

AGENDA ITEM

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DATE: February 24, 2014

TO: Members, Planning, Program Development and Budget Committee
Members, Board of Trustees

FROM: Lawrence C. Yee, Acting General Counsel
Dina E. Goldman, Supervising Sr. Asst. General Counsel

SUBJECT: Amendment to State Bar Rules, Appendix A: Schedule of Charges and Deadlines

EXECUTIVE SUMMARY

This item requests the Board's approval of changes in the schedule for the district elections of members of the Board of Trustees. The change in the schedule provides for the election to be conducted earlier so as to allow Trustees who are in the final year of a three-year term to seek re-election to a second term on the Board and to qualify to run and serve as President, Vice-President, or Treasurer in the following board year.¹

BACKGROUND

Prior to the passage of SB 163, the President of the State Bar was a separate seat on the Board, with a one-year term, elected from all the third-year members of the Board. SB 163 contained language that has been interpreted as allowing Board members who were elected in 2009, 2010, or 2011, to serve a fourth year on the Board if elected to serve as the State Bar President.² Pursuant to the changes implemented by Senate Bill 163, beginning in 2015, the President will be elected from among all the members of the Board, will not hold a separate seat, and must be among one of the 19 Trustees on the Board at the conclusion of the Annual Meeting. Beginning with the 2015 election of State Bar officers, members of the Board will be unable to run for President in their third year, unless they have been re-elected (or re-appointed) to an additional term on the Board. In addition, Trustees in the third and final year of their term who wish to run for

¹ A "board year" is the time intervening between two successive Annual Meetings. Cal. Bus. & Prof. Code § 6016.

² Cal. Bus. & Prof. Code § 6009.7, which was added by SB 163, stated: "The State Bar shall not change, reduce, shorten, lengthen, or abolish the terms of board members commencing prior to December 31, 2011, or force any board member to resign in order to institute a 19-member board pursuant to this section." This was interpreted to include serving a fourth year on the Board as President under the former language of Cal. Bus. & Prof. Code §§ 6011 and 6021 before SB 163. This interpretation is supported by a letter from Senator Noreen Evans published in the Senate Daily Journal, to allow Trustees elected in 2009, 2010, and 2011 to run for President in their third year and to serve a fourth year if elected.

Vice-President or Treasurer must also be re-elected or reappointed to another term on the Board in order to run and serve as one of these two other State Bar officers.

Currently, the 2015 district elections for the Board of Trustees are scheduled to begin on February 2, 2015; when the nominating petitions would become available and end with the canvassing of ballots on July 7-10, 2015. The election of the State Bar officers must be held within the 90-day period before the Annual Meeting, which generally means during the July meeting of the Board. Any Trustee intending to run must announce his or her candidacy at the regular meeting of the Board (generally the May meeting) that immediately precedes the meeting for the election of officers. (See Board Book tab 5, art. 1, § 3(j).)

State Bar Rule 6.1 provides that “subject to the supervision and control of the board, the Secretary is responsible for administration and supervision of the election of attorney members of the board.”

ISSUE

Should the Board authorize the Secretary of the State Bar to move the schedule for the Board district elections to the fall of each year so that results will be available before candidates announce their intention to run for State Bar officer positions?

DISCUSSION

Moving the time to commence the election of Trustees to the Board to the fall will allow Trustees who are in the final year of their three-year term to seek re-election to a new term and to qualify them to run and serve as State Bar President, Vice-President, or Treasurer in the next year.

Currently, the Board district elections are held between February and July. The tentative schedule for the 2015 elections under this timing appears in the chart below.

Current Schedule of Dates & Deadlines 2015	
Nominating petitions available	February 2, 2015
Last day to file nominating petitions	April 1, 2015
Last day to withdraw nomination	April 13, 2015
Eligibility list closes	April 20, 2015
Ballots mailed	April 30, 2015
Last day for voting	June 30, 2015
Canvass of ballots	July 7-10, 2015
Annual Meeting (terms begin)	October 8-11, 2015

If the time for commencing the election is moved up to the fall, the proposed revised dates for key events of the election would be as follows.

Amended Schedule of Dates & Deadlines 2015	
Nominating petitions available	October 1, 2014
Last day to file nominating petitions	December 1, 2014
Last day to withdraw nomination	December 11, 2014
Eligibility list closes	December 22, 2014
Ballots mailed	December 31, 2014
Last day for voting	March 2, 2015
Canvass of ballots	March 9-12, 2015
Annual Meeting (terms begin)	October 8-11, 2015

FISCAL / PERSONNEL IMPACT:

N/A

RULE AMENDMENTS:

State Bar Rules, Appendix A, Schedule of Charges and Deadlines

BOARD BOOK IMPACT:

N/A

RECOMMENDATION

Staff recommends that the Board authorize the Secretary to move the schedule for the Board district elections as summarized in the table above and make corresponding changes to the State Bar Rules, Appendix A, Schedule of Charges and Deadlines.

PROPOSED BOARD COMMITTEE RESOLUTION:

Should the Planning, Program Development and Budget Committee agree with the above recommendation, the following resolution would be appropriate:

RESOLVED, that the Planning, Program Development and Budget Committee recommends that the Board of Trustees authorize the Secretary to amend the schedule for district elections of members of the Board of Trustees, which is contained in State Bar Rules, Appendix A, Schedule of Charges and Deadlines, to move the Board district elections to the fall.

PROPOSED BOARD OF TRUSTEES RESOLUTION:

Should the Board concur with the Planning, Program Development and Budget Committee's recommendation, the following resolutions would be in order:

RESOLVED, that upon the recommendation of the Planning, Program Development and Budget Committee, the Board hereby authorizes the Secretary to amend the schedule for district elections of members of the Board of Trustees, which is contained in State Bar Rules, Appendix A, Schedule of Charges and Deadlines, to move the Board district elections to the fall.