

**Public Comments: Online Registration and Reporting of Information by Attorneys
August 31, 2007**

No.	Commentator (all comments were from individuals, none were from groups)	Position	Comment	Response
1.	Gerald McNally, Esq. gm@mcesq.com	A	A good idea.	
2.	Jack Firestone, Esq. jaxid@yahoo.com	A	He tried online registration last year – would have liked to use it, but was unable to for technical reason that never got resolved. He ended up using manual process. If online registration will be mandated, then some sort of escalation/circumvention process should be established for those who encounter problems.	IT will create an instruction sheet on what members need to do to set up the profile. Member Service Center (MSC) can send the sheet to callers.
3.	Mark A. Anderson, Esq. maanderson@aya.yale.edu	A	He's for facilitating use of electronic filing, etc., and most of his registration, bill paying, etc., is done online. However, it is another thing to require it. Not everyone has the capability, and snail-mail or personal delivery should still be options.	A member who does not have online access would, upon request, be permitted to provide the required information in a form provided by the State Bar.
4.	Gerald G. Knapton, Esq. Ropers, Majeski, Kohn & Bentley Gknapton@Ropers.com	NP	Does not have a clear idea of exactly what sort of "mandatory and voluntary information" must be provided on-line. Is this left open-ended in order to retain flexibility to deal with future changes? Would like a list of kinds of things required to be included in the rule or notes, and would like to be able to record MCLE information on State Bar web site.	The Bar will create an educational piece on member reporting requirements. The reporting requirements will be posted online at the member profile.
5.	Richard Bauer, Esq. BauerLaw@aol.com	O	Does not see how this serves anyone. Does not like it being mandated with monetary fines for late or non compliance.	Bar will emphasize the benefit of setting up the profile.
6.	Dwight Willard, Esq. dmwillard@sbcglobal.net	O	This is another gratuitous hassle of members without public necessity. Many semi-retired members do not use email much or at all, and do not want that to be an authorized method of communication with them. Members should not be required to have email for State Bar purposes or required to monitor email. This effectively outlaws US mail as a	A member who does not have online access would, upon request, be permitted to provide the required information in a form provided by the State Bar.

			lawful method of Bar registration and communication.	
7.	Stephen A. Glasser, Esq. sglasser@css.sbcounty.gov	O	Opposes it being a requirement rather than an option. Generally opposed to having all information and communications occurring electronically. CCP does not allow for service by electronic means in lawsuit unless agreed by parties. Why should we be obligated for something different or have the privilege of paying more money to the Bar.	Some federal courts in CA require electronic profile and filings. Bar to model its instruction information on how to set up an online profile after the CA federal court filing instructions.
8.	Andrew E. Levinson, Attorney at law 11575 Sunshine Terrace Studio City, CA 91604-3835	O	Opposes it being mandatory. Concerned about requirement to maintain email address, email is not up to the standards of the US Postal Service. Google search showed 79,600,000 "non-delivered email" while "non-delivered postal mail" had 2,880,000 references. Concerned about what type of computer software is required to use the Bar website.	A Cal Bar Journal article will include respond to the computer software concern. Member with Outlook as their browser will be able to get to "calbar.ca.gov" to set up their profile.
9.	Robert Beaver, Esq. (taken over the phone-did not give phone number)	O	It is a violation of Cal. privacy rights. Email addresses are not confidential unless you use encryption keys.	Encryption keys are not needed, the Bar uses a secured process of logging in through a secure socket. Email will be used for notifications, not for confidential information.
10.	"Klaatu Servant" (per email) klaatu_the_servant@yahoo.com	O	Email requirement is objectionable. Email not private, it may be read and published by anyone with the will to intercept it. Email requirement goes beyond statutory authority, imposes unprecedented technical and notice requirements and obligations on attorneys, intrudes upon attorney's rights of privacy, and may also violate clients privacy. Voluntary web system has worked well. Perhaps this idea should be first tried out by Commission on Judicial Performance?	Email will be used for notifications, not for confidential information.
11.	Philip Sheuerman, Esq. 8458 Rippled Creek Ct. Springfield, VA 22153-3801	O	Required online registration is probably illegal because a member must consent to the Bar's User Agreement before gaining access to the Bar's website. He attempted recently to register at the web site, did not received an answer as to why he could not register. The website is	The Bar's uses policy is under review to see whether revisions would be needed. Members with Internet Explorer will be able to register online. IT will create an instruction sheet on what members need to do to set up the profile. Member Service

			unreliable & at times inaccessible, and requiring Bar members to surrender legal rights to use the web site is an adhesion contract. To require members to register on-line, need to ensure there are no obstructions to them doing so.	Center (MSC) can send the sheet to callers. An article in CBJ will answer the FAQs
12.	Ted W. Isles, Esq. 613 Pleasant St. Framingham, MA 01701-2862	O	Is retired & inactive, and does not have internet access or other electronic modes of communication. Values privacy and is concerned about identity theft, thus does not want a computer.	A member who does not have online access would, upon request, be permitted to provide the required information in a form provided by the State Bar.
13.	John H. Pattie, Esq. 25 Contreau Lane P.O. Box 61 Counce, TN 38326	O	Is retired & inactive, lives on a river boat and does not have internet access. Requests an exemption.	“
14.	Monique Botkin, Esq.	O	Opposes mandatory requirement. Online registration is not necessary to achieve simple things such as address change, sending in MCLE cards, or paying dues. This requirement is burdensome by requiring members to check online profile on regular basis. Updates can be mailed in to the Bar.	
15.	Stephany Yablow Esqsy@aol.com	O	What is the rationale behind this requirement? Just because some can, doesn't mean everyone must. Not everyone has a computer, not everyone knows how to maneuver through the internet and an error could be costly; not everyone wants their bank account information on line; hacking can be devastating. It ought not be mandatory.	Email will be used for notifications, not for confidential information.
16.	Erin Wilson, Esq. erwilson@firstam.com	O	Statute requires Bar to provide a “centralized mechanism” to “facilitate reporting,” contrary to the proposed Rule that requires online reporting. The email address requirement mandates members to have Internet access and an email account. Some Bar members do not have these. While they may “request” an exemption, the Bar may deny it, forcing an attorney to comply by spending money and resources for Internet provider costs. U.S. Postal Services effectively transmits information, allowing members to use	A member who does not have online access would, upon request, be permitted to provide the required information in a form provided by the State Bar. Modified the proposed rule to clarify that, upon written request, members will be granted an exemption.

			those services does not impose an unfair burden on the Bar. The non-compliance fee authorization insinuates the Bar may view this Rule as a possible source of income. The amount of the fee is not stated, and there is no mention of possibly disallowing the fee for the first several years to allow members to obtain and become familiar with the Internet and email. Requiring attorneys to report whether they have a trust account appears unprecedented. Many associates to not know their firm's accounts.	
17.	Charles W. Stricklen, Esq Bank of America Bldg. 300 S. Harbor Blvd. Suite 702 Anaheim, CA 92805	O	Many older attorney are not proficient in online procedures. Has privacy issues and worried about hackers.	
18.	Sarah Shena, Esq. SShena@tularehhsa.org	O	Believes email is a flawed method of communication. Has had Internet/email service provider block important email as suspected Spam. Lives in rural area where there isn't always access to email. It is a questionable & unsecure method for disciplinary communication. Some might be tempted to say they have no Internet access to avoid agreeing to receive important communication via email.	Email will be used for notifications, not for confidential information. CBJ article to answer the FAQs.
19.	Joe Ingber, Esq. Civic Center Law Bldg 205 S. Broadway, Ste 900 Los Angeles, CA 90012	O	Doesn't own a computer. The new rule might force him to "inactivate" himself.	A member who does not have online access would, upon request, be permitted to provide the required information in a form provided by the State Bar.