



# BAR REPORT

NEWS AND EVENTS OF THE SAN DIEGO COUNTY BAR ASSOCIATION

[WWW.SDCBA.ORG](http://WWW.SDCBA.ORG)

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**Volunteers Needed for Women's Resource Fair**

**SERVICE:** March event offers opportunity to help those in need.

The 19th annual Women's Resource Fair will be held March 1 at the Civic Center and San Diego County Bar Association members are encouraged to volunteer. Together with the San Diego Volunteer Lawyers Program and the San Diego County Bar Association, Lawyers Club organizes the Women's Resource Fair to provide a range of services to women in need.

The event, which runs from 8:30 a.m. to 4 p.m. at Golden Hall, adjacent to City Hall at 202 C Street, will offer women a safe and comprehensive environment where they can receive free medical and other health related assistance including medical exams, mammograms, pap smears and dental exams. The Women's Resource Fair also offers the following free services and referrals:

- Help with obtaining financial assistance, including TANF, Cal-Works, Medi-Cal, General Relief, Food Stamps and Social Security
- Confidential legal assistance with family law, child support, domestic violence restraining orders, public benefits programs, immigration, housing, consumer protection and criminal law questions
- Job skills, education and employment counseling Seminars on job application skills, self-defense, and personal care
- Mental health services, including spiritual counseling
- Shelter referrals

Last year's Women's Resource Fair provided services to 521 women and 151 children, and organizers hope to help even more women and children this year. Especially Spanish speaking women needed to assist with legal set-up, childcare, and assembly of gift certificates. Members of San Diego's legal community are encouraged to volunteer for the free legal assistance. Attorney volunteers are needed to provide advice regarding family law, immigration, domestic violence, and housing and other legal questions.

For more information or to volunteer, contact volunteer coordinators Cynthia Morgan at [morgan@scmv.com](mailto:morgan@scmv.com) or Allison Shanahan at [shanahan@scmv.com](mailto:shanahan@scmv.com), or call the Women's Resource Fair hotline at (619) 338-6520.

**RESOLVED: I WILL MIND MY B'S & P'S**

Dear Diary:

2008 is upon me, and I wanted to take a moment to share with you my resolution for the New Year. Last year, I did a whale of a lot of research in legal ethics, and I must concede that I came close to a misstep here and there, and regretfully was guilty of taking "almost" correct positions on occasion. Between you and me, that can happen no more. So, I commit, with all of my resolve, that this year as I arrive at my conclusions in issues of professional responsibility, I will always, always, always be sure that my research includes a visit to the State Bar Act ("the Act").

You see, Diary, in legal research (particularly before the electronic age), there have always been some things that simply are lock-step. For instance, one ought not cite a statute or rule without first checking the "pocket part." One ought not cite a

case without first Shepardizing it. That's just the way it is. When researching issues in professional responsibility, of course, both of those conventions apply.

There is, though, yet another that is equally applicable: one ought not cite to the California Rules of Professional

by ethics rules but also by statute.

"Separation of powers!" you'd exclaim, were you a more engaging audience... no offense, Diary. True enough; the California Supreme Court has "inherent and primary regulatory authority" in this state, and before the Act's

conduct involving the practice of law...or otherwise (i.e., moral turpitude). (Indeed, even outside of the Act, the legislature periodically taps on the profession's ethical shoulder, such as at Cal. Civ. Code §2860 [independent counsel for an insured] and Cal. Prob. Code §21350 [drafting attorney as "disqualified person"], to list just two.)

Legitimate? Sure, since the Act is said to augment, rather than to limit or diminish the Supreme Court's final and broad authority. (B&P 6100.) Otherwise, "[t]he manner, terms, and conditions of [attorneys'] admission to practice, and of their continuing in practice, as well as their powers, duties and privileges, are proper subjects of legislative control to the same extent and subject to the same limitations as in the case of any

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Conduct ("CRPC") without first seeing if and how that issue is addressed in the Act, codified in the California Business & Professions Code ("B&P").

Yes, rightfully or wrongfully (or in some instances tragically), more so than any other state, California governs the conduct of lawyers not only

adoption, it's oversight of the legal profession was nearly exclusive. However, on its taking effect in 1927, the Act brought with it California's mandatory State Bar. Since then, it has also imposed detailed procedures and proceedings related to the imposition of discipline, including disbarment, for

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## YNLD To Host Casino Night

Try your luck at the Young/New Lawyers Division (YNLD) Casino Night, taking place at downtown's new hotspot, the Hard Rock Hotel San Diego on February 22, 2008 at 7:00 p.m.

At YNLD Casino Night participants will use "YNLD Dough" to play casino style games such as Blackjack, Craps, Roulette, Poker, Pai Gow and more. Winners will then be able to use the YNLD Dough they earn to enter a raffle, with prizes including gift cards, show

tickets, and a grand prize trip to Las Vegas.

Wristbands for YNLD Casino Night will be sold in advance on the SDCBA's website at [www.sdcba.org](http://www.sdcba.org). Price of wristbands includes hors d'oeuvres and dinner station selections from a one-of-a-kind menu developed exclusively for the Hard Rock Hotel San Diego. Event admission is free.

The pre-purchase cost of wristbands is \$25.00 for YNLD members, and \$30.00

for non-YNLD members.

Wristbands may also be purchased at the door on the day of the event at a cost of \$30.00 for YNLD members, and \$35.00 for non-YNLD members. YNLD's Casino Night is generously being sponsored by Klinedinst and Northwestern Mutual.

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other profession or business that is created or regulated by statute." *Brydonjack v. State Bar* (1929) 208 Cal. 439, 443, quoting *Ex parte Yale* (1864) 24 Cal. 241, 244; Cf., *In re Attorney Discipline System* (1998) 19 Cal.4th 582.

Being the California legislature, this regulatory "back-seat driver" has been an active, if concurrent regulator, such that the Act cannot be prudently dismissed.

Examples are plentiful, *Diary*, and too voluminous for this entry. The regulation of legal advertising is extensive within both authorities, although the Act's coverage of electronic media is more so. (CRPC 1-400; B&P 6157 et seq.) The Act is more precise than its counterpart in imposing obligations to convey settlement offers to the client (CRPC 3-510; B&P §6103.5). The ever-popular restrictions on attorney-client sexual relations, in terms not identical, are likewise found in both places. (CRPC 3-120; B&P 6106.8 & 9.) The legislature previously demanded that our profession regulate trial publicity (former B&P 6103.7, adopted 1994, repealed 2001), and the State Bar dutifully complied (CRPC 5-120).

Nor let it be said that the Act merely supports the CPRC, for most assuredly, it addresses other sundry topics that are entirely foreign to the CRPC. For instance, it might not be readily apparent from the CRPC that, were one to advocate the overthrow of the United States Government by force, violence or other unconstitutional means, he or she would risk disbarment or suspension. (B&P §6106.1.)

So, *Diary*, even though I harbor no seditious sentiment, I resolve to follow this annoying but simple rule: I will not take a legal position in professional responsibility premised upon the CRPC, without accepting the authority of its inextricably-linked counterpart, the Act. In this New Year, I won't dare cite one without consideration of the other.

But again... let's just keep this between you and me.

-RGS

*The information in this column is intended to be informational only and does not constitute legal advice. Shepardize all case law before using.*

*This month's EIB was snatched from the diary of Ross G. Simmons, principal of The Simmons Firm, ALC. The views expressed are his own.*

## Positions Open on American Bar Association House of Delegates and State Bar Committees

Represent San Diego's legal community by becoming a part of the American Bar Association (ABA) House of Delegates, or on a State Bar of California Committee.

This year, the State Bar of California will consider the new appointment and/or reappointment of six State Bar delegates and one or more alternates to the ABA House of Delegates. Each State Bar delegate serves a two-year term, beginning

at the close of the 2008 ABA Meeting in August. Alternates are appointed for a one-year term.

The State Bar appoints a total of 11 members to the ABA House of Delegates. Applicants are reviewed on working knowledge of the ABA House of Delegates, participation in ABA activities, and understanding of current issues before the House of Delegates. The deadline for 2008 applications is February 1.

Another chance to be a representative of San Diego's legal community is on the state level, as part of a committee. The State Bar of California is recruiting applicants for 10 standing committees, 16 section executive committees, and 15 special committees, boards and commissions.

Those interested in applying to either committee can do so via the online applications at [calbar.ca.gov](http://calbar.ca.gov).

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