



TAXATION SECTION  
THE STATE BAR OF CALIFORNIA

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March 24, 2011

Members of the Committee  
Governance in the Public Interest Task Force  
180 Howard Street  
San Francisco, CA 94111

Ladies and Gentlemen:

I am writing to you on behalf of the Taxation Section of the State Bar of California to express the thoughts of the Section's Executive Committee concerning the various proposals concerning the future governance of the Bar. Our Committee met recently and spent a considerable amount of time discussing these matters and debating the most effective methods to address the concerns raised by the Legislature.

The Committee was unanimously of the opinion that a majority of the positions on the Board of Governors should be held by attorneys. While we are mindful of the perceived concern that a lawyer-controlled Board creates a potential for the Board to protect the interests of lawyers over those of the public, we believe that the profession, its often-competing ethical principles, and the practical issues that arise in daily practice are best understood by lawyers. We fully appreciate the dedication of the public members of the Board to these issues and we think that their membership is essential. However, we think that a non-lawyer can never be as attuned as a lawyer to the often seemingly-mundane, but important, implications of decisions made by the Board of Governors and that, for this reason, the majority should remain lawyers.

We agree that the size of the current Board is cumbersome. However, we believe that maintaining geographic diversity of the Board is essential and any restructuring must be designed to maintain that balance. Californians in rural counties have very different needs, met and unmet, from the legal system, compared to those in large urban areas. Similarly, the communities, both legal and public, in Northern California differ greatly from those of Southern California.

As to the method of selection of the members of the Board, the Committee was unanimous that at least a majority of the lawyer-members of the Board should be elected, rather than appointed. The lesson of the potential for special interests to have an undue influence on the selection of Board members is instructive. However, our collective experience with political appointments suggests that an entirely appointed Board could be beholden to such interests without the recourse of an election.

For the Committee, the thorniest issue is the bifurcation of the Bar. We think that there are good reasons on both sides of the issue and remain open to the idea.

Thank you for the opportunity for the Taxation Section Executive Committee to express its opinions. We welcome and anticipate an ongoing dialog on these important subjects. If we may be of any further assistance, please don't hesitate to contact the undersigned

Very truly yours,



Carley A. Roberts  
Chair, Taxation Section  
State Bar of California

cc: The Board of Governors, State Bar of California  
Albert J. Boro, Jr, Chair, Antitrust & Unfair Competition Section  
Mark E. Porter, Chair, Business Law Section  
Lawrence Alan Forbes, Chair, Criminal Law Section  
Marilee Hanson, Chair, Environmental Law Section  
Sherry J. Peterson, Chair, Family Law Section  
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Dena M. Cruz, Chair, International Law Section  
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