



STATE BAR MISSION:
Preserve and improve
our justice system in
order to assure a free
and just society under
law.

ADMINISTRATIVE ADVISORY NO. 12-18

DATE: June 6, 2012
TO: All State Bar Staff
FROM: Robert A. Hawley, Deputy Executive Director
SUBJECT: **ADMINISTRATIVE ADVISORY NO. 12-18
BOARD OF TRUSTEES' POLICY ON OPEN MEETINGS**

This is a reminder to staff providing administrative support to State Bar committees, commissions, and boards of the requirement to comply with the State Bar's rules and policies on open meetings.

The Board of Trustees is subject to Business and Professions Code section 6026.5, which requires that all meetings of the Board of Trustees be open to the public, except where closed sessions are expressly authorized. By rule, the Board has extended open meeting requirements to its own committees AND to State Bar sub-entity committees, commissions and boards appointed by the Board. State Bar Rules 6.50 – 6.56 contain open meeting requirements for the Board and Board committees. State Bar Rules 6.60 – 6.65 contain open meeting requirements for board appointed sub-entities. The State Bar's rules are modeled on similar provisions in the Ralph M. Brown Act, Cal. Gov. Code §§ 54950-54963, and the Bagley-Keene Open Meeting Act, Cal. Gov. Code §§ 11120-11132, which specify open meeting requirements for meetings of local and state boards, commissions, agencies and other governmental bodies.

FREQUENTLY ASKED QUESTIONS (FAQs)

Question: Who must comply?

Answer: "Board appointed bodies" must comply. These are the sub-entities appointed by the Board of Trustees to act on its behalf. The board appointed bodies covered by the open meeting notice requirements are listed in Appendix B to the State Bar Rules, attached. (The Board of Trustees and its board committees have more stringent open meeting rules, which are not discussed in these FAQs.)

Question: I do not see a committee I staff listed on Appendix B. What does that mean?

Answer: Not all State Bar appointed sub-entities are listed in Appendix B. Those that are, MUST follow the open meeting requirements discussed here. The others SHOULD do so, but are not required to do so. Those sub-entities not listed on Appendix B are viewed as advisory bodies that take no policy action on their own. They advise the board only, and any policy recommendations are acted upon by the Board under the Board's open meeting rules.

Question: What do I have to do?

Answer: You must post notice of all meetings on the State Bar website no fewer than five CALENDAR days before the meeting. You must also mail or email notice to any person who requests such notice.

Question: Five days? Isn't the Board's requirement ten-day notice?

Answer: Yes. Appendix B's sub-entities, unlike the Board and its Board committees, have a five-day, not a ten-day, notice requirement.

Question: What must the notice contain?

Answer: The notice must contain the time and location of the meeting. ***It must also contain or incorporate the agenda for the meeting.***

Question: What must the agenda contain?

Answer: Agendas must contain a brief general description of each item of business to be transacted or discussed at the meeting. For closed agendas, the agenda must also state the general reason for the closed session, and cite the legal authority for going into closed session. Grounds for closed sessions for each covered sub-entity are noted in Appendix B. If the ground for a closed session is to protect privacy or other privileged information, you do not have to disclose names or other information that would constitute an invasion of privacy or otherwise unnecessarily divulge particular facts concerning the closed session. An agenda template is attached. Conform to this format for ease and consistency of posting.

Question: Who does the internal posting?

Answer: Posting will be electronic on the State Bar's website. Leanna Dickstein and David Cunningham in the Communications Office will post the notices and agendas on the State Bar's website calendar. See, <http://www.calbar.ca.gov/AboutUs/Calendar.aspx>. Please email each of them a copy of the notice and agenda for posting *at least seven days* before the meeting, to assure that the five-day notice requirement is met. The electronic posting is made available through computer terminals available to the public in the Los Angeles and San Francisco office lobbies.

Question: What is the posting format?

Answer: The notice and agenda for posting needs to be in a Word template format, not a pdf, attached as Attachment 2.

Question: I see the Section Executive Committees are included on Appendix B. The Section Office now posts executive committee meetings and agendas on the Section's webpage. Does this need to change?

Answer: No. All of the Section meeting dates need to be given to the Communications staff [Leanna Dickstein and David Cunningham] so they can be added to the State Bar's master calendar on the website. The communications staff will link the meeting date on the master calendar to the Section page where the notice and agenda is posted by Sections staff. This applies only to Sections. If you staff an entity in Appendix B that is not a Section, send the notice and agenda to the Communications staff, not Sections staff.

Question: How are emergency meetings noticed?

Answer: Generally, meetings may not be held without five days notice and items may not be added to an agenda after the five-day notice period, except in an emergency. Emergencies are defined as limited circumstances that call for immediate action before the next regular meeting. You must publicly notice the meeting as soon as possible. If the emergency can be resolved by unanimous consent without discussion, the committee or commission may act by fax poll, email or other electronic means without meeting. The notice and agenda for the next properly noticed meeting must include any action taken or matter considered at the emergency meeting. You must get authority to hold an emergency meeting from the chair of your committee or commission.

Question: Are telephone conference meetings handled any differently?

Answer: At the sub-entity level, you can have a telephone conference meeting. Notice it as such. Do not publish the call-in number on the notice. But you do need to identify on the notice and agenda the State Bar contact for meeting information, reserve a location in the State Bar's building where a member of the public can join the conference call on site and make arrangements to staff that location appropriately.

Question: Is there anything that I have to do after the meeting?

Answer: Following the meeting, you must prepare an Action Summary of the action taken at the meeting. The committee at its next meeting should approve the Action Summary (with any necessary revisions). After approval, send copies of the Action Summary, meeting notice and agenda to the Office of the Executive Director/Secretary. Also preserve the records in your files.

ADMINISTRATIVE ADVISORY NO. 12-18
June 6, 2012
Page 4

Question: Who do I call if I have questions about how to comply with the rules?

Answer: Please call Larry Yee at ext. 2388, or Dina Goldman at ext. 2363.

(Signed original on file in the Office of the Executive Director)

(Signed original on file in Office of Executive Director)

RULES OF THE STATE BAR OF CALIFORNIA
APPENDIX B: MISCELLANEOUS

Adopted by the Board of Governors July 20, 2007
Revised June 29, 2009

STATE BAR OF CALIFORNIA COMMITTEES SUBJECT TO OPEN MEETING RULES

Committee of Bar Examiners

Rule 6.64(A) (1)-(4), (6), (7); Rule 6.55 (A)(1); Section 6026.5(a), (e), (g), (h).

Committee on Group Insurance

Rule 6.64(A)(1), (4), (5), (7); Rule 6.55(A)(1); Section 6026.5(a),(g).

Committee on Professional Liability Insurance

Rule 6.64(A)(1), (4), (5), (7); Rule 6.55(A)(1); Section 6026.5(a),(g).

Council of State Bar Sections

Executive Committee of Antitrust and Unfair Competition Section

Executive Committee of Business Law Section

Executive Committee of Criminal Law Section

Executive Committee of Environmental Law Section

Executive Committee of Family Law Section

Executive Committee of Intellectual Property Law Section

Executive Committee of International Law Section

Executive Committee of Labor and Employment Law Section

Executive Committee of Law Practice Management and Technology Section

Executive Committee of Litigation Section

Executive Committee of Public Law Section

Executive Committee of Real Property Law Section

Executive Committee of Solo and Small Firm Section

Executive Committee of Taxation Section

Executive Committee of Trusts and Estates Section

Executive Committee of Workers Compensation Section

Rule 6.64(A)(1), (4), (7); Rule 6.55 (A)(1); Section 6026.5(a),(g).

Client Security Fund Commission

Rule 6.64(A)(1)-(4), (7); Rule 6.55(A)(1); Section 6026.5(a), (e), (g).

Lawyer Assistance Program Oversight Committee

Rule 6.64(A)(1)-(4), (7); Rule 6.55(A)(1); Section 6026.5(a), (e), (g).

Legal Services Trust Fund Commission

Rule 6.64(A)(1), (4), (7); Rule 6.55(A)(1); Section 6026.5(a), (g).

California Board of Legal Specialization

Rule 6.64(A)(1)-(4), (6)-(7); Rule 6.55(A)(1); Section 6026.5(a), (e), (f), (g).

_____ **COMMITTEE**

NOTICE AND AGENDA

____ day, Month, 00, 20____
00:00 _m – 00:00 _m
The State Bar of California
180 Howard Street
_____ Room, ____ Floor
San Francisco, CA 94105
(415) 538-2000
or
1149 South Hill Street
_____ Room, _th Floor
Los Angeles, CA 90015-2299
(213) 765-1000

Questions regarding any agenda item should be directed to the **Committee Coordinator(s)**, _____ at **(415) 538-**_____ or **Chair**, _____ at _____. Committee members are requested to notify the Committee Coordinator as early as possible in advance of the meeting if they wish to remove any item/s from the consent agenda.

Committee Members: _____

OPEN SESSION

I. CHAIR'S REPORT

Oral Report

II. CONSENT

- A. Item Title (Presenter) (Estimated Time)
- B. Item Title (Presenter) (Estimated Time)
- C. Item Title (Presenter) (Estimated Time)

III. ACTION

- A. Item Title (Presenter) (Estimated Time)
 - 1. Item Title (Presenter) (Estimated Time)
 - 2. Item Title (Presenter) (Estimated Time)
 - 3. Item Title (Presenter) (Estimated Time)
- B. Item Title (Presenter) (Estimated Time)
 - 1. Item Title (Presenter) (Estimated Time)
 - 2. Item Title (Presenter) (Estimated Time)
 - 3. Item Title (Presenter) (Estimated Time)
- C. Item Title (Presenter) (Estimated Time)
 - 1. Item Title (Presenter) (Estimated Time)
 - 2. Item Title (Presenter) (Estimated Time)
 - 3. Item Title (Presenter) (Estimated Time)

IV. DISCUSSION/INFORMATION

- A. Item Title (Presenter) (Estimated Time)
 - 1. Item Title (Presenter) (Estimated Time)
 - 2. Item Title (Presenter) (Estimated Time)
 - 3. Item Title (Presenter) (Estimated Time)

- B. Item Title (Presenter) (Estimated Time)
 - 1. Item Title (Presenter) (Estimated Time)
 - 2. Item Title (Presenter) (Estimated Time)
 - 3. Item Title (Presenter) (Estimated Time)

- C. Item Title (Presenter) (Estimated Time)
 - 1. Item Title (Presenter) (Estimated Time)
 - 2. Item Title (Presenter) (Estimated Time)
 - 3. Item Title (Presenter) (Estimated Time)

V. REPORTS

- A. Item Title (Presenter) (Estimated Time)
 - 1. Item Title (Presenter) (Estimated Time)
 - 2. Item Title (Presenter) (Estimated Time)
 - 3. Item Title (Presenter) (Estimated Time)

- B. Item Title (Presenter) (Estimated Time)
 - 1. Item Title (Presenter) (Estimated Time)
 - 2. Item Title (Presenter) (Estimated Time)
 - 3. Item Title (Presenter) (Estimated Time)

- C. Item Title (Presenter) (Estimated Time)
 - 1. Item Title (Presenter) (Estimated Time)
 - 2. Item Title (Presenter) (Estimated Time)
 - 3. Item Title (Presenter) (Estimated Time)

CLOSED SESSION

I. CONSENT

- A. Item Title (Presenter)
- B. Item Title (Presenter)
- C. Item Title (Presenter)

II. ACTION

- A. Item Title (Presenter) (Estimated Time)
 - 1. Item Title (Presenter) (Estimated Time)
 - 2. Item Title (Presenter) (Estimated Time)
 - 3. Item Title (Presenter) (Estimated Time)

- B. Item Title (Presenter) (Estimated Time)
 - 1. Item Title (Presenter) (Estimated Time)
 - 2. Item Title (Presenter) (Estimated Time)
 - 3. Item Title (Presenter) (Estimated Time)

- C. Item Title (Presenter) (Estimated Time)
 - 1. Item Title (Presenter) (Estimated Time)
 - 2. Item Title (Presenter) (Estimated Time)
 - 3. Item Title (Presenter) (Estimated Time)

III. ADVICE OF COUNSEL PERTAINING TO MATTERS ON THE OPEN AGENDA

Advice of counsel pertaining to matters on the open agenda*

IV. DISCUSSION/INFORMATION

- A. Item Title (Presenter) (Estimated Time)
 - 1. Item Title (Presenter) (Estimated Time)
 - 2. Item Title (Presenter) (Estimated Time)
 - 3. Item Title (Presenter) (Estimated Time)

- B. Item Title (Presenter) (Estimated Time)
 - 1. Item Title (Presenter) (Estimated Time)
 - 2. Item Title (Presenter) (Estimated Time)
 - 3. Item Title (Presenter) (Estimated Time)

- C. Item Title (Presenter) (Estimated Time)
 - 1. Item Title (Presenter) (Estimated Time)
 - 2. Item Title (Presenter) (Estimated Time)
 - 3. Item Title (Presenter) (Estimated Time)

V. REPORTS

- A. Item Title (Presenter) (Estimated Time)
 - 1. Item Title (Presenter) (Estimated Time)
 - 2. Item Title (Presenter) (Estimated Time)
 - 3. Item Title (Presenter) (Estimated Time)

- B. Item Title (Presenter) (Estimated Time)
 - 1. Item Title (Presenter) (Estimated Time)
 - 2. Item Title (Presenter) (Estimated Time)
 - 3. Item Title (Presenter) (Estimated Time)

- C. Item Title (Presenter) (Estimated Time)
 - 1. Item Title (Presenter) (Estimated Time)
 - 2. Item Title (Presenter) (Estimated Time)
 - 3. Item Title (Presenter) (Estimated Time)

* Closed under Rule 6.55(A)(1) of the Rules of the State Bar to receive advice of counsel.