Recommendation regarding requests from the California Lawyers Association and the North Carolina Bar Association for Primary State Bar Association Designation and Acquisition of Additional Delegate Seats in the House of Delegates

I-CALIFORNIA DELEGATION

The Credentials and Admissions Committee recommends approval of the California Lawyers Association as the primary state bar in the HOD California delegation *(State Bar of California to remain in the House as the secondary state bar in the California delegation, with 1 delegate seat)*, and that CLA receive 2 of the SBC’s delegate seats, inclusive of the seats’ current terms which will conclude at the end of the 2020 Annual Meeting.

II-NORTH CAROLINA DELEGATION

The Credentials and Admissions Committee recommends approval of the North Carolina Bar Association as the primary state bar in the HOD North Carolina delegation, and that, NCBA receive the 5 seats that were relinquished by the North Carolina State Bar Association, inclusive of the seats’ current terms as follows:

- (3) with term to end at the conclusion of the 2020 Annual;
- (1) with term to end at the conclusion of the 2021 Annual, and
- (1)-YLD with term to end at the conclusion of the 2021 Annual

In addition, the Committee recommends that it be allowed to report/make a motion for approval of both of the above recommendations, at the start of the House 2020 Midyear proceedings, so that the additional delegates for each organization may be officially certified and seated in the well of the House as voting delegate representatives of the organizations for the 2020 ABA House of Delegates Midyear Meeting.
I-CALIFORNIA DELEGATION

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. 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 of Delegates (“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.

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.

On January 27, 2019, the American Bar Association House of Delegates approved Resolution 200, transferring 5 of the State Bar’s 11 delegates to CLA and admitting the California Lawyers Association to the House. 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.

By letter dated November 13, 2019 the President of CLA wrote the Chair of the House of Delegates Credentials and Admissions Committee petitioning for the CLA’s designation as the primary state bar association in the California delegation, and the transfer of five of the remaining six SBC delegates to CLA, with one remaining with SBC. This agreement was effectuated through resolutions of both the SBC Board of Trustees
and CLA’s Board of Representatives. The petition requested that the transfer be effective immediately because “(d)uring the 2019 Annual Meeting of the House, the State Bar delegates were advised by the State Bar not to vote on 33 of the 57 resolutions because they were not germane to, or otherwise proper for consideration by, a regulatory agency.”

This petition was supported by a letter dated November 13, 2019 from the SBC’s Executive Director to the Chair of the House of Delegates Credentials and Admissions Committee. That letter noted that SBC’s Board of Trustees passed a resolution, at its September 19, 2019 meeting directing staff of SBC to "work with the American Bar Association, the California Lawyers Association, and other stakeholders as appropriate to effectuate the transfer of five of the State Bar's six appointments' to the American Bar Association House of Delegates to the California Lawyers Association as soon as reasonably possible."

The Committee conducted an assessment of CLA’s data summation provided in CLA’s November 13, 2019 letter requesting the remaining SBC delegates seats in the House that are based on ABA membership, and SBC’s agreement to relinquish all but one of the remaining seats (SBC will remain active in the House as the secondary state bar with one delegate seat). Based on the assessment CLA provided data of 86,425 members, of which for this process, 10,878 were an applicable match as ABA lawyer members, which qualified CLA for 2 additional delegates, based on ABA membership.

The Committee therefore recommends approval of the California Lawyers Association as the primary state bar association in the HOD California delegation, and that 2 of SBC’s delegate seats be transferred to CLA. The 3 remaining seats are to remain with SBC until the end term/conclusion of the 2020 Annual Meeting because CLA is not yet eligible for them. The Committee further recommends that the term for these 2 additional CLA seats are to remain with even year terms, effective immediately, ending at the conclusion of the 2020 Annual Meeting, and that CLA provide certification credentials for the delegate representatives that it would like to appoint to said additional seats. In addition, the Committee recommends that it be allowed to report/make a motion of all of the above, at the start of the House 2020 Midyear proceedings, so that the additional delegates may be seated in the well of the House as voting delegates for CLA.

II-NORTH CAROLINA DELEGATION

The Executive Director of the North Carolina State Bar (“NCSB”), in an August 28, 2019 letter to the Chair of the ABA House of Delegates, Secretary of the ABA and Chair of the House of Delegates Credentials and Admissions Committee, served notice that NCSB had decided to relinquish all six of its delegate seats in the ABA House of Delegates (HOD) effective as of the close of business at the ABA 2019 annual meeting. This includes a young lawyer delegate seat.

On October 30, 2019, the Executive Director of the North Carolina Bar Association (“NCBA”) wrote to the Chair of the House of Delegates Credentials and Admissions Committee...
Committee requesting that NCBA become the representative state bar organization of record for North Carolina in relation to the assignment of delegates for the ABA House of Delegates, and to claim the delegate positions that are available to the representative state bar of North Carolina. Pursuant to Section 6.4(a) of the Association’s Constitution, NCBA has 1 delegate in the House of Delegates.

The Committee conducted an assessment of NCBA’s data which revealed that there are 19,389 NCBA member of which only 2,640 were actually ABA lawyer members. Based on this assessment NCBA is qualified to receive the 5 additional delegate seats. However, NCBA’s number of ABA lawyer members is below the required 5,000 ABA member threshold, therefore NCBA does not qualify for an additional delegate based on ABA membership.

Therefore, because the North Carolina State Bar relinquished its seats and entity status in the House, the Committee recommend approval of the North Carolina Bar Association as the primary state bar association in the HOD North Carolina delegation. The Committee further recommends that, effective immediately, NCBA receive the 5 relinquished NCSB seats that were based on lawyer membership, and that the allocation of terms for these seats remain the same with (3) with term to end at the conclusion of the 2020 Annual, (1) with term to end at the conclusion of the 2021 Annual, and (1)-YLD with term to end at the conclusion of the 2021 Annual. In addition, the Committee recommends that it be allowed to report/make a motion of all of the above, at the start of the House 2020 Midyear proceedings, so that the additional delegates may be seated in the well of the House as voting delegates for NCBA.

Respectfully Submitted,

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