

RESOLUTION 11-04-2014

DIGEST

Conference Rules: Maintenance of Records of Conference Actions

Adds Rules 25 and 26 to Article IV of the CCBA 2012 rules of Operation and Procedure to provide for accurate tracking of Conference actions.

RESOLUTIONS COMMITTEE RECOMMENDATION

APPROVE IN PRINCIPLE

History:

Similar to Resolution 01-01-2008, which was approved in principle.

Reasons:

This resolution adds Rules 25 and 26 to Article IV of the CCBA 2012 rules of Operation and Procedure to provide for accurate tracking of Conference actions. This resolution should be approved in principle because the resolution would result in improved access to accurate information about past Conference actions, which will promote our legislative purpose.

The Conference does not have a formal rule of operation or procedure requiring public maintenance and display of records of past Conference actions, including Resolutions Committee recommendations, call-ups, withdrawals, votes and the substance of amendments. At present it is not always easy for would-be proponents to ascertain Conference action on past resolutions, which may result in needless re-introduction of the same resolution and unnecessary debate. For example, while the content of all resolutions introduced during the past many years is maintained on the Conference website, the Resolutions Committee recommendations for those resolutions are only available for some years, and the final Conference actions are rarely available. Nor does the Conference have a procedure for allowing correction by delegates of any inaccurate records of past actions. The Conference should have formal procedures in place for making records of past actions publicly available and ensuring those records are accurate, and the adoption of the formal rules proposed by this resolution will promote compliance with those procedures. Easy access to accurate records of Conference actions will also facilitate our legislative work in Sacramento.

Delegates should be aware, however, that if this resolution is passed opponents of legislation sponsored by the Conference would have the same easy access to information about Resolutions Committee reports and floor debate as would delegates. But this is not a basis for disapproval of the resolution, since the public can at present access such records as we do make available. While ideally only delegates should be able to access information about our deliberations, restricting access is probably not feasible at present for technical and financial reasons.

TEXT OF RESOLUTION

RESOLVED, that the Conference of California Bar Associations recommends that the CCBA Board of Directors add add rules 25 and 26 to Article IV of the Conference of California Bar Associations 2012 Rules of Operation & Procedure to read as follows:

1 WHEREAS, the Conference of Delegates meets for three days ever year and its meeting
2 schedule does not accommodate the preparation of minutes and their review, correction and
3 approval at its next meeting;

4 WHEREAS, no record of the actions taken at the Conference is made publicly available
5 for review and correction;

6 THEREFORE BE IT RESOLVED that the Conference of Delegates of the Conference of
7 California Bar Associations recommends that the Board of Directors establish a process whereby
8 the records of the Conference proceedings be made publicly available following each annual
9 Conference for review and correction, if need be.

10 BE IT FURTHER RESOLVED that it is recommended that the process include (1) the
11 retention of documents showing (a) call-ups, (b) withdrawal of call-ups and withdrawal of
12 resolutions, (c) Reports of the Resolutions Committee; (1) that the record of the Conference be
13 posted on the Conference website within a reasonable period of time after the conclusion of the
14 Conference; (3) that every delegate to the Conference be afforded the opportunity to review and
15 offer corrections to that record; and (4) that at its next meeting after 30 days have elapsed from
16 the posting of the record of the Conference on the website, the Board of Directors shall consider
17 corrections and vote on the approval of the record of the Conference.

18 TO THIS END, the Conference of Delegates recommends the Board adopt and add the
19 following rules to Article IV of the Conference of California Bar Associations
20 2012 Rules of Operation & Procedure:

21 25. Record of Actions of the Conference. The CCBA shall maintain copies of all
22 resolutions submitted to the Conference including the Resolutions Committee recommendation
23 for each resolution, if any. The Resolutions Committee, or such other committee as may be
24 formed in the discretion of the Board of Directors, shall prepare a summary of the actions taken
25 at the Conference and which contains the following information for each resolution submitted to
26 the conference: (a) the resolution number; (b) the Resolutions Committee recommendation, if
27 any; (c) whether the resolution was called up for debate by the Conference and, if so, whether
28 debate was full or limited; (d) whether the resolution was withdrawn by the proponent; and (e)
29 the action of the Conference on the resolution. If a resolution passed the Conference with
30 amendments, a copy of the resolution as amended shall be maintained and made available on the
31 CCBA's web site. The CCBA shall maintain the information provided in this rule for a period of
32 not less than 10 years and shall make it available on the CCBA's web site within 30 days of
33 completion of the Conference.

34 26. Post-Conference Procedures. The proponent of a resolution and any Delegate who
35 registered to attend the Conference of Delegates shall have 30 days after posting of the reports
36 and information provided in Article IV, rule 25, to offer any corrections to the summary of
37 actions. After the time for proponents and Delegates to offer corrections has lapsed, the Board
38 shall act on any requests for corrections at its next duly scheduled meeting and shall notify the
39 person making the request of the Board's decision.

(Proposed new language underlined; language to be deleted stricken.)

PROPONENT: San Diego County Bar Association

STATEMENT OF REASONS

The Problem: In 2008, the Conference passed Resolution 01-01-2008, a SDCBA resolution substantially similar to this one. At that time, the Conference website disclosed the results of the Conference but there were errors that were not corrected and no procedure available to recommend corrections. In addition, the CCBA's web site is currently inconsistent in posting and maintaining a record of the final actions of the Conference. As such, despite the

Conference's passage of Resolution 01-01-2008, its procedures have not been adopted or made a formal part of the Conference rules. Members of the Conference work very hard to draft and defend resolutions of varying levels of importance to our clients, colleagues, and fellow citizens. If a resolution passes the Conference there should be an accurate record of that action for independent confirmation in the future. As an example, in 2007, the Conference passed a SDCBA resolution amending the Conference rules to allow for law student voting rights at the Conference. The change was not made and, in 2013, a law student was told she could not vote. The SDCBA and others were unable to confirm that the resolution had in fact passed until after the Conference concluded. As a further example, a resolution substantially similar to this one passed in 2008. These changes, too, were not made to the Conference rules and the resolution passage is not publicly available. There should be a system to allow proponents and interested parties to check on the action taken on specific resolutions.

The Solution: Would bring the issue of publication, review and corrections of Conference actions back to the Board of Directors for consideration and implementation and proposes new rules 25 and 26 which would provide for a record of actions of the conference and set forth post-conference procedures that would allow for correction of the record of actions.

LEGISLATIVE HISTORY

This resolution is related to Similar to Resolution 01-01-2008 which was approved in principle at the 2008 Conference.

IMPACT STATEMENT

The proposed resolution does not affect any other law, statute or rule.

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