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THE BAY AREA'S LEGAL NEWSPAPER

# Harris Assailed as Manager, Praised as Skilled Lobbyist

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SACRAMENTO — The governmental affairs office of the State Bar of California, absorbed in its legislative fight for a proposed dues increase, has been plagued by personnel disputes, staff turnover and low morale.

Four of the six employees in the Office of Governmental Affairs resigned in recent months. Some of them complained to the Bar's San Francisco office about working conditions. The latest announced her resignation last month, completing the departure of all the original staff members on board when Mark Harris, the governmental affairs office director, took over a year ago.

Harris, 31, a politically ambitious, \$81,000-a-year executive, refused to respond to repeated attempts by The Recorder to question him about his administration of the office.

While Harris clearly outraged his

former employees, he generally has been praised by legislators and their aides for the quality of his lobbying.

But critics of his office, including some State Bar activists, say Harris enjoys a special status because of his former boss, Assemblyman Elihu Harris, D-Oakland.

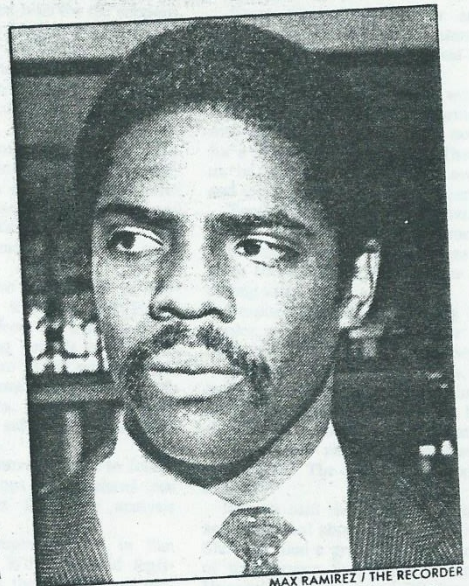
Assemblyman Harris, who is not related to Mark Harris, is chairman of the Assembly Judiciary Committee, which is scheduled to consider the Bar dues and discipline bills this month. Mark Harris is the assemblyman's former chief of staff.

Bar Executive Director Herbert Rosenthal insists that no Bar staff member is beyond accountability and that Harris is doing a good job as a lobbyist.

"There is nothing . . . that has undermined my confidence in Mark," Rosenthal said. "Mark has been a person I've relied upon, and with good reason. I have not been disappointed. He has been a backbone of State Bar management."

Bar officials also insist they aren't

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MAX RAMIREZ / THE RECORDER

**MARK HARRIS: Embroiled in office controversy, but praised as a lobbyist.**

# Bar Lobbyist Assailed in Controversy

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concerned with his political plans. Mark Harris has said he may run for a state Assembly seat in 1990.

Bar President P. Terry Anderlini insisted that Harris is "very satisfied with his job and hopes to have a career with the Bar." Anderlini said a July 1987 letter in which Harris mentioned that he might run for the Assembly in 1990 was "pretty old news."

"Mark's got a lot of talent," Anderlini added.

Although not responding specifically to employee dissatisfaction in Sacramento, Anderlini noted that "a lot of departments at the Bar have had high turnover. . . . I'm unaware of any specific problems [in the Sacramento office]," Anderlini said. "I think Mark Harris has done a very good job for us and has good rapport with both Republicans and Democrats in the Legislature. I'm in and out of that office, and if [there are problems], I don't see it."

Orville "Jack" Armstrong, Bar president when Harris was hired, described Harris as "extremely competent in dealing with the Legislature and extremely helpful in getting the dues bill through last year." Armstrong was unaware of any personnel problems in the Sacramento office.

But Sen. Quentin Kopp, the outspoken independent from San Francisco, said the Bar's Sacramento presence is weak and expressed concern about the personnel problems in the office there.

"The records would compel me to urge the Board [of Governors] to give the matter thorough review," Kopp said.

In addition to the Bar dues and discipline bills, Harris' office is following bills to raise the small claims court limit, reimburse court-appointed attorneys who represent indigent prison inmates in civil cases, prohibit membership in discriminatory private clubs by members of the Board of Governors, and allow out-of-state attorneys to practice in some legal



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services programs.

Last year, Harris helped pass bills establishing standards for lawyer referral services and correspondence law schools.

Former governmental affairs office employees and state legislators say Mark Harris relies heavily on his assistant, Antonio Nevarez, a former Assembly fellow who worked for Elihu Harris before joining the Bar last year.

"I never see [Mark Harris]," said Kopp, who is carrying several bills for the State Bar. "I only see Tony, and quite frankly, I'm not impressed. He's inexperienced."

"He's [Nevarez] handling all these bills, and there was nobody there to teach him," said one former Bar staff member.

Experience is relative, Nevarez said. "The bottom line is what gets done," he

said.

But what the office gets done hasn't been immune to criticism. Over the past year, the heads of several specialized Bar sections were upset because they had not received information on legislation affecting them. The Sacramento office traditionally monitored bills for the sections.

Bar executives defended Harris as overworked and his office as understaffed. Service to sections and committees has suffered while the Bar's chief lobbyist presses for passage of the dues bills, they said.

Three months into this legislative session, the Bar hired a private bill-monitoring service to provide legislative information to the sections at an estimated annual cost of \$7,000.

But critics contend Harris is not overworked.

Former State Bar employees in Sacramento told The Recorder that Harris often disappeared from the office without explanation for long periods of time, refused to advise them of his whereabouts, failed to return phone calls and attend to routine office duties, behaved secretly in the office and subjected his staff to outbursts of temper.

They also said Harris refused to follow union job regulations and insisted that secretaries perform legislative analysis and lobbying tasks.

A Bar union representative in San Francisco, Marian Williams, said legislative secretaries in the office were performing work outside the purview of their job descriptions.

"I was appalled," Williams said.

"Basically, he wasn't there much," said former Bar legislative representative Judith Harper, who is now in the legislative department of the Sacramento law firm of Kronick, Moskovitz, Tiedemann & Girard, and is president of the Sacramento County Bar Association. "There were those who believed his absences did handicap the work of the office."

"I know he didn't go places he said he was going," said another former employee who asked not to be identified. "He wouldn't tell us where he was, and if he would say where he'd be, he often wouldn't be there and wouldn't ever arrive."

From the outset, former employees recall, Harris and his assistant, Renee DaGrace, appeared determined to make radical changes.

"When he came in we were really quite enthused," recalled former office manager Tracy Herson, who now works for a Sacramento law firm. "Then he told us he was going to change everything, and we began to get really concerned."

Tension in the office escalated. Several former employees said DaGrace wrote unfair memos about their abilities and told them she intended to break the "bond" among them.

Despite repeated attempts by The Recorder to reach her, DaGrace did not make herself available for comment.

One secretary, Debra Roberts, claimed her health deteriorated after Harris and DaGrace insulted and harassed her, and she visited a physician for treatment of stress-related ailments, including heart palpitations. The doctor prescribed medication.

Roberts said she complained to Brown and Rosenthal about Harris and DaGrace. She also filed a grievance with Local 250 of the Service Employees International, Hospital and Institutional Workers Union, which represents Bar employees, after Harris allegedly threatened to fire her, ordered her "terminated," then abruptly "reinstated" her and refused to allow a union representative to be present while disciplining her.

Rosenthal, who said he did not recall details about Roberts' complaint, noted that the grievance never reached its final stages because Roberts resigned.

"She did not directly or personally

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# Harris Knocked as Boss, Lauded as Lobbyist

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bringing this to my attention," Rosenthal said. "She would have had that opportunity [if the grievance had been concluded]."

Said Roberts: "When I requested a union representative, he [Harris] hit the ceiling and said, 'You're out of here!' He gripped his desk and pounded his fist on the desk. It was scary. Then he'd act like nothing ever happened."

Williams attempted to meet with Harris about the grievance Nov. 16 but said he became agitated when she tried to explain the Bar's memorandum of understanding (MOU) with the union. Harris abruptly ended the meeting, she said.

Williams said her dealings with Harris were a departure from those with other Bar managers. "Mr. Rosenthal had established a very good atmosphere for the

union," she said. "So I went to Sacramento [for the meeting with Harris] with a positive attitude. It turned out to be a very quick meeting.

"He wanted me to stop telling him about the MOU, and I told him I had to," she said. "There are certain processes to follow if you want to discipline someone. I was trying to talk about it, but he didn't want to listen. He said he didn't need instructions on how to run his office.

"He raised his voice. I stayed calm. I didn't even have a chance to talk, as I was more or less put out of the office . . . He may know his job as far as lobbying, but he didn't understand the workings of the office. He couldn't possibly have read the contract."

When Roberts resigned last November, she listed more than 60 instances of mis-

treatment by Harris and DaGrace in 1987 that she said caused her "declining physical and mental health."

The dissension in the office began soon after Harris arrived last year, according to former Bar employees. Some Bar activists and employees were upset with Harris' treatment of former Bar legislative representative Harper, who served as acting director of the office for six months before Harris took over. She had recommended Harris as office director.

In a July 8, 1987, letter to Harris, Arnold Gold, a Los Angeles attorney and vice chairman of the executive committee of the Conference of Delegates, criticized Harris for spurning Harper in the middle of the legislative session.

"I find it inconceivable that Judy's suspension at this particularly delicate

stage of the legislative process will not have a substantial negative impact upon the conference's 1987 legislative program," Gold wrote.

Gold said in an interview that Harper's departure damaged the Bar's lobbying efforts. "I think that it did, but I'm not sure that I can back it up with statistical information," Gold said.

Neither Rosenthal nor Harper would discuss her departure. Gold credited Nevarez with helping to keep the Bar on track after Harper left.

But Gold was more exercised about Harris' decision to countermand a Bar executive committee order regarding a particular bill.

The issue was whether "the Office of Governmental Affairs takes instructions  
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# Harris Garner's Praise, Criticism

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from the executive committee or gives instructions," Gold said. "There is no question that Mr. Harris takes instructions." The chain of command was re-emphasized to Harris at an executive committee meeting last summer.

Gold said the meeting with Harris resolved many issues but did not dwell on Harris' role in Harper's departure.

"I don't think that was discussed at all," Gold recalled. "I think it was decided that it would be better not to. The general feeling was that we and Mark would be working together."

Before being hired by the Bar for its top legislative job, Harris was a vice president of Cranston Securities of Los Angeles, a firm specializing in public finance. With the approval of Rosenthal, he continued to do some work for Cranston for several months after he went to work for the Bar.

A spokeswoman for Cranston in Los Angeles said Harris left the company's payroll last summer.

Before working at the Bar, Harris served as chief deputy tax collector for Alameda County and as a law clerk to U.S. District Judge Terry J. Hatter Jr. in Los Angeles. He received his law degree from the University of California at Berkeley's Boalt Hall School of Law in 1981 and was admitted to practice law in 1983.

He also has been chairman of Oakland's Civil Service Commission and served as counsel to the Minority Business Enterprise Legal Defense and Education Fund in Washington, D.C. He



RICH PEDRONCELLI

**DEBRA ROBERTS:** "When I requested a union representative, he [Harris] hit the ceiling and said, 'You're out of here!' He gripped his desk and pounded his fist on the desk. It was scary."

was named an "Outstanding Young Man of America" by the National Jaycees and one of "Thirty Future Leaders of America" by Ebony magazine.

He is described by Bar executives as a "dynamo," a capable, knowledgeable advocate whose office is handicapped by

its large workload and small staff.

"Mark has been a very effective and able manager," Rosenthal said. "From what I've heard from consultants and legislators, he has excellent rapport."

Richard Alexander, a San Jose lawyer who is chairman of the Board of Governor's Committee on Legislation, said Harris has provided "excellent representation" to the Bar.

Dennis Cornell, a Merced lawyer who is a member of the board's legislative committee, said Harris "has been at my side in [legislative] committees and has been outstanding." And, Cornell added, Harris has helped to "open doors" in the Legislature. "We've heard no complaints," he added.

Martin Pinon, a consultant to Sen. Robert Presley, D-Riverside, who has sponsored key Bar discipline bills, praised Harris.

"Sen. Presley is very happy with [Harris] work," Pinon said. "He's congenial. He's dynamic. He knows the legislative process. Our dealings with him have been very good. He's always available and returns phone calls. He's a very easy guy to work with. He is overworked and needs more staff."

Assemblyman Lloyd Connelly, D-Sacramento, a member of the Assembly Judiciary Committee, said he hasn't had "much contact" with Harris.

"He has a difficult task," said Connelly aide Gene Erbin, counsel to the Assembly Judiciary Subcommittee on the Administration of Justice. "It's a difficult policy job and a difficult political job. I think he's doing a pretty decent job under very difficult circumstances."

# Cordell Backed In Her Bid for Superior Court

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the plebescite. In order for Cordell to receive the formal Bar endorsement, 40 percent of the membership had to return ballots on the election issue.

Cordell and Popolizio are vying in the June 7 election to fill a spot on the Santa Clara County bench being vacated by the retirement of Superior Court Judge James Wright.

Just last week, Cordell, who has far outdistanced Popolizio in gathering formal endorsements, received the support of the county Trial Lawyer's Association and the Santa Clara County chapter of the L. Raza National Lawyers Association.

"I hope this is a sign of things to come," Cordell said Tuesday. "It says I've got, as I expected, tremendous support from the Bar. They're looking at giving great weight to judicial experience."

Popolizio could not be reached for comment Tuesday on the outcome of the Bar Association vote. However, in the past, Popolizio has said he is focusing his campaign more on meeting with voters in the community than on trying to enlist support from the county bar.