



THE STATE BAR OF CALIFORNIA

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DATE: October 25, 2010

TO: Members, Board Committee on Operations

FROM: Starr Babcock, General Counsel
Dina Goldman, Staff Attorney, General Counsel

SUBJECT: Title 6 Amendment re Location of State Bar Board-Appointed Committee Meetings, Request to Release for Public Comment

EXECUTIVE SUMMARY

Title 6, Division 2, of the State Bar Rules contains open meeting requirements for State Bar committees appointed by the Board of Governors. This item proposes addition of a new rule to provide State Bar Board-appointed committees more flexibility in choosing locations for holding their meetings. Currently, the rules require these committees to hold their meetings at the State Bar offices in either San Francisco or Los Angeles absent a “majority vote of the board to meet elsewhere in California or a two-thirds vote to meet outside the state.” The proposed amendment would allow Board-appointed committees to hold meetings anywhere in California or, in special circumstances, outside California if approved by the Executive Director or his or her designee.

This item recommends that the Board Operations Committee release the proposed amendment for a 45 day public comment period.

BACKGROUND

The open closed meeting rules that apply to Board-appointed committees that act on behalf of the Board appear in Title 6, Division 2 of the State Bar Rules, Rule 6.60 et seq. These Board-appointed committees include the Committee of Bar Examiners, the Board of Legal Specialization, and the Section Executive Committees. Rule 6.60 begins with the general provision that, unless provided otherwise, meetings of Board-appointed committees will be governed by the same rules that apply to meetings of the Board of Governors.

Regarding location of meetings, for Board of Governor and Board Committee meetings, Rule 6.50(D) provides that “[m]eetings of the board and board committees must be held at the State Bar offices in San Francisco or Los Angeles, absent a majority vote of the board to meet elsewhere in California or a two-thirds vote to meet outside the state.”

While the Board typically meets at the State Bar offices, it is not always possible for Board-appointed committees to have their meetings at State Bar offices due to availability of space or in some circumstances when meetings are held in conjunction with Section educational events that are held at locations other than State Bar offices.¹

SUMMARY OF PROPOSAL

Staff recommends that the Title 6, Division 2 of the State Bar Rules be amended to include a new rule which would allow board-appointed committees to meet at locations in California other than State Bar offices. The rule would also provide that board-appointed committees could hold out of state meetings in special circumstances when approved by the Executive Director or his or her designee. While unusual, out of state meetings might occasionally be held when a board-appointed committee meets in conjunction with an MCLE event or conference that is held out of state. Proposed new State Bar Rule 6.62 would read as follows:

Rule 6.62 Location of meetings

Meetings of board-appointed bodies should be held in California. Meetings may be held outside of California in special circumstances when approved by the Executive Director or his or her designee.

PROPOSED BOARD COMMITTEE ACTION

Staff recommends that the Board Operations Committee release the proposed rule for a 45 day public comment period.

FISCAL IMPACT

None.

RULES IMPACT

Proposed new State Bar Rule 6.62.

BOARD BOOK IMPACT

Tab 11, Section 2.

PROPOSED BOARD COMMITTEE RESOLUTION

Should the Board Committee accept the recommendation of staff to circulate the proposed rule for public comment, adoption of the following resolutions would be appropriate:

¹ Rule 6.50 has been administratively interpreted to allow the Board-appointed committee to vote to approve holding meetings in locations other than State Bar offices.

RESOLVED, that the Board Committee on Operations authorizes for publication, in the form attached as Exhibit A, a proposed new Rule 6.62 of the State Bar Rules for a forty-five day public comment period; and it is

FURTHER RESOLVED, that publication of the foregoing is not, and shall not be construed as, a recommendation of approval by the Board Committee.