



# THE STATE BAR OF CALIFORNIA

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**Title of Report:** Report Of The State Bar Of California On Progress On  
Implementation Of Transition To 19-Member Board Of Trustees  
**Statutory Citation:** Business and Professions Code section 6009.7  
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Under Business and Professions Code section 6009.7, the State Bar of California has submitted to the Senate and Assembly Committees on Judiciary an annual report on its progress in implementing the gradual reduction of the number of members on its governing Board of Trustees from 23 to 19 members, commencing in 2012 and completing the transition by no later than October 31, 2014. The following summary is provided under Government Code section 9795.

In 2012, the number of offices on the board was reduced from 23 to 21.

On October 15, 2012, at the conclusion of the State Bar's annual meeting, the terms of five of the 15 incumbent attorney-members—who were elected in 2009 in elections in the former State Bar Districts that were repealed by the amendments in California Statutes of 2011, Chapter 417 (SB 163)—expired. However, earlier in July 2012, one of these five incumbents was elected to serve an additional fourth year on the board as the next State Bar president, replacing his predecessor when his term expired at the end of the annual meeting. The one-year term of the member of the board representing the California Young Lawyers Association also expired. These changes resulted in the cessation of six of the 17 offices of the members of the board holding office on December 31, 2011, that were grandfathered and carried over under SB 163.

Also on October 15, 2012, the initial terms of four of the new 13 attorney-members of the board created by SB 163 commenced. These included one attorney-member appointed by the California Supreme Court, one attorney-member appointed by the Speaker of the Assembly, and two attorney-members elected from new State Bar Districts 4 and 5.

The full report is available at: <http://www.calbar.ca.gov/AboutUs/Reports.aspx>.

A printed copy of the report may be obtained by calling 916-442-8018.

# The State Bar of California



## Progress On Implementation Of Transition To 19-Member Board Of Trustees

Report to the Legislature  
January 31, 2013

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# REPORT OF THE STATE BAR OF CALIFORNIA ON PROGRESS ON IMPLEMENTATION OF TRANSITION TO A 19-MEMBER BOARD OF TRUSTEES

## INTRODUCTION

The State Bar of California submits this report to the Senate and Assembly Committees on the Judiciary, as required under California Business and Professions Code section 6009.7, on the progress of the State Bar's transition from a 23-member to a 19-member governing board.

In 2011, the Legislature enacted amendments to change the governance of the State Bar of California. Cal. Stats. 2011, ch. 417 (SB 163). Beginning in 2012 and by October 31, 2014, the State Bar is required to gradually reduce its governing Board of Trustees from its pre-existing 23 members to 19 members. However, SB 163 prohibits the State Bar from changing or abolishing a board member's term that commenced prior to December 31, 2011, or forcing any board member to resign whose term commenced prior to that date in order to accomplish the transition. It required the State Bar to develop a plan for implementing the transition to a 19-member board by January 31, 2012, and to submit a written report detailing that plan to the Committees on Judiciary by January 31, 2012.<sup>1</sup> In addition, the State Bar must report annually to the Committees on Judiciary on its progress toward implementing this transition.<sup>2</sup>

In 2012, at the conclusion of the State Bar's annual meeting on October 15, the number of offices on the Board of Trustees was reduced from 23 to 21.

## Summary of the Changes under SB 163

Under the amendments in SB 163, the following offices on the board would be eliminated:

- The 15 attorney-members elected from the nine pre-existing State Bar Districts, as well as the repeal of those districts. However, incumbents who were elected in 2009, 2010, or 2011 to serve commencing at the conclusion of the State Bar's annual meeting held in those years are entitled to serve their full three-year terms.<sup>3</sup>
- The representative of the California Young Lawyers Association.<sup>4</sup>

These members would be replaced through the elections and appointments of 13 new attorney members, composed of the following, each with terms of three years<sup>5</sup>:

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<sup>1</sup> On January 31, 2012, the State Bar submitted its report on its plan to implement the transition to the 19-member board, which was also required by the statute. See <http://www.agencyreports.ca.gov/rtspub/asp/agencyreport.asp?agency=1020>.

<sup>2</sup> Cal. Bus. & Prof. Code §§ 6009.7, 6011.

<sup>3</sup> Cal. Bus. & Prof. Code § 6012(a).

<sup>4</sup> Former Cal. Bus. & Prof. Code § 6013.1, repealed SB 163 § 13.

- Six elected attorney-members from the new State Bar Districts with boundaries based on California’s six districts for the courts of appeal, as they existed on December 31, 2011.<sup>6</sup> The process for the election of the attorney-members from these new districts is determined by the board.<sup>7</sup>
- Five appointed attorney-members by the California Supreme Court,<sup>8</sup>
- Two appointed attorney-members, one by the Senate Rules Committee and one by the Speaker of the Assembly.<sup>9</sup>

SB 163 also amended the provisions on the president of the State Bar. Under prior law, the president of the State Bar was elected by the board from those members in the third and final year of their three-year term. The president would then serve a fourth year on the board as its 23rd member, in addition to the other 22 members.<sup>10</sup> As amended, the president is now elected from among any member of the board and would no longer be an additional office on the board.<sup>11</sup>

The offices and terms on the board for the six public, non-attorney members—four by the Governor, one by the Senate Rules Committee, and one by the Speaker of the Assembly—were unaffected.

## **Progress in Implementation of Transition in 2012**

At the conclusion of the State Bar’s annual meeting on October 15, 2012, the terms of the five attorney-members who were elected in 2009 from former State Bar Districts 1, 3, 5, 7, and 9 expired. However, Patrick Kelly from former State Bar District 7 was elected in July 2012 to serve a fourth year on the board as the next State Bar president. Mr. Kelly replaced Jon Streeter, whose additional year on the board concluded when his term as president expired at the end of the State Bar’s 2012 annual meeting. The term of the board member for the California Young Lawyers Association also expired and that office ceased.

In 2012, the California Supreme Court made the first of its five appointments to the board. In addition, one of the two legislative appointments under SB 163 was made

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<sup>5</sup> The terms of any board member commences at the conclusion of the State Bar’s annual meeting that follows the member’s election or appointment. The period between any two successive annual meetings is considered to be one year in a member’s term. Bus. & Prof. Code § 6016.

<sup>6</sup> Cal. Bus. & Prof. Code § 6013.2.

<sup>7</sup> Cal. Bus. & Prof. Code § 6012(b).

<sup>8</sup> Cal. Bus. & Prof. Code § 6013.1.

<sup>9</sup> Cal. Bus. & Prof. Code § 6013.3.

<sup>10</sup> Before it was amended by SB 163 § 10, Cal. Bus. & Prof. Code § 6011 provided: “The board consists of 22 members and the President of the State Bar.” Before it was amended by SB 163 § 26, Cal. Bus. & Prof. Code § 6021 provided that every year the president “shall be elected from among those members of the board whose terms on the board expire that year ....” The intent was to provide for a fourth year presidency. Cal. Sen. Com. on Judiciary, Analysis of SB 818 (1985-1986 Reg. Sess.) as amended May 15, 1985, p. 4.

<sup>11</sup> Cal. Bus. & Prof. Code § 6011, as amended SB 163 § 10.

by the Speaker of the Assembly. The terms of both these appointed attorney-members began at the conclusion of the State Bar's annual meeting on October 15, 2012.

The State Bar anticipates that the Court will make another two appointments in 2013 and its remaining two appointments in 2014. Also, it is expected that the Senate Rules Committee will make its appointment this year before the State Bar's annual meeting in October 2013.

In December 2011, the State Bar's Board of Trustees amended its rules to provide for elections of the six new attorney members as follows:

- One member each from new State Bar Districts 4 and 5, based on court of appeal districts 4 and 5, beginning in 2012 and then every three years thereafter;
- One member each from new State Bar Districts 1 and 3, based on court of appeal districts 1 and 3, beginning in 2013 and then every three years thereafter; and
- One member each from new State Bar Districts 2 and 6, based on court of appeal districts 2 and 6, beginning in 2014 and then every three years thereafter.

In 2012, the two attorney-members for State Bar Districts 4 and 5 were elected and began serving on the board at the conclusion of the annual meeting in October.

Consequently, of the 17 members of the board holding office on December 31, 2011, who were grandfathered and carried over under SB 163, the terms of six of those offices have now expired and ceased. At the same time, the initial terms of four of the 13 new attorney-members of the board began. The net result on October 15, 2012, at the conclusion of the State Bar's annual meeting was the reduction in the number of offices on the State Bar's Board of Trustees from 23 to 21 members.

### **Expected Changes in 2013 and 2014**

In 2013, the State Bar, as noted above, expects that the initial terms of the two additional attorney-members to be appointed by the Supreme Court and the attorney-member to be appointed by the Senate Rules Committee will begin at the conclusion of the State Bar's annual meeting in October. At the same time, the attorney-members elected from new State Bar Districts 1 and 3 will begin their respective terms. With the expiration of the terms of another five of the current attorney-members elected from the former State Bar Districts, the State Bar then expects that the number of its Board of Trustees will be reduced to 20 members, leaving a net reduction of one additional member to be made in 2014 as provided under SB 163.

However, as noted above, SB 163 expressly did not intend to shorten, extend or abolish the terms of the members of the board holding office on December 31, 2011, under the prior law, or to force those members to resign in order to institute the 19 member board. Included under the prior law was the eligibility of each incumbent to extend his or her term on the board to a fourth year as the State Bar's president. In 2014, if one of the remaining five attorney-members grandfathered under SB 163 is elected to be the next president, there could be a 20th member in addition to the other 19 members of the Board of Trustees.