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David Pasternak, California State Bar President
Attn: Francisco Gomez
The State Bar of California
180 Howard Street
San Francisco, CA 94105

Re: Governance in the Public Interest Task Force – Unification of the State Bar Sections

Dear California State Bar President Pasternak:

I write this letter as Chair of the Antitrust, Unfair Competition Law and Privacy Section of the State Bar of California in connection with the Governance in the Public Interest Task Force – and specifically regarding the issue of the “unified” structure of the State Bar *vis-à-vis* the Sections.

During our recent long range planning meeting, the Executive Committee of the Antitrust, Unfair Competition Law and Privacy Section unanimously voted in favor of unification and authorized me to communicate our Section’s view on the subject, as well as the rationale supporting our position.

A significant reason that many of our committee members are involved in our Section is the affiliation with the State Bar. There are hundreds of voluntary bar organizations in California and many do exemplary work. The Sections, however, are the only organizations that have the imprimatur of the State Bar, in part because it is an administrative arm of the Supreme Court. Accordingly, our Section’s Executive Committee and advisors span the gamut of practitioners in our area of specialty: plaintiffs’ attorneys; defense counsel; Federal Trade Commission lawyers; counsel from the California Attorney General’s Office; and Department of Justice attorneys. We also believe our Section’s connection to the State Bar helps us maintain current members and obtain to new members.

As a result of the quality of our Section’s Executive Committee and advisors, the activities we engage in and our affiliation with Bar as a judicial branch agency, we are able to attract the highest quality speakers at our Section’s Golden State Institute, an all-day legal education program followed by the Antitrust Lawyer of the Year dinner. Counting this Fall, for four years running we have had a sitting California Supreme Court Justice speak at our luncheon, including Chief Justice Tani G. Cantil-Sakauye last Fall. Our panels regularly include sitting federal and state court trial and appellate court judges, as well as speakers from government enforcers, including high ranking officials from the Department of Justice and Federal Trade Commission.

April 22, 2016

Page 2

them upon us. The burden of Bagley-Keene is an inconvenience and imposes inefficiencies, particularly in communications, but it is not disabling. Also, though we believe that the costs imposed on the Sections are too high in part by failing to take into account all appropriate considerations and that the Bar staff could be much more responsive to the needs of the Sections, those are problems that should and can be solved by working with the Bar. As reflected in the current financial troubles experience of the Los Angeles Bar Association, separating the Sections from the Bar is not a panacea.

I have read many news articles containing commentary by those supporting deunification. The comments that the Sections' activities are those of a trade association betray a fundamental misapprehension of what we do, which is sponsor educational programs. In the case of the Antitrust, Unfair Competition Law and Privacy Section, that means publishing the seminal treatise California Antitrust and Unfair Competition Law, publishing the journal *Competition*, publishing monthly E-briefs on cases and other developments relevant to our Section, regular webinars, and the annual Golden State Institute. We conduct no lobbying activity whatsoever. All of our activities are even handed, meaning that if a lawyer takes a position advocating on one side of the "v," we solicit an advocate for the opposing point of view.

Thank you for your consideration. If you have any questions or need any further information, please let me know.

Very truly yours,



Paul Riehle

Chair of the Antitrust, Unfair Competition Law and Privacy Section

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