



The State Bar of California: What Does It Do? How Does It Work?

What is The State Bar of California?

With more than 222,000 members (June 2009), The State Bar of California is by far the largest state bar in the country. The term “bar association” originated in the 18th century, recognizing the railing or “bar” in a courtroom, separating spectators from lawyers and the judge, who occupies the “bench.”

Nearly 165,000 State Bar members actively practice law in California, while the rest retain their licenses as inactive members. To practice law in California, applicants must pass the California Bar Examination and pay their annual membership fees to the State Bar of California.

California was one of the first states to unify its bar (1927). A unified, or integrated bar, means simply that membership is mandatory for all attorneys who are licensed to practice law in the state. More than half of the states in the country have unified bars.

For more than 80 years, The State Bar of California has shaped the development of the law, regulated the professional conduct of the state’s lawyers and provided greater access to the justice system for all citizens. Created by the state legislature in 1927, the State Bar is a public corporation within the judicial branch of government, serving as an arm of the California Supreme Court. All State Bar members are officers of the court. Over the years, the State Bar continually has responded to the demands of a changing society, educating and informing both its members and the public.

Who governs the State Bar?

The State Bar is governed by a 23-member Board of Governors. Fifteen are lawyers elected by members of the State Bar. A 16th lawyer is elected by the California Young Lawyers Association (CYLA) Board of Directors.

Since 1977, the State Bar has operated with increased involvement by the public. Beginning that year, six “public” or non-lawyer members were appointed to the Board of Governors – four by California’s governor, one by the state Senate Committee on Rules and one by the Speaker of the Assembly.

The 23rd member of the Board of Governors is the State Bar president, who is elected by the other board members to serve a fourth year as the bar’s chief officer.

How is the State Bar funded?

The bar’s programs are financed primarily by fees paid by attorneys and applicants to practice law. In 2009, the bar’s general fund budget as submitted to the state legislature was more than \$62 million, approximately 80 percent of which funds the bar’s attorney disciplinary activities.

How are members admitted?

To practice law in California, State Bar applicants must pass a rigorous three-day examination, a test of their knowledge of the rules of professional conduct and a screening for moral character. The exam, considered one of the toughest in the nation, is administered by the Committee of Bar Examiners (CBE).

What is the attorney discipline system and how does it work?

The State Bar’s discipline system is designed to protect the public, the courts and the profession from attorneys who violate ethical rules covering their professional conduct. Consumers with complaints about an attorney may call the bar’s toll-free number **(1-800-843-9053)**.

The Office of the Chief Trial Counsel, which is responsible for reviewing charges of lawyer misconduct, then investigates and prosecutes these complaints.

When the attorney complaint phone number is called, a specially trained complaint analyst in the Office of Intake/Legal Advice receives the call and seeks to determine the nature of the allegation.

If a possible violation of the bar’s Rules of Professional Conduct seems to exist, a complaint form is sent to the caller and information gathering begins. Complaint forms are also available on the State Bar’s Web site, www.calbar.ca.gov.

In some cases, the bar has no jurisdiction, but seeks to refer the caller to an appropriate agency. In other cases, the bar, by intervening, successfully re-establishes a positive attorney/client relationship between the two parties.

If there is reason to proceed with a complaint, it is sent to the Office of Investigation where formal allegations of misconduct are pursued. At the end of an investigation – usually within six months – if it is concluded that the charges involve probable misconduct, the Office of Trials files formal charges and assumes responsibility for prosecuting them in State Bar Court.

The State Bar of California is the only state bar in the nation with independent professional judges dedicated to ruling on attorney discipline cases.

The independent State Bar Court hears the charges and has the power to recommend that the California Supreme Court suspend or disbar those attorneys found to have committed acts of professional misconduct or convicted of serious crimes. For lesser offenses, public or private reprimands may be issued.

Also, the State Bar Court can temporarily remove lawyers from the practice of law when they are deemed to pose a substantial threat of harm to clients or the public. Lawyers may seek review of State Bar Court actions in the California Supreme Court.

The State Bar also recommends that the Supreme Court accept lawyers' resignations with disciplinary charges pending and immediately places such lawyers on inactive status until their resignations take effect.

Since 1989, the State Bar Court has used full-time judges appointed by the California Supreme Court, legislature and governor. The court is divided into two departments — a Hearing Department and a Review Department, headed by a presiding judge.

The Hearing Department is the trial level of the State Bar Court. Five full-time judicial positions are split between Los Angeles and San Francisco.

The Supreme Court appoints two of the hearing judges, while the Governor, the Speaker of the Assembly and the Senate Committee on Rules appoints one hearing judge each.

The Review Department is the appellate level of the State Bar Court, consisting of the presiding judge and two lawyer judges. All review judges are appointed by the Supreme Court.

What are other State Bar client assistance programs?

The Client Security Fund was created in 1972 to reimburse clients who lose money as a result of an attorney's theft of client funds while acting as a lawyer. Administered by a seven-member commission, the CSF is funded by a \$40 (2009) annual assessment on all active bar members. The maximum reimbursement a client can receive from the fund

is \$50,000, although a proposal is currently being considered to increase the reimbursement to \$100,000.

The Mandatory Fee Arbitration Program arbitrates fee disputes between attorneys and their clients in an informal, out-of-court setting. Arbitration is mandatory for the attorney if requested by the client. Most arbitrations are heard by 44 local bar programs approved by the State Bar. The State Bar arbitrates if there is not a local bar program or if a party does not believe that a fair hearing is possible through the local program.

Are there discipline prevention programs?

Yes. Maintaining the standards of the legal profession and ensuring the competent delivery of legal services are important priorities to the State Bar.

The State Bar's Ethics Hotline (**1-800-2-ETHICS**) enables attorneys to discuss ethical questions with trained staff members who will refer them to the appropriate rules, opinions and case law so an informed decision can be made.

With authorization from the State Bar, lawyers who commit minor misdeeds may attend the State Bar's Ethics School. In lieu of discipline proceedings, these members may pay a fee and attend eight hours of instruction about professional responsibility. The goal of the Ethics School Program is to re-train attorneys through education before they become chronic violators of ethics rules.

If attorneys experience problems with substance abuse or burnout, they can receive confidential assistance by calling the Lawyer Assistance Program (LAP), **1-866-436-6644**. LAP provides confidential rehabilitation support for attorneys dealing with substance abuse or mental illness. Professional and peer assistance is also available to attorneys suffering from stress, burnout, depression or chemical dependency. Lawyers may self-refer to LAP or be referred through the bar's discipline system.

Are California lawyers required to keep up their skills?

Yes. All California attorneys are now required to complete 25 hours of continuing legal education every three years. The State Bar is the first in the nation to require at least one of those hours cover the elimination of bias in the legal profession, and one of a handful of bars to require another hour on chemical dependency and alcohol abuse.

The State Bar offers educational programs through its 16 sections that focus on specialized fields of law. The bar's sections are:

- Antitrust & Unfair Competition
- Business

- Criminal
- Environmental
- Family Law
- Intellectual Property
- International
- Labor & Employment
- Law Practice Management & Technology
- Litigation
- Public Law
- Real Property Law
- Solo & Small Firm
- Taxation
- Trusts & Estates
- Workers' Compensation

In 1992, the State Bar inaugurated a comprehensive weekend — the Section Education Institute (SEI), exclusively devoted to fulfilling MCLE education requirements. The SEI is organized by the State Bar's 16 law practice sections. Approved educational activities also are offered at the bar's Annual Meeting and other conferences throughout the year.

What is the public education campaign?

As part of its consumer education efforts, the State Bar produces numerous easy-to-understand pamphlets about everyday legal problems often encountered by the public. Several of these pamphlets are available in other languages.

Consumers may obtain free copies on subjects such as divorce and custody, auto accidents, elder abuse, jury service and finding a lawyer by sending the request with one self-addressed, stamped envelope for each pamphlet to:

State Bar Pamphlets
180 Howard St.
San Francisco, CA 94105.

Pamphlets also are on the State Bar's Web site, www.calbar.ca.gov, (go to *Public Services*) and can be reviewed in most public libraries throughout the state.

Attorneys can order multiple copies of the pamphlets for use in their offices. For ordering information, go to the *Public Services* area of the bar's Web site, www.calbar.ca.gov, or call the Office of Media & Information Services, 415-538-2283.

The State Bar also produces a series of major consumer education guides for the public. These include:

- Kids and the Law: An A-to-Z Guide for Parents
- When You Become 18: A Survival Guide for Teenagers
- Seniors and the Law: A Guide for Maturing Californians

These popular guides are published on a rotating basis and distributed widely to their targeted audiences. Current editions of all three are on the bar's Web site, www.calbar.ca.gov.

In addition to consumer education pamphlets, on its Web site the State Bar also provides the public with a fill-in-the-blanks statutory will form so that Californians with simple estates can prepare their own wills. The will is easy to execute and legally binding.

How does the bar communicate with the public?

To keep the public informed about the bar, the legal profession and substantive developments in the law, the bar's Office of Media & Information Services issues *e-briefs* and news releases and assists reporters who want to learn more about State Bar issues and programs.

How do I obtain information about lawyers?

Information on any attorney in the state of California can be obtained on the bar's Web site, www.calbar.ca.gov (go to *Attorney Search*), or by calling **1-800-843-9053**.

All members of the State Bar, their addresses, telephone numbers, educational backgrounds and any records of public discipline are on file and considered public record.

More general questions about the profession should be directed to the bar's Office of Media & Information Services (**415-538-2283**) or the American Bar Association (**312-988-5000**).

Does the bar evaluate judicial candidates?

Yes. State law requires California's governor to submit the name of each person nominated for a judgeship to the bar's Commission on Judicial Nominees Evaluation (JNE). The commission reviews the qualifications of each nominee and then makes a confidential recommendation to the governor.

What role does the bar play in providing legal services?

The term "pro bono" derives from "*pro bono publico*," a Latin phrase meaning "for the public good." To help State Bar members fulfill their professional obligation to provide quality legal service to any citizen in need — which is reflected in the bar's stated goal of each member contributing 50 pro bono hours per year — the Office of Legal

Services, Access & Fairness helps local bar associations, legal service organizations and other groups develop pro bono programs and train lawyers to provide free and low-cost legal services to people who cannot afford to pay for counsel.

The State Bar waives active membership fees for members of the Emeritus Attorney pro bono program to encourage retired attorneys to use their expertise to provide legal services to low income Californians.

The bar also certifies Lawyer Referral Services throughout the state, establishing standards for organizations offering members of the public a choice of attorneys to represent them.

Support is also provided to the State Bar Standing Committee on the Delivery of Legal Services to identify, develop and support improvements in the delivery of legal services to the poor and middle-income individuals.

The Legal Services Trust Fund program was established by the Legislature in the early 1980s to provide money to help fund civil legal services for indigent Californians. The program is funded by interest-bearing demand trust accounts held by attorneys for their clients. Since its creation, more than \$230 million has been distributed to legal services programs serving the poor statewide. The Legal Services Trust Fund Program also distributes the Equal Access Fund, a \$10 million annual state fund for improving the fair administration of justice for low income Californians.

Does the bar certify other services?

The bar's Board of Legal Specialization certifies nearly 4,200 attorneys as legal specialists in one of 11 fields:

- Admiralty & Maritime Law
- Appellate Law
- Bankruptcy Law
- Criminal Law
- Estate planning, Trust and Probate Law
- Family Law
- Franchise & Distribution Law
- Immigration and Nationality Law
- Legal Malpractice Law
- Taxation Law
- Workers' compensation

A directory of certified legal specialists in California, which is a resource for consumers and lawyers who are seeking specialized legal advice, is available on the State Bar's Web site.

In addition to legal specialists, the State Bar's Office of Special Admissions and Specialization is responsible for certification in 10 other areas:

- Foreign Legal Consultants
- Law Corporations
- Lawyer Referral Services
- Limited Liability Partnerships
- Military Counsel
- Minimum Continuing Legal Education (MCLE)
- Multijurisdictional Practice (MJP)
- Practical Training of Law Students
- Pro Hac Vice (*out-of-state attorneys who appear in California courts on particular cases*)
- Out-of-State Attorney Arbitration Counsel
- Special Masters

How does the bar assist local and specialty bar associations?

The Office of Bar Relations Outreach provides program development and support services to more than 235 voluntary bars throughout the state and also supports the California Young Lawyers Association (CYLA).

What roles does the State Bar play in achieving diversity in the profession?

In 2001, the State Bar approved the creation of the Center for Access & Fairness. The Center works toward promoting diversity in the legal profession and providing support for the bar's access and fairness committees. In 2005-06, the bar established a "diversity pipeline" education initiative in an effort to interest youths of all ages to pursue careers in the legal profession. Seminars are held and diversity awards are presented each year to further these goals. Elimination of bias and diversity activities are funded by voluntary contributions.

How can new attorneys get more involved in the State Bar?

Membership in the California Young Lawyers Association (CYLA) is automatic for members who are 36 or under or in their first 5 years of active membership in the State Bar. Among other activities, CYLA offers new members of the profession its publication “*The California Guide to Opening and Managing a Law Office*” (in collaboration with the Law Practice Management & Technology Section). Through its publications and programs, CYLA offers many opportunities for young members to get a good start in the profession.

How can members participate in shaping State Bar policy?

Lawyers are encouraged each year to apply for approximately 200 open positions on more than 40 bar committees where they can volunteer their special skills and expertise. Volunteers can participate in committees or commissions dealing with such issues as the selection of judges, professional responsibility, access and fairness in the legal profession, legal specialist certification, bar admission, bar member insurance and many other areas. The Board of Governors seeks committee members (attorneys and members of the public) from various backgrounds, fields of practice and areas of the state.

What role does the bar play in legislation?

Each year the State Bar sponsors legislation which, following the 1989 U.S. Supreme Court decision in *Keller v. State Bar of California* may pertain only to regulating the legal profession or improving the administration of justice.

The bar also reviews other law-related bills through its committees and sections that specialize in various areas of the law. The views of these sections and committees and the Board of Governors are communicated to legislators by the bar’s Office of Governmental Affairs.

What is the California Bar Foundation?

In 1990, the State Bar sponsored the creation of the California Bar Foundation, a separate entity that provides scholarships and funding to a variety of organizations throughout the state whose projects help achieve the Foundation’s goals.

As one of its primary missions, the California Bar Foundation advances the public’s understanding of the legal system and the role of attorneys in it. The Foundation, which is supported by individual and corporate donations, also champions access to our

system of justice by all people and works to foster confidence in the rule of law, the role of lawyers and the function of the judicial system.

Recent generous contributions have enabled it to provide funding for a wide range of projects – such as the bar’s *Kids & the Law*, *When You Become 18* and *Seniors & the Law* – that help educate and enlighten the public about their legal rights and responsibilities.

The mission of the State Bar:

Preserve and improve our justice system in order to assure a free and just society under the law.

Goals of the State Bar:

1. To assure that the public is protected and served by attorneys and other legal services providers that meet the highest standards of competence and ethics.
2. To provide a wide array of services and benefits to members that meet their professional development, business and personal needs.
3. To assure that all people have access to high quality legal services regardless of financial or other circumstances.
4. To assure that the mission of the State Bar is fulfilled through effective and supportive relationships with all stakeholders.
5. To assure that the State Bar is recognized and respected as a contributing and accountable leader in improving the administration of justice and ensuring the rule of law in our civil society.
6. To use technology effectively and efficiently to support all aspects of its operation, facilitate communication and enhance the administration of justice in California.

(Source: State Bar of California Long-Range Strategic Plan, Aug. 23, 2002)

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