

RESOLUTION 09-04-2007

DIGEST

State Bar: Access & Fairness Voluntary Dues Increase

RESOLUTIONS COMMITTEE RECOMMENDATION

APPROVE IN PRINCIPLE

History:

No similar resolutions found.

Reasons:

This resolution should be approved in principle because it would further the stated goals and interests of the State Bar.

The State Bar engages in numerous voluntary activities that are paid for by voluntary dues from attorneys. In 1985, Access & Fairness programs were created to increase justice and access to justice in underprivileged and under-represented groups. The Bar has since formed committees on Women in the Law, Ethnic Minority Relations, Sexual Orientation and Gender Identity, Lawyers with Disabilities, and Senior Lawyers.

The current voluntary fee of \$5 does not generate sufficient funds to staff the various committees. The financial shortage led to the elimination of the six committees, with 75 members, to create a 25-person Access and Fairness Council, which will take on the work of the former six committees. The increased voluntary fee of \$10 will allow the State Bar to continue this very important work. Also, the fee is completely voluntary and no attorney will be compelled to pay, in conformity with the law.

TEXT OF RESOLUTION

RESOLVED, that the Conference of Delegates of California Bar Association recommends that the State Bar encourages its members to support the Fund supporting the State Bar's Access and Fairness activities through the current Elimination of Bias/Bar Relations Fund (The Fund) using the mechanism currently appearing on the Annual Attorney Dues Statement, and that the Board of Governors under its existing authority increase the negative check-off amount (presently at \$5 per member) to \$10 for support of The Fund, and/or through other means based on voluntary contributions to The Fund.

PROPONENT: Women Lawyers of Sacramento and Sacramento County Bar Association

STATEMENT OF REASONS

The Problem: The primary statutory functions of the State Bar of California are to provide for the admission of lawyers to the bar and to discipline lawyers who violate standards of practice. In addition to its statutory functions, the State Bar also engages in voluntary functions that are paid for by voluntary dues of lawyers. Access and Fairness programs were created in part in 1985

with the formation of a Committee on Women in the Law and an Ethnic Minority Relations Committee. The bar added committees on Sexual Orientation and Gender Identity, on Lawyers with Disabilities, and for Senior Lawyers. These committees advised the Board of Governors on issues of concern to lawyers within their area of purview and reached out to lawyers by providing programs on elimination of bias. By 2006, the five (\$5) dollar fee for Access and Fairness Issues, unchanged since 1985, generated too few funds to pay for staffing the committees. The State Bar, effective March 1, 2007, eliminated the six committees with 75 members to create a twenty-five person Access and Fairness Council. The charge of the Council is to address issues faced by women lawyers, lawyers with disabilities, lawyers with different sexual orientations, ethnic and minority lawyers and senior lawyers. In 1985, when these committees were established, there were 105,000 lawyers, now there are over 216,000 lawyers. In 1985, there were 20,000 women lawyers and now there are 60,000 women lawyers and similar increases in the other categories. Issues that these lawyers face include the glass ceiling for women, fewer ethnic and minority students entering law school, lawyers with disabilities unable to attend depositions or courts because of lack of access, discrimination in law firms against transgender persons, and barriers to senior lawyers by technological advances. The purpose of this resolution is to allow the State Bar to collect voluntary dues of ten (\$10) dollars for access and fairness issues, and to allow the State Bar to raise this amount every time the dues bill is increased, as necessary. Since this fee is subject to limitations under *Keller* and *Brosterhous* no attorney shall be required to pay this fee. However, the increased level of voluntary dues will allow the State Bar to maintain a volunteer program that addresses Access and Fairness Issues faced by the increasing number of attorneys within California.

IMPACT STATEMENT

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

AUTHOR AND/OR PERMANENT CONTACT: Megan Lewis, Wilke, Fleury, Hoffelt, Gould & Birney, LLP, 400 Capitol Mall, 22nd Floor, Sacramento CA 95814, mlewis@wilkefleury.com (916) 441-2430 and Tamara Dahn, Law Offices, 270 Sutter St., Auburn, CA. 95603 t.dahn@att.net. (530) 305-3781

RESPONSIBLE FLOOR DELEGATE: Megan Lewis