

AGENDA ITEM

MAY 111

Proposal from Redistricting
Subcommittee – Return from
Public Comment

DATE: May 4, 2010

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

FROM: Patrick M. Kelly, Chair, Board Redistricting Subcommittee

SUBJECT: Proposal from Redistricting Subcommittee –Return From Public Comment

EXECUTIVE SUMMARY

The Board of Governors created the Board Subcommittee on Redistricting (“Subcommittee”) to recommend a redistricting proposal for election of members of the Board of Governors. The members of the Subcommittee are Lowell Carruth, Joseph Chairez, Patrick Kelly, Wells Lyman, Richard Rubin, and Patricia White. The Subcommittee met three times following its presentation at the Board’s March meeting and, as directed by the Board, considered several redistricting scenarios that do not require any legislative amendments. All members of the Board were given notice of the Subcommittee’s meetings and copies of all materials considered by the Subcommittee were made available. On March 29, 2010, the Subcommittee recommended a proposed redistricting plan and the Board Operations Committee released this proposed plan for a 45 day public comment period. To date, one comment has been received. Staff will present any additional comments received between now and the close of comment to the Board.

The Subcommittee’s recommended plan includes amendments to State Bar Rule 6.30, which would change the counties making up current State Bar districts 2, 3, 4, 5, 6, 8 and 9, as well as the number of elected seats in the current sequence for the staggered election of 5 of the 15 district representatives every three years to conform with how the seats are reallocated under the proposal.

This item recommends that the Board Operations Committee recommend that the Board of Governors adopt the proposed redistricting plan.

BACKGROUND

The 23 members of the Board of Governors include 15 lawyer-members who are elected from 9 State Bar districts. The Legislature established this structure for the election of lawyer-governors in 1933. (Stats. 1933, ch. 430, § 1, pp. 1087-1088.)

In 1989, these statutes were amended. The Legislature repealed the provisions specifying the counties and representatives included in each district. Instead, beginning on July 1, 1990, and every 10 years thereafter, the Board is required to adopt a redistricting and reapportionment plan that would improve equity in the distribution of the 15 elected governors to the lawyer population in each district except District 1. (Bus. & Prof. Code § 6012.5.) In March, the Subcommittee recommended and the Board Operations Committee released for public comment proposed amendments to the Rules of the State Bar, title 6, division 1, chapter 3 which comprise a redistricting plan to comply with the directive of section 6012.5.

THE SUBCOMMITTEE'S PROPOSAL

The Subcommittee recommends an amendment to State Bar Rule 6.30, which would adjust the districts and number of Governors assigned to each seat as follows:

- District 2 loses Alpine, Amador, Calaveras, El Dorado and Tuolumne
- District 3 loses San Mateo and Santa Clara and one governor
- District 4 adds San Mateo
- District 5 adds Alpine, Amador, Calaveras, El Dorado, San Luis Obispo, and Tuolumne
- District 6 loses Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura and adds Santa Clara
- District 7 loses one governor
- District 8 adds Santa Barbara and Ventura and one governor
- District 9 adds Riverside and San Bernardino and one governor

The Subcommittee also recommends adoption of a new State Bar Rule 6.32 which would adjust the sequencing for election of governors to accommodate the movement of governors to new districts as follows:

- In 2011, under the existing sequence, one governor will be elected from Districts 4, 6 and 8 and two governors will be elected from District 7. In order to incorporate the change that moves one governor from District 7 to District 9, Rule 6.32(A) would provide that, beginning in 2011 and every following third year, one governor would be elected from State Bar Districts 4,6,7,8 and 9.
- In 2012, under the existing sequence, one governor will be elected from State Bar Districts 1,3,5,7 and 9. In order to incorporate the change that moves one governor from District 3 to District 8, Rule 6.32(B) would provide that, beginning in 2012 and every following third year, one governor would be elected from State Bar Districts 1,5,7,8 and 9.

- New Rule 6.32 (C) retains the current sequence that in 2012 and every following three years, one governor is elected from State Bar Districts 2, 3 and 4 and two governors are elected from State Bar District 7.

The Subcommittee recommends this proposal to address equity issues that have arisen since 1990 when the State Bar Districts were last redrawn. The membership of the State Bar has increased significantly in the last 20 years, with the largest shifts in Southern California. Because of these changes, there is currently a 74.1 percent total deviation from ideal equity in the current distribution of elected governors to lawyer population in the districts.

Population data shows Districts 8 and 9 have nearly twice as many attorney members per governor as District 5. Any plan increasing equity will tend to shift representation towards Southern California and away from the Central Valley, Los Angeles and portions of the Bay Area.

Under the proposed plan, deviation would be reduced to 38.6 percent. While two other scenarios considered by the Subcommittee provided for a larger reduction in deviation, both required that San Mateo County be moved to District 5. This created community of interest concerns as San Mateo clearly identifies with the Bay Area while District 5 is largely a Central Valley district.

The proposed redistricting plan keeps San Mateo in the Bay Area pool while bringing District 5 as close to equity as possible without adding any Bay Area counties and keeping the district contiguous.

PUBLIC COMMENT

The proposed amendments to the State Bar Rules were released for a 45 day public comment period, which closes on May 14, 2010. To date only one comment has been received. That comment is from Thomas Pokladowski. He states that if there is value in keeping District 5 contiguous, then it does not make sense to add Santa Barbara and Ventura counties to District 8.

Staff will present any additional comments received between now and the close of comment to the Board.

RECOMMENDATIONS

The Subcommittee recommends that the Board Operations Committee recommend that the Board of Governors adopt the proposed redistricting plan by adopting the proposed amendment to State Bar Rule 6.30 and adopting new Rule 6.32.

FISCAL IMPACT

None.

RULE AMENDMENTS

State Bar Rule 6.30.

BOARD BOOK IMPACT

Tab 4, Article 3.

PROPOSED RESOLUTIONS

Board Committee on Operations

Should the Board Committee agree with the Subcommittee's recommendation, adoption of the following resolution would be appropriate:

RESOLVED, that following public comment the Board Committee on Operations recommends that the Board of Governors adopt amendments to State Bar Rule 6.30 and adopt new State Bar Rule 6.32, in the form attached.

Board of Governors

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

RESOLVED, that upon recommendation of the Board Committee on Operations, the Board of Governors hereby adopts amendments to State Bar Rule 6.30 and adopts new State Bar Rule 6.32, in the form attached, effective immediately.

Attachments:

A: Proposed Amendments to Rules of the State Bar, Title 6, Division 1, Chapter 3, to amend Rule 6.30 and to add new Rule 6.32