

An Aide to Legislation

*Legislative staffer Gene Erbin
screens most of the bills that affect lawyers*

SACRAMENTO—In the heat of high-stakes negotiations to forestall the bruising 1988 insurance initiative wars, a crucial meeting was held in the attorney general's office. Into this conference of politicians, insurance executives, lobbyists and high-powered lawyers walked a young legislative aide, wearing shorts.

Widely regarded as one of the most effective and influential staffers in the Legislature, 35-year-old Gene Erbin can get away with informality. Often blunt and full of wisecracks, Erbin is sole counsel to what for lawyers is perhaps the most important committee in the Legislature: the Assembly Judiciary Subcommittee on the Administration of Justice.

Created in 1985 to provide more scrutiny for the many complex bills that

somewhat to whatever issues are in the eye of the latest legal and political storms. "This year," he says drolly, "it's guns and ethics."

Erbin's boss, subcommittee chairman Lloyd Connelly (D-Sacramento), is pushing two particularly difficult bills this session—bills Erbin helped write and is in large measure responsible for shepherding through the Legislature. AB 497 would require a waiting period for the purchase of "long guns" similar to the current 15-day waiting period for handguns. AB 671, carried by Connelly for the attorney general's office, would clarify state antitrust law affecting mergers, effectively overruling the state Supreme Court's decision that state law could not be used to block the controversial Texaco-Getty merger, which the attorney general's office unsuccessfully sought to

stop. *State of California ex rel Van de Kamp v Texaco Oil Inc.* (1988) 46 C3d 1147.

Both bills face stiff opposition. "Everybody in the world is opposed to [the antitrust measure]," says Jeffrey J. Fuller, the deputy attorney general assigned as legislative advocate for the bill.

Erbin is hardly new to unpopular causes. After he graduated from the University of San Diego Law School in 1980, he became

part of the original staff of the school's Center for Public Interest Law. As the center's Sacramento advocate, Erbin worked on a variety of regulatory and consumer issues, pressing legislation to outlaw ex parte contacts at the Public Utilities Commission and a bill to provide "meaningful civil remedies" in the state's

open meeting law.

In 1985, working with the state field director for Common Cause, Erbin drafted what was perhaps the first insurance reform bill, which would have created a consumer advisory panel in the state Department of Insurance.

"This was the genesis of the entire insurance debate," Erbin says. "It was trounced by the insurance industry."

Erbin's current job keeps him in the middle of the insurance battles. He helped write Connelly's hard-fought 1987 legislation to regulate the insurance industry in California. When the legislation was defeated after intense industry opposition, Erbin helped write Proposition 100, which was bankrolled by the California Trial Lawyers Association and rejected by the voters last year. But those failures are more a tribute to the strength of the opposition than a comment on Erbin's effectiveness.

"I think he's probably one of the most effective staffers, if not the most effective, in the Capitol," says State Bar Discipline Monitor Robert Fellmeth, a University of San Diego law professor who was Erbin's boss at the Center for Public Interest Law. Fellmeth says Erbin's direct style is part of his success with opponents. "It's hard to be mad at someone who is straight with you and has a sense of humor about himself and others," he says.

Connelly agrees. "He has the ability to tell elected officials to their faces that their bills are turkeys if they are indeed turkeys," says Connelly. "He can do it in such a way that you are not offended, and more often than not he has a powerful argument behind him. He saves a lot of time and avoids a lot of the namby-pamby which is so prevalent here."

But Erbin's success is also a product of his thoroughness. "There is hardly a day that I don't get a call from Erbin," adds Fuller, who handles all civil legislation for the attorney general's office. "He wants to know everything, all the cases. He really gets thoroughly immersed, and he does that on practically every bill."

Much of Erbin's power and influence stem from the unusual philosophical simpatico he enjoys with Connelly, for whom he has worked since 1986. "He reflects the flavor of his boss," says Fuller. "He and Connelly think alike."

Connelly has nothing but praise for Erbin. Well, almost nothing. "His only fault," says Connelly, "is his dress. You never know when he's going to wear shorts."

—SIGRID BATHEN



Informal and influential, Gene Erbin is currently in the middle of the state's insurance battles.

come before the Assembly Judiciary Committee, the subcommittee must screen, revise and analyze measures affecting all aspects of the justice system in California—from insurance and tort reform to court funding and attorney discipline.

Each year, says Erbin, the focus shifts

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