

BASF/JDC Respond to California Supreme Court on the State Bar of California's Request for Special Regulatory Assessment

Office of the Clerk
Supreme Court of California
350 McAllister Street
San Francisco, CA 94102

Re: Docket Number S237081, In re Attorney Discipline System: Request of the State Bar of California for Special Regulatory Assessment

To The Honorable Chief Justice and the Associate Justices of the Supreme Court of California:

I am the President of The Bar Association of San Francisco (BASF), a voluntary bar association with over 8000 members, and BASF's Justice and Diversity Center (JDC). JDC is California's second largest provider of volunteer-based legal services, and, through its staff and volunteers, provides legal services and supporting social services to approximately 8,500 low-income clients a year on issues related to homelessness, lack of access to housing and public benefits, domestic violence, and debt, credit, and tax problems. I write on behalf of BASF and JDC in response to the Court's Order dated September 30, 2016, inviting amicus curiae letters commenting on the Request of the State Bar of California for Special Regulatory Assessment submitted September 30, 2016 ("Request"). BASF and JDC are deeply concerned about the impact that a shutdown or curtailment of the California State Bar functions could have on its members and the State of California. We urge this Court to exercise its discretion to impose an interim regulatory fee upon attorneys that will allow the State Bar programs and functions to continue to operate.

In the course of the recent discussions concerning the State Bar fee bill, numerous concerns were raised relating to the functioning and priorities of the State Bar. BASF and JDC recognize that those concerns exist, but believe that any change to the State Bar's existing functions and programs should be made after a careful review, not as part of an 11th-hour scramble forced upon this Court. The Court simply does not have the time to determine which of the State Bar's many functions and programs should continue unchanged, and which should be re-focused, narrowed, or possibly even eliminated. BASF and JDC urge the Court to take the steps necessary to avoid the large-scale disruption to the State Bar's important services and programs that would be caused by a failure to fund the State Bar beyond the basic disciplinary functions. Doing so is important not only for California lawyers, but for the protection of California consumers.

BASF and JDC also urge the Court, no matter what decision it makes regarding funding authorization for the State Bar, to ensure that, as part of the dues or fee payment process, members are still offered the opportunity to make a voluntary



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donation to support Access to Justice and Legal Services Assistance. These voluntary donations totaled close to \$6 million last year, which is more than half of the 2017 IOLTA allocation of \$11 million for the entire state. JDC and many other legal services organizations rely on those funds to provide essential legal services to the most vulnerable in our community.

Sincerely,
Michael F. Tubach
2016 BASF President