

Lawmakers slap bar as judiciary panel OKs boost in dues

7/16/87

By SIGRID BATHEN
Recorder Capital Correspondent

SACRAMENTO — The beleaguered State Bar of California received more brickbats and even a few kudos Wednesday as the Assembly Judiciary Committee passed a bill to boost bar dues.

The committee action, approving the bill with technical amendments, followed considerable debate at an earlier hearing by the Subcommittee on the Administration of Justice.

At that hearing, the bill was opposed by Assemblyman Tom McClintock, R-Thousand Oaks, who took the bar to task as "an arrogant bureaucracy completely run amok."

McClintock cast the one negative vote as the judiciary committee approved the bill on a six-to-one vote with these amendments:

- The bar must devise a specific plan for dealing with a projected \$1.3 million budget shortfall.

- The bar must spend \$25,000 for a consultant to review the bar's affirmative action practices.

- The bar must receive legislative approval of its Los Angeles building plans before proceeding with construction.

The bar bill would increase annual dues for attorneys with more than three years of experience by \$15 to \$275, including \$25 for discipline, \$10 for the building fund and \$25 for the client security fund. The bill would raise by \$7 to \$147 the dues for lawyers with one-to-three years of practice and add \$6 to the \$110 dues currently paid by first-year lawyers.

Total bar dues have increased from \$195 in 1985 to \$260 in 1987, for lawyers with more than three years' experience.

Much of the subcommittee hearing focused on a report last month by the state legislative analyst which was

highly critical of bar budgetary procedures and recommended reducing the proposed \$27.7 million 1988 budget by \$1.2 million — a cut which would eliminate the need for the \$15 dues increase.

Bar officials contend the budget surplus described in the report has been erased and a \$1.3 million deficit left in its place due to increased costs for the lawyer discipline program. The legislative analyst, represented by Jarvio Grevious, who prepared the report, said he still has questions about the bar's budget policies but acknowledged that the bar has and will incur large unexpected costs for upgrading its discipline system.

State Bar Monitor Robert Fellmeth also testified at the hearing, urging passage of the bar dues bill to continue improvements in the lawyer discipline system. Fellmeth, a law professor from the University of San Diego and director of the Center for Public Interest Law there, was appointed by Attorney General John Van de Kamp as a result of legislation requiring a monitor to review and recommend improvements in state bar discipline.

Fellmeth praised the bar's efforts to improve its discipline process and said many needed improvements — recommended in a scathing report by the monitor — are being made. He was particularly pleased with progress in the bar's Office of Trial Counsel, the principal prosecuting arm of the bar's disciplinary system, which has been decimated by high turnover and low morale.

The bar recently announced the appointment of veteran Los Angeles prosecutor James Bascue to head the Office of Trial Counsel — a move greeted with praise by Fellmeth, who said Bascue is moving swiftly to make needed improvements.

See JUDICIARY, Page 5

Judiciary panel passes bill to hike bar dues payments

Continued From Page 1

Fellmeth said there are still problems in other major parts of the disciplinary system — the Office of Investigations and the State Bar Court. In his report, Fellmeth was especially critical of the bar's separation of investigations and trial counsel.

"If they move as quickly as the Office of Trial Counsel [in improving investigations and the bar court], we can break out the champagne," Fellmeth said. "At present, however, roses are not yet warranted."

Fellmeth said he also expects a "bulge" within the next six to 10 months in the number of attorneys disciplined as a result of improvements in the discipline program. "Prior to 1983-84, very little was being done about discipline," Fellmeth said. "The system was badly mismanaged over the past five years. Now they have to catch up."

Fellmeth said morale among attorneys in the discipline program has improved, and he strongly urged legislators to approve the bar dues increase to help fund significant salary hikes planned by the bar to attract — and keep — qualified attorneys.

After the hearing, Fellmeth told The Recorder more money probably will be needed in the years ahead in order to fund a tougher discipline system. He estimated that money budgeted for discipline — \$25 in the 1988 budget — is perhaps one-third of what is needed to fund the necessary reforms.

He said a special assessment — perhaps as high as \$50 — may be necessary. "I'm not quite ready to go to the Legislature and say, 'Do X, Y and Z,'" he added.

A major portion of the 1988 budget will go to improvements in the bar's salary schedule for attorneys in the discipline system. The bar's plan, according to testimony Wednesday, is to make attorney salaries comparable to those in the state Attorney General's office. Those salaries, said bar officials, range from \$2,950 per month for beginning lawyers to \$5,581 for the top scale. The of-

ficials said bar salaries are now 25-30 per cent below those levels.

"We have had a large turnover in attorney staff," Bar President Orville "Jack" Armstrong told the judiciary subcommittee. "We are finding it difficult to find and keep qualified people because our salaries are not competitive."

Armstrong said bar officials would examine all possible avenues for cutting the projected \$1.3 million deficit in the bar budget. "I can tell you what we don't do," Armstrong said. "We won't cut the discipline program."

"I get the distinct impression," Assemblyman McClintock said acidly, "that you haven't the slightest idea how you are going to make up the deficit, [and] you're asking for a substantial increase in bar dues to pour more money down that rat hole of mismanagement."

The legislative analyst recommended approval of the \$12 million projected cost for the Los Angeles building, but said the bar must stop using funds "inappropriately" to buy typewriters and other items. Armstrong agreed, saying the bar will "restrict the use of the funds," but he resisted efforts to require prior approval of building plans.

"To be very blunt," responded Lloyd Connelly, D-Sacramento, "we're concerned that you don't run off and build a Taj Mahal."

McClintock added that entrusting responsibility for the building fund to bar management is "like giving Moammar Khadafy trust over the bomb."

"That," Connelly cautioned his fellow legislator, "may be a little extreme."

The legislative analyst reiterated his concern that the bar does not adequately account for its expenditures, but said the recent analysis was the first major review by the analyst and the bar has promised more complete budget figures in future reviews.

"To a certain extent," Grevious said, "you have a budget and you don't know where it's going."