

Open Meeting Rules, Title 6, Chapter 1, Proposed Amendments

Chapter 1. Meetings of the Board of Trustees

Rule 6.50 Regular and special meetings; quorum; board committees

(A) Regular meetings of the Board of Trustees and board committees are held between annual meetings of the State Bar and calendared by board resolution.

(B) Board committees subject to these rules include standing committees appointed by the President and advisory committees, commissions and subcommittees consisting of three or more board members if created by formal action of the board or a member of the board as authorized by these rules.

(C) Between regular meetings, special meetings are called by the President or a majority of the board¹ or board committee. Special meetings include special and emergency meetings called with shortened notice under these rules² and meetings of the board called by the Secretary under rule 6.42.

(D) A quorum is a majority of the board or a board committee. A meeting must have a quorum to convene and to take official action. If the quorum is lost because members subsequently depart, the meeting may continue and the body may take official action by a majority of the quorum.

(E) Meetings 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.

(F) Except as provided in rule 6.55(C), trustees ~~Trustees~~ who are not members of a board committee may attend and participate in a committee meeting, but they may not vote. If a quorum of board members is present at a board committee meeting, the meeting is a meeting of the board as a whole but no formal action by the full board may take place.

¹ See also Bus. & Prof. Code § 6027.

² State Bar rule 6.52.

Rule 6.51 Notice and late items

(A) Notice of meetings

(1) Notice of regular and special meetings of the board and board committees must be posted on the State Bar Web site no fewer than ten days before the meeting, unless a special meeting is called with less notice for one of the authorized purposes set forth in these rules. The notice must include the date and place of the meeting, the agenda, and the starting time. The agenda must contain a general description of the items of business to be transacted or discussed in either open or closed session. A general description of an item need not exceed twenty words. No item may be added to the agenda subsequent to the provision of notice, unless otherwise permitted by these rules.

(2) Notice of meetings by teleconference must include the location at the State Bar's San Francisco and Los Angeles offices where the public may access the teleconference and a call-in number to allow interested members of the public to join the teleconference.

(3) Notice of meetings of board committees must include the following statement: The Rules of the State Bar permit board members who are not committee members to participate but not vote in a board committee meeting. If a quorum of board members is present, the meeting is a meeting of the board as a whole but no formal action by the full board may take place.³

(3) Joint sessions of the board and board committees may be held when properly noticed under these Rules.

(4) Any person may subscribe to receive notice of meetings by e-mail or first class mail. Subscriptions must be renewed annually.

Rule 6.55 Closed sessions

(A) The board and board committees may meet in closed sessions as provided by section 6026.5 of the Business and Professions Code. In addition, a board committee may meet in closed or executive session not open to the public for any of the following reasons:

(1) to receive advice of counsel or to consider matters privileged under the law;

(2) to confer with a State Bar representative during negotiations with union and non-union employees; or

(3) to confer with a State Bar representative before the purchase, sale, exchange, or lease of real property.

(B) Before going into closed session, the President, committee chair, or trustee presiding over the meeting, must state the legal authority and reasons for the closed session. In the closed session, only matters within the scope of that statement may be considered.

(C) A quorum of the board may not be present during closed sessions under subparagraphs (1) – (3) of subdivision (A) of this Rule. Board committee chairs will ensure compliance with this provision.

~~(C)~~ (D) The Secretary must keep confidential minutes and records of the closed sessions.

³ State Bar rule 6.50(F)