

AMENDED IN SENATE JUNE 24, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 3080**

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**Introduced by Committee on Judiciary (Corbett (Chair), Hancock,  
Jackson, Laird, Lieber, Longville, Montanez, and Steinberg)**

March 11, 2004

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An act to amend Section ~~6002.1~~ 6001 of the Business and Professions Code, relating to attorneys.

LEGISLATIVE COUNSEL'S DIGEST

AB 3080, as amended, Committee on Judiciary. California State Bar.

Existing law, the State Bar Act, provides for the licensing and regulation of attorneys by the State Bar of California. ~~Existing law requires a member of the State Bar to provide certain information to the State Bar, and prohibits the State Bar from making specified information available to the general public.~~

This bill would require the State Bar to *publicize to its members in the annual dues statement and other appropriate communications that its members have the right to limit the sale or disclosure of member information not reasonably related to regulatory purposes. The bill would require the State Bar, in those communications, to note the location of its privacy policy and a simple procedure by which a member may exercise his or her right to prohibit or restrict the sale or disclosure of member information. The bill would require the State Bar to report, on or before ~~July 15~~ May 1, 2005, to the Assembly and Senate Committees on Judiciary regarding the procedures it has in place to*

ensure that members can appropriately limit the use of their ~~personal~~ member information.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. — Section 6002.1 of the Business and Professions~~  
2     ~~SECTION 1. Section 6001 of the Business and Professions~~  
3     ~~Code is amended to read:~~  
4     6001. The State Bar of California is a public corporation. It is  
5     hereinafter designated as the State Bar.  
6     The State Bar has perpetual succession and a seal and it may sue  
7     and be sued. It may, for the purpose of carrying into effect and  
8     promoting its objectives:  
9     (a) Make contracts.  
10    (b) Borrow money, contract debts, issue bonds, notes and  
11    debentures and secure the payment or performance of its  
12    obligations.  
13    (c) Own, hold, use, manage and deal in and with real and  
14    personal property.  
15    (d) Construct, alter, maintain and repair buildings and other  
16    improvements to real property.  
17    (e) Purchase, lease, obtain options upon, acquire by gift,  
18    bequest, devise or otherwise, any real or personal property or any  
19    interest therein.  
20    (f) Sell, lease, exchange, convey, transfer, assign, encumber,  
21    pledge, dispose of any of its real or personal property or any  
22    interest therein, including without limitation all or any portion of  
23    its income or revenues from membership fees paid or payable by  
24    members.  
25    (g) Do all other acts incidental to the foregoing or necessary or  
26    expedient for the administration of its affairs and the attainment of  
27    its purposes.  
28    Pursuant to those powers enumerated in subdivisions (a) to (g),  
29    inclusive, it is recognized that the State Bar has authority to raise  
30    revenue in addition to that provided for in Section 6140 and other  
31    statutory provisions. The State Bar is empowered to raise that  
32    additional revenue by any lawful means, including, but not limited  
33    to, the creation of foundations or not-for-profit corporations.



1     *The State Bar shall conspicuously publicize to its members in*  
2 *the annual dues statement and other appropriate communications,*  
3 *including its Web site and electronic communications, that its*  
4 *members have the right to limit the sale or disclosure of member*  
5 *information not reasonably related to regulatory purposes. In*  
6 *those communications the State Bar shall note the location of the*  
7 *State Bar’s privacy policy, and shall also note the simple procedure*  
8 *by which a member may exercise his or her right to prohibit or*  
9 *restrict, at the member’s option, the sale or disclosure of member*  
10 *information not reasonably related to regulatory purposes. On or*  
11 *before May 1, 2005, the State Bar shall report to the Assembly and*  
12 *Senate Committees on Judiciary regarding the procedures that it*  
13 *has in place to ensure that members can appropriately limit the use*  
14 *of their member information not reasonably related to regulatory*  
15 *purposes, and the number of members choosing to utilize these*  
16 *procedures.*

17     No law of this state restricting, or prescribing a mode of  
18 procedure for the exercise of powers of state public bodies or state  
19 agencies, or classes thereof, including, but not by way of  
20 limitation, the provisions contained in Division 3 (commencing  
21 with Section 11000), Division 4 (commencing with Section  
22 16100), and Part 1 (commencing with Section 18000) and Part 2  
23 (commencing with Section 18500) of Division 5, of Title 2 of the  
24 Government Code, shall be applicable to the State Bar, unless the  
25 Legislature expressly so declares.

26 ~~Code is amended to read:~~

27     ~~6002.1. (a) A member of the State Bar shall maintain all of~~  
28 ~~the following on the official membership records of the State Bar:~~

29     ~~(1) The member’s current office address and telephone number~~  
30 ~~or, if no office is maintained, the address to be used for State Bar~~  
31 ~~purposes or purposes of the agency charged with attorney~~  
32 ~~discipline.~~

33     ~~(2) All specialties in which the member is certified.~~

34     ~~(3) Any other jurisdictions in which the member is admitted~~  
35 ~~and the dates of his or her admission.~~

36     ~~(4) The jurisdiction, and the nature and date of any discipline~~  
37 ~~imposed by another jurisdiction, including the terms and~~  
38 ~~conditions of any probation imposed, and, if suspended or~~  
39 ~~disbarred in another jurisdiction, the date of any reinstatement in~~  
40 ~~that jurisdiction.~~



~~(5) Such other information as may be required by agreement with or by conditions of probation imposed by the agency charged with attorney discipline.~~

~~A member shall notify the membership records office of the State Bar of any change in the information required by paragraphs (1), (4), and (5) within 30 days of any change and of any change in the information required by paragraphs (2) and (3) on or before the first day of February of each year.~~

~~(b) Every former member of the State Bar who has been ordered by the Supreme Court to comply with Rule 955 of the California Rules of Court shall maintain on the official membership records of the State Bar the former member's current address and within 10 days after any change therein, shall file a change of address with the membership records office of the State Bar until such time as the former member is no longer subject to the order.~~

~~(c) The notice initiating a proceeding conducted under this chapter may be served upon the member or former member of the State Bar to whom it is directed by certified mail, return receipt requested, addressed to the member or former member at the latest address shown on the official membership records of the State Bar. The service is complete at the time of the mailing but any prescribed period of notice and any right or duty to do any act or make any response within any prescribed period or on a date certain after the notice is served by mail shall be extended five days if the place of address is within the State of California, 10 days if the place of address is outside the State of California but within the United States, and 20 days if the place of address is outside the United States. A member of the State Bar or former member may waive the requirements of this subdivision and may, with the written consent of another member of the State Bar, designate that other member to receive service of any notice or papers in any proceeding conducted under this chapter.~~

~~(d) The State Bar shall not make available to the general public the information specified in paragraph (5) of subdivision (a) unless required to be made so available by a condition of probation; it is, however, available to the State Bar, the Supreme Court, or the agency charged with attorney discipline.~~



1 ~~(e) The State Bar may develop a prescribed form for the~~  
2 ~~making of reports required by this section, usage of which it may~~  
3 ~~require by rule or regulation.~~

4 ~~(f) On or before July 15, 2005, the State Bar shall report to the~~  
5 ~~Assembly and Senate Committees on Judiciary of the Legislature~~  
6 ~~regarding the procedures that it has in place to ensure that members~~  
7 ~~can appropriately limit the use of their personal information.~~

