

AGENDA ITEM

SEPTEMBER 115

Emergency Amendment to Section Rule 3.52 re Associate Membership on Section Executive Committees

DATE: September 3, 2008

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

FROM: Pam Wilson, Director, Section Education & Meeting Services

RE: Emergency Amendment to Section Rule 3.52 re Associate Membership on Section Executive Committees - Request for Public Comment

EXECUTIVE SUMMARY

As part of the ongoing Rules Revision Project, the rules governing the State Bar Sections were revised and subsequently approved by the Board of Governors May 16, 2008. Rule 3.52(B) of the new rules authorizes the enrollment of associate members. Consistent with the old rule, rule 3.52(B) precludes associate members from serving as officers of a section, as members of a section committee, or as a member on a section's executive committee.

A modification to this rule is required in order to reflect the practice of allowing associate members (non-lawyers) to serve as members of section executive committees.

BACKGROUND

Section associate members are non lawyers who have an interest in the work of the section and provide valuable service to the sections. The past practice of some sections has been to recommend associate members for appointment to the executive committee. This practice developed as it became clear that non-attorneys provided a helpful viewpoint in a section's management. This was particularly important for those sections whose practice areas intersected with other professionals (e.g., law professor, legal secretary). A modification in the rule will allow sections the ability to recommend associate members to serve as members of the executive committee as they determine the need to do so.

Staff recommends the rule be approved effective immediately, subject to public comment. The need to make this change quickly is the result of executive committee appointments that have been approved for a term of service to begin at the conclusion of the 2008 Annual Meeting.

Currently, there are 4 associate members of the Law Practice Management & Technology Section that have been appointed to the section's executive committee by the Board of Governors. Their three year term begins the conclusion of the Annual Meeting on September 29, 2008. Changing the rule effective immediately will allow these members to begin their term of service as expected and without interruption.

The results of a 30 day comment period will be reported to the Board in November along with a recommendation for action.

LENGTH OF PUBLIC COMMENT PERIOD

A 30 day public comment period is requested in order to bring this item to the Board in November for further action.

EFFECTIVE DATE OF PROPOSAL

It is recommended the rule change be made effective immediately subject to the 30 day public comment period. The results of the public comment period will be reported to the Board of Governors in November along with a recommendation for action.

FISCAL AND PERSONNEL IMPACT

No impact to the General Fund.

BOARD BOOK/ADMINISTRATIVE MANUAL IMPACT

Upon receipt of public comment and action by the Board in November the Board Book and Administrative Manual will be revised accordingly.

PROPOSED BOARD COMMITTEE RESOLUTION

Should the Board Committee on Operations agree with the proposed recommendation, adoption of the following resolution would be appropriate.

RESOLVED, that the Board Committee on Operations hereby recommends the Board of Governors approve the revision to State Bar Rule 3.52, effective immediately; and authorizes staff to make available for public comment for a period of 30 days, the rule revisions in the form attached.

FURTHER RESOLVED, that this authorization for release for public comment is not, and shall not be construed as, a statement or recommendation of approval of the proposed item.

PROPOSED BOARD RESOLUTION

Should the Board of Governors agree with the Board Committee on Operations the following resolution would be appropriate.

RESOLVED, upon the recommendation of the Board Committee on Operations the Board of Governors approves the revision to State Bar Rule 3.52, effective immediately; and authorizes staff to make available for public comment for a period of 30 days, the revisions in the form attached. The results of the public comment period will be reported to the Board of Governors in November along with a recommendation for action.

PROPOSED REVISION TO STATE BAR RULE 3.52

The proposed changes to the rule are shown below:

RULE 3.52

SECTION MEMBERSHIP

(A) Section membership is open to members of the State Bar or judges of courts of record.

(B) A section's bylaws may authorize enrollment as associate members. No more than one-fourth of all section members may be associates. An associate member has all the privileges of section membership ~~but~~ and may ~~not~~

- (1) serve as an officer;
- (2) serve as a member of a committee; or
- (3) nominate, select, or serve as members of its executive committee.