

Executives of California Lawyers' Associations

"Supporting California Legal Associations to Improve the Legal Profession and the Administration of Justice"

November 13, 2008

Members of the Board of Governors
State Bar of California
180 Howard Street
San Francisco, CA 94015

Re: Proposed Online Directory of Attorneys

Ladies and Gentlemen:

This letter is written on behalf of Executives of California Lawyers' Associations (ECLA), which is the professional membership organization of executive directors of California bar associations. As you know, we have written twice before to express our serious concerns about the State Bar's proposal to create a searchable, online directory of attorneys admitted to practice law in California.

We very much appreciate Immediate Past President Jeffrey Bleich's appointment of a Task Force to address those concerns, and we have appreciated the opportunity to participate in it through our Immediate Past President, Stuart A. Forsyth.

While progress has been made by the Task Force; the core issue remains: a proposal to create an online directory that is searchable by self-designated areas of practice and location, together with a number of other fields of information.

Because this core issue has not been resolved, and for the reasons detailed in the attached Talking Points, we continue to vigorously oppose the proposal.

Appropriate mechanisms already exist to help the public find lawyers in California. One of them is the network of lawyer referral services, which the State Bar itself has historically fostered and is statutorily mandated to regulate and certify. Those certified lawyer referral services embody numerous public protections that are completely absent from the proposed online directory. And proceeds from the proposed directory would not go to support public service programs, as do proceeds from the lawyer referral services.

The State Bar's prime mission is to protect the public. When its desire to benefit its members or its increase revenue comes in conflict with that prime mission, its desire must give way to its purpose.

Very truly yours,



Robynn Gaspar
President

Robynn Gaspar
President
Marin County
Bar Association

Trudy Levindofske
President Elect
Orange County
Bar Association

Deborah Kemper
Treasurer
Sam Mateo County
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Dan Burkhardt
Secretary/Membership
The Bar Association
of San Francisco

Stuart Forsyth
Immediate Past President
Los Angeles County
Bar Association

**TALKING POINTS ABOUT
THE STATE BAR'S FIND A LAWYER/ATTORNEY SEARCH PROPOSAL**

- Essentially, the State Bar is proposing to create a searchable, online directory of attorneys (proposed directory) within its public information website.
- The State Bar has repeatedly stated that it cannot refer the public to an attorney—because it is the agency responsible for disciplining attorneys.
- For decades the State Bar has fostered lawyer referral services (LRS) as the best way for the public to find an attorney.
- The State Bar has a statutory duty to regulate and certify LRS in California to ensure that their operations embody a number of public protections, e.g.:
 - Verification that attorneys actually have experience in the designated areas of practice
 - Require that attorneys carry malpractice insurance
 - Require that attorneys not be involved in the discipline system
 - Remove attorneys for cause
 - Use of excess funds only for public service programs.
- From the public's perspective, the proposed directory will perform the same function as the LRS that are certified by the State Bar—without ***any*** of the public protections provided by LRS (see comparison chart).
- Experience has shown that the public often does not know the correct area of legal practice for which an attorney is needed; in these situations, the proposed directory would be misleading instead of helpful.
- The proposed directory would only refer the public to attorneys—not to legal services programs and other providers and entities that might be more appropriate in a given situation.
- Statewide more than \$1 million in funds generated by LRS support public service programs (not bar associations) such as legal services for the poor, immigrants and victims of domestic violence as well as efforts to improve diversity in the legal profession; to the extent that LRS are financially harmed by the proposed directory, these public service programs would suffer.
- The State Bar's prime mission is to protect the public; when its desire to benefit members or increase revenue comes in conflict with that prime mission, its desire must give way to its fundamental purpose.