

RESOLUTION 09-05-2007

DIGEST

Conference Rules: Special Setting of Resolutions

Adds to the Conference Rules of Operation and Procedures a list of guidelines for special setting of resolutions at the Conference.

RESOLUTIONS COMMITTEE RECOMMENDATION

APPROVE IN PRINCIPLE

History:

No similar resolutions found.

Reasons

This resolution adds to the Conference Rules of Operation and Procedures a list of guidelines for special setting of resolutions at the Conference. This resolution should be approved in principle because the existing ad hoc system is perceived to be without rhyme or reason, and the proposed guidelines would provide order and certainty regarding the bases on which special settings are to be premised.

Specially set resolutions have typically been a feature of the Conference operations and controlled by the calendar coordinating function of the Conference Operations Committee. Nowhere, however, is there any guideline for the determination of when and under what circumstances such special settings should occur. The opportunity to use the existing system to gain advantage may occur when proponents manipulate the hearing of resolutions to a time when they believe passage would be most favorable. It is an opportunity for abuse that should not be allowed to continue. Nothing will replace an experienced and well-managed committee exercising reasonable discretion in making decisions for setting resolutions specially, but it would enhance an understanding of Conference process if the guidelines are explicit and known to delegates in advance.

TEXT OF RESOLUTION

RESOLVED, that the Conference of Delegates of California Bar Associations recommends that the Rules of Operation and Procedures be amended to read as follows:

- 1 Procedures for Specially Setting Resolutions.
- 2 A resolution maybe specially set at the discretion of the chair of the calendaring
- 3 coordinating committee or his or her delegate. The following is intended as a guideline for
- 4 specially setting:
- 5 (1)) At the request of the house.
- 6 (2) The proponent requests a special set because an amendment is being prepared
- 7 and will be distributed to the floor and shows evidence of the amendment.
- 8 (3) Several resolutions relate to the same subject and having them heard together is
- 9 helpful to the delegation.

10 (4) Moving a resolution that is set for full debate so other business of the house may
11 be conducted timely.

12 (5) If the proponent or author of a counter argument is also giving an MCLE lecture
13 that the matter be specially set if the resolution appears that will be called while the
14 proponent is giving a lecture.

15 (6) Allowing some latitude if a unexpected situation arises which makes it
16 impossible for a proponent or author of a counter argument to appear at the time the
17 resolution would be called by the chair. However, the granting of such special set should not
18 impede the progress of the conference.

19 (7). Requests from Board of Governors when the resolution affects the interests of
20 the Board of Governor.

(Proposed new language underlined; language to be deleted stricken.)

PROPONENT: Orange County Bar Association

STATEMENT OF REASONS:

Existing Law: There is no existing rule that provides guidelines for specially setting resolutions. .

This Resolution: Provides a guidelines for the chair of the calendaring committee of the conference of delegates to grant or deny requests for specially setting.

The Problem: The question is to specially set or not to specially set. This has been conundrum of the executives of the calendaring coordinating committee. Currently there are no official guidelines for specially setting resolutions. Examples of the reason for requests for special sets include but are not limited to: (1) delayed planes, (2) plans to attend MCLE courses,(3) fact that popular MCLE courses are being held for a specific section decreasing the particular group of attorneys on the floor, (4) requests from the board of governors (5) requests from another bar celebrity (6) the fact that amendments friendly or otherwise are being distributed to the floor, (7) the responsible person is close to resolving a dispute which may make the resolution go by consent or be withdrawn. (8) the proponent doesn't want it heard on Sunday, The problem without there being any official guidelines is that it is up to the chair of the calendaring committee to make a ruling in each case. It has appeared that the rational for special sets is arbitrary and capricious regardless of the effort the chair of the committee has put into the decision of whether to specially set or not to specially set.

IMPACT STATEMENT

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

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