

THE STATE BAR OF CALIFORNIA

FAMILY LAW NEWS

Issue 1, 2017 | Volume 39, No. 1

**MCLE Article: The Family Lawyer's Guide to Assisted
Reproduction Law in 2016**

By Deborah H. Wald, Esq. and Richard B. Vaughn, Esq.

**Family Violence Appellate Project Finds Many Family
Law Judicial Officers Fail to Respond Appropriately in
Domestic Violence Cases**

By Nancy K. D. Lemon and Jennafer Dorfman Wagner

Understanding Issues Affecting Transgendered Youth

By Avi Levy and Nathan Gabbard



Message from the Chair

David Lederman



Happy New Year!!!

The Mood:

For this message, we need to set the mood. Download the following songs and play them while you read: “*The Times They are A-Changin*” by Bob Dylan and “*It’s the End of the World as We Know It*” by REM.

State of our relationship with the State Bar:

When I wrote my last message, the fate of the unified bar was murky. The legislature was gridlocked on the State Bar dues bill and various factions were discussing the concept of de-unification—which, from our perspective, means the separation of the sections from the State Bar. The unified State Bar was established in November of 1927. Now, 89 years later, it is marked for termination. The time of attorney “self-regulation” is gone. The objectives of early State Bar leaders were to “kick the rascals out of the profession,” raise admission standards and work collectively to improve the administration of justice.¹ The sections of the unified State Bar have worked tirelessly, through our live educational programs, scholarly journals such as the Family Law News, Enews, webinars, and legislative work to protect the profession from the “rascals” and improve the administration of justice in this great state. Due to State Bar political gyrations beyond our control, however, our ability to continue this work as part of the bar will end. According to State Bar leadership, de-unification is *fait accompli*.

NB: This is a decision by the State Bar itself, not the Legislature. As I write this message, the legislature is on winter break. They will have significant input in how this process proceeds and just what shape the State Bar will take.

What Next:

The truth is, I do not know. Vanessa Kirker-Wright, the section’s immediate past chair and my friend and

mentor, has taken the helm in monitoring our evolving relationship with the State Bar and trying to influence the fate of our section. At this stage, we are exploring a variety of structures in which the section will operate in relation to the State Bar.

The Family Law Section functions well and will continue to do so until the State Bar leadership pulls our plug. Until now, the sections, have been self-funding and self-sustaining. If the section used State Bar resources, it paid for those resources through an allocation. In simple terms, roughly 3/4 of the money the section raised went to the bar to pay for our share of resources. However, we have had no input into what the State Bar charges us for our use of its resources, which include staff, our proportionate utilization of space in the State Bar building, and lobbyists to promote legislation designed to “improve the administration of justice.”

As we approach de-unification, the State Bar has notified us that it had discovered that approximately \$2.3 million dollars was not included in our historic allocation, opening the door to a potential allocation adjustment reducing by \$2.3 million the approximately \$8 million in reserves owned by the sections.

The news is not all bleak for the sections. This could be an opportunity, if the legislature is willing, to allow the sections to separate from the Bar and negotiate an ongoing relationship in which it continues to collect our dues by voluntary contributions and then gives those resources to us. We would then negotiate for our use of State Bar resources as an independent non-profit corporation. The State Bar would benefit by getting rents from the sections that would go to their general operating fund, and we would be able to continue the outstanding services we currently provide. In my view, this would be the best-case scenario. The worst-case

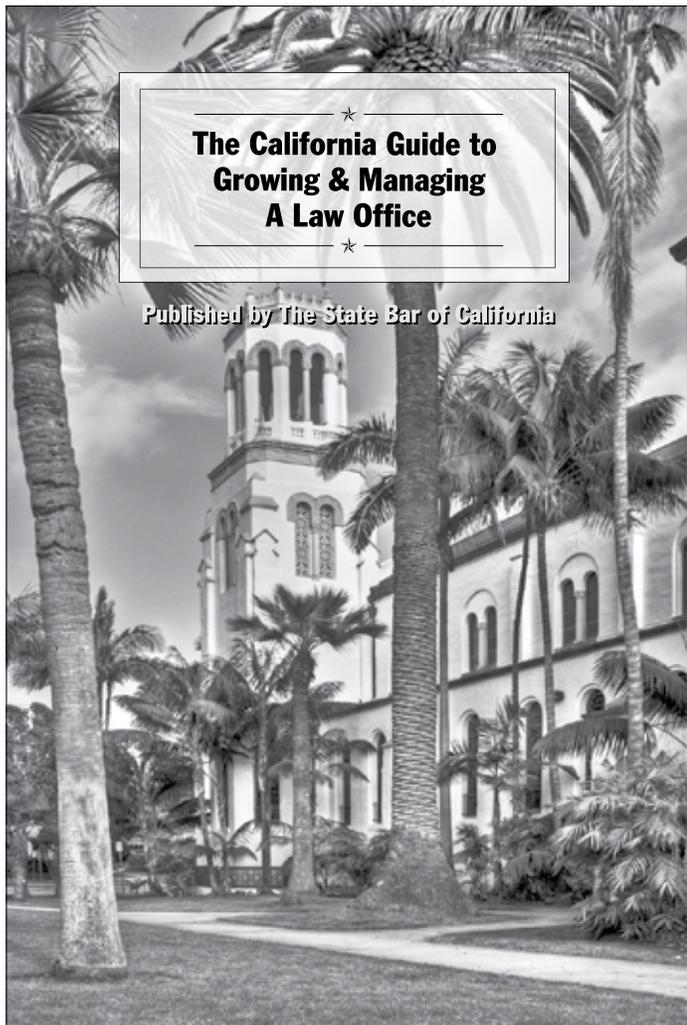
scenario would be that we are completely cut loose from the State Bar. In such a circumstance the section would essentially become a trade organization focusing on professional development, but we would lose our public-protection mandate. In this scenario, we would need to generate our own dues bills, which by itself would have a significant cost. We would need to recreate the entire infrastructure for a bar organization that the State Bar currently provides. Also, as a professional trade organization, we could be competing with local

bar associations and the other area practice specialty organizations. Both the public and attorneys would lose.

I tried peering into my crystal ball to see what the future holds. It is still cloudy, but as the winds clear the clouds my messages we will keep you updated both in this fine publication as well as our monthly E-news. Best Wishes in 2017.

Endnotes

- 1 See archived 75th Anniversary of the State Bar at <http://archive.calbar.ca.gov/calbar/pdfs/cbj/75th-Anniversary.pdf>.



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The California Guide to Growing & Managing a Law Office

Published by The State Bar of California

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Growing a law practice can be a lawyer's most rewarding and challenging professional experience. The goal of this book, is to make it less challenging and more rewarding. It picks up where *The California Guide to Opening a Law Office* left off, exploring challenges of growing a law practice in detail. Chapters include:

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6. The Geographic Dimension of Growth: Marshalling physical resources
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