

As part of deliberations conducted as part of the 2017 Governance in the Public Interest Task Force, a number of issues regarding the operations of the Commission were identified:

- Reporting relationships between the Commission and the Board;
- Division of responsibilities, staff versus the Commission; and
- Operational efficiency.

Committee and Board analyses of these issues culminated in action in [September 2018](#). At that time, the Board [voted](#) to transition the Client Security Fund Commission to an appellate -like

body, meaning the Commission would only address objections to tentative decisions or notices of intention to pay. Corresponding rule changes were adopted by the Board in May 2019.

Workflow and Efficiency

The CSF Commission conducts meets five to six times annually. For the period 2021–2023 the commission heard 173 objections, with annual totals ranging between 40 and 80. The commission spends approximately 1 hour per meeting addressing these objections.

The commission is supported by CSF attorneys and other support staff. CSF staff supports the commission and manages the day-to-day operations of the program. The eight CSF staff include the managing counsel, three attorneys, one investigator, one paralegal, and three administrative staff. CSF staff spend approximately 550 hours per year (approximately .3 FTE) in preparation for and support of the commission meeting process.

The 2024 commission budget is \$2,000. This amount does not include the personnel costs outlined above.

Functions

Table 2 below outlines the functions and responsibilities of the CSF Commission. As reflected in the table below, in practice, the commission’s primary responsibility is limited to making decisions on party objections to Tentative Decisions prepared and issued by CSF counsel in accordance with the Client Security Fund rules. However, during the course of the present subentity review it became clear that CSF staff has continued to share non-appealed Tentative Decisions with the commission. Similarly, certain policy and programmatic responsibilities remain under the commission's jurisdiction because the 2019 rule changes did not fully incorporate the necessary modifications to formalize its reduced scope.

Table 2. Key Functions and Responsibilities of the CSF Commission

Function	Responsible	CSF Commission Role	Board of Trustees Role
Review objections to application decisions	CSF Commission	Review TD, objection to TD, and admin record and, after presentation by CSF counsel and deliberation, decide whether to grant or deny reimbursement or take other action, such as requesting additional investigation. CSF counsel then draft/issue a written Final Decision. Final Decision is the final action of the SB on a CSF application.	None

A survey was issued to CSF staff focused broadly on the functions performed by the commission as well as those not performed but perhaps appropriate for action. Survey respondents generally expressed consensus regarding the necessity of reviewing objections to application

decisions, highlighting the importance of maintaining fairness and accuracy. Additionally, a significant majority believe that advising the BOT on rules, application review methods, and financial/administrative needs are important functions that the commission should be performing.

A survey distributed to 15 current and former CSF members received three responses. The survey included a question regarding the possibility of transitioning responsibility for hearing objections to the Board of Trustees. Respondents generally raised concerns about overburdening Board members if the commission were replaced with a Board working group, cautioning that rushed evaluations could impact appeals and other Board responsibilities. Many felt the current commission effectively balances its duties, with most respondents seeing no advantage to eliminating it, citing satisfaction with the system or insufficient information about alternative structures. However, a few respondents noted that operational efficiency improvements could be implemented.

Preliminary Client Security Fund Commission Recommendations

Consistent with the staff Subentity Policy Statement, options for conducting critical CSF functions outside of the status quo committee structure are identified below.

Review objections to application decisions:

1. An informal committee of the Board reviews, akin to the licensing fee appeals process.
 - a. Pros
 - i. Allows for elimination of a subentity.
 - ii. Ensures Board members are more connected to CSF work.
 - b. Cons:
 - i. Loss of specialized knowledge, at least in the short run.
 - ii. Increased workload for the Board.
 - iii. Perceived loss of independent oversight.

Staff Recommendations

Eliminate CSF in alignment with the staff Subentity Policy Statement and in recognition of the value of having the Board specifically be more engaged with CSF work. Staff specifically recommends that the responsibility for CSF-related tasks be reassigned to two members of the Board serve as the body that considers objections to application decisions, similar to the structure for attorney fee waiver requests, and makes recommendations for the Board's approval. The procedures for any such hearing will be developed by staff to ensure it includes appropriate processes for such hearings. If the Board Executive Committee agrees with this recommendation staff will develop a proposed implementation plan, likely to reflect a phase-out of CSF over time, and will propose amendments to Title 3, Division 4, Chapter 1 of the State Bar Rules governing CSF.

COMMITTEE OF STATE BAR ACCREDITED AND REGISTERED SCHOOLS (CSBARS) OVERVIEW AND BACKGROUND

CSBARS was established by Board action in January 2019, replacing the Advisory Committee on California Accredited Law Schools Rules (RAC). Its purpose is to improve engagement with accredited and registered law schools, improve the flow of information between schools and the Committee of Bar Examiners (CBE) and the Board, and provide feedback on accredited and unaccredited law school rules and guidelines to help fulfill the State Bar's purposes for accreditation and registration of law schools. CSBARS plays an advisory role, providing input to the CBE on accreditation rules and law school engagement.

CSBARS consists of seven members: three are deans from accredited law schools, two are deans from registered, unaccredited schools, and two are current or recent CBE members or one CBE member and an expert in accreditation issues. The Supreme Court appoints the chair and vice-chair of the CBE, and the CBE chair and vice-chair then appoint the members and officers of CSBARS. Members serve four-year terms, while the chair serves a one-year term.

The structure and purpose of Admissions-related State Bar committees was assessed as part of the 2017 Governance in the Public Interest Task Force deliberations. Specific to CSBARS, the report considered the infrastructure for law school engagement, specifically the statutorily required Law School Council; the report concluded that the Law School Council as designed was of limited benefit and recommended further study of potential improvements to the operations of that body.

The September 2018 report, *Opportunities for Improving Governance and Service Delivery*, built upon the 2017 work, addressing all three standing law school-relations-focused subentities extant at that time. The report presented an alternative approach to engagement, including a regular newsletter to be issued by the State Bar, an annual meeting of law school deans, and ad hoc working groups consisting of law school representatives that would provide substantive input on key policy issues, but did not recommend Board adoption of these measures at that time.

The Board did take action on law school engagement recommendations in 2019, voting specifically to rename the Advisory Committee on California Accredited Law School Rules (known as RAC) to the Committee of State Bar Accredited and Registered Schools (CSBARS) to reflect an expanded composition and charge: seven members in total comprising three deans from accredited schools, two from unaccredited schools, and two members selected by CBE, one of whom may be a nonvoting consultant with expertise in accreditation issues. The Office of Admissions launched a regular law school newsletter that has evolved overtime to feature more frequent and interactive communication and utilization of State Bar webpages and other content to provide updates in real time.

Workflow and Efficiency

CSBARS meets regularly based on a calendar determined at the beginning of a new term, with roughly seven meetings scheduled in a calendar year. Applications to join CSBARS from law school deans are sufficient and there has been an effort made in ensuring that there is rotation

amongst the members or the deans that are interested in participating. However, some law school deans may be reluctant to apply due to CSBARS' recommendations not being binding. Applications from accreditation experts, on the other hand, are challenging due to the specific criteria required.

CSBARS is staffed by two members. In total, staff allocate approximately 10–20 hours monthly to CSBARS support.

CSBARS' 2024 budget is \$8,000. This amount does not include the personnel costs outlined above.

Functions

Table 3 below provides an overview of key CSBARS functions, specifying each task and the corresponding responsible party.

Table 3. Key Functions and Responsibilities of CSBARS

Function	Responsible	CSBARS Role	Board of Trustees Role
Provide CBE advice/recommendations on matters relating to the promulgation of new rules, guidelines and amendments to the guidelines, and amendments to the Accredited Law School Rules (Rules) and the Guidelines for Accredited Law School Rules (Guidelines) to help the State Bar best effectuate its purposes for accreditation and registration.	CSBARS	Recommends to the CBE for approval.	Board approval required
Receive referrals from CBE on matters relating to the content and format of the bar examination.	CSBARS	Recommends to the CBE for approval.	Board approval required
Receive referrals from CBE on matters relating to curricula at accredited and registered law schools.	CSBARS	Recommends to the CBE for approval.	Board approval required
Receive referrals from CBE on other matters affecting students and graduates of accredited and registered law schools and related to law school education relevant to the bar examination and licensing process.	CSBARS	Recommends to the CBE for approval.	Board approval required
Develop related proposals for consideration by CBE.	CSBARS	Recommends to the CBE for approval.	May require Board approval
Identify topics appropriate for ad hoc working group creation.	CSBARS	Full responsibility.	None
Identify Accredited and Registered School deans to serve on working groups.	Subcommittee of CSBARS serves in this capacity. Only Accredited and	Limited responsibility. The full CSBARS does not serve	None

Function	Responsible	CSBARS Role	Board of Trustees Role
	Registered deans on CSBARS make working group. appointment decisions.	in this capacity. A subcommittee of the committee is responsible for making appointment decisions.	

A survey was issued to CSBARS staff focused broadly on the functions performed by CSBARS as well as those not performed but perhaps appropriate for action. Responses highlighted a recognized need for CSBARS, with several areas noted for enhancing effectiveness.

A survey sent to 27 deans of both unaccredited and accredited California law schools received seven responses. Respondents emphasized the need for the State Bar to seek specialized insights from individuals knowledgeable about and invested in the success of non-ABA law schools, expressing concern that current decision-makers may lack essential expertise in legal education. Opinions were mixed regarding the effectiveness of CSBARS in its advisory role, with some noting that a smaller, focused group may be more effective in fostering meaningful discussion on complex topics. Respondents highlighted the importance of giving registered schools a voice in the decision-making process, as they feel these schools are currently underrepresented, with their unique challenges insufficiently addressed. Consistency in advocating for the interests of California Accredited Law Schools was also noted as essential, with respondents suggesting that a dedicated group could better ensure stable support and representation before the State Bar. All respondents agreed on the importance of CSBARS, supporting its continued role as an advisory body focused on non-ABA law schools.

Preliminary CSBARS Recommendations

Consistent with the staff Subentity Policy Statement, options for conducting critical CSBARS functions outside of the status quo committee structure were explored. CSBARS is responsible for providing accredited and registered school feedback on various policy and regulatory issues being considered by the Committee of Bar Examiners. This is an important function, though CSBARS has in some ways struggled due to its status as an advisory body, with challenges arising from the belief that it should be a decision-making entity. There is also difficulty in recruiting and retaining accreditation experts, so one option might be to broaden the definition of accreditation experts to include more relevant experts than what is currently specified in the charge. These challenges align with those identified as early as the 2017 GIPITF report:

generally, regardless of the particular subentity name, composition, or structure, it has been difficult to create a robust standing committee tasked with formal law school engagement.

One alternative would be to disband CSBARS and require staff to solicit feedback through means other than an established committee; these efforts could involve regular surveys and/or

ad hoc working groups. The latter was in fact contemplated in the 2018 and 2019 reports stemming from the 2017 GIPITF recommendations.

Another option is to retain CSBARS but to make operational changes to reduce the associated workload impact of the committee as well as improve its effectiveness specifically:

1. Broaden the definition of accreditation experts to include more relevant experts than what is currently specified in the charge. Additionally, reduce the term length for the positions to 2–3 years, instead of the current 4-year requirement.
 - a. Pros:
 - i. Expanding the pool of experts would provide greater flexibility in filling this seat, making it easier to identify qualified candidates.
 - ii. Recruitment challenges would be addressed.
 - iii. Appointments-related workload would be eliminated.
 - b. Cons:
 - i. Recruitment challenges likely reflect lack of interest in participating; shortening terms may not address this underlying issue.
2. Improve CSBARS operations.
 - a. More clearly define the feedback sent from CSBARS to CBE. Improving this process would better support the relations between the CBE and the committee.
 - b. Formalize the feedback loop between CBE and CSBARS.
 - c. Set a calendar that is aligned with the CBE calendar to better facilitate the referral and feedback relationship. An aligned calendar would ensure that CSBARS feedback can be incorporated in a specified/pre-specified CBE meeting.

Staff Recommendations

Retain CSBARS and approve operational efficiency as outlined in numbers 1. and 2. above.

COUNCIL ON ACCESS AND FAIRNESS (COAF) OVERVIEW AND BACKGROUND

The Council on Access and Fairness supports the Board of Trustees on effectuating the State Bar's diversity and inclusion goals and objectives.

COAF has 10 members and no specific composition requirements. COAF consists of lawyers, judges, and members of the public. The members of this committee are exclusively appointed by the Board of Trustees.

As part of deliberations conducted as part of the 2017 Governance in the Public Interest Task Force, several issues regarding the operations of COAF were identified:

1. Develop a Formalized Operating Relationship: The task force recommended that the Board, in collaboration with the Legal Services Trust Fund Commission, the California Commission on Access to Justice, and COAF, establish an appropriate operating

relationship to formalize the State Bar's ongoing connection with access to justice and diversity/inclusion programs.

2. Consider Merging Subentities: The task force report discussed whether COAF should be merged into the California Commission on Access to Justice or converted into its subcommittees. However, it also recognized that COAF's focus on inclusion and diversity might be diluted if consolidated with other subentities.

An analysis of these issues was brought to the Board at its September 2018 meeting. At that time, the Board voted to retain COAF and to refine its mission. This decision was designed to maintain COAF's unique role in supporting diversity, inclusion, and access to justice while ensuring that its scope squarely aligned with the mission of the State Bar. With a similar perspective in mind, the Board voted to set COAF's membership at 10, as opposed to 7 or fewer, members, in November 2018, determining that the larger size was necessary to ensure sufficient diversity of representation.

Workflow and Efficiency

COAF meets four times annually and each meeting lasts around 5 hours. Meetings are generally used to deliberate on and make recommendations, with a diversity, equity, and inclusion lens, on various State Bar projects and initiatives.

COAF is currently supported by approximately 0.75 FTE Office of Access & Inclusion staff, with additional staff assisting as needed. Staff's primary support role is to support COAF members' engagement with various project and initiatives, including coordinating meetings, preparing materials, and developing recommendations for consideration. The staff from the Office of Access & Inclusion who support COAF allocate roughly 120 hours monthly to this work.

The 2024 COAF budget is \$25,500. These costs comprise travel and catering expenses but do not include personnel costs.

Functions

Table 4 below outlines the functions and responsibilities of COAF.

Table 4. Key Functions and Responsibilities of COAF

Function	Responsible	COAF Role	Board of Trustees Role
Provides input, feedback, and recommendations on various State Bar initiatives related to the attorney discipline system, law school pipeline into the profession, and retention and advancement in the profession.	COAF members and staff	Examples of COAF's work include participation as members of the Blue Ribbon Commission on the Future of the Bar Exam and the Ad Hoc Commission on Attorney Discipline; providing feedback on the Attorney Census; making recommendations related to rules revisions for California-accredited law schools.	None

Function	Responsible	COAF Role	Board of Trustees Role
Develops outreach materials to support law school pipeline efforts.	COAF members and staff	COAF members perform outreach to stakeholders to develop content.	None
Coordinates diversity, equity, and inclusion efforts with key stakeholders, including California Lawyers Association and the Judicial Council of California's Advisory Committee on Providing Access and Fairness.	COAF members and staff	COAF members ensure key stakeholders are engaged in the State Bar's work and share information as appropriate.	None

A survey issued to COAF staff revealed strong support for its core advisory roles, especially in providing input and recommendations on access to justice and diversity, equity, and inclusion (DEI) initiatives. Many respondents emphasized the importance of COAF's engagement with law students and the legal community, recognizing these functions as essential to advancing DEI and ensuring the State Bar's initiatives are both inclusive and well-supported.

Several respondents highlighted the need for COAF to stay actively involved in DEI conversations. There was also broad agreement on the value of coordinating with other stakeholders to keep these issues at the forefront.

A minority of responses reflected some uncertainty about COAF's scope, particularly in areas like outreach materials where staff respondents see some duplication of effort with other parts of the State Bar and external organizations, indicating that while COAF's current advisory functions are well-supported, further expansion of activities should be carefully considered.

The results of the survey issued to current and former commissioners are pending as of the time of writing this report. Recommendations are to be determined.

COMMITTEE ON PROFESSIONAL RESPONSIBILITY AND CONDUCT (COPRAC) OVERVIEW AND BACKGROUND

COPRAC is comprised of thirteen members with one of those members serving in an [advisory](#) and has no composition requirements. The members of this committee are exclusively appointed by the Board of Trustees.

COPRAC addresses matters involving professional ethics to facilitate compliance by licensees with their ethical duties. The committee also addresses certain matters concerning mandatory fee arbitration under Article 13 of the State Bar Act (Business and Professions Code section 6200–6206.)

Workflow and Efficiency

COPRAC meets eight times annually and each meeting lasts around 6 and a half hours. Meetings are generally used to deliberate recommendations for opinions requested by the

general public or attorneys. These recommendations are curated by State Bar Staff for COPRAC consideration.

COPRAC is currently supported by two Office of Professional Competence staff, with additional staff assisting as needed. Staff's primary support role is to research and draft recommendations on ethics issues. The staff from the Office of Professional Competence who support COPRAC allocate roughly 30 hours monthly to this work.

The 2024 COPRAC budget is \$9,500. These costs comprise travel and catering expenses but do not include personnel costs.

Functions

Table 5 below outlines the functions and responsibilities of COPRAC.

Table 5. Key Functions and Responsibilities of COPRAC

Function	Responsible	COPRAC Role	Board of Trustees Role
Drafting advisory opinions on issues of professional ethics.	COPRAC members and staff.	COPRAC decides which issues to draft opinions on in consultation with staff.	Approves advisory opinions.
Drafting fee arbitration advisories.	COPRAC members and staff.	COPRAC decides what issues to draft advisories on in consultation with staff.	Approves fee arbitration advisories.
Providing advice/feedback to the BOT on topics as referred.	COPRAC members.	COPRAC members perform this function with staff support.	None
Recommending changes to the Rules of Professional Conduct.	COPRAC members.	COPRAC members perform this function with staff support.	Approves rule changes for submission to the California Supreme Court.
Assisting the public, including lawyers and judges, in understanding the professional obligations of members of the State Bar, or lawyers authorized to practice in California, including sponsoring education programs and conferences.	COPRAC members and staff.	COPRAC members work with staff to deliver programs and conferences.	None

A survey was issued to COPRAC staff focused broadly on the functions performed by COPRAC as well as those not performed but perhaps appropriate for action. Survey respondents expressed a need for more guidance and short form articles that don't require public comment/Board approval while still providing valuable information about professional responsibility obligations. In addition, some respondents expressed a need for revision to a 1991 Board resolution that prohibits COPRAC from issuing ethics opinions on the unauthorized practice of law (UPL). They argue that this limitation prevents COPRAC from addressing important ethical issues such as remote work and generative AI. They suggest that the Board should consider rescinding this restriction, potentially requiring Supreme Court approval.

The results of the survey issued to current and former commissioners are pending as of the time of writing this report. Recommendations are to be determined.