

*THE STATE BAR OF CALIFORNIA – A JUDICIAL BRANCH AGENCY***Article 1 THE STATE BAR OF CALIFORNIA***Section 1 Statutes**~~Section 2~~ Mission**Section ~~3~~2 Goals**Section ~~4~~3 Offices of the State Bar of California**Section ~~5~~4 California Bar Journal***Article 2 DIVERSITY PRINCIPLES***Section 1 Elimination of Bias Resolution**Section 2 Prohibition Against Use of Discriminatory Facilities**Section 3 Discriminatory Membership Policies**Section 4 Discriminatory Practices and State Bar Members**Section 5 General Statement of Diversity Principles*

**Article 1**  
**THE STATE BAR OF CALIFORNIA**

**Section 1 Statutes**

The State Bar of California is a statutory public corporation, which was established on July 29, 1927, and a Constitutional Agency in the Judicial Branch of state government. It was created as the “administrative assistant” or “adjunct” of the Supreme Court for the purpose of assisting the Court in matters pertaining to the admission and discipline of attorneys. It is *sui generis*, not an administrative board in the ordinary sense.

**(Source: Business & Professions Code Section 6001; Cal. Const. Art. VI, Section 9; In re Attorney Discipline (1998) 19 Cal 4th 582, 598-600.)**

All property of the State Bar is held for essential public and governmental purposes in the judicial branch of the government and such property is exempt from all taxes of the State or any city, county, district, public corporation or other political subdivision, public body or public agency.

**(Source: Business & Professions Code Section 6008.)**

Although the State Bar was originally a purely legislative creation, its unique nature has been recognized by the Legislature throughout the existence of the State Bar. The State Bar's special character further was emphasized when it became a constitutional body, placed within the judicial article of the California Constitution and thus expressly acknowledged to be an integral part of the judicial function.

**(Source: In re Attorney Discipline (1998) 19 Cal 4th 582, 599.)**

~~At least for state law purposes, the State Bar is a government entity.~~

~~(Source: Keller v. State Bar of California (1989) 47 Cal 3d 1152 (rev'd on other grounds); Keller v. State Bar of California (1990) 496 U.S. 1.)<sup>1</sup>~~

State laws restricting or prescribing a mode of procedure for the exercise of powers of state public bodies or state agencies, or classes thereof are not applicable to the State Bar, unless the legislature expressly so declares.

**(Business & Professions Code Section 6001.)**

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<sup>1</sup> PHASE I PROPOSED CHANGE: Strike language because it is an inaccurate summary of the California Supreme Court *Keller* case.

The members of the State Bar are all persons admitted and licensed to practice law in this State, except justices and judges of courts of record during their continuance in office.

(Source: Business & Professions Code Section 6002.)

Public protection is the highest priority for the State Bar in exercising its licensing, regulatory, and disciplinary functions. Whenever public protection is inconsistent with other interests sought to be promoted, public protection is paramount.

(Source: Business and Professions Code Section 6001.1 (Added by Stats. 2011, c. 417 (S.B. 163).)

#### Historical Note

(Source: Board of Governors' Resolution, August 1991, May 20, 1997 Planning Meeting, Board of Governors' Resolution July 11, 2008.)

### **~~Section 2 — Mission~~**

~~The purpose of the State Bar of California is to ensure that the people of California are served by the legal profession in a manner consistent with the highest standards of professional competence, care, and ethical conduct; to carry out such additional programs as may be required by law or by rule of court; and to contribute generally to the science of jurisprudence and the administration of justice to the extent and in a manner consistent with the First Amendment rights of its members.~~

~~(Source: Board of Governors' Resolution, August 1991, May 20, 1997 Planning Meeting, Board of Governors' Resolution July 11, 2008.)<sup>2</sup>~~

### **Section 2 Goals**

The goals of the State Bar are:

1. Ensure a timely, fair, and appropriately resourced discipline and regulatory system
- 4.2. Proactively inform and educate Stakeholders about the State Bar's responsibilities, initiatives, and accomplishments
- 2.3. Improve fiscal and operational management, emphasizing integrity, transparency, and accountability

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<sup>2</sup> PHASE I PROPOSED CHANGE: Revised to update according to current Strategic Plan.

4. Support Access to Justice and improvements in the Justice System

- ~~(a) Public Protection – The public is protected and served by attorneys and other legal service providers that meet the highest standards of competency and ethics.~~
- ~~(b) Administration of Justice – The State Bar is recognized and respected as a contributing and accountable leader in improving the administration of justice and ensuring the rule of law in our civil society.~~
- ~~(c) Member Services – The State Bar provides a wide array of services and benefits to members that meet their professional development, business, and personal needs.~~
- ~~(d) State Bar Administration – The State Bar obtains and uses resources effectively and efficiently to support all aspects of its operations and demonstrates the cost effectiveness of State Bar services and activities~~

(Source: Board of Governors' Resolution, August 1991, September 1996, amended January 2002, July 11, 2008, amended February 1, 2016.)<sup>3</sup>

**Section 43 Offices of The State Bar of California**

Unless otherwise ordered by the board, the main office of the State Bar must be maintained in San Francisco and a branch office in Los Angeles.

A petition, notice, or other document required by these rules to be filed with the State Bar or served on the board must be filed at the main office.

(Source: State Bar Rule 6.91 adopted effective May 16, 2008.)

**Historical Note**

This rule supersedes Article X, § 1 of the Rules and Regulations of the State Bar of California (Offices of the State Bar), adopted effective December 4, 1999; repealed May 16, 2008.

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<sup>3</sup> PHASE I PROPOSED CHANGE: Revised to update according to current Strategic Plan.

| **Section 54 California Bar Journal**

The California Bar Journal is the official publication of the State Bar of California and is distributed monthly to every member of the State Bar. The editorial staff of the California Bar Journal has the primary responsibility for determining the editorial content to be published in the California Bar Journal. Oversight of the editorial staff and publication resides with the bar's Executive Director, and the designated Board Committee and ultimately, the Board of Trustees. Copies of the California Bar Journal's editorial policy are available from the office of the California Bar Journal.

**(Source: Board of Governors' Resolution May 1994.)**

## **Article 2**

### **DIVERSITY PRINCIPLES**

#### ***Section 1    Elimination of Bias Resolution***

**Whereas** the Board of Trustees is undergoing governance changes to enhance and ensure that public protection is the highest priority in the licensing, regulation and discipline of attorneys; and

**Whereas** the State Bar's mission, vision and goals have supported a justice system reflecting the diversity of the State and the elimination of bias in the profession;

**NOW, THEREFORE, IT IS RESOLVED**, that the Board of Trustees hereby reaffirms its commitment to and support of effective policies and activities to enhance access, fairness and diversity in the legal profession and the elimination of bias in the practice of law, consistent with limitations on the expenditure of mandatory dues.

(Source: Board of Trustees Resolution July 20, 2012)

#### **Historical Note**

***Regarding Governance Changes*** – On October 2, 2011, Governor Brown signed SB 163 (Evans) into law. This bill required the Board to complete and implement a five-year strategic plan that is to be updated every two years and requires the Board president to report annually to the Supreme Court, the Governor, and the Senate and Assembly Judiciary Committees on the steps taken to implement that strategic plan and to indicate any measures that the Board will need to take in the upcoming years to address the projected needs contained in the plan.

The Board of Trustees met on January 6 and 7, 2012, to discuss the future of the State Bar, the future's implications to the Bar's public protection mission, the organization of the practice of law and lawyers' sense of professional responsibility and identity. The Board discussed the State Bar's core functions and considered operational initiatives and concrete actions that would inform the development of the Five-Year Strategic Plan.

On February 10, 2012, and upon the recommendation of the Board Planning, Program Development, and Budget Committee, the Board adopted the Five-Year Strategic Plan

#### ***Section 2    Prohibition Against Use Of Discriminatory Facilities***

- (a) The Board of Trustees wishes to assure that no attorney will be denied the opportunity to participate in any State Bar activities because of discrimination unrelated to professional competence and believes that participation in the activities of the State Bar should not be denied because of any discriminatory restrictions imposed by any facilities where such activities are held. State Bar funds should not be used to contribute in any way towards the support of any facilities which discriminate. It is the belief of the Board of Trustees that no private club having the benefit

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of a liquor license should restrict its membership or the use of its facilities on the basis of color, race, sex, religion, national origin, ancestry, physical handicap, age, medical condition, marital status or sexual preference.

- (b) No meetings of the State Bar, or any sections or committees of the State Bar, shall be held in any facilities which discriminate in the membership or availability of services on the basis of race, sex, religious creed, color, national origin, ancestry, physical handicap, age, medical condition, marital status, or sexual preference.
- (c) No member of the Board of Trustees, or other representative of the State Bar, will participate in any official or representative capacity as a representative of the State Bar in any functions held in such facilities, and the State Bar shall not cosponsor, promote, or otherwise participate in any way in any functions held in such facilities.
- (d) No funds of the State Bar will be expended to reimburse anyone for any expenses incurred in such facilities or in travel to or from functions held in such facilities.
- (e) The Board of Trustees urges other statewide and local legal organizations in California to adopt a policy prohibiting the holding of bar group functions in the facilities of clubs which engage in the above listed forms of discrimination, and notify such bar groups that the State Bar and its representatives will not participate in any way in any functions held in such facilities.

(Source: Board of Governors' Resolutions, January 1981, December 1983.)

### ***Section 3 Discriminatory Membership Policies***

The State Bar of California shall not arrange any speaking engagements nor hold programs with or in any organization or club that maintains discriminatory membership policies, except with respect to changing those policies.

(Source: Board of Governors' Resolution, January 1990.)

### ***Section 4 Discriminatory Practices And State Bar Members***

- (a) The Board of Trustees finds that invidious discrimination exists to an unacceptable degree, interferes with the administration of justice and, when committed by members of the State Bar, reduces public confidence in the integrity of the profession.
- (b) The legal profession and the State Bar of California should be on the forefront in the effort to eliminate invidious discrimination.

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- (c) The Board of Trustees recommends that each member of the State Bar of California abstain from discriminatory conduct; at a minimum, each member of the State Bar should take it upon himself or herself to not discriminate against or threaten, harass, intimidate or denigrate any other person on the basis of race, national origin, sex, sexual orientation, religion, age or disability while engaged in the practice of law.
- (d) The Board of Trustees requests that all organized bar associations in California consider adoption of resolutions calling on attorneys to abstain from discriminatory conduct while engaged in the practice of law.

(Source: Board of Governors' Resolutions, September 1992.)

### **Section 5    *General Statement Of Diversity Principles***

The State Bar of California and all signatories to these principles affirm our commitment to fostering diversity in the legal profession. Diversity is an inclusive concept and encompasses, without limitation, race, color, ethnicity, gender, sexual orientation, gender identity and expression, disability, religion, nationality, age, marital and familial status, as well as practice setting, geographical location, prior experience and length of time in practice. A commitment to diversity reflects the needs of the legal profession for the best minds to address the increasingly complex needs of diverse customers and communities. Greater diversity allows the legal profession to become more creative, effective and just. Diversity brings more varied perspectives, talents and interests to the practice of law and the administration of justice. Diversity is important to the success of law firms, corporate or government law departments, legal services programs, law schools, public service organizations, bar associations and every other organization that includes attorneys.

To facilitate diversity in the profession, the signatories pledge to encourage diversity by recruiting, mentoring and promoting attorneys to leadership positions within our respective organizations.

The Signatories will actively pursue inclusiveness in the recruitment of members. Toward this end, the signatories shall undertake to implement the following:

1. Recruiting diverse persons to participate in each of our organizations;
2. Mentoring and retaining diverse members in our organizations; and
3. Developing individuals for leadership positions by giving them challenging tasks and the opportunity to represent our entities in public appearances, educational programs, and other prominent roles.



Measuring Success: With the adoption of these principles, the State Bar of California will collect information, compile statistics, and disseminate information to their membership, and will look to the law schools and community to encourage the commitment to diversity. Each year the State Bar of California will recognize the organizations (i.e. bar association, law firm, law school) that have made significant efforts to increase diversity.

**(Source: Board of Governors' Resolution July 2005.)**