



**THE STATE BAR
OF CALIFORNIA**

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DATE: December 16, 2008

TO: Members of the Board Committee on Operations

FROM: Patricia Lee, Director of the Office of Legal Services Access & Fairness Program;
Carol Madeja, Director of Bar Relations Outreach
Mary Yen, Assistant General Counsel

RE: State Bar Rule 6.9 re Election of CYLA BOG Member, Request to Release for Public Comment

EXECUTIVE SUMMARY

This item requests public comment on a new rule 6.9 of the State Bar Rules. The proposed rule results from the change in governance structure of the California Young Lawyers Association. The Board approved the change at the May 2008 meeting. The CYLA governance structure was changed to achieve the vision of a fully engaged State Bar entity that would champion the interests and needs of new lawyers. In the restructure, the Board retained California Young Lawyers Association as the name and approved transitioning the selection of CYLA members from an election process to an appointment process. CYLA is expanded to 20 members with 9 seats reserved, one for each State Bar District, and the remaining seats appointed consistent with the State Bar's Appointments Policies and Procedures. The Board also approved that CYLA will elect one new lawyer representative to a voting seat on the Board of Governors.

Proposed Rule 6.9 would implement the policy for election of the CYLA member of the Board. A 30-day period of public comment is requested. The 30-day period will allow sufficient time to bring the rule back to the Board at the March 2009 meeting and for the rule to be in effect in time for the 2009 Board election cycle.

Board members with questions may contact Mary Yen at (415) 538-2369 or mary.yen@calbar.ca.gov or Patricia Lee at (415) 538-2240 or patricia.lee@calbar.ca.gov.

BACKGROUND

In order to achieve the vision of a fully engaged State Bar entity that would champion the interests and needs of new lawyers, at the May 2008 meeting the Board approved the following structural changes to the California Young Lawyers Association:

1. That CYLA and the State Bar take appropriate steps to transition selection of CYLA members from an election process to an appointment process, with 9 seats reserved, one for each State Bar District, and the remaining seats appointed consistent with the State Bar Appointments Policies and Procedures. Current members of the CYLA board will continue serving on the new entity until their current terms expire. The Board of Governors will fill the vacated seats through appointment.
2. CYLA will be expanded to 20 members, who are representative of the new lawyer constituents and who are interested in supporting the mission and charge of CYLA.
3. CYLA will convert the current CYLA bylaws into an official Mission and Charge, consistent with State Bar structure and format for other appointed entities, subject to Board of Governors approval.
4. CYLA will elect one new lawyer representative to a voting seat on the Board of Governors.
5. It will be understood that the current reference to new or young lawyers in all materials, rules, and procedures as "members" will refer to new and young lawyer "constituents," and changes to specific language will be made, as needed. The new lawyer "constituents" will be defined using the current criteria, e.g. attorneys age 36 and under or attorneys in practice for 5 years or less.
6. California Young Lawyers Association will retain its current name.

At the Board's September 2008 meeting, the Board converted the CYLA bylaws into a Mission and Charge for the new appointed entity.

The Board's action in providing that CYLA will elect one new lawyer representative to a voting seat on the Board is consistent with Business and Professions Code section 6013.4, which states in relevant part: "Notwithstanding any other provision of law, one member of the board [of governors] shall be elected by the board of directors of the California Young Lawyers Association, from the membership of that association. Such member shall serve for a term of one year, commencing at the conclusion of the annual meeting next succeeding the election..." The CYLA member of the Board can be any constituent, and need not be a member of the appointed governing body that continues to be called California Young Lawyers Association. It is proposed that Rule 6.9 would read as follows:

Rule 6.9 California Young Lawyers Governor

Subject to the supervision of the Board and the Secretary, the governing body of the California Young Lawyers Association (CYLA) must elect as a member of the Board of Governors one of its constituents. CYLA constituents are active members of the State Bar until their thirty-seventh birthday or the end of their fifth year of active status, whichever is later. Candidates for office are subject to the information provisions of rule 6.3 and must be a constituent at the time of taking office.¹

¹ Rule 6.3 of the State Bar Rules deals with Board candidate information. The information provisions of rule 6.3 require 1) biographic information including education, date admitted to practice, any public record of discipline and other information in the official membership records of

This agenda item requests authorization for a 30-day public comment period on a new State Bar Rule 6.9, which will implement the policy for election of the CYLA member of the Board. The 30-day period will allow sufficient time to bring the rule back to the Board at the March 2009 meeting and for the rule to be in effect in time for the 2009 Board election cycle.

FISCAL AND PERSONNEL IMPACT

There is no known fiscal or personnel impact.

BOARD BOOK/ADMINISTRATIVE MANUAL IMPACT

Tab 4 (Election and Appointment of the Board of Governors), Article 2 (Election of Attorney Members), Section 1 (Statutes and Rules): the substance of new rule 6.9 should be added at that location.

RULES AMENDMENTS

If adopted, new Rule 6.9 would be added to Division 1, Chapter1 of Title 6 of the State Bar Rules.

PROPOSED RESOLUTION

Should the Board Committee on Operations agree to authorize a 30-day public comment period for proposed Rule 6.9 of the State Bar Rules, the following resolution would be appropriate:

RESOLVED that the Board Committee on Operations authorizes for publication for a thirty-day comment period the proposed addition of new Rule 6.9 (California Young Lawyers Governor) to the Rules of the State Bar in the form attached; and it is

FURTHER RESOLVED that publication of the foregoing is not, and shall not be construed as, a recommendation of approval of the board committee.

the State Bar, and 2) a candidate to disclose membership in a club that discriminates in its membership policies on the basis of race, color, creed, national ancestry, sex, or sexual preference, but is not required to disclose the name of the particular club.