Recommendation regarding request from the California Lawyers Association for Representation in the House of Delegates

The Credentials and Admissions Committee recommends that the California Lawyers Association be admitted into the ABA House of Delegates as the secondary state bar of California and that it receives five of the State Bar of California’s current eleven delegates as follows:

- At the conclusion of the 2019 Annual Meeting, the CLA will be eligible to certify three of the State Bar of California’s current delegate seats for two-year terms that would expire at the conclusion of the 2021 Annual Meeting;

- At the conclusion of the 2020 Annual Meeting, the CLA will be eligible to certify two of the State Bar of California’s current delegate seats, including its one young lawyer seat, for two-year terms that would expire at the conclusion of the 2022 Annual Meeting.
In October 2017, California enacted a new law, Senate Bill 36, mandating that the State Bar of California ("SBC") spin off its sections into an independent voluntary bar association, while retaining its licensing and discipline functions. The statute directed the SBC to enter into a memorandum of understanding with the new organization regarding the terms of separation and the transfer of the functions and activities of the existing bar sections.

Under that memorandum of understanding, the former Sections of the SBC became the California Lawyers Association ("CLA") on January 1, 2018. The California Young Lawyers Association ("CYLA") is part of the CLA (See Appendix I). The CLA’s stated mission is, “Promoting excellence, diversity and inclusion in the legal profession, and fairness in the administration of justice and the rule of law.”

On October 26, 2018, the CLA’s President and Vice President, both of whom are ABA members, wrote the Chair of the House of Delegates Credentials and Admissions Committee petitioning for the CLA’s admission to House. The petition proposed that the House admit the CLA as the secondary state bar in the California Delegation and allocate to it five of the eleven delegate seats currently held by the SBC. One of the CLA’s seats would be for a young lawyer delegate. The petition included a copy of the CLA’s bylaws.

The petition reported that the CLA has approximately 50,000 members, and an additional 50,000 CYLA members. It emphasized that the CLA had placed a high priority on developing a productive relationship with the ABA and pledged the organization’s support for the ABA’s goals of furthering the practice of law, enhancing justice, diversity, and the rule of law, and protecting the public. The CLA stated that its admission to the House would facilitate a close relationship and benefit both organizations.

On October 30, 2018, the SBC’s Executive Director and the President of its Board of Trustees wrote the Chair of the Credentials and Admissions Committee to “support wholeheartedly” the CLA’s petition for representation in the House, including the proposal to transfer five of the SBC’s eleven delegates to the CLA (See Appendix II). The letter stated that, “Such a split of the state-wide delegation recognizes that both the State Bar and CLA should be represented in the American Bar Association House of Delegates to ensure full and fair representation of the interests of California attorneys on the range of issues that span both organizations.” The letter also noted that the SBC “has been impressed with CLA’s accomplishments and outreach in its first year and looks forward to collaborating with CLA going forward on a range of initiatives, including in the American Bar Association House of Delegates.”

The House Committee on Credentials and Admissions met by conference call to review the CLA’s petition and credentials. The Committee determined that three other states have two recognized state bars (District of Columbia, North Carolina, and Virginia). In all three instances, the mandatory state bar and the secondary state bar shared the
delegates allocated to the state bar under Section 6.4 of the ABA’s Constitution. Based on the CLA’s 50,000 active and resident lawyer members of which 10,032 are ABA members, the Committee determined that the CLA meets the threshold set by Section 6.4 for state bar representation in the House. Therefore, the Committee recommends that the House approve the CLA’s request to be admitted into the House as the secondary state bar of California and that it receive five of the SBC’s current eleven delegates as follows:

- At the conclusion of the 2019 Annual Meeting, the CLA will be eligible to certify 3 of SBC’s current delegate seats for two-year terms that would expire at the conclusion of the 2021 Annual Meeting;

- At the conclusion of the 2020 Annual Meeting, the CLA will be eligible to certify 2 of SBC’s current delegate seats, including its one young lawyer seat, for two-year terms that would expire at the conclusion of the 2022 Annual Meeting.

This recommendation would allow the CLA to have its own delegates representing the organization in the House. It would increase the number of state bar associations represented in the House, but would not increase the number of seats in the California delegation.
October 26, 2018

Via Express Mail and Electronic Mail

Eileen Letts, Chair and Members of Credentials and Admissions Committee
American Bar Association House of Delegates
321 North Clark Street
Chicago, Illinois 60654

Re: Petition for Admission of California Lawyers Association to American Bar Association House of Delegates and Split of California Delegates Currently Allocated to the State Bar of California

Dear Chair Letts and Members of the Credentials and Admissions Committee of the American Bar Association House of Delegates:

Pursuant to California Senate Bill 36 ("SB 36"), the Sections of the California State Bar and the California Young Lawyers Association ("CYLA") were split off from the State Bar of California, becoming the California Lawyers Association ("CLA"). In essence, the State Bar retained its licensing and discipline functions while turning over its former professional association functions to the CLA as of January 1 of this year.

Even prior to separation, the State Bar had agreed in a Memorandum of Understanding to support representation of the CLA in the American Bar Association House of Delegates. And post-separation, the CLA has been hard at work rebuilding ties with the American Bar Association, bringing a deep appreciation for the work of the American Bar Association and a desire to contribute meaningfully to that work as the second largest bar association in the Nation.

As the first President and Vice-President of the CLA, it is our distinct pleasure to petition the American Bar Association House of Delegates for representation in the House pursuant to an agreement reached with, and with the support of, the California State Bar. Per that agreement, five of the eleven delegates appointed by the State Bar of California would be transferred to the CLA, including the young lawyer delegate. By petitioning to split the delegation between the California State Bar and the CLA, California’s interests, and ability to contribute meaningfully to the important work of the American Bar Association, will be preserved and enhanced. As always, the California Delegation would continue to be represented by the elected State Delegate, Laura V. Farber, who supports this petition.

I. INTRODUCTION

Launching on January 1, 2018 in accordance with SB 36, the CLA was formed pursuant to that legislation as a new 501(c)(6). The CLA has approximately 50,000 members and an additional 50,000 CYLA members. We have a mission of promoting excellence, diversity and inclusion in the legal profession, and fairness in the administration of justice and the rule of law.
II. HISTORY AND ACTIVITIES OF THE CLA

Post separation, we have reinvigorated activities that the Sections conducted previously, to re-build our close ties with different organizations, and to work closely with the Chief Justice of the California Supreme Court.

A. Rebuild and Deepen Ties with State, Local, and Affinity Bar Organizations

Early on, we continued to work closely with the California State Bar, and establish lines of communication, to support its goal of public protection and to fulfill our own mandate of providing low-cost and no-cost CLE education. In particular, Emilio was appointed to be the first liaison to the California State Bar, attending the California State Bar’s Board of Trustees meeting, reporting back to the CLA, and helping develop points of collaboration. In conjunction with that role, Emilio worked with the California State Bar to reach the agreement by which the California State Bar is supporting this petition.

Furthermore, we stepped into the role previously undertaken by the California State Bar to increase the dialogue and collaboration among different local and affinity bar organizations in California. To that end, CLA hired Ellen Miller-Sharp, who was the previous Executive Director of the San Diego County Bar Association and previously worked for the American Bar Association and the California State Bar, as our new Director of Bar Collaboration and Special Initiatives. We envision that CLA will facilitate bringing together the various metropolitan, specialty, and affinity bar organizations in California to offer education, generally collaborate with each other to meet the highest standards in the profession, and provide thoughtful advocacy, including through the American Bar Association House of Delegates.

B. Assist the California Legislature and the Initiatives of the Chief Justice of the California Supreme Court in Providing Thought Advocacy and Support

For decades, many of the CLA Sections have provided substantive and technical support to the California Legislature in their state practice areas. The CLA not only has continued that support but also has engaged in thoughtful and general advocacy on legislation of concern to the legal profession as a whole in California involving the practice of law and the administration of justice. For example, just this year, CLA supported legislative efforts to bring more international arbitrations to California as a way of deepening the practice of international law consistent with the protection of the public and promoting California as an international hub for arbitration.

CLA is also moving forward to support the initiatives and legislative agenda of the Chief Justice of the California Supreme Court and the California Judicial Council to ensure the smooth running of the court system and the further development of the legal profession and the rule of law. For example, CLA was invited by the Chief Justice to participate in the statewide Civic Education initiative, originally launched in 2013, to give students the knowledge, skills, and interest necessary to participate meaningfully in civic life.
In this respect, CLA looks to the American Bar Association, and its nationwide activities with Congress and the judiciary, as a model for its own efforts on the state level. And CLA participation in the American Bar Association House of Delegates would be an important complement to our providing thoughtful advocacy on initiatives of import to the profession as a whole in California.

C. CLA Initiatives

CLA has launched three association-wide initiatives, consistent with its mission statement, and all supported robustly by an army of volunteers and the new CLA Director of Bar Collaboration and Special Projects. Those initiatives are as follows:

1. Diversity, Equity, & Inclusion.
3. Civic Education (discussed above).

With regard to diversity, CLA is working on further diversity in its own leadership and in the legal profession as well as exploring how it can support and further diversity in the pipeline for law school students, thereby best serving Californians who need legal services. And with regard to Access to Justice and Pro Bono, CLA has been engaged in active dialog with stakeholders across the state, as well as the State Bar and the American Bar Association, to determine how CLA and its 100,000 members can support and deepen efforts to ensure public access to critical legal services.

D. General CLA and Specific Section Educational and Networking Activities

The CLA, and its Sections, conduct general and specific educational and networking activities of great import to the practice of law and protection of the public. The CLA just finished its Annual Meeting in San Diego, the theme of which was Shaping the Future for all California Lawyers, offering outstanding CLE programming, two keynote luncheons, awards, receptions and more, including the participation of the American Bar President, Bob Carlson.

In 2019, the CLA will not only have its second Annual Meeting in Monterey (as the CLA as it has held Annual Meetings under the California State Bar for over 80 years) but also will hold its first Solo and Small Firm Summit under CLA aegis (though the Summit has a long history under the California State Bar). The Summit will present programming most relevant to solo and small firms across the state, with an expected emphasis on technology-based practices, issues, and solutions. As part of the Summit, CLA used the connections Emilio developed at the ABA’s own Annual Meeting to initiate a discussion about the participation of the ABA Cybersecurity Legal Task Force in the Summit and is working to develop other partnerships to enhance the success of the Summit.

The individual Sections have continued to conduct specific educational and networking activities post-separation for the benefit of their members and to meet the mission of CLA itself. A few examples of the myriad of activities conducted by the individual Sections follow:
1. The Environmental Law Section is holding its flagship event this month in Yosemite, which is the largest and most prestigious gathering in California of leaders in environmental, land use, and natural resources law.

2. The International Law Section successfully invited foreign law delegations from Malaysia; Vietnam; Marseille, France; Osaka, Japan; and Mexico to attend the Annual Meeting and exchange diverse viewpoints as to the practice of law and the furtherance of the rule of law.

3. The Law Practice Management and Technology Section held its first ever in-person Legal Technology Summit in San Diego, including the attendance of Associate General Counsel for Microsoft, and co-sponsoring legal technology conferences with local bar associations and law schools.

4. The Public Law Section hosted its third annual Public Records and Open Meeting Law at UCLA School of Law.

5. The Taxation Section held a meeting at the Eagle Lodge to work with state taxing agencies to identify technical areas of the law that require clarification for improvement to benefit taxpayers and tax administration in California and will be holding its own Annual Meeting in November of 2018.

6. The Trusts and Estates Section held an Educating Seniors Program, which provides critical information to attorneys, judges, medical experts, and senior organizations so as to help dependent adults to avoid frauds and scams. It is working with local bar associations to replicate this program in different counties.

Other sections with very active programs and activities include Intellectual Property, Labor & Employment, Solo & Small Firm, Criminal Law, Workers Compensation, and the California Young Lawyers Association. Emilio had the pleasure of attending the American Bar Association’s Section Officers Conference on behalf of CLA to further develop ties between CLA’s Sections and the individual Sections of the American Bar Association. CLA strongly believes that membership in the American Bar Association’s House of Delegation will further allow the development of the Section-to-Section ties.

III. PETITION FOR REPRESENTATION IN THE AMERICAN BAR ASSOCIATION HOUSE OF DELEGATES

CLA places great importance on developing its relationship with the American Bar Association. Together, we can further the practice of law, enhance justice, diversity, and the rule of law, and protect the public. To that end, CLA greatly desires representation on the policy-making body of the American Bar Association, the House of Delegates and looks forward to playing a constructive role in the debate and passage of resolutions on the myriad range of issues impacting the profession as well as the governance of the American Bar Association itself. See, e.g., American Bar Association, Resolutions with Reports to the House of Delegates, 2018 Annual Meeting (Aug. 6-7, 2018), https://www.americanbar.org/content/dam/aba/administrative/house_of_delegates/ebook-of-resolutions-with-reports/2018_annual_electronic_resolution_book.pdf. Accordingly, pursuant to its agreement with the State Bar of California, the CLA submits this Petition to the House of Delegates to re-allocate five out of the eleven delegates allocated to the California State Bar to CLA.
Accompanying the email transmission of this petition is a spreadsheet with the list of CLA members, and their State Bar numbers, of CLA (excluding CYLA), which CLA understands will be reviewed confidentially by staff of the American Bar Association for compliance with the rules governing the apportionment of representatives in the House of Delegates. If there are any questions, please do not hesitate to contact us.

Sincerely,

Heather L. Rosing  Emilio Varanini
President, California Lawyers Association  Vice-President and American Bar Association
Liaison, California Lawyers Association

cc:  Leah T. Wilson, Executive Director, California State Bar
Laura Farber, California State Delegate
October 30, 2018

Eileen Letts, Chair and Members
Credentials and Admissions Committee
American Bar Association House of Delegates
321 North Clark Street
Chicago, Illinois 60654

Re: Petition for Admission of California Lawyers Association to American Bar Association House of Delegates and Split of California Delegates Currently Allocated to the State Bar of California

Dear Chair Letts and Members of Credentials and Admissions Committee of American Bar Association House of Delegates:

The State Bar of California has been honored to be able to send 11 delegates to the American Bar Association House of Delegates and to support the American Bar Association House of Delegates in its very important work of protecting and promoting the profession, the rule of law, and the fair administration of justice. The State Bar of California transferred its sections and the California Young Lawyers Association from the State Bar to the new California Lawyers Association (CLA) effective this past January 1. We have been impressed with the efforts of CLA to energize its membership and play a critical role in the advancement and education of the profession.

It is thus our great pleasure to support wholeheartedly the petition of CLA for admission to the American Bar Association and for the transferring of 5 out of 11 of our delegates over to CLA, including the young lawyer delegate. Such a split of the state-wide delegation recognizes that both the State Bar and CLA should be represented in the American Bar Association House of Delegates to ensure full and fair representation of the interests of California attorneys on the range of issues that span both organizations. The State Bar has been impressed with CLA’s accomplishments and outreach in its first year and looks forward to collaborating with CLA going forward on a range of initiatives, including in the American Bar Association House of Delegates.

Sincerely,

Jason P. Lee
Chair, Board of Trustees

Leah T. Wilson
Executive Director