

Study J-1307

December 13, 2000

## Second Supplement to Memorandum 2000-80

### Law Library Board of Trustees: Further Comment

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Attached is an email message that Karen Lutke (Director, San Mateo County Law Library) forwarded to the Commission. The message is from "Mike I-b-old", apparently of the Calaveras County Law Library and/or the Office of Administrative Law.

The message supports the Commission's proposal to broaden the range of persons eligible to serve on a law library board of trustees:

I think it's good to broaden the definition of those eligible to be CLL trustees. After all, the smallest counties probably don't even have a local bar. Thus, limiting eligibility just to local bar members would then make it quite impossible for them to have a functioning board. The Calaveras Co. Bd. of Supervisors has lately rejected a couple of CLL trustee applications because the applicants, although living and practicing in the county, did not belong to the local bar. This might change their thinking.

The message also points out, based on "20 years of experience" in Calaveras County, that achieving a board of six members is difficult in a small, rural county. By expanding eligibility for service on the board, the Commission's proposal should help address this problem.

Finally, the message raises a question relating to Business and Professions Code Section 6301.5, the special provision for a law library board in a county with no county bar association:

If the local bar is not certified for representation on the State Bar's Conference of Delegates (see Bar Rules, Art. VI, sec. 4) can the [Board of Supervisors] then refuse to recognize the local bar and have the [county law library] go with just three (3) trustees?

We will discuss this issue at the Commission's meeting.

Respectfully submitted,

Barbara S. Gaal  
Staff Counsel

12/13/00 15:46 FAX 6503878040

SMC Law Library

02

Law Revision Commission  
RECEIVED

DEC 13 2000

**Subject: RE: Law Revision Commission**  
**Date: Wed, 13 Dec 2000 14:00:20 -0800**  
**From: MIBOLD@OAL.CA.GOV**  
**To: vcll@rain.org, c312-1@lalaw.lib.ca.us**  
**CC: MIBOLD@OAL.CA.GOV**

File: \_\_\_\_\_

I think it's good to broaden the definition of those eligible to be CLL trustees. After all, the smallest counties probably don't even have a local bar. Thus, limiting eligibility just to local bar members would then make it quite impossible for them to have a functioning board. The Calaveras Co. Bd. of Supervisor's has lately rejected a couple of CLL trustee applications because the applicants, although living and practicing in the county, did not belong to the local bar. This might change their thinking.

Incidentally, those small CLL's without a local bar are truly blessed for they can fall back on B&P Code sec. 6301.5 which allows those CLL's to function very efficiently with just a minimum three (3) member board rather than six (6) trustees. I can tell you from 20 years of experience in Calaveras Co., which has a small bar, that a six (6) member board is extremely difficult, if not impossible, to achieve in a small, rural county. I've even whimsically suggested that the CLL would benefit greatly if the local bar would disband itself, but of course, no one takes me seriously.

Query: If the local bar is not certified for representation on the State Bar's Conference of Delegates (see Bar Rules, Art. VI, sec. 4) can the county Bd. of Sup's then refuse to recognize the local bar and have the CLL go with just three (3) trustee's? A toughie.

Mike I-b-old, Calaveras CLL and/or OAL