

AGENDA ITEM

JAN 116

Amendment to Procedures
for Election of President

DATE: December 20, 2007

TO: Members, Board of Governors
Members, Board Committee on Operations

FROM: Marie M. Moffat, General Counsel
Lawrence C. Yee, Chief Assistant General Counsel

SUBJECT: Amendment to Procedures for Election of President

EXECUTIVE SUMMARY

This item proposes two changes to the Board of Governor's procedures for electing the State Bar President and other officers. Board Book tab 5, art. 1, § 3. The first amendment would delete the requirement that the election must be held no later than 90 days before the Annual Meeting. *Id.*, at §3(a). The second amendment would add to the procedures the discretion to provide some other forum—such as the presidential debate or “dialogue” in this past election—in addition to or in lieu of the traditional speeches by the presidential candidates. *Id.*, at §3(k).

DISCUSSION

Business and Professions Code section 6021 specifies that the President of the State Bar and other officers must be elected at a meeting called for that purpose and held “[w]ithin the period of 270 days next preceding the annual meeting” of the State Bar. In the Board of Governors' procedures governing the election, the Board has added that the special meeting for electing the President and other officers must be held no later 90 days before the Annual Meeting. Board Book tab 5, art. 1, § 3(a). This special meeting must be held on the same day and place as a regularly scheduled meeting of the Board. *Id.*

With the Board's reduced number of scheduled meetings on its calendar, section 3(a) would require that the next officers' election be held at either the March or May meetings. Last year, this scheduling required the Board to take action to suspend the rule so the election could occur at the July meeting. Similar action would be required for this year's election. Alternatively, current State Bar President Jeff Bleich has asked staff to draft an amendment to section 3(a) deleting the requirement that the election be held 90 days before the Annual Meeting.

The election procedures also provide: “After consultation with the candidates, the President shall set the time limit for election speeches, all of which shall precede the first ballot. The order of such speeches shall be determined by lot.” Board Book tab 5, art.

1, § 3(k). In the last election, the Board suspended this rule. After study and consulting with the candidates, a forum for a “dialogue,” in which candidates answered written questions from members of the Board and read by the sitting President, was held instead of the speeches by the candidates. At President Bleich’s request, staff has prepared an amendment to section 3(k) that would provide permit other election forums to be conducted at the special meeting to elect a new president.

Drafts of the two proposed amendments to sections 3(a) and 3(k) are attached. The procedures for election of the State Bar president are internal parliamentary procedural rules of the Board. See *People’s Advocates, Inc. v. Superior Court*, 181 Cal.App.3d 316, 324, 325 (1986) (rules or resolutions which affect the selection of the officers of the Legislature are internal rules and an integral part of the parliamentary common law). As internal rules, the Board may amend or repeal them without public comment. Board Book tab 12, § 3(a).¹ If you agree with the proposed changes, you may adopt the appropriate resolution herein below.

FISCAL / PERSONNEL IMPACT: None

RULE AMENDMENTS: None

BOARD BOOK/ ADMINISTRATIVE MANUAL IMPACT: Tab 5, section 3, pages 2 and 3

PROPOSED RESOLUTIONS

(Board Committee on Operations)

Resolved, that the Board Committee on Operations recommends that the Board of Governors amend the procedures for election of State Bar officers in the form attached hereto.

(Board of Governors)

Resolved, that upon recommendation of the Board Committee on Operations, the Board of Governors hereby amends the procedures for the election of State Bar officers in the form attached hereto.

¹ As a rule of parliamentary procedure, it may be suspended without notice. See Robert’s Rules of Order Newly Revised (10th ed. 2000) (cited herein as, “RONR”) § 2, p. 12.