

AGENDA ITEM

JANUARY 114
Government Affairs
Contract: Approval

DATE: December 11, 2009

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

FROM: Judy Johnson, Executive Director

SUBJECT: Wada Williams Law Group Contract for Government Affairs Representation: 2010

EXECUTIVE SUMMARY

This item seeks approval to renew for the remainder of 2010, the contract by which the State Bar obtains Government Affairs representation services from Wada Williams Law Group, LLP. The contract is for a three year period, renewable in one year increments and followed a Request for Proposals (RFP) competitive bidding process in 2008. 2010 is the final third year of the contract. This would normally be a staff renewal determination. But, due to fiscal constraints resulting from funding limitations in 2010, this is presented to the Board for review and approval. To facilitate Board consideration of this item and to assure continuity in Government Affairs representation, an interim renewal of the contract through February 28, 2010 was effectuated. The item before the Board is whether the contract is to be renewed for the remainder of 2010. As 2010 is the final third year renewal, an RFP process will be undertaken in 2010 for Government Affairs representation services beyond 2010.

RECOMMENDATION AND PROPOSED RESOLUTION

It is recommended that the Board authorize the State Bar to renew the Wada Williams contract for 2010, to expire December 31, 2010. The State Bar anticipates engaging in an RFP process in 2010 for Government Affairs services to be rendered thereafter. Providing that the Board concurs, the following resolution is recommended:

RESOLVED, that upon recommendation of the Board of Governors Operations Committee, the Board of Governors authorizes staff to renew the agreement between the State Bar of California and Wada Williams Law Group, LLP for government affairs representation services through December 31, 2010; and it is

FURTHER RESOLVED, that the terms of the agreement remain unchanged with the exception that charges for services rendered to the State Bar Sections may be renegotiated with the Sections; and it is

FURTHER RESOLVED, that the contract amount for which the State Bar's Board of Governors is liable, as opposed to the Sections, shall remain unchanged from the initial contract that is being renewed.

BACKGROUND

The State Bar's Government Affairs Office consists of two components. One is the non-advocacy component that provides technical assistance to the branches of government on legislation, rules, and other enactments that bear upon the legal profession, the practice of law, and the regulation of the practice of law in California. The State Bar provides a significant amount of research assistance, commentary, analysis and input to the branches of government and their various departments and agencies on these legislative, rule, and other initiatives. This component of the State Bar's Government Affairs Office is provided by regular staff employees of the State Bar currently housed in the San Francisco office. These activities are not included in this contract.

The second component of the Government Affairs Office consists of advocacy activities on the State Bar's legislative program that is approved by the Board of Governors. A primary component of this legislative program is the State Bar's fee bill authorizing funding for the agency. The State Bar also initiates and periodically supports non-ideological noncontroversial legislative proposals that enhance the administration of justice in California consistent with Business & Professions Code 6031 [Functions in Aid of Jurisprudence, Justice].

An entirely separate sub-component of the legislative advocacy program involves the State Bar's various Sections that also are active in the legislative process proposing and pursuing their own legislative agenda distinct from that of the State Bar's Board of Governors.

Both components of these advocacy activities are currently performed on an "outsourced" basis by the law and government affairs firm, Wada Williams Law Group, LLP. Wada Williams distinguishes between the Board of Governors' legislative agenda and the Sections' legislative activities as each is funded separately. Section activities are funded by non-mandatory voluntary Section membership fees paid by Section members unrelated to their annual attorney licensing fee. The State Bar's legislative agenda is funded by a special fund that allows members to subtract \$5 from their licensing fee if they do not wish to support the State Bar's legislative activities.

Consistent with the ruling *in Keller vs. The State Bar of California*, the State Bar's advocacy activities are all noncontroversial and non-ideological. As an added precaution, the \$5 deduction assures that no State Bar member is compelled to support any government affairs advocacy by the State Bar of California regardless of its nature.

In 2008, the manner in which the State Bar staffed the Government Affairs function was substantially reorganized. What had previously been an in-house staff function was divided. The non-advocacy technical assistance activities discussed above were retained in-house on staff. The advocacy function was "outsourced." A request for proposal (RFP) competitive bidding process was engaged in 2008. As a result of that process, the Wada Williams Law

Group was selected as the “best scoring proposer.” The RFP contemplated a three year commitment, renewable in one year increments for 2008, 2009 and 2010.

The Wada Williams firm bid for the Government Affairs work of both the State Bar’s Board of Governors and the Sections. The contract distinguishes the Section activities from the State Bar’s legislative activities. These services are separately billed and separately paid from separate funds, i.e. the Sections Fund vs. the Government Affairs Fund.

The current contract reflects a division of duties within Wada Williams for services rendered to the Sections and those rendered to the State Bar’s Board of Governors legislative program. \$13,500 is billed to the State Bar for legislative activities on a monthly basis. \$6,500 is billed monthly to the Sections for their legislative activities. These billings total \$240,000 per year, \$162,000 of which is for the State Bar’s legislative advocacy and the remainder is for the Sections. The contract also provides for costs incurred to be billed separately to the State Bar and to the Sections not to exceed the State Bar’s travel and reimbursement expense policy standards.

To facilitate consideration of this issue by the Board, the existing contract was renewed for an interim period through February 28, 2010 to assure continuity in Government Affairs representation. The issue before the Board is the extension of the contract through the end of 2010.

Attachment: ATT 1: The proposed contract