

VETO MESSAGE FOR SB 641 (Corbett)
DATE: 10/12/2009

To the Members of the California State Senate:

I am returning Senate Bill 641 without my signature.

This bill would, among other provisions, authorize the State Bar to collect annual bar dues from its members for 2010.

In 1997, Governor Pete Wilson vetoed the annual State Bar dues bill, citing numerous concerns that the State Bar had become overly political, unresponsive to its membership, and inefficient. Unfortunately, twelve years later, inefficiencies remain unaddressed and questions about the State Bar's role in the evaluation of judicial nominees suggest that the State Bar's political agenda continues.

In July, the State Auditor released a report critical of the State Bar. Among the problems noted by the report: salaries for staff have risen significantly over the past five years; the costs of its disciplinary system have escalated by \$12 million from 2004 to 2008 while the number of disciplinary inquiries opened has declined; and a lack of internal controls allowed the embezzlement of nearly \$676,000 by a former employee. As the organization charged with regulating the professional conduct of its members, the conduct of the State Bar itself must be above reproach. Regrettably, it is not.

In addition, recent actions by the State Bar's Judicial Nominees Evaluation Commission (JNE) also call into question the State Bar's impartiality in considering judicial appointments. All JNE Commission proceedings are required by law to be confidential and qualification ratings are not to be released to the public prior to the Governor considering an appointment. Unfortunately, recent events have required the State Bar to launch an official inquiry into the confidentiality of such proceedings. Moreover, the Chief Justice of the Supreme Court has recently questioned the reliability of the Commission's recommendations by noting its failure to follow statutory guidelines when considering judicial nominees. By failing to follow the law, the JNE Commission has damaged its reputation for impartiality and, in turn, the State Bar's.

There is no question the State Bar has an essential role in the state's justice system and must continue to oversee the licensing, education, and discipline of California's lawyers. However, I am returning this bill without my signature because the State Bar cannot continue with business as usual. It must take the time to reexamine the problems noted by the State Auditor and continue its investigation into the JNE Commission. I urge the State Bar to resolve these issues as soon as possible so the Legislature can reintroduce this measure early next year.

Sincerely,

Arnold Schwarzenegger