

INTRODUCTION

These materials address issues that may arise in the operation of State Bar sub-entities. It provides basic information about the State Bar, policies and procedures applicable to the State Bar, the role of State Bar sub-entities, applicable guidelines and requirements, staffing and expense reimbursement. Please keep this link saved as a favorite as a reference for your State Bar service.

Sub-entities serve as advisors to the Board in specific subject areas or implement specific programs under the authority of the Board. They are funded with mandatory fees, with a combination of mandatory and voluntary fees or in certain instances, like with the Sections, entirely funded with voluntary dues of their members.

All State Bar sub-entities are part of the State Bar and subject to its institutional oversight. None are entirely self-governing. All serve the institutional interests of the State Bar as defined by the various legal authorities applicable to the State Bar and the various policy statements of the State Bar's Board of Trustees. No sub-entities are autonomous from the policy directives of the State Bar.

The State Bar is a constitutional agency in the judicial branch of State government. It is a public corporation (Cal.Const. art VI, section 9; Business & Professions Code § 6001).

The status of the State Bar was described by the Supreme Court in In Re Discipline System (1988) 19 Cal. 4th 582, 599 as follows:

“Thus, although the State Bar originally was purely a legislative creation, its unique nature has been recognized by the Legislature throughout the existence of the bar. The State Bar's special character further was emphasized when it became a constitutional body, placed within the judicial article of the California Constitution and thus expressly acknowledged as an integral part of the judicial function.”

In Keller v. State Bar (1989) 47 Cal. 3d, 1152, 1161-67, the California Supreme Court expressly found the State Bar of California to be a governmental agency. Although the United States Supreme Court reversed the California Supreme Court on the federal question at issue in that case, the U.S. Supreme Court deferred to the California Supreme Court's finding that, for State law purposes, the State Bar of California is a California governmental agency. See 496 US.1 at 11. Each of the State Bar's subentities are therefore subject to the standards of public entity status.