

# MEMBER/PUBLIC COMMENT

The State Bar of California

180 Howard Street, San Francisco, CA 94105-1639

<http://www.calbar.ca.gov>

---

**PLEASE NOTE:** Publication for public comment is not, and shall not be construed as, a recommendation or approval by the Board of Governors of the materials published.

**SUBJECT:** State Bar Rule 6.9 - California Young Lawyer Governor, Proposed Amendment

**DISCUSSION:**

- **Background:** Business and Professions Code section 6013.4 provides that one member of the Board of Governors of the State Bar must be elected from the membership of the California Young Lawyers Association by its board of directors. This CYLA governor serves a one-year term, which begins at the conclusion of the annual meeting of the State Bar following the election, and is eligible for reelection. State Bar Rule 6.9 defines the constituents of CYLA as all active members of the State Bar in their first five years of practice or under age 37, whichever is later. Under its long-standing bylaws, the CYLA member elected to the Board of Governors remained a member and qualified to hold office even if his or her CYLA membership expired after the election— “at least until the end of his or her term”. (Former CYLA Bylaws, art. 3.)

However, changes in the provisions governing CYLA, made as part of its reorganization, have created confusion regarding the eligibility of the CYLA governor during this year’s election. In September 2008, the CYLA bylaws were converted into its Mission and Charge and the provision pertaining to the continuing membership of the CYLA governor was omitted. On April 10, 2010, the CYLA board of directors reelected the sitting CYLA governor, who was age 36 at the time of the election, but who turned age 37 before the beginning of her next term. State Bar Rule 6.9, which was added in September 2009, now states that the candidate for the CYLA governor’s seat “must be a constituent at the time of taking office.”

- **Proposal:** The amendment to Rule 6.9 would delete the words “at the time of taking office” and replace them with “at the time of his or her election.” This would change Rule 6.9 to be consistent with the interpretation of the former CYLA bylaws that would have permitted an eligible CYLA member elected to the Board of Governors to remain a

qualified member until the end of his or her term as a governor. The amendment is retroactive to April 10, 2010, to permit effectuation of the CYLA board of director's intent in reelecting its current CYLA governor and will provide continuity in the governance process.

- **Any Known Fiscal/Personnel Impact:** None.
- **Additional Information:** Under State Bar Rule 1.10(C), the Board may adopt a rule on an interim basis without circulating for public comment if it finds that an emergency exists. The confusion in the interpretation of the rule was not discovered until this year's annual meeting on September 23, 2010. To clarify and effectuate the vote of the CYLA board of directors and to provide for continuity in the governance process, the Board of Governors, on September 26, 2010, adopt the rule amendment immediately on an interim basis. The State Bar is also seeking public comment regarding the rule amendment. At the close of the public comment period, the full Board of Governors will vote on the rule.

**ATTACHMENTS:** Board Agenda Item, with revised Rule 6.9 attached.

**SOURCE:** Board of Governors  
September 23, 2010

**DEADLINE:** Thursday, November 11, 2010

**DIRECT COMMENTS TO:**

**Pat Bermudez**  
**Office of General Counsel**  
**180 Howard Street, San Francisco, CA 94105**  
**415-538-2270**  
**415-538-2321**  
**Pat.bermudez@calbar.ca.gov**