



A DAY AT THE CAPITOL

Matthew A. Mallet

At 9:00 a.m. on April 4, I arrive at the capitol rotunda in Sacramento. The air is clear, the smell of jasmine permeates, and the state capitol shines in the early morning sunshine. It is Legislative Day, sponsored by the Conference of California Bar Associations (CCBA). It is a day to meet with legislators on important issues ranging from criminal law reform to resolving the chronic underfunding of California's courts.

A contingent of lawyers (and a few law students) from throughout the state gather in the ceremonial courtroom of the Third District Court of Appeal. After brief remarks by CCBA's chief lobbyist, attorney Larry Doyle, the group gets an update on the status of state court funding.

The news is not good. While Governor Jerry Brown has proposed an increase of \$146.3 million for the judicial branch for 2016–2017, this amount puts but a dent in the underfunding of previous years. It is estimated that this year the trial courts alone will be underfunded by more than \$400 million. In addition, court funding from civil assessment revenues (including fees, fines, and assessments) are unstable and declining, due to a number of factors, including the recent, well-intentioned, Infractions

Amnesty Program. These revenues are projected to decline by \$23 million this year, and by \$18 million next year.

With the introductory program now over, it is time to move on to the purpose of the day: meeting with state legislators and their staffs. Armed with talking points on five of CCBA's legislative priorities, and a complete listing of the thirty-three measures on CCBA's 2016 legislative program, California attorneys, including a group of seven members from The Bar Association of San Francisco (BASF), are off to meet with legislators. Six teams of lawyers from throughout the state descend upon the capital.

We are not alone. In approaching the capitol, we skirt ahead of activists demonstrating in favor of nuclear power as a clean energy alternative. We pass by film crews taping speeches in a "Don't Tax Tampons" rally. Past security, we find the corridors of the capitol crowded—students, tourists, and lobbyists abound.

Our group is scheduled to visit representatives from the Bay Area. Joined by delegates from the San Mateo County Bar Association, we start with a visit to the office of Senator Jerry Hill (D–San Mateo). It is the first of nine such visits, which include talks with Assemblyman David Chiu (D–San Francisco) and Senator Mark Leno (D–San Francisco).

Each group member takes a turn introducing our legislative agenda. BASF member Mary Vail, a retired attorney, discusses SB 1286, which is intended to allow public access to records related to charges of serious misconduct by law enforcement officers. It is based on a BASF delegation's sponsored resolution, and Vail is a coauthor. We also address AB 2765, which is intended to remove the sunset provision in Proposition 47, allowing convicted individuals additional time to seek a reduction in sentencing. There is AB 1720, drafted to statutorily overturn *S.B. Liberty, LLC v. Isla Verde Association, Inc.* (2013) 217 Cal. App.4th 272, to permit homeowners to have someone accompany them to, or attend in their stead, homeowner

Join the BASF Delegation

If you are interested in joining BASF's delegation to CCBA, please contact Matthew Mallet at 415-398-1082 or matthew@kbflaw.com, or Barbara Fanning at bfanning@sfbar.org.

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association (HOA) board meetings. AB 2396 means to reestablish a program that allows honorable discharges for juvenile offenders with good records, a program omitted in enactment of the 2010 Corrections Budget Trailer Bill. The fifth highlighted bill is AB 1836, designed to provide assessments of prospective Lanterman-Petris-Short (LPS) conservatees by county mental health facility professionals. This measure is intended to overcome the governor's objection to, and veto of, AB 193, an earlier CCBA-sponsored bill.

Other bills, and ideas for bills, are discussed as well. A member of the Beverly Hills Bar Association joins the group seeking a sponsor for a CCBA resolution to eliminate a defendant's automatic right of appeal in anti-SLAPP motions. Several lawmakers appear interested.

Of course, at each meeting members discuss the ongoing court funding crisis. Members offer their personal perspective of how past reductions in court funding have adversely affected their clients, their practices, and the public in general.

It is 5:15 p.m., the pitches are over, and it is time to relocate for a reception across from the capitol. Attorneys, legislators, and staff congregate for appetizers, drinks, and networking. In all, it has been a long, exhausting, but promising day.



From left, BASF delegate Frank Leidman with Michael Fern, an assistant district attorney from Los Angeles, and a member of the Los Angeles County delegation to CCBA

BASF delegation heads to state capital on Legislative Day. From left, CCBA Chair Elect Jeff Hayden, Matthew Lewis, Olga Dombrovskaya, Catherine Rucker, Senator Mark Leno, Mary Vail, Matthew Mallet, and Oliver Dunlap

Legislative Day, of course, is but the endgame in CCBA's long legislative process.

It all begins with attorneys and law students at bar associations throughout California coming up with ideas for changes to the law. Literally hundreds of attorneys are involved, representing all areas of legal practice. The incubation period goes on year round—then there is the work of drafting a resolution.

At BASF, our delegation to CCBA begins this process early in the year, preparing resolutions, and forwarding those resolutions discussed and voted on as “worthy of debate.” Once approved by the BASF Board of Directors, the resolutions are submitted to CCBA, which compiles resolutions from regional, minority, and specialty bars throughout the state. The resolutions approved at the delegation level are disseminated statewide for possible counterarguments by other delegations and for comments by committees of the State Bar of California. A subgroup of CCBA (the Resolutions Committee) also analyzes each resolution, and makes recommendations for approval in principle or disapproval.

Like those of other bar associations, BASF's delegation, in study groups and a series of all-hands caucuses, likewise examines all of the resolutions and votes on whether to approve in principle, disapprove, or amend.

Finally, the resolutions are discussed, debated, refined if necessary, and voted on by all of those attorney delegates from throughout the state at CCBA's Annual Conference. The conference, usually lasting three days, is held in the fall, at the same time and venue as the annual meeting of the state bar.

Resolutions approved at the conference are given to CCBA lobbyist, Larry Doyle, who on behalf of CCBA further vets the proposals and seeks sponsorship by individual lawmakers. After this exhaustive process, many of the passed resolutions are introduced as bills, or as proposed rules of court, for consideration by the legislature or the Judicial Council of California.

CCBA has had spectacular results in its efforts to place and pass legislation. Last year, more CCBA-sponsored resolutions were passed into law than the sponsored legislation by any other lobbying entity. Sound ideas, drafted by lawyers and subjected to rigorous analysis, really work.

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