



The State Bar *of California*

Recent Revisions to the Board of Trustees Policy Manual

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ADOPTION OF ROSENBERG'S RULES OF ORDER

- Going forward, the Board of Trustees and all subentities (including the CBE) will use Rosenberg's Rules of Order as a guide when conducting meetings
- To the extent Rosenberg's Rules of Order conflict with the Bagley-Keene Act or other applicable state law, state law will control



OVERVIEW OF ROSENBERG'S RULES OF ORDER

- Quorum: a quorum is a majority of members unless a specific rule of the body establishes otherwise
- Role of Chair: the chair is responsible for applying the rules of conduct of the meeting; the chair has the full right to participate in the decision-making of the body, but should strive to be the last to speak at the discussion and debate stage, and should not make or second a motion unless no other member of the body will do so at that point in time
- Meeting format: each agenda item should be handled as follows:
 - 1) the chair announces the agenda item number and name;
 - 2) the chair invites the presenter(s) to report on the item, including any recommendation they might have;
 - 3) the chair asks the members if they have any questions of clarification;
 - 4) the chair calls for public comment [to be handled in accordance with the Board of Trustee's policy on public comments];
 - 5) the chair invites a motion and announces the name of the member who makes the motion;



ROSENBERG'S RULES OF ORDER (Continued)

- Meeting format (continued):
 - 6) the chair determines if any member wishes to second the motion and announces the name of the second (a second is good practice but is not necessarily required);
 - 7) the chair makes sure everyone understands the motion by asking the maker of the motion to repeat the motion, by repeating the motion, or by asking the meeting secretary to repeat the motion;
 - 8) the chair invites discussion of the motion; once discussion has concluded, or if there is no discussion, the body will vote on the motion; if there has been substantial discussion, it's good practice to repeat the motion once more before voting
 - 9) the chair takes the vote [which must comply with Bagley-Keene roll call requirements when the meeting is conducted via teleconference]; unless a specific rule of the body provides otherwise, a simple majority is required to pass a motion
 - 10) the chair should announce the result of the vote and what action (if any) the body has taken



ROSENBERG'S RULES OF ORDER (Continued)

- Motions in General:
 - It's best practice to have a motion before discussion to help the body focus
 - Motions are made in a two-step process:
 - 1) the chair recognizes the member wishing to make a motion; and
 - 2) the member states "I move..." followed by the member's desired action
 - Motions are initiated in one of three ways:
 - 1) the chair invites members to make a motion;
 - 2) the chair suggests a motion to the members; or
 - 3) the chair makes a motion if no other member is willing to step forward to do so at a particular time



ROSENBERG'S RULES OF ORDER (Continued)

- Three Basic Types of Motions:
 - 1) *the basic motion*: puts forward a decision for the body's consideration (e.g., "I move that we create a five-member subcommittee to plan our annual fundraiser")
 - 2) *the motion to amend*: if a member wants to change a basic motion (e.g., "I move that we amend the motion to have a 10-member subcommittee")
 - 3) *the substitute motion*: if a member wants to completely do away with a basic motion and put a new motion before the body (e.g., "I move that we cancel our annual fundraiser this year")
 - *Friendly amendment*: if it appears during a discussion that a change to the motion is desirable, a member may simply say, "I want to suggest a friendly amendment to the motion"; if the maker of the motion and the second accept the friendly amendment, it becomes the motion on the floor; if the amendment is rejected, the proposer can formally move to amend
 - There can be up to three motions on the floor at the same time; the vote proceeds in reverse order, beginning with the last motion that was made (e.g., in the above example, the body would first vote on the substitution motion, then the motion to amend, then the basic motion)



ROSENBERG'S RULES OF ORDER (Continued)

- Other Motions: these motions generally are not subject to discussion and debate:
 - *Motion to adjourn*: requires a simple majority
 - *Motion to recess*: requires a simple majority
 - *Motion to fix the time to adjourn*: requires a simple majority; e.g., “I move we adjourn this meeting at 6pm”
 - *Motion to table* (e.g., “I move to table this item until our next regularly scheduled meeting”): requires a simple majority
 - *Motion to limit debate*: requires a two-thirds majority; most commonly, a member makes a motion, “I move the previous question,” meaning, “I’ve had enough debate, let’s get on with the vote”; when such a motion is made, the chair can inquire, “any further discussion?”; if any member wishes to continue the discussion, the chair should ask for a second, stop debate, and vote on the motion to limit debate
 - *Motion to reconsider*: requires a simple majority; can be made at the meeting where the item was first voted on by a member of the majority who has a change of heart
- “Present and Voting”: in determining whether a motion passes, count all votes that are “present and voting”; do NOT count abstentions (though members who abstain are counted for purposes of determining a quorum)



ROSENBERG'S RULES OF ORDER (Continued)

- Courtesy and Decorum:
 - Best practice is for one speaker to have the floor and for each speaker to be recognized by the chair before proceeding to speak
 - The chair should ensure the discussion of an agenda item focuses on the item
 - Interruptions of a speaker should be limited:
 - *Point of privilege*: interruption that relates to the normal comfort of the meeting; e.g., a member can't hear the speaker due to noise interference
 - *Point of order*: interruption that relates to inappropriate conduct of the meeting; e.g., if the chair moved to vote on a motion that permits discussion without allowing discussion
 - *Appeal a ruling of the chair*: if the chair makes a ruling that a member disagrees with, they can appeal the ruling by making a motion; if the motion is seconded and passes by a simple majority vote, then the ruling of the chair is reversed
 - *Calls for order of the day*: to return to the agenda
 - *Withdraw a motion*: a motion may be immediately withdrawn by the maker at any time, but the chair should ask the second if they wish to make the motion, and any other member may make the motion



ROSENBERG'S RULES OF ORDER (Continued)

- Public Input: in addition to following the procedures outlined herein, the chair should, with respect to each agenda item:
 - 1) tell the public what the body will be doing;
 - 2) keep the public informed while the body is doing it; and
 - 3) when the body has acted, tell the public what the body did



PUBLIC COMMENT POLICY

- The Board of Trustees adopted a public comment policy that applies to all subentities, including the CBE
- Policy Statement:
 - “The State Bar of California welcomes public comment at all of its public meetings and appreciates listening to a wide range of viewpoints that reflect the diversity of California. These public comment rules are designed to ensure that members of the public may exercise their right to be heard, as well as ensure that the State Bar is able to fulfill its obligation to conduct business on behalf of the people of California in a timely fashion.”



PUBLIC COMMENT POLICY (Continued)

- Written Public Comment:
 - Written public comment may be submitted to the email address on the meeting agenda
 - Members of the public are encouraged to submit written public comment at least 24 hours prior to the start of a meeting; written public comments received less than 24 hours prior to the start of a meeting may not be provided to the members prior to the meeting but will be distributed the following business day
 - Written materials brought to a meeting for distribution will be collected by the meeting secretary and distributed after the meeting



PUBLIC COMMENT POLICY (Continued)

- Oral Public Comment:
 - Members of the public are encouraged to sign up to speak in advance of the meeting and will be called in the order they signed up
 - Members of the public attending the meeting remotely will be called in the order they appear in the attendee list
 - The chair will set a time per speaker not less than two minutes per speaker prior to the start of the public comment period
 - The time limit will be the same for all speakers on a particular item
 - If many speakers wish to comment on one item on the agenda, the chair may take general public comment at the start of the meeting and take public comment on a specific agenda item when that item is called
 - Spokesperson(s) for groups of people who have a shared position are encouraged
 - Members of the public cannot cede their time to another speaker



PUBLIC COMMENT POLICY (Continued)

- Oral Public Comment (continued):
 - The chair has the discretion to allow members of the public to speak following closure of the public comment period
 - It is not guaranteed that all who wish to speak will be able to do so
 - The time allotted for public comment will vary according to the number of requests received and the time available
 - After two hours of public comment, inclusive of a 10-minute break, or up to the first 100 speakers, whichever comes first, the chair may declare the public comment session closed
 - Organizational entities who will be directly impacted by an action will receive additional time to speak, however time limits and limits on the number of speakers may be imposed; they will be heard at the time their agenda item is called; such entities must make arrangements with the meeting secretary not less than 72 hours in advance of the meeting



PUBLIC COMMENT POLICY (Continued)

- Reasonable Accommodation:
 - For planning purposes, accommodation requests should be submitted three business days in advance of the meeting
 - Public speakers who require an interpreter shall be given twice the time limit for other speakers
 - The granting of additional time for speakers who require other accommodations is at the discretion of the chair but must be sufficient to afford the speaker equal access



PUBLIC COMMENT POLICY (Continued)

- Maintaining Decorum at Meetings:
 - *Limited public forum:* speakers are given broad latitude so long as comments made relate to matters under the jurisdiction of the body; members of the public have the right to criticize the State Bar's programs, policies, and services, as well as its officers and staff
 - *Disruptive conduct:* members of the public who engage in conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of the meeting shall, at the discretion of the chair, be barred from further audience before the body at the meeting
 - *Discrimination and/or harassment:* in the event of discriminatory and/or harassing comments during the public comment period, the chair may, in their discretion:
 - 1) read the State Bar's antidiscrimination and antiharassment policy into the record;



THE STATE BAR'S ANTIDISCRIMINATION/ANTI-HARASSMENT POLICY

- “The State Bar maintains zero tolerance for unlawful harassment, discrimination, and retaliation. Employees must, at all times, treat all other employees, job applicants, and persons providing services to the State Bar with respect and dignity in accordance with this policy. Likewise, the State Bar will not tolerate harassment, discrimination, or retaliation against its employees, job applicants, or members of the public by any employees, or by any person with whom the State Bar has a business, service, or professional relationship.”



PUBLIC COMMENT POLICY (Continued)

- Maintaining Decorum at Meetings (continued):
 - 2) state that comments in violation of the State Bar's antidiscrimination and antiharassment policy will not be condoned, are unwelcome and/or inappropriate, and interfere with the ability of those present to listen and understand;
 - 3) the chair shall state that any State Bar employee who is offended or otherwise does not wish to attend due to the remarks is excused from attendance at the meeting during the remarks;
 - 4) the speaker's time will be held during the chair's admonishment and the speaker will receive their full allotment of time unless their comments disrupt, disturb, or otherwise impede the orderly conduct of the meeting;
 - 5) the speaker will be allowed to continue after the admonishment; and
 - 6) the chair may call a recess to allow staff or members of the public to leave and/or provide de-escalation



PUBLIC COMMENT POLICY (Continued)

- Maintaining Decorum at Meetings (continued):
 - *Obstruction of view:* In-person attendees shall not wear or display signs, hats, costumes, etc. in the meeting room that obstruct the view of the audience members, and in no case shall such items be larger than 8 ½ by 11 inches, taped to a wall or doors, be illuminated, or be attached to any pole, stick, or device
 - *Waiver or rules in case of emergency:* the State Bar may waive or override the rules pertaining to meeting decorum in the event of an emergency as defined by Section 11125.5(a-b) of the Bagley-Keene Act, or to maintain the orderly conduct of the meeting as defined by Section 11126.5 of the Bagley-Keene Act
 - *Public record:* comments and materials received during public comment will, in full, become part of the public record

