

**GOVERNOR DAVIS COMPLETES ACTION
ON 2003 LEGISLATION**

Ending with an intense final weekend, Governor Gray Davis last Sunday (October 12) completed deliberations on the bills sent to him by the Legislature in late August and early September. Sunday was the final day for the Governor to act under the state constitution.

From the day after his historic recall by the California electorate to the deadline, the Governor dealt with 278 bills – including 79 the final day. Of these measures, 234 were signed into law and 44 were vetoed – 31 on the final day.

Overall, the Governor considered 967 pieces of legislation in 2003, signing 910 and vetoing 57. The Governor's office has posted on the web a [spreadsheet](#) detailing all of the Governor's actions on legislation in 2003.

**LIMITED CONFIDENTIALITY BILL
AMONG THOSE SIGNED**

Among the bills signed into law by Governor Davis during his final weekend of activity was [AB 1101](#), Assembly Member [Darrell Steinberg's](#) bill to permit a lawyer to reveal confidential client information "to the extent that the attorney reasonably believes the disclosure is necessary to prevent a criminal act that the attorney reasonably believes is likely to result in death of, or substantial bodily harm to, an individual."

The changes the bill makes to the duty of confidentiality do not take effect until July 1, 2004. Prior to that time, the bill requires the President of the State Bar, in consultation with the Supreme Court, to appoint a Task Force to draft a rule of professional conduct corresponding to the new statutory requirement and specifically addressing issues regarding the statute. Those issues include:

- (1) Whether an attorney must warn a client or a prospective client about the attorney's discretion to reveal confidential information under specific, limited circumstances.
- (2) Whether an attorney must attempt to dissuade the client from committing the perceived criminal conduct prior to revealing the client's confidential information; and
- (3) Whether the attorney's decision to disclose a client's confidential information raises conflict-of-interest issues between the attorney and client.

The statute requires that the task force include civil and criminal law practitioners, including criminal defense practitioners; representatives from the judicial, executive, and legislative branches; and representatives from the State Bar Commission for the Revision of the Rules of Professional Conduct and from the State Bar Committee on Professional Responsibility and Conduct. It is very likely the task force will be appointed almost immediately, rather than waiting for the bill to take effect on the first day of 2004, to provide ample time to develop the requested rule before the July 1 operative date.

TRANSITIONING CONTINUES

Governor-elect Arnold Schwarzenegger has appointed a 65-member [Transition Team](#) to help him select the individuals who will staff his administration. The transition team is comprised of "leaders in their respective fields . . . drawn from a broad range of professional, community, and academic backgrounds." It is also conspicuously bipartisan, including such members as former Democratic Speaker Willie L. Brown, Jr.

Meanwhile, Governor Gray Davis continued to make "deathbed" appointments to the bench, boards and commissions. The key question seems to be whether the state Senate will re-convene in session to approve any appointments requiring its confirmation – including many of the choicest and best-paid posts. Although many Democratic Senators reportedly are sympathetic to the plight of Davis Administration officials who find themselves suddenly and unexpectedly unemployed, they are concerned that re-convening the legislative session simply to confirm those individuals would be perceived as "politics as usual" by an already-angry public.

THE ARNOLD AMENDMENT?

Last week's [Sacramento Scene](#) noted that Austrian-born Governor-elect Schwarzenegger currently is barred from following Ronald Reagan's path from actor to Governor to President of the U.S. because of the constitutional requirement that the President be a "natural born citizen." It should be noted, however, that three proposed constitutional amendments – one by a Republican Senator and two by Democratic Congress members -- have been introduced in Congress to remove the requirement, substituting instead a citizenry requirement of 20+ years.