

### STATE BAR FEE BILL PASSES SENATE

The state Senate today (Monday, May 17) approved [SB 1490](#), the State Bar's Fee Bill, on a vote of 30-7. The bill now heads for the Assembly.

The measure, which would continue the Bar's authority to assess fees of the state's attorney's for 2005 at the current level of \$390, is authored by the five Democratic members of the Senate Judiciary Committee, and was presented by committee chair Sen. [Martha Escutia](#) (D-Whittier).

Among the 'Aye' votes were both Republican Judiciary Committee members: Vice-Chair Sen. [Bill Morrow](#) (R-Oceanside), a long-time Bar critic, and Sen. [Dick Ackerman](#), the new Republican leader.

### ACKERMAN TAKES OVER AS SENATE REPUBLICAN LEADER

The Senate Republican Caucus unanimously elected Sen. [Dick Ackerman](#) of Irvine as their new leader Monday, May 10, replacing the termed-out Sen. Jim Brulte (R-Rancho Cucamonga). A practicing corporate attorney for many years prior to entering the Legislature in 1995 (and still "of counsel" to the Orange County firm of Rutan & Tucker), Ackerman has been a long-time member of the Senate Judiciary Committee, and has played a pivotal role in the past two years in keeping court funding reductions at a less-than-disastrous level.



The changeover has been anticipated for months, but Brulte and Ackerman reportedly chose to make it now during a brief hiatus between an intense period of issue-related negotiation (Economic Recovery Bonds and workers compensation) and Governor Schwarzenegger's release last Thursday of his revised budget.

Brulte announced that he would be running in 2006 for the Board of Equalization seat currently held by Claude Parrish, who terms out that year. Although Brulte cannot officially file for the seat until 2005, he noted "I've got \$1.2 million in the bank that says I'm running for that seat."

### PUBLIC ATTORNEY CONFIDENTIALITY EXCEPTION BILL CLEARS ASSEMBLY

Legislation which would create a broad exception to the duty an attorney representing a governmental

organization owes to the employing organization has been approved by the Assembly on a 65-7 vote.

The bill, [AB 2713](#) by Assm. [Fran Pavley](#) (D-Agoura Hills), mirrors the final version of [AB 363](#) ([Steinberg](#)) of 2002, which was vetoed by then-Governor Gray Davis. The bill would permit (but not require) an attorney who becomes aware of "improper governmental activity," to refer the matter to law enforcement or to another appropriate governmental agency, provided the attorney has first tried to maintain confidentiality by taking specified actions designed to stop the improper activity within the organization – or has made the decision that taking those internal steps would be "futile."

The State Bar's Board of Governors last month voted to oppose AB 2713 until the last, "futility" exemption, is removed from the bill – consistent with the Rule of Professional Conduct (3-100) it approved in 2002 after a two-year developmental process involving representatives of a wide range of interests and organizations.

Assm. Pavley has committed to working with the State Bar on revisions to the bill, which will soon be assigned to the Senate Judiciary Committee.

### DEADLINES UPCOMING

- [May 21](#) -- Last day for Fiscal Committees to hear and report to the Floor bills introduced in their house.
- [May 28](#) -- Last day for bills to be passed out of the house of origin.
- [June 1](#) -- Committee meetings may resume.
- [June 15](#) -- Budget bill must be passed by midnight (Art. IV, Sec. 12 (c)).
- [June 25](#) -- Last day for policy committees to meet and report bills.
- [July 2](#) -- Summer Recess begins upon adjournment, provided Budget Bill has been enacted.
- [August 2](#) -- Legislature reconvenes from Summer Recess.
- [August 13](#) -- Last day for Fiscal Committees to meet and report bills to Floor.
- [August 16-31](#) -- Floor session only. No committees may meet for any purpose.
- [August 31](#) -- Last day for each house to pass bills. Final Recess begins on adjournment.
- [September 30](#) -- Last day for Governor to sign or veto bills.