

AGENDA ITEM

701 SEPTEMBER 2015

DATE: September 18, 2015

TO: Members, Board of Trustees

FROM: Lawrence C. Yee, Acting General Counsel
Dina E. Goldman, Acting Chief Assistant General Counsel

SUBJECT: Appointment to Fill District 1 Vacancy

EXECUTIVE SUMMARY

A vacancy was created on the Board of Trustees when Daniel Dean resigned his seat on August 7, 2015. Mr. Dean was elected to the Board of Trustees as a representative for District 1 in 2013 and was sworn in at the Annual Meeting in October of 2013. Business and Professions Code section 6016 provides that a vacancy in an elected attorney seat on the Board shall be filled by the Board by special election or appointment for the unexpired term. Under State Bar Rules 6.7 and 6.8, the Board must fill the vacancy by appointment. Rule 6.8 provides that vacancies leaving an unexpired term of *longer than 18 months* must be filled by special election. Since this vacancy leaves an unexpired term of *less than 18 months*, Rule 6.7 applies and requires that the vacancy be filled by Board appointment. The rules are silent as to the applicable procedures for appointment to fill a Board vacancy. The appointment to fill the District 1 vacancy should be made by vote of the entire Board of Trustees pursuant to processes within the discretion of the Board.

BACKGROUND

Daniel Dean was elected to the Board of Trustees in 2013 as a representative for District 1 and sworn in at the Annual Meeting in October of 2013. Mr. Dean resigned from the Board effective August 7, 2015. Business and Professions Code section 6012 provides that six members of the Board of Trustees are attorneys elected from State Bar Districts which are based on the six court of appeal districts. The next election for the District 1 seat will take place in late 2015 and early 2016. Nominating Petitions will be available on October 1, ballots will be mailed on December 31, the last day for voting will be February 29, and the canvas of ballots will take place March 7-10, 2015. The new elected Trustee for District 1 will be sworn in at the Annual Meeting on October 1, 2016.

Since Mr. Dean's resignation leaves an unexpired term of less than 18 months, State Bar Rules require the vacancy to be filled by Board appointment. The Rules are silent as to what processes the Board should follow to select a candidate and to make the appointment.

DISCUSSION

Under Business and Professions Code section 6016, the board is authorized to fill the vacancy in District 1. Under State Bar Rule 6.7, the Board must fill the vacancy created by Mr. Dean's resignation by appointing a member to fill the seat until the next regularly scheduled election. The Rules are silent as to the procedure the Board should follow to make the required appointment. At your meeting, staff will provide history as to the procedures followed by previous Boards to fill vacancies. President Holden will also present a proposed candidate to fill the vacant seat for District 1. The appointment to fill the District 1 vacancy should be made by vote of the entire Board of Trustees pursuant to procedures chosen by the Board.

FISCAL/PERSONNEL IMPACT

N/A

RULE AMENDMENTS

N/A

BOARD BOOK IMPACT

N/A