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Year of El Jefe ends

by Robert G. Sproul, Jr.

With appropriate fanfare, at high noon on December 17, 1976, the Year of El Jefe will end and Big Jim Brosnahan will seize the levers of power at the helm of the BASF. El Jefe, for his part, will just wander out to 5th and Mission Streets, find a sunny space, sit on the steps of the Old Mint, and mull over the events of the past year. "The 8-1/8 Crises of Robert Gordon Sproul, Jr."

The year 1976 certainly started drearily enough with three depress-

ing Bench & Bar bus tours of the County Jail at San Bruno. Things picked up later in January with The Great Legal Advertising Debate and, by mid-year, both BASF and the Barristers had made a positive and substantial contribution to the resolution of this knotty problem. Throughout the year, both the Penal Reform Committee and the Criminal Justice Advisory Council worked mightily, and their efforts reaped a grand reward when the ABA selected our work in the field of Criminal

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The agenda for 1977

by James J. Brosnahan, President Bar Association of San Francisco

For one hundred and five years The Bar Association has been open to new ideas and new people. It is the diversity of our 4,200 members which gives us our strength. As



James J. Brosnahan

Montaigne said, "There never were in the world two opinions alike, no more than two hairs or two grains; the most universal quality is diversity." So the first thing I would like to say about the Association during

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Standing, left to right: Joan Evjenth, Gail Griffith, Barbara Fanning, Freida Johnson; kneeling, left to right: Colleen Hoy, Bob Sproul, Irv Reichert, Bruce Blumberg; sitting: Trish Coleman, Sarah Wilcox.

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we occasionally groaned or swore within our offices about what the Board, an officer, a committee head, or a member had done—but ever at Sproul. If we thought he had goofed on something, any comment was one of understanding. We, better than any others, were aware of the pressures on him and the horrendous work load he bore. Knowing the man, we were concerned for him, not critical of him.

The lawyer who left last year's lunch with me may have been slightly over generous in his comment and unaware of the character of every president who preceded Bob Sproul. But upon this our staff unanimously agrees: You cannot have had, and will never have a more decent and finer human being as President of this Association.

As a fellow Cal alumnus, as a member of this Association, and on behalf of the entire Bar staff, I say: "All Hail Blue and Gold! All Hail El Jefe!"

Agenda . . .

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The year 1977 is that we will continue our tradition of openness, encouraging and accepting participation by every member.

As we start the year, I anticipate heavy emphasis in the three main areas. The first is legal services for the poor and near poor; the second is continuing education of our members; and the third is support of those elements which work to improve San Francisco's public institutions that deal with the administration of justice.

Legal Services

In some ways the legal system we now know is like a kidney machine, available to many but not available to others. We will place heavy emphasis this year on programs which will increase our ability to represent the poor and near poor. We are presently exploring a program whereby firms in the city would be linked with poverty offices to give general support. In addition, we will ask all of our members to pledge 75 hours a year in the representation of the poor or to give what the member believes is suitable monetary substitute for time to a legal services program of his or her choice. In addition, the Lawyer Referral Service is presently exam-

ining ways to increase the number of pro bono cases which it can absorb. Finally, the Lawyers Committee for Urban Affairs is cooperating in these programs, and we will continue to urge our members to support the fine work of that committee. Should appropriate situations arise, we will consider filing an amicus curiae brief in relevant cases, such as the awarding of attorneys' fees and the constitutional right to counsel in a civil case.

Continuing Education for the members

We have found in the last six months that there is a major demand for additional education by our members. We have been able to present some programs at low cost which are geared to local problems and procedures. I estimate that from 300 to 500 lawyers have attended these programs in recent months.

There is a tremendous continuing need for education of trial lawyers which is presently unmet in the city. We will have a first-rate, low-cost clinical program to teach lawyers how to try a case, which will be modeled after the National Institute of Trial Advocacy. In addition, Frank Farella is exploring for us the possibility of holding a clinical program for those who are involved in corporate counseling.

Improvement of the administration of justice in San Francisco

The Association has committed itself to support of the Public Defender's Office until such time as that office is able to do the kind of job which the people in the office want to do but cannot due to understaffing and inadequate resources. It is interesting to note that a special committee proposed the strengthening of the Public Defender's office in 1962. That committee report was signed by Brent Abel, James E. Burns, Randall Larson, Irving F. Reichert, Jr., Robert H. Schnacke, Dexter C. Tight, and Gerald D. Marcus, Chairman. Our present concern with the Public Defender's office is in the main stream of our Association's historical concern with the delivery of quality legal services to the poor.

We have also supported budget requests by the District Attorney and are exploring whether or not there is a proper basis on which we

can support such requests during the upcoming budget review. We will continue to have many of our members working on the improvement of procedures dealing with the handling of juveniles.

Putting it gently, the County Clerk's office is a disgrace. We will have a special committee designated to work on that problem this year. The Adult Probation Department continues to suffer from some of the disabilities outlined in the San Francisco Committee on Crime's Report of 1970. We would hope to assist the new administration in the probation office during the upcoming year.

Another tradition of our Association has been to offer appropriate support for the judicial system. Federal neglect of the chronic salary deficiencies for federal judges will continue to be of concern. Our Judicial Search Committee will be looking for strong candidates for judicial office. We are presently working to obtain federal funding for the construction of four additional courtrooms at the Hall of Justice—an overdue necessity. We have a special committee to examine whether or not a constitutional amendment should be proposed to lengthen the terms of state court judges. Many of you have expressed concern about the undesirable aspects of frequent judicial elections since they tend to require the judge to be at least in part a political rather than a judicial figure, and reform of judicial elections is very much in our thoughts.

Jack Sutro will chair our Court's Committee and John Finger will serve as vice chairman. They will work together with members of their committee with the Superior and Municipal Court judges in order to accomplish the improvement of procedures that all the judges want.

Other areas of emphasis

A. Committee work.

The Association is probably not much stronger than the strength of its committees. We will beef up our committees this year since they can propose state and federal legislation, substantive and procedural law reform, and serve as a focal point for members' professional development and interest and have always tended to promote congeniality among our members. This, too, has been our tradition. Each

member of the Board of Directors will work closely with approximately four (4) committees. We may add committees as the year goes on, but at this point it is clear that we will have a new Securities Committee and we will recreate the History of the Bench & Bar Committee with its devoted interest to an examination of our past glories.

B. *Matters Which Affect the Practice of Law*

We have long been concerned with the government's relatively new practice of subpoenaing lawyers and lawyers' records which tends to encroach upon the attorney/client privilege and sensitive but less protected areas of privacy that exist between the lawyer and the client. Specifically, we hope to propose to the Department of Justice guidelines which would encourage them to exercise restraint in the issuance of such subpoenas.

I will propose to the Board that we create a committee staffed by lawyers familiar with the arbitration process to provide arbitrators in cases of lawyers' professional dissolution or disagreement. It is to everyone's interest that a neutral forum be provided which can be used in lieu of a formal court contest.

Finally, we will study an idea proposed by Irv Reichert that there be some special rules for membership in the Association which would deal with professional responsibility and the lawyers' relationship to the client. This concept is only in its seminal stages, but we believe that it should be examined and we will obtain the views of all interested members.

C. *Matters Related to Clients as Consumers*

There has been a growing consciousness on the part of lawyers that some of the old ways of practice did not sufficiently take into account that the client could be viewed as a consumer. One major area of exploration by this Association has been what is sometimes referred to as advertising but which is more accurately described as the liberalization of rules which would allow dissemination of information about legal services and their cost to potential clients. The Fee Arbitration Com-

mittee is presently exploring some model agreements that might be used between lawyers and clients to provide dissemination of relevant information to the client regarding how fees are charged, what work the lawyer is agreeing to do, and what work will be charged for and what will not. We are sensitive to the fact that fees have traditionally been a matter of confidentiality between the client and the attorney and that any suggestions that are made will be for voluntary agreements. In addition, I think there is inadequate information about the dynamics of the legal profession as an economic market and I will establish a special committee staffed by economists and members which will study the economics of legal fees.

D. *Our Publications*

As always, there is a vital interest in determining ways in which we can improve our publications so that they will serve the interests of our members. Should you have any suggestions in this regard, I would be delighted to hear them.

E. *Bread and Circuses*

During the course of the year we hope to have a number of appearances by worthy speakers. There will be trips to near and far ports of call and joyous entertainments. To get the year started in the right way, we will have a special dinner in honor of two retiring California Supreme Court Justices in January.

While the President of this Association can suggest and recommend, in the last analysis it is the tumultuous and untiring energies of the membership which provide a basis for improvement. It would be impossible to entertain serious hopes about the accomplishment of even a small part of what is suggested in this article were it not for the really affirmative efforts of the staff, Irv Reichert, Bruce Blumberg, Joan Evjenth, Gail Griffith, Larry Long, Barbara Fanning, Colleen Hoy, Freida Johnson, Trish Coleman and Sarah Wilcox.

The last tradition which has helped us through the years has been one of tremendous effort by the officers and members of the board. Bob Sproul, Frank Farella, Lucy McCabe and Tom Smegal will all

help make this a productive year. There is every indication that this year each member of the Board will also contribute their efforts in a way that will be consistent with our traditions.

What is proposed in this article, of course, might be intimidating to some of us, but the truth is that we love the opportunity to try to improve things. And if we didn't have these problems to work on, we might lose some of our zest for life. As he often did, Holmes said it best:

I sometimes have mused myself with the imagination of a society for the preservation of abuses, with closed seasons and fixed times within which alone one was authorized to make the crooked, straight. For nature is always self-defeating, and if you imagine the time when our ideal was achieved, and there was nothing left to be set right, what would become of man? The faculties which are his life finding no place for their exercise would dwindle and decay, and the joy of life, as we know it, would be at an end.

For the opportunity to lead this Association during its 105th year, I would like to thank each one of you.

JUDICIAL SEARCH . . .

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of justice if you could provide names of and a brief sketch about potential candidates to the undersigned.

Very truly yours,
Frank D. Tatum, Jr., Esq.
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