

AGENDA ITEM

701 SEPTEMBER 17

DATE: September 17, 2011

TO: Members, Board of Governors

FROM: Office of the Executive Director/Secretary

SUBJECT: Appointment and Election of the 2011-2012 Vice-Presidents and Treasurer of the State Bar and Selection of Secretary

EXECUTIVE SUMMARY

The State Bar Act provides that the Board of Governors shall elect the officers of the State Bar – the president, vice-presidents, and treasurer – before the annual meeting and that the newly elected officers assume the duties of their respective offices at the conclusion of the annual meeting. All board members entering the third year of their term are eligible for appointment as vice president. Jon B. Streeter was elected 2011-12 President of the State Bar on Friday, July 22, 2011. The Board is required by statute to select a secretary annually. This item provides for the election of the vice-presidents and treasurer, and confirms the selection of Joseph Dunn to continue to serve as secretary of the State Bar.

BACKGROUND

California Business and Professions Code section 6020 provides that the officers of the State Bar are a president, four vice-presidents, a secretary, and a treasurer. One of the vice-presidents may also be elected to serve as treasurer (Cal. Bus. & Prof. Code § 6020). The Board of Governors elects the president, vice-presidents, and treasurer for the ensuing year from among the Board members at a meeting held within the 270-day period before the annual meeting (Cal Bus & Prof. Code § 6021).

The newly elected president, vice-presidents, and treasurer assume duties of their respective offices at the conclusion of the annual meeting (Cal Bus. & Prof. Code § 6021). The secretary is selected annually by the board and is the one officer who need not be a member of the Board of Governors or the State Bar (Cal. Bus. & Prof. Code § 6022.). Board procedure provides that the election of the vice-presidents and treasurer and the selection of the secretary occur after the election of the president (see Board Book, Tab 5. Art. 1, § 3b).

Although not required by Cal. Bus. & Prof Code § 6021, the vice-presidents have been elected from among second-year Board members who will be in their third and final year

of their terms when they assume office.¹ Because there are ordinarily five attorney members of the Board who would so qualify, see Cal. Bus. & Prof. Code § 6017, the Board has elected five vice-presidents. However, current practice has all members entering the third year of their term eligible for appointment as vice president. The practice of the Board has been to elect as treasurer the Board member who is appointed by the president-elect to chair the board committee overseeing budgetary and financial matters.

The secretary of the State Bar has served as an executive secretary, a salaried officer who devotes full time to the position of administrative officer and general manager of the organization (see Robert's Rules of Order Newly Revised § 47, pp. 447-48 (10th ed. 2000)). In 1997, the Board created and appointed an executive director to share in the day-to-day administrative and managerial responsibilities over the State Bar. In 2000, the responsibilities of the two offices were recombined and are now held by Executive Director and Secretary Joseph Dunn.

FISCAL / PERSONNEL IMPACT:

None.

RULE AMENDMENTS:

None.

BOARD BOOK IMPACT:

None.

PROPOSED BOARD OF GOVERNORS RESOLUTION:

Should the Board wish to follow its practice of electing those attorney members of the Board who will be in the 3rd year (final year) of their terms, it may nominate those members in uncontested election to serve as the vice-presidents. Similarly, should the Board wish to follow the past practice, it may nominate the new chair of the Board Committee on Planning, Program Development, and Budget to serve as the treasurer. Board election procedures do not require voting by secret ballot for uncontested election of these officers.

In addition, it is recommended that the board reaffirm the selection of Executive Director and Secretary Joseph Dunn to serve as State Bar secretary by adopting the following:

RESOLVED, that the Board hereby appoints and elects the following as the 2011-12 vice-presidents of The State Bar of California:

¹ The president is elected "from among the Board members whose terms on the Board expire that year." Cal. Bus. & Prof Code § 6021. The vice-presidents and treasurer "shall be elected from among the Board members who have at least one or more years to complete their respective terms."

Lowell T. Carruth
George O. Davis
Jeannine English
Clark E. Gehlbach
Cheryl Hicks
Patrick M. Kelly
Wells B. Lyman

and it is

FURTHER RESOLVED, that the Board hereby elects Patrick M. Kelly as the 2011-12 treasurer of The State Bar of California; and it is

FURTHER RESOLVED, that the Board hereby reaffirms its selection of Joseph Dunn as secretary of The State Bar of California.