



COUNCIL OF STATE BAR SECTIONS

The State Bar of California

April 22, 2016

TO: Board of Trustees of The State Bar of California

FROM: Yvonne Lang, Chair, Workers' Compensation Section, The State Bar of California
Vanessa Kirker-Wright, Chair, Family law Section, The State Bar of California
Patrick Kohlmann, Chair, Trusts and Estates Section, The State Bar of California
Kurt Obermeyer, Chair, Law Practice Management & Technology Section, The State Bar of California

SUBJECT: Organizational Structure of the Bar

The Sections of the State Bar are being more than adequately represented by the Council Task Force on the Organizational Structure of the Bar and our representative Perry Segal. However, the Sections, with the exception of the Business Law Section (BLS), have not yet offered our own voices on the subject of de-unification. The subject of de-unification is the reason for this letter in direct reply to President Pasternak's inquiry on the last President's call with the Sections, "Where are the Sections?"

All of the Sections are concerned about the allocation costs and their impact on our reserves, but we are successfully working through those issues by way of the Council Task Force on the Overhead Cost Allocation. The biggest issue we face is the imposition of Bagley-Keene upon the Sections. Countless hours of investigation, discussion and coordination within each Section, among the Council of State Bar Sections and the State Bar Staff have been spent to learn how to implement this "open meeting act" meant for governmental entities on the voluntary sections. The imposition of Bagley-Keene -- an act that was passed in 1967 before the proliferation of the personal computer, e-mail and cellular phones -- on the Sections restrains our ability to carry on the work for their members and thereby limits our ability to promote public protection.

All that being said, several of the Sections have already held votes on the prospect of de-unification. Specifically, the following Sections have voted against de-unification: Law Practice Management & Technology, Real Property, Trusts & Estates, Family Law, and Anti-Trust. Another 5 sections, including Workers' Compensation have all had lengthy discussions about de-unification and although no voting took place (because no formal, detailed de-unification plan has been put forth and no vote has been requested). Each of these Sections have grave reservations about their individual viability and financial stability under a "de-unified structure" where our reserves may not come with us, and where we would have to spend even more volunteer time coordinating contracts for events, education, publications and meetings (food, lodging and meeting space). We are concerned that the cost of coordination of such contracts would cost each section substantially more money than it currently does under a "unified bar" scheme because of the sheer buying power the State Bar brings to contract negotiations. Finally

there is an expectation that the essential three-year appointment structure for membership to a Section Executive Committee in a “de-unified” bar would have to change drastically because of the need to build the “institutional memory” that we have already built under the “unified” bar structure. One of these Sections also believes that more information about how de-unification would work specifically is necessary; including whether we would all be under the same umbrella again as “The Sections” or whether each Section would stand alone – again causing many questions about the viability of many of the Sections and similar cost allocations to each Section based on size and contributions.

There are at least three Sections that have not had any meetings on the subject of de-unification since the hearings and testimony on the subject began in March 2016. Those sections still need to be contacted and counted. They must be given their own voice in this process; no decision or proposal related to the Sections can be contemplated until they get a chance to participate themselves.

The Chair of the Trusts and Estates Section expressed other concerns not articulated in this letter at the April 4, 2016 Governance Task Force hearing in San Francisco, which some of the sections agree with, and which should also be considered.

We ask that the Board of Trustees take these thoughts and general considerations of a majority of the Sections under advisement and reflect upon the fact that the proposals and resolutions put forth by BLS and other members of the Board of Trustees do not take into consideration all the Sections opinions on this very important issue.