

**Introduced by Senator Burton**

February 2, 2000

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An act to amend ~~Section~~ *Sections 6086.65 and 6140.16* of the Business and Professions Code, relating to the State Bar.

LEGISLATIVE COUNSEL'S DIGEST

SB 1420, as amended, Burton. State Bar: *State Bar Court Review Department: State Bar workload standards: report.*

*(1) Existing provides for the creation of the State Bar Court to act on behalf of the Board of Governors of the State Bar in the determination of disciplinary and reinstatement proceedings and related matters. Existing law provides for the creation of a Review Department of the State Bar Court to review decisions or orders of the court's Hearing Department. Existing law provides that the party requesting review has the burden of showing either that the Hearing Department did not proceed in the manner required by law, its findings are not supported by substantial evidence, or its decision or recommendation is clearly erroneous, unless the Supreme Court approves an alternative rule of practice or procedure.*

*This bill would instead provide that the standard to be applied by the Review Department in reviewing a decision, order, or ruling by a hearing judge fully disposing of a proceeding is established in Rule 951.5 of California Rules of Court, as adopted by the Supreme Court.*

*(2) Existing law required the State Bar to develop workload standards to measure the effectiveness and*

efficiency of its programs, and to submit a report to the Legislature on its workload standards by September 1, 1991. Existing law requires the workload standards to be used to determine the numbers and classifications of staff required to conduct the activities of the State Bar.

This bill would require the State Bar to review its workload standards, as specified, and to submit a report on its review to the Legislature by June 30, 2001. This bill would require the workload standards to be used to reassess the staffing requirements of the State Bar.

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 6086.65 of the Business and*  
 2 *Professions Code, as added by Section 6 of Chapter 221 of*  
 3 *the Statutes of 1999, is amended to read:*

4 6086.65. (a) There is a Review Department of the  
 5 State Bar Court, that consists of the Presiding Judge of the  
 6 State Bar Court and two Review Department Judges  
 7 appointed by the Supreme Court. The judges of the  
 8 Review Department shall be nominated, appointed, and  
 9 subject to discipline as provided by subdivision (a) of  
 10 Section 6079.1, shall be qualified as provided by  
 11 subdivision (b) of Section 6079.1, and shall be  
 12 compensated as provided for the Presiding Judge by  
 13 subdivision (d) of Section 6079.1. However, the two  
 14 Review Department Judges may be appointed to, and  
 15 paid as, positions occupying one-half the time and pay of  
 16 the Presiding Judge. Candidates shall be rated and  
 17 screened by the board as provided in subdivision (c) of  
 18 Section 6079.1.

19 (b) The board may fix a date no later than September  
 20 1, 1989, on which all proceedings pending before the  
 21 Review Department shall be decided by judges of the  
 22 Review Department appointed under this section. The  
 23 Review Department in existence on June 30, 1989, may  
 24 continue on and after July 1, 1989, to exercise the duties  
 25 and powers under prior Section 6086.6 as to any matter



1 assigned to it prior to the date set by the board pursuant  
2 to this section.

3 (c) The Presiding Judge of the State Bar Court shall  
4 appoint an Executive Committee of the State Bar Court  
5 of no fewer than seven persons, including one person who  
6 has never been a member of the State Bar or admitted to  
7 practice law before any court in the United States. The  
8 Executive Committee may adopt rules of practice for the  
9 operation of the State Bar Court as provided in Section  
10 6086.5.

11 (d) Any decision or order reviewable by the Review  
12 Department and issued by a judge of the State Bar Court  
13 appointed pursuant to Section 6079.1 may be reviewed  
14 only upon timely request of a party to the proceeding and  
15 not on the Review Department's own motion. ~~Unless~~  
16 ~~otherwise provided by a rule of practice or procedure~~  
17 ~~approved by the Supreme Court, the party requesting~~  
18 ~~review shall have the burden of showing one of the~~  
19 ~~following:~~

20 ~~(1) The Hearing Department did not proceed in the~~  
21 ~~manner required by law.~~

22 ~~(2) The findings of the Hearing Department are not~~  
23 ~~supported by substantial evidence.~~

24 ~~(3) The decision or recommendation of the Hearing~~  
25 ~~Department is clearly erroneous.~~

26 ~~(e) This section shall become operative on November~~  
27 ~~1, 2000. The standard to be applied by the Review~~  
28 ~~Department in reviewing a decision, order, or ruling by~~  
29 ~~a hearing judge fully disposing of a proceeding is~~  
30 ~~established in Rule 951.5 of the California Rules of Court,~~  
31 ~~as adopted by the Supreme Court.~~

32 SEC. 2. Section 6140.16 of the Business and  
33 Professions Code is amended to read:

34 6140.16. The State Bar shall review its workload  
35 standards to measure the effectiveness and efficiency of  
36 its programs, including its disciplinary activities, and  
37 provide guidance to the State Bar and the Legislature in  
38 allocating resources. The standards shall be used to  
39 reassess the numbers and classifications of staff required  
40 to conduct the activities of the State Bar's mandated



1 programs. The State Bar shall submit a report to the  
2 Legislature on its review of workload standards by June  
3 30, 2001.

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