

### **NEARLY 1,000 BILLS INTRODUCED THIS WEEK (WITH ONE DAY LEFT)**

As expected, this week has seen a flood of bill introductions. Following Monday's Presidents Day holiday, fully 980 bills and proposed constitutional amendments had been introduced by close of business Thursday (including 564 on Thursday alone) – with perhaps an equal number expected to be introduced today, the official deadline.

The 980 bills brings the year's total to 1747 bills and proposed constitutional amendments introduced in the regular legislative session (plus a variety of joint, concurrent and house resolutions which are most often symbolic or ministerial in nature).

### **STEINBERG INTRODUCES ATTORNEY "TARASOFF" BILL**

Former Assembly Judiciary Committee Chair [Darrell Steinberg](#) (D-Sacramento) has introduced legislation ([AB 1101](#)) to create an exception from an attorney's duty to maintain inviolate the confidence of his or her clients in cases where the attorney reasonable believes that such disclosure is necessary to prevent the commission of a crime likely to result in the death of, or substantial bodily harm to, another.

The proposal would reconcile the current conflict between the Evidence Code, which provides that such information is not protected by attorney-client privilege, and the current absolute confidentiality standards established in B&P Code §6068(e). The State Bar has proposed similar revisions to the Rules of Professional Conduct over the past decade, but each such proposal has been rejected by the Supreme Court, at least in part because of the current statutory impediment.

The proposal is similar to a resolution ([4-08-02](#)) adopted by the independent [Conference of Delegates of California Bar Associations](#) (CDCBA), the successor to the former State Bar entity, which likely will emerge as a co-sponsor.

### **CORREA INTRODUCES "NOISY WITHDRAWAL" BILL**

Assembly Member [Lou Correa](#), Chair of the Assembly Business & Professions Committee, has introduced legislation ([AB 664](#)) which would impose various

obligations on corporations, their CPA's and accountants – including provisions relating to corporate attorneys very similar to the "noisy withdrawal" provisions of the federal Sarbanes-Oxley Act.

Assm. Correa's staff advises, however, that the bill is contemplated largely as a placeholder measure for as-yet-unrevealed corporate reforms (perhaps emanating from the Governor's office), and is highly likely to be substantially amended prior to its first hearing.

### **"RECALL DAVIS" EFFORTS IN THE NEWS**

There have been several news stories in the past 10 days about efforts underway to recall Governor Davis. There are two separate recall efforts, one sponsored by a taxpayer "watchdog" group and another by a former Republican state Assemblyman. The current chair of the California Republican Party and the two main candidates vying to succeed him support the recall effort. However, Assembly Republican Leader Dave Cox (R-Sacramento) said: "I'm not engaged in the recall and frankly don't think it's a good idea." Cox's Senate counterpart, Jim Brulte (R-San Bernardino) has not publicly taken a position. Some Capitol "insiders" and journalists also speculate that some liberal Democrats and interest groups upset with Davis's proposed budget cuts also could back a recall effort.

The California Constitution permits a recall of a statewide officer if a petition is "signed by electors equal in number to 12 percent of the last vote for the office." (Article 2, Sec. 14.) Ironically, because of the extremely low turnout in last November's gubernatorial election won by Davis, the number of signatures required to place the recall effort on the ballot is also at an historic low point.

In a recall election, "If the majority vote on the question to recall, the officer is removed and, if there is a candidate, the candidate who receives a plurality is the successor. The officer may not be a candidate...." (Art. 2, Sec. 15(c)) This means that essentially any legally qualified person in the state could declare him- or herself a candidate for Governor and be placed on the same ballot as the recall question. In the event of a majority vote in favor of recall, the individual with the most votes (a simple plurality) would be the new Governor.