

# AGENDA ITEM

**MAR 111** Title 6 Amendment re Location of State Bar Board-Appointed Committee Meetings, Return from Public Comment

**DATE:** February 15, 2011

**TO:** Members, Board of Governors  
Members, Board Committee on Operations

**FROM:** Starr Babcock, General Counsel  
Dina E. Goldman, Staff Attorney

**SUBJECT:** Title 6 Amendment re Location of State Bar Board-Appointed Committee Meetings, Return from Public Comment

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## EXECUTIVE SUMMARY

Title 6 of the State Bar Rules, Rules 6.60—6.63, contain open meeting requirements for State Bar committees appointed by the Board of Governors. This item proposes addition of a new rule to provide State Bar Board-appointed committees more flexibility in choosing locations for holding their meetings. Currently, the rules require these committees to hold their meetings at the State Bar offices in either San Francisco or Los Angeles absent a “majority vote of the board to meet elsewhere in California or a two-thirds vote to meet outside the state.” The proposed new rule would allow Board-appointed committees to hold meetings anywhere in California or, in special circumstances, outside California if approved by the Executive Director or his designee.

At its November meeting, the Board Committee on Operations released the proposed rule for a 45 day public comment period. That comment period has now closed. One comment was received during the comment period. This item recommends that the Board of Governors adopt the new rule.

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## BACKGROUND

The open closed meeting rules that apply to Board-appointed committees that act on behalf of the Board appear in current State Bar Rules 6.60 through 6.63. These Board-appointed committees include the Committee of Bar Examiners, the Board of Legal Specialization, the Group Insurance committees, and the Section Executive Committees. Rule 6.60 begins with the general provision that, unless provided

otherwise, meetings of Board-appointed committees will be governed by the same rules (State Bar Rules 6.50—6.54) that apply to meetings of the Board of Governors. Regarding location of meetings, for Board of Governor and Board Committee meetings, Rule 6.50(D) provides that “[m]eetings of the board and board committees must be held at the State Bar offices in San Francisco or Los Angeles, absent a majority vote of the board to meet elsewhere in California or a two-thirds vote to meet outside the state.” While the Board and most of the Board-appointed committees typically meet at the State Bar offices, Section Executive Committees often hold meetings at locations other than State Bar offices, often in connection with Section educational events held in other locations. In addition, Board-appointed committees occasionally have to hold meetings at alternative locations due to unavailability of meeting space at State Bar offices.<sup>1</sup>

## **ISSUE/DISCUSSION**

Staff recommends that the State Bar Rules be amended to include a new Rule 6.62, which would allow Board-appointed committees to meet at locations in California other than State Bar offices.<sup>2</sup> The new Rule 6.62 would also provide that Board-appointed committees could hold out of state meetings in special circumstances when approved by the Executive Director or his designee. While unusual, out of state meetings might occasionally be held usually when a Section Executive Committee holds a meeting in conjunction with an MCLE event or conference that is held out of state. Proposed new State Bar Rule 6.62 would read as follows:

### **Rule 6.62 Location of meetings**

Meetings of Board-appointed bodies should be held in California. Meetings may be held outside of California in special circumstances when approved by the Executive Director or his or her designee.

## **PUBLIC COMMENT**

In November, the Board Committee on Operations released the proposed rule for a 45 day public comment period. During the comment period, one comment was received from a member of the State Bar. That member, Claudia Kirkland, commented that, given the state of the economy, she saw no reason for out of state trips for Bar committees. She commented that she is a retired attorney, living on a fixed income, and does not like to see her dues used to fund a committee trip on State Bar money.

## **FISCAL / PERSONNEL IMPACT:**

Any additional expenditures created by holding State Bar meetings at out of state locations would be mainly borne by the Sections fund, which is comprised of voluntary dues paid by Section members.

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<sup>1</sup> Rule 6.50 has been administratively interpreted to allow the Board-appointed committee to vote to approve holding meetings in locations other than State Bar offices.

<sup>2</sup> Existing Rules 6.62 and 6.63 would be renumbered respectively as 6.63 and 6.64.

**RULE AMENDMENTS:**

Proposed new State Bar Rule 6.62.

**BOARD BOOK IMPACT:**

Tab 11, Section 2.

**RECOMMENDATION**

Staff recommends that the Board Operations Committee recommend that the Board of Governors adopt proposed new State Bar Rule 6.62.

**PROPOSED BOARD COMMITTEE RESOLUTION:**

Should the Board Committee on Operations agree with the above recommendation, the following resolution would be appropriate:

**RESOLVED**, that the Board Committee on Operations recommends that the Board adopt proposed new State Bar Rule 6.62 in the form attached as Exhibit A.

**PROPOSED BOARD RESOLUTION:**

Should the Board concur with the Board Committee on Operations's recommendation, the following resolutions would be in order:

**RESOLVED**, that upon the recommendation of the Board Committee on Operations, the Board hereby adopts proposed new State Bar Rule 6.62 in the form attached as Exhibit A.