

Memorandum 2000-80

Law Library Board of Trustees (Draft Recommendation)

At the October meeting, the Commission considered a draft recommendation on *Law Library Board of Trustees*. The Commission directed the staff to prepare a new draft incorporating the following revisions:

- (1) The number of lay trustees serving on a law library board should be limited to two.
- (2) The term “member of the bar of the county” should be defined in Business and Professions Code Section 6301, so it is clear which attorneys may serve on a law library board.
- (3) Section 6301 should be reorganized to reflect trial court unification (the provision should first state how to select the law library board in a county with a unified superior court, then say how to select the board in a county in which the courts have not unified).

(October Minutes, pp. 6-7.) A draft along those lines is attached for the Commission’s review. Also attached are two letters from Karen Lutke, director of the San Mateo County Law Library (Exhibit pp. 1-2). The Commission needs to consider these materials and the points discussed below, then decide whether to approve a final recommendation for printing and submission to the Legislature.

COMMENTS OF SAN MATEO COUNTY LAW LIBRARY

Ms. Lutke reports that the San Mateo County Law Library supports the decisions that the Commission made in October. (Exhibit p. 2.) She also reiterates that the trustees “resoundingly support the amendment of Business and Professions Code Section 6301 that would add or allow appointment of a member of the general public to the boards of county law libraries.” (*Id.*)

With regard to clarifying which attorneys may serve on a law library board, Ms. Lutke points out that

several attorneys from San Mateo County have recently moved to Colorado, yet they retain their membership in the San Mateo County Bar Association. Technically, they could be appointed to a county law library board, as they are members of the local bar.

However, residency in another state would very likely limit one's active participation on a law library board.

(Exhibit p. 1.) Ms. Lutke suggests that the Commission take this into consideration in deciding how to define the term "member of the bar of the county" for purposes of Section 6301.

The staff concurs that attorneys serving as law library trustees should be responsive to the needs of the county and available to effectively serve on the board. The provision should afford some flexibility, however, so as to permit selection of highly capable members. For example, an attorney whose office is in the county should not be excluded from service simply because the attorney resides outside the county. Similarly, an attorney who resides in the county should not be prevented from serving solely because the attorney does not belong to the local bar association.

The staff proposes to achieve these objectives by defining "member of the bar of the county" to mean "a member of the State Bar who resides in or regularly practices law in the county." (See p. 6 of the attached draft.) The Comment would explain:

[S]ubdivision (d) is added to clarify that an attorney need not belong to a county bar association to serve on a law library board. It is also unnecessary for the attorney's principal law office to be located in the county. It is sufficient if the attorney resides in the county or regularly practices law in the county.

(*Id.*)

A conforming revision of Business and Professions Code Section 6301.5 also appears appropriate. This is a special provision for selection of a law library board in a county where there is no county bar association and too few attorneys to constitute a board of six or seven members. The staff previously considered repealing this provision, but was informed by the Council of California County Law Libraries that it is not obsolete:

[T]he repeal of section 6301.5 would pose problematic for several very small counties, including Alpine, Plumas, Modoc, Tuolumne, Sierra, and Trinity Counties, which operate under the mandate of section 6301.5. In these counties there are very few attorneys and often only one trial judge ... We suggest that this section not be repealed.

(Letter from Tony Nevarez to Barbara Gaal (Jan. 21, 1999).)

Accordingly, the staff suggests the following amendment of Section 6301.5:

Bus. & Prof. Code § 6301.5. (amended). Board of law library trustees in county with few attorneys

SEC. 2. Section 6301.5 of the Business and Professions Code is amended to read:

6301.5. In any county ~~in which there is no county bar association,~~ if the board of supervisors determines that there is not a sufficient number of members of the State Bar ~~residing, and with their principal places of office for the practice of law, in the county~~ eligible for appointment to the board of library trustees by the board of supervisors pursuant to ~~subdivision (d) of~~ Section 6301 for the constitution of a six-member or seven-member board of library trustees, the board of library trustees may consist of not less than three members.

Comment. Section 6301.5 is amended to correct the cross-reference, apply regardless of whether a county has a county bar association, and conform to the requirements of Section 6301(d) regarding which attorneys may serve on a law library board.

(See p. 7 of the attached draft.) **Does the Commission agree with this approach and with the proposed definition of a “member of the bar of the county”?**

SECTION 6301.1. SAN DIEGO COUNTY

A special provision governs selection of the law library board in San Diego County:

Bus. & Prof. Code § 6301.1. Law library board in San Diego County

6301.1. Notwithstanding Section 6301, in San Diego County the board of law library trustees shall be constituted, as follows:

(a) Four judges of the superior court, to be elected by and from the superior court judges of the county. Each superior court judge so elected shall serve a three-year term. In order to maintain overlapping terms, those judges holding office as of the date of unification of the municipal and superior courts of San Diego County shall remain in office until the expiration of their original terms.

(b) The board of supervisors shall appoint three attorneys resident in the county to the board of law library trustees, to serve overlapping three-year terms. In order to stagger the three appointments, the board of supervisors shall, in January of 1997, appoint one attorney to a one-year term, one attorney to a two-year term, and one attorney to a three-year term; and as each term expires, the new appointee shall thereafter serve three-year terms.

At least one attorney appointed pursuant to this subdivision shall be a member of the San Diego County Bar Association.

(c) In the event a trustee cannot serve a full term, the appointing authority for that individual shall appoint another qualified person to complete that term. Interim appointments may be made by the board of law library trustees in accordance with Section 6305.

Because this provision begins with the clause “Notwithstanding Section 6301 ...,” the Commission’s proposal to amend Section 6301 would have no impact on the San Diego board.

The staff pointed this out to Charles Dyer (Director, San Diego County Public Law Library) and solicited input on whether Section 6301.1 should be amended to permit laypersons to serve on the San Diego board. Mr. Dyer presented the issue to the board, which decided that it would prefer to maintain the status quo for now. Section 6301.1 was enacted in 1996 after delicate negotiations over an extended period of time. Rather than revising it now, the board intends to track the experience of other counties with lay trustees and explore how that concept could be successfully implemented in San Diego County, which is more regionalized than many counties. Given the board’s position, **the staff recommends that Section 6301.1 be left as is.**

Respectfully submitted,

Barbara S. Gaal
Staff Counsel

SAN MATEO COUNTY LAW LIBRARY

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October 6, 2000

Ms. Barbara Gaal
California Law Revision Commission
4000 Middlefield Road, Room D-1
Palo Alto, CA 94303-4739

VIA FAX 650-494-1827

RE: Law Library Board of Trustees

Dear Barbara,

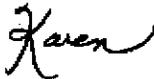
Once again, you made my appearance before the California Law Revision Commission an easy task. I appreciate the time you gave me prior to the meeting to further explain the county law library matter before the Commission. Thank you.

Further to the Commission's concern regarding bar association membership, Fran Jones (the woman I introduced you to in the hallway) posed an interesting situation involving attorneys that retain local bar membership yet live out of state. As an example, several attorneys from San Mateo County have recently moved to Colorado, yet they retain their membership in the San Mateo County Bar Association. Technically, they could be appointed to a county law library board, as they are members of the local bar. However, residency in another state would very likely limit one's active participation on a law library board. I present this to you as further consideration in drafting new language for this matter to avoid any future ambiguity.

The other matter is the word bench in proposed Section 6301(e). Frankly, I do not like it, and feel it is almost disrespectful. I much prefer the word judiciary. I kindly ask that you consider this change.

Please advise me as to the date of the next Commission meeting as soon as you know. And please feel free to call if I can help you in any way.

Sincerely,



Karen M. Lutke,
Director

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November 6, 2000

Law Revision Commission
RECEIVED

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File: J-1307

Ms. Barbara Gaal
California Law Revision Commission
4000 Middlefield Road, Room-D1
Palo Alto, CA 94303

RE: Support of Commission recommendations Law Library Board of Trustees [Study J-1307]

Dear Ms. Gaal,

The Board of Law Library Trustees, San Mateo County, concurs with the California Law Revision Commission's findings from the October 5-6, 2000 meeting, and supports incorporating revisions recommended to Law Library Board of Trustees [Study J-1307].

The Trustees resoundingly support the amendment of Business and Professions Code Section 6301 that would add or allow appointment of a member of the general public to the boards of county law libraries. Such amendment would broaden the representation of the public on county law library boards and reflect the extent of actual library users. The first recommendation by the Commission concerned the language of Business and Professions Section 6301(e), recommended by the Council of California County Law Librarians, that would limit the number of lay trustees serving on a law library board at the same time to two persons. We agree with the Commission in its directive to strike the language "Notwithstanding the above, . . ." It is redundant to the beginning language of the Code and therefore fully stated. More importantly, the addition of Section (e) to the Code limiting the number of public trustees to two persons would maintain a balanced representation of judicial members, bar association members and the general public on county law library boards.

The Trustees also support further recommendations of the Commission to eliminate ambiguity from the code and reorganization of provisions regarding trial court unification.

On behalf on the Board of Law Library Trustees, I respectfully ask that our support of Revised Tentative Recommendation of Business and Professions Section 6301, as amended, be recorded into the record and that the Commission pursue enactment of its Tentative Recommendation.

Sincerely yours,



Karen M. Lutke
Director

CC: Board of Law Library Trustees, San Mateo County
Annette Heath, Kern County Law Library and President CCCLL
Charles Dyer, San Diego County Public Law Library and Chair, CCCLL Legislative Committee

#J-1307

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

Staff Draft RECOMMENDATION

Law Library Board of Trustees

December 2000

California Law Revision Commission
4000 Middlefield Road, Room D-1
Palo Alto, CA 94303-4739
650-494-1335 FAX: 650-494-1827

SUMMARY OF RECOMMENDATION

1 Existing law (Bus. & Prof. Code § 6301) establishes elaborate criteria for
2 selection of a law library board of trustees. To promote flexibility, improve clarity,
3 and build relations between law libraries and the general public, the Law Revision
4 Commission proposes to revise this provision to:

- 5 (1) Reflect trial court unification by first specifying how to select a board
6 in a county with a unified superior court, then stating how to select a
7 board in a county in which the courts have not unified.
- 8 (2) Permit the judges of a unified superior court to select either four or five
9 law library trustees at their discretion, without regard to how many
10 judge trustees were authorized as of January 1, 1998.
- 11 (3) Permit each county to which the statute applies to have either a six- or a
12 seven-member board, as best meets the needs of the county.
- 13 (4) Clarify which attorneys may serve on a law library board.
- 14 (5) Permit laypersons to serve on the law library board in place of a judge
15 or in place of the chair of the board of supervisors, in specified
16 circumstances.

17 This recommendation was prepared pursuant to Resolution Chapter 91 of the
18 Statutes of 1998 and Government Code Section 70219.

LAW LIBRARY BOARD OF TRUSTEES

1 Each county in the state is to have a law library governed by a board of trustees.¹
2 Although other provisions apply in some counties, Business and Professions Code
3 Section 6301 is the main provision governing selection of the board.² It establishes
4 elaborate criteria for selection of the trustees. To enhance clarity and ease of use,
5 improve the functioning and fund-raising capabilities of law library boards, and
6 promote effective relations between law libraries and the general public, the Law
7 Revision Commission recommends revision of these criteria.

EXISTING LAW

8 In a county with a unified superior court,³ the law library board of trustees
9 includes either four or five superior court judges, depending on the number of
10 judge trustees authorized as of January 1, 1998.⁴ In specified circumstances, a
11 member of the bar of the county may serve in place of a judge trustee.⁵ The board
12 also includes the chair of the board of supervisors⁶ and a member of the bar of the
13 county appointed by the board of supervisors.⁷ At the chair's request, the board of
14 supervisors may appoint another supervisor or a member of the bar of the county
15 to serve in place of the chair.⁸ The board does not include any laypersons (persons
16 who are neither judges, attorneys, or members of the board of supervisors).

1. Bus. & Prof. Code § 6300. Unless otherwise indicated, all further statutory references are to the Business and Professions Code.

2. For a special provision governing the composition of the law library board in San Diego County, see Section 6301.1. For a provision authorizing a board of less than six members in a county in which there is no county bar association, see Section 6301.5. For a provision grandfathering pre-1941 legislation establishing a law library and board of law library trustees in a county, see Section 6363. See also Section 6364 ("It is discretionary with the board of supervisors of any county to provide by ordinance for the application of the provisions of this chapter to the county.").

3. Where the municipal and superior courts are not unified, the law library board consists of three superior court judges (or members of the bar of the county selected by superior court judges) and either one or two municipal court judges (or members of the bar of the county selected by municipal court judges), depending on the number of municipal courts in the county. Section 6301(a)-(b). Otherwise, the composition of the board is the same as in a county with a unified superior court. As in a county with a unified court, the board does not include any laypersons.

4. Section 6301(a)-(b). Three superior court judges (or one superior court judge and two members of the bar of the county appointed by the superior court judges) are to be selected pursuant to Section 6301(a). One or two additional superior court judges may be selected pursuant to Section 6301(b), "so that the number of judges elected shall not exceed the number of judge trustees authorized as of January 1, 1998."

5. Any judge who is a member of the board may, at the judge's option designate a member of the bar of the county to act for the judge as trustee. Section 6301(a)-(b). In a county with no more than three superior court judges, the judges may at their option appoint two members of the bar of the county to serve on the board. Section 6301(a).

6. Section 6301(c).

7. Section 6301(d).

8. Section 6301(c).

PROPOSED REFORMS

1 Section 6301 should be revised to: (1) separate the criteria for selection of a
2 board in a county with a unified superior court from the criteria for selection of a
3 board in a county with a municipal court, (2) eliminate use of the historical
4 benchmark (January 1, 1998) in determining how many trustees the judges of a
5 unified superior court may select, (3) give counties the option of having either a
6 six- or a seven-member board, (4) specify who is a “member of the bar of the
7 county” within the meaning of the statute, and (5) increase diversity by permitting
8 laypersons to serve on law library boards in specified circumstances.

9 **Trial Court Unification**

10 In 1998, California voters approved a constitutional amendment providing for
11 trial court unification on a county-by-county basis.⁹ Since then, the municipal and
12 superior courts in fifty-six counties have unified and Monterey County has voted
13 to unify. Only Kings County still has a municipal court, and it is seeking
14 preclearance of unification under the Voting Rights Act.

15 Section 6301 should be reorganized to reflect these developments. Because most
16 counties now have a unified superior court, the provision should first state how a
17 law library board is constituted in a county with a unified superior court. Next, a
18 separate paragraph should explain how a law library board is constituted in a
19 county with a municipal court. If Kings County unifies, it will be easy to delete
20 this paragraph and limit the provision to unified superior courts.

21 **Use of Historical Reference Point**

22 The number of judge trustees in a unified superior court now depends on the
23 number of judge trustees authorized as of January 1, 1998. Three superior court
24 judges (or one superior court judge and two members of the bar of the county
25 appointed by the superior court judges) are to be selected pursuant to Section
26 6301(a). One or two additional superior court judges may be selected pursuant to
27 Section 6301(b), “so that the number of judges elected shall not exceed the number
28 of judge trustees authorized as of January 1, 1998.”

29 As January 1, 1998, becomes more distant, however, use of this historical
30 reference point may cause confusion and become inappropriate. Section 6301
31 should be amended to eliminate this benchmark and permit the judges of a unified
32 superior court to select either four or five judge trustees at their discretion, without
33 regard to how many judge trustees were authorized as of January 1, 1998. This
34 would not significantly alter the existing balance of power on law library boards.¹⁰

9. 1996 Cal. Stat. res. ch. 36 (“SCA 4”), which appeared on the ballot as Proposition 220.

10. The proposed amendment would only permit an increase in the number of judge trustees in some counties: Those in which four as opposed to five judge trustees were authorized as of January 1, 1998. Even in those counties, judges (or attorneys selected by judges) already constitute a majority of the board: They hold four of six positions on the board, rather than five of seven positions. See Section 6301(d).

1 **Size of the Board of Trustees**

2 Existing law requires a six-member board in some counties and a seven-member
3 board in other counties.¹¹ As opposed to a six-member board, a seven-member
4 board helps to prevent deadlock and makes it easier to obtain a quorum.¹² To make
5 these benefits widely available, the proposed legislation would allow each county
6 governed by Section 6301 to have either a six- or a seven-member board, as best
7 meets the needs of the county.

8 **Attorney Members**

9 Section 6301 permits a “member of the bar of the county” to serve on a law
10 library board in specified circumstances, but does not define this term. It is unclear
11 whether an attorney must reside in the county, belong to a county bar association,
12 have a law office in the county, satisfy some combination of these criteria, or meet
13 other criteria to be eligible to serve.

14 This ambiguity should be eliminated. The provision should afford the flexibility
15 to select highly capable members,¹³ yet ensure that these members are responsive
16 to the needs of the county and available to effectively serve on the board. The
17 proposed law would achieve these ends by defining a “member of the bar of the
18 county” to mean a member of the State Bar who resides in or regularly practices
19 law in the county.¹⁴

20 **Diversity of the Board**

21 At present, laypersons may attend and participate in law library board meetings,
22 but they cannot vote and their perspectives and talents may differ from those who
23 can. Although laypersons are a significant proportion of law library users, they
24 have no direct voice in library operations.¹⁵ The public also indirectly benefits
25 from county law libraries, because prosecutors, public defenders, private attorneys,
26 and courts are able to share books and other legal resources, instead of maintaining

11. See Section 6301(d); but see *supra* note 2 (special provisions governing size of board in some counties).

12. If a board has six members, only two can be absent for the board to transact business. If the board has seven members, a quorum is present even if three members are absent.

13. Overly rigid criteria may exclude the best-qualified persons from serving. For example, restricting membership to attorneys who reside in the county may prevent a senior partner of a prominent local law firm from serving on the board. Similarly, requiring an attorney trustee to belong to the local bar association may exclude a smart but independent-minded practitioner from serving.

14. A conforming revision would be made in Section 6301.5, which governs selection of a law library board in a county where there is no county bar association and too few eligible attorneys to constitute a board of six or seven members. Section 6301.5 would also be amended to apply to any county with too few attorneys to constitute a six- or seven-member board, regardless of whether that county has a county bar association. This provision appears to remain useful in some small counties. See Letter from Tony Nevarez, Legislative Representative for Council for California County Law Libraries, to Barbara Gaal (Jan. 21, 1999) (on file with California Law Revision Commission).

15. In the past, law libraries typically served judges and attorneys. Increasingly, however, law library patrons are laypersons. This is probably due to the trend towards self-representation, as well as attorneys’ increasing reliance on electronic research materials rather than library resources.

1 their own collections and passing along the cost to clients or the public. The lay
2 public may be oblivious to these benefits, however, and thus uninterested in
3 supporting law libraries.

4 Including a member of the general public on a law library board may broaden
5 the board's perspective, helping to ensure that the law library effectively serves the
6 public. It may also increase public awareness of the law library, the services that it
7 provides, and the support that it needs. In particular, a lay member may help the
8 library supplement existing funding by encouraging private donations or county
9 assistance.¹⁶ Because law libraries traditionally depend on civil filing fees for
10 funding,¹⁷ and the number of civil cases has decreased in recent years, availability
11 of funding sources such as these may be crucial to maintaining full library
12 services.

13 Despite these potential benefits, the proposed law would not require each law
14 library board to include a member of the general public. Instead, it would broaden
15 the range of persons who could serve in place of a judge. Any resident of the
16 county or member of the bar of the county could be chosen. Similarly, any resident
17 of the county could be appointed to serve in place of the chair of the board of
18 supervisors, not just another supervisor or a member of the bar. To ensure that
19 judges, attorneys, and the board of supervisors continue to be represented on the
20 law library board, a maximum of two laypersons could serve on the board at the
21 same time. The proposed law thus authorizes diversification of the board to
22 include laypersons, but permits flexibility in the composition of the board,
23 allowing each county to structure its board according to its needs.

16. As compared to lay trustees, judge trustees may be less effective at fund-raising, because they are subject to ethical restrictions. See, e.g., Cal. Code of Judicial Ethics, Canon 4C(3)(d).

17. See Code Civ. Proc. §§ 6321, 6322, 6322.1.

PROPOSED LEGISLATION

1 **Bus. & Prof. Code § 6301 (amended). Board of law library trustees**

2 SECTION 1. Section 6301 of the Business and Professions Code is amended to
3 read:

4 6301. A (a) Except as otherwise provided by statute, a board of law library
5 trustees is constituted as follows:

6 (a) (1) In a county where there are no more than three judges of the superior
7 court, each of those judges is ex officio a trustee; in a county where there are more
8 than three judges of the superior court, the judges of the court shall elect three of
9 their number to serve as trustees. However, where there are no more than three
10 judges of the superior court, the trustee. The judges may at their option select only
11 one of their number to serve as a trustee, and in that event they shall appoint two
12 additional trustees who are residents of the county or members of the bar of the
13 county.

14 (2) In a county where there are more than three judges of the superior court, the
15 judges of that court shall elect at least four and no more than five of their number
16 to serve as trustees.

17 (3) Any judge of the superior court who is an ex officio or elected member may
18 at the judge's option designate a resident of the county or a member of the bar of
19 the county to act for the judge as trustee.

20 (b) In a county with one or two municipal courts the judges of the court or courts
21 shall elect one of their number to serve as trustee. In a county with three or more
22 municipal courts, the judges of the courts may elect two of their number to serve
23 as trustees. In a county in which there is no municipal court, the judges of the
24 superior court may elect one or more of their number to serve as trustee, in
25 addition to the trustees elected pursuant to subdivision (a), so that the number of
26 judges elected shall not exceed the number of judge trustees authorized as of
27 January 1, 1998. Any judge who is an elected member may at the judge's option
28 designate a member of the bar of the county to act for the judge as trustee.

29 (c) (4) The chair of the board of supervisors is ex officio a trustee, but the board
30 of supervisors at the request of the chair may appoint a member of the bar of the
31 county or county, any other member of the board of supervisors of the county
32 county, or a resident of the county to serve as trustee in place of said the chair. The
33 appointment of the person selected in lieu place of the chair of the board of
34 supervisors shall expire when a new chair of the board of supervisors is selected,
35 and that appointment shall not be subject to the provisions of Section 6302.

36 (d) (5) The board of supervisors shall appoint as many additional trustees, who
37 are members of the bar of the county, as may be necessary to constitute a board of
38 six members in any county where one member is elected pursuant to subdivision

1 (b), or of seven members in any county where two members are elected to serve as
2 trustees pursuant to subdivision (b) at least six and not more than seven members.

3 (b) No more than two (2) law library trustees may be residents of the county who
4 are not judges of, or members of the bar of, the county.

5 (c) In a county with a municipal court, a board of law library trustees is
6 constituted as described in subdivisions (a) and (b), except as follows:

7 (1) The judges of the municipal court shall elect one of their number to serve as
8 trustee. Any municipal court judge who is an elected member may at the judge's
9 option designate a resident of the county or a member of the bar of the county to
10 act for the judge as trustee.

11 (2) If the county has more than three judges of the superior court, the judges of
12 the superior court shall elect three of their number to serve as trustees.

13 (d) As used in this section, "a member of the bar of the county" means a member
14 of the State Bar who resides in or regularly practices law in the county.

15 **Comment.** Section 6301 is amended to consolidate the requirements for selection of a law
16 library board in a county with a unified superior court. Subdivisions (a) and (b) state those
17 requirements; subdivision (c) states the requirements for selection of a law library board in a
18 county with a municipal court.

19 Section 6301 is also amended to permit a resident of the county to serve on a law library board
20 in place of a judge or in place of the chair of the board of supervisors. To ensure that judges,
21 attorneys, and boards of supervisors continue to be represented on law library boards, the number
22 of lay trustees serving at the same time is limited to two.

23 Section 6301 is further amended to permit the judges of a unified superior court to select either
24 four or five of their number to serve on the law library board, at their discretion. Formerly, the
25 number of judge trustees in a county with a unified superior court depended on how many judge
26 trustees were authorized as of January 1, 1998. See 1998 Cal. Stat. ch. 931, § 3.

27 To further promote flexibility, Section 6301 is amended to permit a law library board to consist
28 of either six or seven members. Formerly, the size of the board depended on the number of judge
29 trustees, which in turn depended on the number of municipal courts in the county or the number
30 of judge trustees authorized as of January 1, 1998. See 1998 Cal. Stat. ch. 931, § 3.

31 Finally, subdivision (d) is added to clarify that an attorney need not belong to a county bar
32 association to serve on a law library board. It is also unnecessary for the attorney's principal law
33 office to be located in the county. It is sufficient if the attorney resides in the county or regularly
34 practices law in the county.

35 For a special provision governing the composition of the law library board in San Diego
36 County, see Section 6301.1. For a provision authorizing a board of less than six members in a
37 county with few attorneys, see Section 6301.5. For a provision grandfathering pre-1941
38 legislation establishing a law library and board of law library trustees in a county, see Section
39 6363. See also Section 6364 (discretion of board of supervisors in applying chapter).

40 Section 6301 is also amended to make technical changes.

41 **Bus. & Prof. Code § 6301.5. (amended). Board of law library trustees in county with few**
42 **attorneys**

43 SEC. 2. Section 6301.5 of the Business and Professions Code is amended to
44 read:

45 6301.5. In any county in which there is no county bar association, if the board of
46 supervisors determines that there is not a sufficient number of members of the
47 State Bar residing, and with their principal places of office for the practice of law,

1 ~~in the county~~ eligible for appointment to the board of library trustees by the board
2 of supervisors pursuant to ~~subdivision (d)~~ of Section 6301 for the constitution of a
3 six-member or seven-member board of library trustees, the board of library
4 trustees may consist of not less than three members.

5 **Comment.** Section 6301.5 is amended to correct the cross-reference, apply regardless of
6 whether a county has a county bar association, and conform to the requirements of Section
7 6301(d) regarding which attorneys may serve on a law library board.