

Memorandum 90-145

Subject: Administrative - Relations with State Bar (Cooperation with
State Bar Sections and Committees After Keller)

The Commission has been concerned with its ability to obtain State Bar input on various proposals and recommendations in light of the view taken by the Bar that the decision in the Keller case precludes its involvement in the Commission's process of developing legislation. At the September meeting the Commission decided to communicate its concerns to the State Bar president to see whether a better working arrangement could be developed.

Attached is a copy of the Chairperson Arnebergh's letter to State Bar president Charles S. Vogel, and two letters of response from Mr. Vogel. Mr. Vogel states that Keller does permit the State Bar to become involved with improvement of the quality of legal services, and that the work of the Law Revision Commission clearly enhances the quality of legal services by making the law more comprehensible for both the profession and the public. Consequently, the State Bar should continue to cooperate with the Commission. Mr. Vogel provides names, addresses, and phone numbers of key State Bar personnel who can ensure that Commission requests for input get the proper review and comment.

The staff believes that this is a satisfactory resolution of the Commission's concern, and has written to Mr. Vogel expressing the Commission's thanks for his attention to this matter. We anticipate continuing our practice of direct communication with the relevant State Bar sections and committees, and will call upon the key State Bar personnel for assistance if any problems should arise.

Respectfully submitted,

Nathaniel Sterling
Assistant Executive Secretary

CALIFORNIA LAW REVISION COMMISSION

4000 MIDDLEFIELD ROAD, SUITE D-2
PALO ALTO, CA 94303-4739
(415) 494-1335



September 18, 1990

Charles S. Vogel, President
State Bar of California
555 Franklin Street
San Francisco, CA 94102

Dear Mr. Vogel:

The California Law Revision Commission needs the assistance of the various sections of the California State Bar in our projects to improve California law. It appears that the uncertainty following the decision in the Keller case is depriving us of this assistance.

In the past, the Commission has been greatly assisted by various sections of the State Bar. For example, the new Probate Code is the product of a combined effort of the Commission and the Estate Planning, Trust and Probate Law Section. One or more representatives of the State Bar Section attended each Commission meeting. They provided the Commission with valuable information on the effect various alternatives considered by the Commission would have in actual practice. They helped identify problems that required technical or substantive revisions of the statutes. Most important, they indicated what proposals they supported or opposed and what revisions they believed should be made in drafts under consideration by the Commission. Although the Commission itself must make all decisions as to the recommendation it will submit to the Legislature, the State Bar Section greatly contributed to the excellence of the new Probate Code. We are still working in the probate law field and need to have the continuing cooperation and assistance of the State Bar Section.

The Commission will soon commence work on a new Family Code. We need the assistance of the State Bar Family Law Section in this task. We are preparing a new Administrative Procedure Act, and we need the assistance of the appropriate State Bar sections in this project.

It appears that the Estate Planning, Trust and Probate Law Section has been authorized to continue to cooperate with and assist us in our work in the probate and trust field. We need the same cooperation and assistance from other State Bar sections. Accordingly, we request that all State Bar sections be authorized to cooperate with the Commission by providing us with technical assistance and with their views concerning the merits of various suggestions under study by the Commission.

Sincerely,

Roger Arnebergh
Chairperson



THE STATE BAR
OF CALIFORNIA

2049 CENTURY PARK EAST, 35TH FLOOR, LOS ANGELES, CALIFORNIA, 90067

Admin.

OFFICE OF THE PRESIDENT

CHARLES S. VOGEL

(213) 556-6430 Fax Number: (213) 556-6502

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October 5, 1990

Roger Arneberg
Chairperson
California Law Revision Commission
4000 Middlefield Road
Suite D2
Palo Alto, California 94303

Dear Mr. Arneberg:

This will acknowledge your letter of September 18, 1990, advising me that there may be some uncertainty about the assistance provided by the State Bar of California to the California Law Revision Commission. Specifically, you are concerned that you will not have the participation of the various sections of the California State Bar as a result of the decision in the Keller case.

Please be assured that we recognize our statutory obligation pursuant to Government Code Section 8287 to assist the Commission in any manner the Commission may request within the scope of the State Bar's powers and duties. I do not believe that studies and projects will be adversely affected and I am reasonably certain that you will have the support and participation of the Sections of the California State Bar.

It is true that we are evaluating our programs and projects of the State Bar to determine which ones do or do not fall within the Keller guidelines: regulation of the profession and improvement of the quality of legal services. This evaluation is being conducted under the direction of our General Counsel and will be reviewed by the Board of Governors in the relatively near future. It is my view that the work of the California Law Revision Commission clearly enhances the quality of legal services by making the law more comprehensible for both the profession and the public. Consequently, I do not believe that Keller will preclude our cooperation.

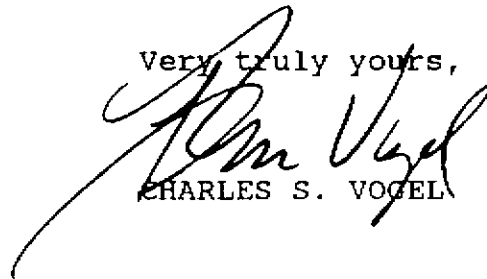
You mentioned that the Estate Planning, Trust and Probate Law Section has been authorized to continue to assist you in the

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probate and trust field. You also mentioned that you will soon commence work on a new Family Code and require the assistance of the Family Law Section. If you encounter any reluctance on the part of the Family Law Section to assist you because of a concern regarding the Keller case, please let me know. I am sure that the General Counsel and the Board of Governors will resolve this and related concerns in the very near future.

I hope you and your staff feel free to telephone me directly if I can be of assistance at any time during the coming year.

Very truly yours,



CHARLES S. VOGEL

CSV:kl

cc: John DeMouilly
Robert Oliver



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OFFICE OF THE PRESIDENT

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Mr. Roger Arnebergh, Chairperson
California Law Revision Commission
4000 Middlefield Road/Suite #D-2
Palo Alto, CA 94303-4739


Dear Mr. Arnebergh:

Since my letter of October 5, I have had the opportunity to discuss the matter with key executive staff and our General Counsel. They agree with my view that the work of the California Law Revision Commission enhances the quality of legal services by making the law more comprehensible for both the profession and public. There may be rare instances where, by reason of budget constraints or some unusual aspects of a proposal, State Bar assistance would not be readily available. However, in the main, I cannot even hypothesize about such situations now.

In any event, to enhance our relationships and ensure that your requests have our attention, I would ask that your staff send proposals to our Director of Research, David Long, whose office is located at 555 Franklin Street, San Francisco, CA 94102-4498 (phone 415/561-8373). It is David's job to make certain that the requests are properly assigned and then to monitor the follow-up. This would be the same procedure we follow for proposals we receive from the Judicial Council.

Additionally, if there is a further problem that cannot be resolved at David's level, your executive director should not hesitate to communicate with Herb Rosenthal, Executive Director of the State Bar, at 415/561-8332 or the Franklin Street address mentioned above.

Very truly yours,



CHARLES S. VOGEL

/jmh

c: Herb Rosenthal
David Long