



PRESIDENT'S PAGE

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While You Were Sleeping . . . the State Bar and You

Ignorance is bliss . . . until it's not. If you are like many attorneys, you happily passed the bar exam and never looked back, having little to no involvement with the California State Bar after that. If you weren't subject to discipline or involved in a section or committee, you might have just paid your yearly dues and went on with your life. Those days, however, might be gone. The State Bar is in the process of implementing substantial changes that may affect you and your practice, and many California attorneys are unaware that these changes are taking place.

Change in the Mission of the State Bar

The State Bar has become primarily a consumer protection agency. Until last year, the State Bar used to be "unified," having both the mandatory admissions, regulatory and disciplinary functions, as well as voluntary committees and sections, under its organizational umbrella. In 2018, the State Bar separated these functions so that it retained only the admissions, regulatory, and disciplinary functions (as well as some ethics, access to justice, and diversity components), while spinning off most voluntary committees and sections and other educational and advocacy programs into a new, voluntary, unrelated organization called the California Lawyers Association.

The State Bar's almost exclusive focus is protection of the public and now refers to lawyers on its website as "licensees" instead of "attorneys" (the previous word that had been used). The State Bar has also developed a new Strategic Plan. This year, 2019, is the first full year under the State Bar's new Strategic Plan. A link to the plan can be found at: <https://board.calbar.ca.gov/Goals.aspx>.

Less Attorney Involvement on the Board of Trustees

Additionally, the composition of the Board of Trustees has changed. There are no longer elected positions voted on by California attorneys for attorney members to the Board of Trustees of the State Bar and the ratio of attorney members to public members has decreased substantially. The thirteen-member Board of Trustees now consists of five attorneys appointed by the California Supreme Court, two attorneys appointed by the legislature, and six public (non-attorney) members appointed by politicians. This is a change from the past when it was a nineteen-person board that included five attorneys appointed by the supreme court, six attorneys elected by districts determined by the court of appeal districts, six public members, and two attorneys appointed by the Speaker of the Assembly and the Senate Committee on Rules. The board used to be even bigger at twenty-one members (six of whom were public members, and the rest were mostly elected lawyers). In fact, Orange County used to have its own elected seat on the Board.

Discussion of Eliminating Practice Area Specializations

On September 13, 2018, the day before the State Bar's meeting

in Los Angeles, the OCBA became aware of an agenda item—the State Bar was intending to vote on whether to eliminate practice area specializations because they were seen as merely a marketing vehicle for attorneys. The OCBA immediately notified the various sections that would be affected by the proposed change. Some of those members, and other attorneys from Los Angeles, dropped everything and attended the meeting via phone or drove to Los Angeles to speak at the meeting. Individual members of the bar also provided comments. As a result of this quick action, OCBA attorneys and others were able to convince the State Bar (at least for now) that practice area specializations should remain.

Expanding the Role of Non-Lawyers in the Delivery of Legal Services

The State Bar is also considering expanding the role of non-lawyers in the delivery of legal services. In its Strategic Plan, the State Bar promises to, "[n]o later than December 31, 2020, explore options to increase access [to justice] through licensing of paraprofessionals, limited license legal technicians, and other paraprofessionals" and to, "[c]ommencing in 2018 and concluding no later than December 31, 2019, study online legal service delivery models and determine if any regulatory changes are needed to better support and/or regulate the expansion of access [to justice] through the use of technology in a manner that balances the dual goals of public protection and increased access to justice."

Eliminating Attorneys as Members of Most State Bar Committees

Volunteer attorneys used to do the lion's share of work on the State Bar Committees. With respect to the few committees that the State Bar is retaining, it has eliminated or is substantially reducing the involvement of volunteer attorneys in favor of shifting the work to State Bar staff.

Possibility of Raising Bar Dues

Coinciding with these changes, there have been serious discussions about raising bar dues significantly.

What the OCBA Is Doing to Keep Its Members Informed

The OCBA has established a State Bar Task Force, led by former OCBA President Nikki Miliband, to keep OCBA members informed about potential changes being considered by the State Bar that might affect our members. Contact Nikki at nmiliband@goodwildman.com if you want to be on the committee or have any input on this topic.



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