

## ATTACHMENT A -- PROPOSED PLAN

The Board Subcommittee on Redistricting recommends that the following amendments to the Rules of the State Bar providing for the redistricting of State Bar Districts and reapportioning of elected lawyer representatives of the Board of Governors be circulated for a 45 day public comment period. The proposed amendments to State Bar Rule 6.30 would change the counties making up current State Bar Districts 2, 3, 4, 5, 6, 8 and 9, as well as the number of elected seats in Districts 3, 7, 8 and 9. In new State Bar Rule 6.32, the current sequence of when lawyer governors in each district are elected to conform with the reallocated seats.

Section I contains the proposed rule changes; Section II includes a explanation of the Subcommittee's choice as well as a narrative description of the plan.

### I.

#### **PROPOSED AMENDMENT TO RULES OF THE STATE BAR TO IMPLEMENT REDISTRICTING PLAN**

Rules of the State Bar, title 6, division 1, chapter 3, are amended as follows:

##### TITLE 6. GOVERNANCE



##### DIVISION 1. BOARD OF GOVERNORS

##### Chapter 3. State Bar Districts

##### Rule 6.30 Composition

The composition of State Bar Districts and the number of elected seats on the Board of Governors in each District are as follows:

(A) District 1 has one seat and consists of the nineteen counties of Butte, Colusa, Del Norte, Glenn, Humboldt, Lake, Lassen, Mendocino, Modoc, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, and Yuba.

(B) District 2 has one seat and consists of the ~~ten~~ five counties of ~~Alpine, Amador, Calaveras, El Dorado,~~ Napa, Sacramento, Solano, Sonoma, ~~Tuolumne,~~ and Yolo.

(C) District 3 has ~~two seats~~ one seat and consists of the ~~four~~ two counties of Alameda, and Contra Costa, ~~San Mateo, and Santa Clara.~~

(D) District 4 has two seats and consists of the ~~two~~ three counties of Marin, and San Francisco, and San Mateo.

(E) District 5 has one seat and consists of the ~~fourteen~~ twenty counties of: Alpine, Amador, Calaveras, El Dorado, Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, Mono, Monterey, San Benito, San Joaquin, San Luis Obispo, Santa Cruz, Stanislaus, and Tulare, and Tuolumne.

(F) District 6 has one seat and consists of the ~~five counties of Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura~~ county of Santa Clara.

(G) District 7 has ~~five~~ four seats and consists of the county of Los Angeles.

(H) District 8 has ~~one seat~~ two seats and consists of the ~~county~~ three counties of Orange, Santa Barbara and Ventura.

(I) District 9 has ~~one seat~~ two seats and consists of the ~~two~~ four counties of Imperial, Riverside, San Bernardino, and San Diego.

.

#### Rule 6.31 District adjustments

(A) In a year requiring adjustment of the counties included in State Bar Districts,<sup>1</sup> the adjustment must be completed by July 1 for the next year's Board of Governors election.

(B) Notwithstanding a change in district composition required by an adjustment, any governor whose term of office has not expired continues to hold office until expiration of the term.

.

#### Rule 6.32 Sequence of election of members after district adjustments

Members of the board will be elected for terms of three years as follows:

(A) In 2011 and every three years thereafter, one member from State Bar Districts 4, 6, 7, 8 and 9.

(B) In 2012 and every three years thereafter, one member from State Bar Districts 1, 5, 7, 8 and 9.

(C) In 2013 and every three years thereafter, one member from State Bar Districts 2, 3 and 4 and two members from State Bar District 7.

.

## II.

### **NARRATIVE SUMMARY**

**Background:** After six meetings and considering many possible scenarios, the Redistricting Subcommittee chose an option that provides for improved equitable distribution of governors to members in each district, as well as addressing concerns of communities of interest.

In advance of the meeting of March 22, 2010, copies of scenarios still under consideration by the Subcommittee were made available to all members the Board of Governors and individual comments were invited. The Subcommittee then voted on seven remaining scenarios, presented as L through R. The vote tally was as follows:

| <b>L</b>  | <b>M</b>  | <b>N</b>  | <b>O</b>  | <b>P</b>  | <b>R</b>  | <b>Q</b>  |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 5         | 5         | 7         | 7         | 7         | 6         | 6         |
| 4         | 4         | 7         | 2         | 7         | 6         | 5         |
| 1         | 4         | 3         | 2         | 6         | 4         | 5         |
| 1         | 3         | 3         | 2         | 6         | 3         | 5         |
| 1         | 3         | 1         | 2         | 4         | 1         | 2         |
| 6         | 3         | 2         | 1         | 7         | 4         | 5         |
| <b>18</b> | <b>22</b> | <b>23</b> | <b>16</b> | <b>37</b> | <b>24</b> | <b>28</b> |

The Subcommittee waited until today before taking final action to allow other plans to be presented by members of the Board who were not on the Subcommittee. None were received, and one that had been presented was withdrawn.

Based on the straw vote, staff proposed three options for the sequencing of elections if Scenario P was adopted. A vote of the Subcommittee was also conducted with the following results.

| <b>#1</b> | <b>#2</b> | <b>#3</b> |
|-----------|-----------|-----------|
| <b>3</b>  | <b>2</b>  | <b>1</b>  |
| <b>2</b>  | <b>1</b>  | <b>3</b>  |
|           |           |           |
|           |           |           |
| <b>3</b>  | <b>1</b>  | <b>2</b>  |
| <b>3</b>  | <b>2</b>  | <b>1</b>  |
| <b>11</b> | <b>6</b>  | <b>7</b>  |

Accordingly Scenario P is incorporated in State Bar Rule 6.30 and Option #1 in Rule 6.32.

Scenario P will adjust the counties composing State Bar Districts 2, 3, 4, 5, 6, 8 and 9. Districts 3 and 7 will each lose one governor, and Districts 8 and 9 as redrawn will each gain one new governor. Because of the shifts in member population since districts were last redrawn, there is a 74.1% total deviation in the allocation of the lawyer governors in current districts. Under the proposed plan, deviation would be reduced to 38.6%. While two other scenarios presented to the Subcommittee provided for a larger reduction in deviation, both required that San Mateo County be moved to District 5. This created community of interest concerns as San Mateo clearly identifies with the Bay Area while District 5 is largely a Central Valley district. This scenario keeps San Mateo in the Bay Area pool while bringing District 5 as close to equity as possible without adding any Bay Area counties and keeping the district contiguous.

.

### **Description of Changes:**

*District 1:* No changes.

*District 2:* Loses Alpine, Amador, Calaveras, El Dorado and Tuolumne.

*District 3:* Split into two districts. This district loses one governor. Also loses San Mateo and Santa Clara.

*District 4:* Adds San Mateo.

*District 5:* Adds Alpine, Amador, Calaveras, El Dorado, San Luis Obispo and Tuolumne.

*District 6:* Collapsed as a result of adding governors to Districts 8 and 9. Reappears in Northern California as part of the split of District 3. New district loses Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura and adds Santa Clara.

*District 7:* Loses one governor.

*District 8:* Adds one governor. Adds Santa Barbara and Ventura.

*District 9:* Adds one governor. Adds Riverside and San Bernardino.

**Map:****Statistics:**

| District | # Attorney Members | # Governors | Attorney Member to Governor Ratio | Ideal Attorney Member to Governor Ratio (District 2-9) | Deviation from Ideal |
|----------|--------------------|-------------|-----------------------------------|--------------------------------------------------------|----------------------|
| 1        | 3,819              | 1           | 3,819                             |                                                        |                      |
| 2        | 12,865             | 1           | 12,865                            | 12,724                                                 | 1.1%                 |
| 3        | 13,367             | 1           | 13,367                            | 12,724                                                 | 5.1%                 |
| 4        | 27,228             | 2           | 13,614                            | 12,724                                                 | 7.0%                 |
| 5        | 9,651              | 1           | 9,651                             | 12,724                                                 | -24.1%               |
| 6        | 10,582             | 1           | 10,582                            | 12,724                                                 | -16.8%               |
| 7        | 58,228             | 4           | 14,557                            | 12,724                                                 | 14.4%                |
| 8        | 22,474             | 2           | 11,237                            | 12,724                                                 | -11.7%               |
| 9        | 23,736             | 2           | 11,868                            | 12,724                                                 | -6.7%                |
| Total    | 181,950            | 15          | 12,130                            | 12,724                                                 | 38.6%                |

**Analysis:**

At 38.6%, this plan has a much lower total deviation than the status quo (74.1%).