

State Bar of California, Office of Governmental Affairs

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STATE BAR-SPONSORED BILLS ON WAY TO GOVERNOR

Two bills sponsored by the State Bar's Board of Governors, [SB 686](#) by Senate Judiciary Committee chair [Ellen Corbett](#) (D-San Leandro), the Bar's funding authorization bill, and [AB 1723](#) (Assembly Judiciary Committee), the IOLTA Comparability bill, are on their way to Governor Schwarzenegger for his signature.

SB 686 was approved by the Senate on a bipartisan 32-5 vote to concur in Assembly amendments, following on the heels of a 62-13 approval vote in the lower house. The bill would extend for one year the State Bar's ability to collect the fees needed to fund its operation. The measure also includes a \$10 three-year Technology Assessment for all active members, which will enable the Bar to make much needed improvements to its technology infrastructure. However, it also would repeal the long-standing Building Fund assessment, thus keeping the fee for active lawyers in 2008 at the current level of \$400.



Corbett

SB 686 also requires the State Bar to report to the Chairs of the Senate and Assembly Judiciary committees by January 10, 2008, on a number of issues. It also contains a provision added by the Assembly Judiciary Committee to make clear that, in addition to providing direct services, attorneys may help to accomplish their pro bono goals, in part, by making financial contributions to legal services organizations when they are unable to actually perform hours of service.

[AB 1723](#) would update the kinds of vehicles attorneys can use for their IOLTA accounts and calls on lawyers to hold those accounts in banks that are in compliance with this new comparability legislation.

Supported by a host of legal services organizations, local bar associations, law firms, Attorney General Jerry Brown, and even the business-oriented California Chamber of Commerce, AB 1723 ran into staunch Republican opposition to the underlying concept of IOLTA in the Senate, passing on a 24-15 vote. The bill had an easier time in the Assembly, which concurred in Senate amendments on a bipartisan 59-14 vote, sending the bill to the Governor.

JUDGESHIP BILL AMENDED, ADVANCES

[AB 159](#) by Assembly Judiciary Committee Chair [Dave Jones](#) (D-Sacramento), which would provide the Governor with the authorization needed to appoint the 50 judges funded in the just-enacted state Budget, was approved by the Senate Appropriations Committee on a 17-0 vote after amendments were taken to concerns expressed by Democratic legislators over the Governor's record of appointing minorities to the bench. The amendments include:

- Requiring the State Bar's Judicial Nomination and Evaluation (JNE) Commission to construe "legal experience" broadly in determining the qualifications of judicial candidates;
- Requiring the Governor to collect and release demographic data related to ethnicity, race, and gender of all judicial applicants, not just those submitted to the JNE Commission for evaluation;
- Requiring the Governor to release the names of all persons to whom judicial application materials have been provided.

The third amendment is the most controversial, targeting what Democratic legislators characterize as an "old boys network" of "secret committees" advising the Governor that they allege in winnow out qualified minority applicants before their names can be submitted to the JNE Commission, according to press reports. The Governor's office has yet to express a position on the amendments.



Jones

AB 159 also would permit the conversion of 16 subordinate judicial officer (SJO) positions to judgeships, and 146 more in future years, at a rate of 16 per year, subject to legislative confirmation. The bill currently is on the Senate Floor awaiting vote.

DEADLINES UPCOMING

- [Friday, September 7](#) – Last day to amend bills.
- [Friday, September 14](#) - Last day for each house to pass bills. Interim recess begins on adjournment (proposed adjournment [Wednesday, September 12](#)).
- [Sunday, October 14](#) - Last day for Governor to sign or veto bills.