

PROPOSAL FROM REDISTRICTING SUBCOMMITTEE RETURN FROM PUBLIC
COMMENT -- MAY 111
ADDITIONAL SUMMARY OF PUBLIC COMMENTS

The following public comments were received on May 14, 2010. They are in addition to the 10 comments and summaries posted on the Board's website regarding May 111.

11. Public comment from San Bernardino County Bar Association dated May 13, 2010: The Executive officers of the San Bernardino County Bar Association ("SBCBA") consulted with their Board of Directors and membership. They urgently oppose the redistricting proposal and request that the Board of Governors not adopt the proposed plan. Thomas W. Dominick, the President of the SBCBA, wrote on behalf of the Association to express its concerns. Mr. Dominick states that if the proposed changes are adopted, the lawyers who practice in San Bernardino and Riverside counties will very likely never have an attorney elected to the Board of Governors, absent some agreement between the counties. He notes that there are 2,206 active members in San Bernardino County and 2,963 active members in Riverside County, compared to 14,306 active members in San Diego County. He notes that even with the "Gentlemen's Agreement" currently in place in District 6, in the last 53 years only 3 attorneys from the San Bernardino legal community have been elected to the Board of Governors. He notes that Jim Heiting, from Riverside County, was elected to the Board and as State Bar President and questions whether that would be possible under the new proposal. He stresses that the Inland Empire has its own unique issues regarding extreme court overcrowding that require attention. He explains that the SBCBA is the oldest continuously active bar association in the State of California, consisting of members that want to lead at both the local and state level. He urges the Board to vote against the proposed plan so that their members can continue to have a voice on the Board of Governors.

12. Public comment from the Riverside County Bar Association dated May 14, 2010: Harry J. Histen, President of the Riverside County Bar Association ("RCBA"), wrote on behalf of the RCBA's Board of Governors, to urge the Board of Governors to reject the proposed redistricting plan in favor of one that recognizes the needs of inland counties. He notes that because they are some of the fastest growing counties, Riverside and San Bernardino have been hardest hit with court congestion. He encloses a chart from the Judicial Council assessing judicial workload that illustrates this congestion. He stresses the importance of having a representative on the Board of Governors from the Inland Empire to address their unique issues and urges the Board to adopt a redistricting plan that guarantees the inland counties at least 10% of the vote on the Board of Governors.

13. Public comment from the San Diego County Bar Association dated May 14, 2010: Patrick L. Hosey, President of the San Diego County Bar Association ("SDCBA") wrote on behalf of the Association to express their support for the proposed redistricting plan.

14. Public comment from the Ventura County Mexican American Bar Association dated May 14, 2010: The Ventura County Mexican American Bar Association (“VCMAB”) resolved by consensus to join the Ventura County Bar Association’s opposition to the redistricting proposal. Jessica Arciniega, the President of the VCMAB, wrote on behalf of the Association to express their concerns. She notes that the State Bar has made tremendous strides in keeping diversity and equal access at the forefront of the legal profession in California. The VCMAB shares this commitment to diversity and feels that the current proposal to move Ventura County in the district where Orange County is located will only serve to dilute their voice and representation at the state level.

15. Public comment from M. Carmen Ramirez dated May 14, 2010: Ms. Ramirez’s office is in Oxnard in District 6. She served on the Board of Governors from 2006 through 2008. She writes in opposition to the redistricting proposal stating that adoption of the proposal will effectively end any possibility of attorneys from either Santa Barbara or Ventura to have a representative on the Board in the future. She notes that while there is some geographic distance between the counties in District 6, the lawyers have built up a working relationship and rotate representation so that all aspects of the District are represented. She notes that the geographic distance between Orange County and District 6 will make it difficult for an elected Governor to represent the interests of constituents. She stresses the importance of a Governor actually being able to meet with lawyers in his or her district, not just communicate electronically. She asks the Board to vote against the proposal because it is unrealistic and will result in Ventura and Santa Barbara being unable to elect another representative to the Board.

SAN BERNARDINO COUNTY BAR ASSOCIATION

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May 13, 2010

Pat Bermudez
State Bar of California
Office of General Counsel
180 Howard Street
San Francisco, CA 94105

RECEIVED
MAY 14 2010
OFFICE OF OGC

**Re: Proposed Redistricting/Amendment to Rules of the State Bar, Title 6, Division 1
Chapter 3, to amend Rule 6.30 and to add new Rule 6.32**

Dear Ms. Bermudez:

The Executive Officers of the San Bernardino County Bar Association, after consulting with the Board of Directors and general membership, hereby request that the Board of Governors not adopt the proposed redistricting and aforementioned rule changes. We cannot express to you with greater urgency our opposition to this proposal.

If the proposed changes are adopted and San Bernardino and Riverside Counties are moved to District 9 with Imperial and San Diego Counties, the lawyers who practice and live in San Bernardino and Riverside Counties will very likely never have an attorney elected to the Board of Governors, absent an agreement between the Counties.

As of today, there are 2,206 active Bar members in San Bernardino County and 2,963 active members in Riverside County. In San Diego County, there are approximately 14,306 active members. Needless to say, any candidate for the Board of Governors from either San Bernardino or Riverside County would have to campaign and elicit, at great expense and time, the votes of members of the bar from San Diego County. Frankly, that is a daunting prospect especially in light of recent history.

We have done an exhaustive review of our records, revealing that since 1957, a period of 53 years, only three members of the San Bernardino County legal community have been elected to the Board of Governors. Those three are John Lonergan, who served from 1957 to 1960; John B. Surr, who served a term in 1969; and George Porter, the last Governor elected to the Board of Governors from our County, who served a term through 1996. For the past 50 years, it has been extremely difficult for lawyers who want to serve at the State Bar level to be elected from the Inland Counties (San Bernardino and Riverside).

Riverside County attorney James Otto Heiting was elected to the Board of Governors in 2002 and President of the State Bar in 2005. The lawyers who practice and reside in both San Bernardino and Riverside Counties took great pride in his accomplishment. In the four years that Jim served at the State Bar level, those of us from the Inland Empire appreciated having a voice and an advocate of our local issues at the State Bar level. We recall with great fondness and pride all the efforts Jim undertook for not only the lawyers in the Inland Empire but for lawyers throughout our great State. **With the proposed redistricting, one has to ask whether or not Jim could have been elected to the Board of Governors.**

We understand the Bar's position in regards to the ideal attorney member to governor ratio (12,724 to 1). By placing the Inland Counties with San Diego County, with two governors, the attorney member to governor ratio would be 11,868 to 1. While that number is within an acceptable ratio percentage, it does not consider the make up of the percentage. Absent an agreement with the San Diego County Bar Association and its members, it would be almost impossible for any candidate from the Inland Counties to be elected. Even with an informal agreement in place, wherein San Bernardino and Riverside Counties and Imperial County could rotate one seat every three years, that would not prevent more than one candidate from San Diego county running who would likely gather the support of San Diego lawyers.

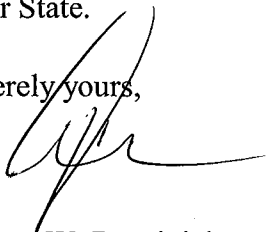
While a Board Governor serves for statewide issues, each region of our great state, from county to county, has its own unique issues that require attention. For example, here in the Inland Empire, due to court overcrowding and the heaviest caseload per Judge in the State, lawyers often find matters delayed, continued or not heard in a timely manner. This is a great concern for our local lawyers as it denies our clients access to our justice system. While this is a problem in many counties, nowhere is the problem more prevalent than in San Bernardino and Riverside Counties. If this area does not have a voice at the State level to address these serious concerns, then we as a legal community fail in our oath to promote equal justice for all.

We realize there are no easy answers to redistricting. Even as District 6 is currently laid out, it is extremely difficult for our district Governor to travel from the coastal counties to the Inland Empire. While we would agree that it is a formidable task, it is one that was accomplished by former Governors Michael Case, George Porter, Jim Heiting and Carmen Ramirez.

Lastly, please allow us to give you one last historical perspective about the San Bernardino County Bar Association. Our Bar Association is the oldest continuously active Bar Association in the State of California. We, and our entire membership, take great pride in that fact. As a Board, we have worked on behalf of not only our membership, but all of the lawyers and citizens of our great State. We have lobbied State officials in Sacramento for increased monies for court facilities and increased judgeships. We are a Bar consisting of individuals that want to lead not only at the local level, but the State level, as well. If the State Bar approves the redistricting, that decision will make it extremely difficult for our emerging leaders to reach, let alone succeed, at the State level.

In conclusion, on behalf of the San Bernardino County Bar and Board of Directors, we urge you to consider and honor the wishes of our organization so that we may have an opportunity to serve all of those in our State.

Sincerely yours,

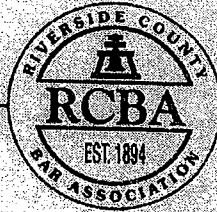


Thomas W. Dominick
President, San Bernardino County Bar Association

cc: Howard B. Miller, Esq.
State Bar President
hmiller@girardikeese.com

Riverside County Bar Association

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May 14, 2010

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RE: Proposed Redistricting/Amendment to Rules of the State Bar, Title 6, Division 1 Chapter 3, to amend Rule 6.30 and to add new Rule 6.32

Dear Ms. Bermudez:

On behalf of the Riverside County Bar Association's Board of Directors, I urge the members of the State Bar's Board of Governors to reject the proposed redistricting in favor of one that recognizes the needs of inland counties.

This past December, State Bar President Howard Miller spoke to a joint meeting of the Riverside/San Bernardino County Bars. In his address, he pointed out that California is split into two increasingly divisive factions — the coastal counties and Inland counties. The inland counties share problems and concerns that differ from those of the coastal counties.

In 1997, the legislature passed and the Governor signed the historic trial court funding legislation. In Government Code §77100 the legislature found and declared that all citizens of this State should enjoy equal and ready access to the trial courts. Section 77202(a) ordered "...equal access to the courts state-wide..." Equal access has not come to pass. The fastest growing counties, such as Riverside and San Bernardino, have been hardest hit with court congestion.

I enclose a simple chart from the Judicial Council's October 8, 2008 report assessing judicial workload assessment. The need — shown in percentages — demonstrates the problem. I have taken the liberty of highlighting the percentage need of six counties having a judicial officer shortage greater than 30%. (Even those figures are misleading in that the denominator in their equation utilizes the number that they should have. For example, the chart shows that Riverside County needs a 41.8% increase to satisfy its need of 142.5 judges. When compared against the 76 (58 judges and 18 commissioners, in 2007 as well) that we actually have, there is a need for an 87.5% increase.

This drastic situation has not occurred through evil machinations. It is simply the result of the more affordable housing in the areas outside of the major metropolitan cities and hence, rapid growth. This has come during a period in

Pat Bermudez
State Bar of California
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which the State has experienced two drastic economic downturns. Yet, very little attention or input is received from the Inland counties.

My long experience with the Bar is that the Board of Governors in particular is made of honorable lawyers and public members, as would be expected of people who give freely of their time. Human nature tells us that even the most honorable people will be more aware of their own problems than those of distant others. Just as in Henry Fonda's *Twelve Angry Men*, I believe that one or two representatives from the Inland counties will provide a sufficient nudge to keep their interest in the forefront.

Another issue that I encounter throughout the State, is that Riverside County has a problem because its District Attorney pursues unique policies that congest the courts. Our court's difference with the decisions of a county constitutional officer is not unusual. The simple fact is that no two lawyers would become precisely the same District Attorney and make the same filing and cases resolution choices. Even so, were Riverside County awarded the judicial officers to which it is entitled, most of our total criminal case load could be satisfied by just the new judges the Judicial Council would grant us.

The RCBA has no interest in questioning the needs of other counties — they have real needs. Yet, ours needs are pressing. The 2007 – 2008 AOC records show that Riverside's 76 (58 judges) judges tried 1,059 jury trials. San Diego's 154 (less commissioners) judges tried 1,110 in the same period.

I urge you to modify the redistricting proposal to provide for a districting that guarantees the inland counties, collectively at least 10% of the vote on your Board.

Respectfully yours,



HARRY J. HISTEN, President
Riverside County Bar Association

HJH:df



SAN DIEGO COUNTY BAR ASSOCIATION

May 14, 2010

Pat Bermudez
The State Bar of California
Office of General Counsel
180 Howard Street
San Francisco, CA 94105

Re: Public Comment regarding the proposed Redistricting and Reapportionment of State Bar Districts

Dear Pat Bermudez:

This letter constitutes the San Diego County Bar Association's response to The State Bar of California's Request for Public Comment on the amendment of State Bar Rule 6.30 and New State Bar Rule 6.32.

The SDCBA supports the proposed rules and is in favor of adjusting the seats in District 9.

Sincerely,

Patrick L. Hosey, President
San Diego County Bar Association

CC: Ellen Miller
Wells Lyman

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May 14, 2010

SENT VIA EMAIL AND U.S. MAIL

Howard B. Miller, President
State Bar of California
Girardi & Keese
1126 Wilshire Boulevard
Los Angeles, CA 90071

Re: *Redistricting and Reapportionment of State Bar Districts*

Dear President Miller:

I serve as President of the Ventura County Mexican American Bar Association. I am writing to you today on behalf of the Association to voice our organization's opposition to the proposal to redistrict Districts 6 and 8.

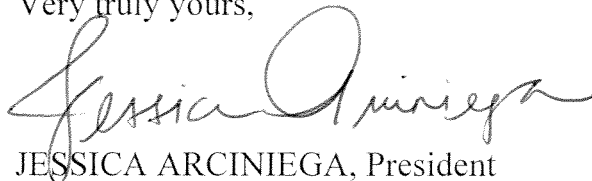
The Ventura County Mexican American Bar Association has existed for well over 30 years in our County. Our current membership is comprised of attorneys who practice in a wide variety of areas and who range from those who have practiced for more than thirty years to newly admitted attorneys. Law students and members of our community also participate actively in our Bar Association. Our Bar Association is committed to the advancement of the legal profession and the empowerment of the Latino community through advocacy and the promotion of equal justice.

We know that the State Bar has made tremendous strides in keeping diversity and equal access at the forefront of the legal profession in California. Part of that effort is comprised of our representation at the table of the Board of Governors. The Board of Governors makes decisions on important and critical policy that impacts our profession and the public. At our Bar Association's meeting on May 7, 2010, it was resolved by consensus to join the Ventura County Bar Association in its opposition to the proposal to

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May 14, 2010
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redistrict Districts 6 and 8. Our organization is extremely aware of the importance of diverse representation. The current proposal to move Ventura County into the district where Orange County is located will only serve to dilute our Bar Association's voice and our representation at the state level. Therefore, our Bar Association is against the redistricting proposal.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jessica Arciniega". The signature is fluid and cursive, with a large initial "J" and "A".

JESSICA ARCINIEGA, President
Ventura County Mexican American Bar Association

M.Carmen Ramirez
Attorney At Law
2081 N. Oxnard Blvd., #150
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(805) 216-7362 ramirezmcarr@gmail.com

Via Electronic Transmission and U.S. Mail

May 14, 2010

Howard Miller, President
Girardi & Keese
State Bar of California
1126 Wilshire Blvd.,
Los Angeles, CA 90071
Attention: Pat Bermudez

Re: Redistricting and Reapportionment of State Bar Districts

Dear President Miller,

Greetings from Ventura County. I am writing in opposition to the current proposal for Redistricting and Re Apportionment which, among other changes would place Ventura and Santa Barbara Counties into Orange County's district. This proposal will effectively end any possibility of attorneys from either Ventura or Santa Barbara to have a district governor in the future.

It is patently impossible for the interests of lawyers from Orange County a heavily populated, urban area, many miles from the lawyers of semi-rural Ventura and Santa Barbara Counties to be represented by a governor from Orange County.

To expect that the attorneys of Orange County would voluntarily choose a representative from an unknown and inaccessible county miles and hours away is fantasy. For example, from the Ventura County Courthouse in Ventura to City Hall in Santa Ana, it is almost 100 miles and more than a two hour trip by car, during off hours. (I also note that it is more than 190 miles from the City of Santa Maria to the City of Santa Ana, and a 3 and ½ hour trip by car, if traffic cooperates.) There is no realistic way to have the communication and interchange necessary for an elected member of the Board of Governors to truly represent the interests of his or her constituents when faced with this real and physical obstacle of time and distance.

As you may recall, I served from 2005 until 2008 as the representative from District 6 on the Board of Governors. While it was not a simple task to communicate with constituents from Riverside and San Bernardino and the three coastal counties, it was a possibility. We previously had a working agreement among all five counties to rotate the representation among the counties and it worked well. We did have governors, myself included, who reached out to all of the counties, during their terms and did take into consideration the needs of these counties. Each county's attorneys in general believed that their turn would come and indeed it did.

Although our current District 6 Governor appears to make light of the need to communicate with and visit his constituents, it is a fact that reaching out to the lawyers you represent is necessary and a requirement of the position governors are elected to. One should not simply wait for a text message or a "tweet" to find out what your constituents are concerned about in the practice of their profession. One must meet with Bar Associations in the district and their memberships. One must be responsive and take into account the particular needs and concerns of one's constituent members that will be dealt with by the State Bar of California.

This is an unrealistic proposal as currently stated. Ventura and Santa Barbara will not be able to vote a representative to the Board ever again should it come to pass. Please do not approve this proposal. Thank you for your consideration.

Sincerely,

M. Carmen Ramirez

E-c: Pat Bermudez, State Bar of California
All members of the Board of Governors
Judy Johnson, Executive Director, State Bar of California.