

AGENDA ITEM

NOVEMBER 701
**Appointment and
Election of 2009-2010
Vice President Richard
A. Rubin**

DATE: November 14, 2009
TO: Members of the Board of Governors
FROM: Office of the Executive Director/Secretary
SUBJECT: Appointment and Election of 2009-10 Vice President Richard A. Rubin

EXECUTIVE SUMMARY

The State Bar Act provides that the Board of Governors shall elect the officers of the State Bar -the president, vice presidents, and treasurer - before the annual meeting and that the newly elected officers assume the duties of their respective offices at the conclusion of the annual meeting. All Board members entering the third year of their term are eligible for appointment as vice president. The 2009-2010 vice presidents were appointed at the July 2009 Board of Governors meeting. At that meeting, Governor Richard A. Rubin should have been appointed as vice president but was not due to clerical error. This item provides for the election of Richard A. Rubin as vice president for the 2009-2010 Board year.

BACKGROUND

California Business and Professions Code section 6020 provides that the officers of the State Bar are a president, four vice presidents, a secretary, and a treasurer. (Cal. Bus. & Prof. Code § 6020). The Board of Governors elects the president, vice presidents, and treasurer for the ensuing year from among the board members at a meeting within the 270-day period before the annual meeting (Cal. Bus. & Prof. Code § 6021). The newly elected president, vice presidents, and treasurer assume duties of their respective offices at the conclusion of the annual meeting (Cal. Bus. & Prof. Code § 6021). Board procedure provides that the election of the vice presidents and treasurer and the selection of the secretary occur after the election of the president. (See Board Book, Tab 5, Art. 1, § 3b.)

Although not required by Cal. Bus. & Prof. Code § 6021, the vice presidents have been elected from among second-year board members who will be in the third and final year

of their terms when they assume office. At the conclusion of the 2009 Annual Meeting, Public Member Richard A. Rubin commenced the third and final year of his current term. Governor Rubin should have been elected and appointed as vice president at the July 2009 BOG meeting but was not due to clerical error.

RECOMMENDATION

Should the Board wish to follow its practice of electing those members of the Board who will be in the third and final year of their terms, it may nominate Richard A. Rubin in uncontested election to serve as vice president.

FISCAL / PERSONNEL IMPACT:

None.

RULE AMENDMENTS:

None.

BOARD BOOK/ ADMINISTRATIVE MANUAL IMPACT:

None.

PROPOSED BOARD RESOLUTION:

RESOLVED, that the Board hereby appoints and elects Richard A. Rubin as a 2009-2010 vice president of the State Bar of California, as noted below in the revised list of 2009-2010 vice presidents:

William N. Hebert
Rex Heinke
Paul A. Kramer, Jr.
Michael D. Marcus
Patricia P. White
Richard A. Rubin