

## **RESOLUTION 10-01-04**

### **DIGEST**

#### CDCBA Procedure: Inclusion on Spreadsheet Showing Association Positions

Adds an unspecified Conference of Delegates of California Bar Associations rule that all stated bar association positions on resolutions be included on the Conference Spreadsheet.

### **RESOLUTIONS COMMITTEE RECOMMENDATION**

APPROVE IN PRINCIPLE

#### History:

No similar resolutions known.

#### Reasons:

This resolution adds an unspecified Conference of Delegates of California Bar Association (CDCBA) rule that all stated bar association positions on resolutions be included on the Conference spreadsheet. This resolution should be approved in principal because it further accomplishes the CDCBA stated mission.

Each year the CDCBA debates and votes on myriad matters of interest to the assembled voluntary bar associations. Those associations have reviewed the proposed matters for debate in advance of the conference and often provide written, stated positions in order to stimulate and influence debate on the floor. The current CDCBA Rules of Procedure are silent as to which of these positions are on the Conference spreadsheet.

The benefit of providing all delegations' positions before the Conference, if not administratively burdensome, seems clear. Different positions stimulate debate, encourage consideration of contrary positions, and generally assist in formulating and communicating the voice of the assembled voluntary bar associations. Of course, the rule must be carefully drafted so that the actual labor in creating and distributing the spreadsheet is the responsibility of the associations that wish to express their position. One possible means would be an on-line spreadsheet into which local associations enter their positions prior to the conference.

This resolution encourages the communication and debate of diverse ideas held by the various voluntary bar associations that make up the CDCBA. The goal is to create a rule which leads to an all-inclusive spreadsheet which will promote full debate without getting lost in unwieldy administrative procedures.

### **TEXT OF RESOLUTION**

RESOLVED that the Conference of Delegates of California Bar Associations adopt the rule that all participating California Bar Associations which have stated a position on the resolutions be included on the Conference Spreadsheet showing all association positions.

PROPONENT: Bar Association of Northern San Diego County

## STATEMENT OF REASONS

Existing Practice: The Board of the CDCBA and/or its executive director cause only large bar associations and miscellaneous small bar associations to be included on the spreadsheet showing association positions. Such was the case at the September 2003 Conference. The criteria under which bar associations were chosen for inclusion were not disclosed.

This Resolution: Would change the practice of excluding any participating bar association from communicating its positions on the spreadsheet and would permit all associations to have a meaningful voice in the Conference.

The Problem: When bar associations are excluded from the spreadsheet, other associations are deprived of the opportunity to garner support from the excluded association or to lobby the excluded association in order to change its position or build consensus. The exclusion works against the principles honored by the CDCBA of encouraging a free flow of ideas and intercourse regarding the law. Additionally, the practice is elitist. If the CDCBA is truly an association of California bar associations (rather than of big city bar associations), all participating associations must be fully included.

## IMPACT STATEMENT

This resolution does not affect any other law, statute or rule.

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## COUNTERARGUMENT

### **SANTA CLARA COUNTY BAR ASSOCIATION**

This resolution, if adopted, would cause the spreadsheet to become unwieldy and unreadable. Even based on existing practices, in past Conferences, the spreadsheets have been quite lengthy. The 2003 Conference spreadsheet, for example, included the positions of 15 bar associations; fewer than half of these bar associations could be described as “big city” organizations. That spreadsheet encompassed bar associations from across the geographical length and breadth of California.

The current practices reflect efforts by the Conference to maintain a delicate balance between being as inclusive as possible and ensuring that the spreadsheet remains manageable. By not including the views of smaller bar associations on the spreadsheet, the Conference certainly does not exclude such groups from any form of participation in the proceedings. Even one delegate, through active involvement in the deliberative process and “free flow of ideas,” can alter the course of the Conference. Consequently, small bar associations and their delegates are in no way prejudiced by being excluded from the spreadsheet.