



THE STATE BAR OF CALIFORNIA

BOARD OF GOVERNORS

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

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June 10, 2009

The Honorable Darrell Steinberg
President Pro Tem
California State Senate
State Capitol, Room 205
Sacramento, CA 95814

The Honorable Ellen Corbett, Chair
Senate Judiciary Committee
State Capitol, Room 5108
Sacramento, CA 95814

The Honorable Mike Feuer, Chair
Assembly Judiciary Committee
State Capitol, Room 3146
Sacramento, CA 95814

Re: Report to Senate Rules and Senate and Assembly Judiciary Committees of
Vacancy in State Bar of California Chief Trial Counsel Position (Business and
Professions Code Section 6079.5)

Dear Senators and Assembly Member:

Consistent with Business and Professions Code Section 6079.5, the State Bar hereby notifies the Senate Rules Committee and Chairs of the Senate and Assembly Judiciary Committees that effective June 11, 2009, the position of State Bar Chief Trial Counsel (CTC) will be vacant.

The Board of Governors decided not to recommend for reappointment the incumbent CTC, Scott Drexel. The position becomes vacant by operation of law upon the expiration of his statutory four year term, June 10, 2009. As is customary when there is a vacancy in the position, the State Bar has appointed an interim CTC, Deputy Chief Trial Counsel Russell Weiner. The office will run consistent with the operating practices of the past four years while a search is undertaken for a successor CTC.

I wish to address here speculation about the reasons for the decision by the State Bar Board of Governors not to appoint the incumbent to a second term.

The decision was purely a personnel and management decision. The State Bar wants to make clear that it fully supports the prosecutorial and policy decisions of its Office of Chief Trial Counsel as implemented over the past four years. It will also make clear in its formal notice announcing the vacancy that applicants for the position of Chief Trial Counsel will be expected to continue these strong public protection policies.

I want to emphasize that the Board of Governors fully supports the State Bar's aggressive approach to attorney discipline consistent with Supreme Court case law. Indeed, the Board is not looking for a change in policy direction and has made clear that it expects the vigorous public protection efforts pursued during Mr. Drexel's term as CTC to continue unchanged during the interim period and with a new Chief Trial Counsel. The Board expects the CTC to hold all attorneys in this state fully accountable for their actions regardless of their employment status.

The CTC has a long history of serving a single four-year term since the creation of the statutory position in 1986. Under the statute, the position reports to the Board of Governor's Committee on Regulation, Admissions and Discipline, the oversight committee for the State Bar's attorney discipline system. In this case, the Board believes a new CTC is appropriate.

In appointing Deputy Chief Trial Counsel, Russell Weiner as Acting Chief Trial Counsel we have instructed him to continue the office's normal operations, with no change in its policy approach to public protection. We have asked him to provide, at our July meeting, an agenda of policy and office enhancements that will ensure that the vigorous approach to public protection reflected over the last four years is unabated.

We are in the process retaining a legal search firm to conduct a search for a successor CTC and we expect an update on that effort at our July meeting. In seeking a successor CTC the Board will focus upon candidates who have the skills and commitment to continue strong public protection policies consistent with well-established principles of administration of justice.

If you have questions or concerns about any of these subjects, please do not hesitate to contact me. I will be happy to discuss this matter, with the understanding that the details of our deliberations remain confidential.

Very truly yours,



Richard Frankel, Chair
Regulation Admissions and Discipline Committee
Board of Governors
State Bar of California

cc: Saskia Kim
Drew R. Liebert
Fredericka McGee
Mike Peterson
Mark Redmond
Nettie Sablehaus
Gene Wong
Board of Governors