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Rev. 11/15/2017 SCBA Policies and Procedures

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POLICY AND PROCEDURES BOARD OF DIRECTOR REPORT

It shall be the policy of the Sacramento County Bar Association that a report on the Board's monthly meeting will be published in the Sacramento Lawyer or its successor. Each issue of the Sacramento Lawyer shall contain a report on the Board meeting immediately preceding its publication.

Reports on board meetings shall be prepared and submitted to the Sacramento Lawyer by The Executive Director of the Association.

This policy was amended by the SCBA Board of Directors on January 21, 2017.

POLICY AND PROCEDURES EXECUTIVE COMMITTEE

The Executive Committee shall consist of the officers of the Association. Meetings and other actions of the Executive Committee shall be governed by provisions of these bylaws applicable to meetings and actions of the Board. The Executive Committee, to the extent provided in the resolution of the Board, shall have all the authority of the Board except that the Committee may not regardless of Board resolution:

- (1) Take any final action in the matters of which, under the California Nonprofit Mutual Benefit Corporation Law also require member approval of a majority of all members.
- (2) Fill vacancies of the Board or on any committee which has the authority of the Board.
- (3) Fix compensation of the Board members serving on the Board or on any committee.
- (4) Amend or appeal by laws or adopt new by laws.
- (5) Amend or repeal any resolution of the Board which, by its express terms, is not so amendable or repealable.
- (6) Appoint any other committees of the Board members or the members of these members.
- (7) Expend corporate funds to support a nominee for Board member after there are more people nominated for Board membership than can be elected.
- (8) Approve any Transactions:
 - To which the Association is a party and one or more Board members has the material financial interest; or
 - Between the Association and one or more of its Board member, or between the Association or any entity in which one or more of its members have a material financial interest.

SOURCE: Adopted November 14, 1994. Formerly Article II, Association By laws.

POLICY AND PROCEDURES
ELECTION OF OFFICERS AND COUNCIL MEMBERS

Nominating Committee.

A. Composition. No later than February 15, the President shall appoint a nominating committee composed of the President or the President's designee, and six (6) active members, and shall cause the names of the members to be announced at the regularly scheduled August meeting of the Board of Directors. No more than three (3) members of the Nominating Committee may be officers or members of the Board at the same time of their service on the Nominating Committee.

No person who is a member of the Nominating Committee shall be eligible to be nominated by the Nominating Committee or by the additional nomination procedure outlined in this procedure.

B. Duties. The duty of this Committee is to nominate at least one (1) candidate for the office of Secretary/Treasurer for the succeeding year and to nominate at least one candidate for each vacant elective Board position.

C. Notification of Elections and Vacancies. When the Nominating Committee meets each year to select its recommendations for the members of the Board and Secretary/Treasurer to be placed on the ballot for selection at the annual meeting, the Committee shall:

1. Publicize adequately to the Association and to its principal committees, sections and affiliated bar associations the fact that the committee is soliciting names of persons to run for the various positions. This notice may include any or all of the following:
 - a. Appropriate notice in the Sacramento Lawyer;
 - b. Letters to the boards or presidents of the various affiliated bar associations, sections and/or committees of the Association announcing the solicitation of names for the positions;
 - c. Announcements at the meetings of the various affiliated bar associations, sections and committees for the need for names to be submitted to the Nominating Committee.
 - d. Posting a notice on the Association website; and
 - e. Any other method reasonably calculated to give notice to the members of the Association that names are being sought for nomination.
2. It is the purpose of the Nominating Committee to select the most qualified person for the job, with consideration given to creating a balance or for representation of the Board to assure that the Board continues to be reasonable representative of the entire Association.
3. In the event of a vacancy on the Board during the term of a Board member, the Nominating Committee shall disseminate to its members notice of its need for names to consider for nomination to fill the vacancy. The notice requirements for filing an unexpected term may necessarily be less extensive than the notice

requirements to fill the full terms at the Annual Meeting; however, in no case shall the Nominating Committee submit its recommendation to the Board without first attempting to disseminate the need for nominations to as broad a selection of Association members as possible under the circumstances. Such notice may include:

- a. Letters or phone calls to the Presidents or appropriate representatives of the various committees, sections and affiliated bar associations of the association, notifying them of the need for immediate nominations.
- b. Announcements at the meetings of the committees, sections and affiliated bar association of the Associations; and as many of the members of the Association as possible, considering the time constraints for filling the vacancy.

- D. Delegation Chair. The Nominating Committee shall consider applications for the position of Chair of the Association's delegation to the Conference of Delegates at the State Bar Annual Meeting. Such applications shall be submitted to the Chair of the Nominating Committee within one week after the annual wrap-up meeting for the Delegations in the year prior to the period for which a nominee would take office, but in any case by November 30 of that year. The Nominating Committee shall submit at least two names to the President for consideration as Chair of the Delegation. The provisions of this policy regarding meetings and notification, confidentiality, additional nominations, voting for Officers and elective members of the Board, and quorum for elections, shall not apply to the nomination of the Chair of the Delegation.
- E. Meetings and Notification. Notice of the date, time and place of the first meeting of the Nominating Committee at which it will consider nominations for Secretary/Treasurer and elective Board positions for the upcoming year shall be posted in the office of the Association.
- F. Confidentiality. The deliberations of the Nominating Committee shall be conducted in private and remain confidential. The Committee shall report its nominations to the candidates who submitted their names to the Committee and to the Board, and subsequently to the Association members.
- G. Additional Nominations. Additional nominations for Secretary/Treasurer or elective Board positions may be made by filing with the Executive Director, at least forty-five (45) days prior to the Annual Meeting, a written nomination signed by at least twenty-five (25) Active members of the Association.
- H. Voting for Secretary/Treasurer and Elective Members of the Board .
1. Secretive Ballot. Voting for Secretary/Treasurer and elective members of the Board shall be by secret written ballot which shall be emailed to all active members of the Association who elect to vote by electronic ballot; and mailed to all active members of the Association who prefer written ballot.
 2. Candidates Statements. A candidate's statement of 150 words or less, timely submitted by the candidate, shall be (e)mailed with the ballots. Candidates shall submit their statement to the Executive Director no later than forty-five (45) days before the Annual Meeting.

3. Voting Procedures.

- a. Ballots shall be (e)mailed to all active members thirty (30) days before the Annual meeting.
- b. The ballot shall be returned by email or by delivery to the office of the Association during its regular business hours. Ballots not timely received shall not be valid and shall not be considered.
- c. For the ballot to be valid, it must be sealed into a plain envelope which must be inserted into the outer envelope bearing the signature of the voting member if mailed.
- d. Upon receipt of the outer envelope bearing the signature, the person designed by the Board to conduct the voting shall: (1) verify the identity of the member from the outer envelope, (2) remove the sealed envelope containing the ballots from the addressed envelopes, (3) place the sealed envelopes containing the ballots in a container provided for such purpose, (4) retain a count for all opened and unopened outer envelopes, (5) deliver the sealed envelopes containing the ballots to the person designated to count the ballots.
- e. No proxy. Voting by proxy and cumulative voting shall not be allowed.
- f. Elected by highest votes. The candidate receiving the highest number of votes for the office of Secretary/Treasurer shall be declared elected to such offices. Candidates for the elected Board positions receiving the highest number of votes shall be declared elected to such offices. In the event of a tie, the ballots shall be recounted. If the tie remains the winner shall be determined by lot.

l. Quorum for Election. Quorum for the annual election electronic or written ballot for Secretary/ Treasurer and Board members shall consist of five percent (5%) of the voting members of the Association.

Source: Formerly Article V, Association bylaws adopted November 14, 1995. Amended April 20, 2000. Amended 12/31/10.

POLICY AND PROCEDURES
Lawyer Referral and Information Service Committee

Composition of the Committee. The President, subject to the advice and consent of a majority of the entire Board, shall appoint a committee of no less than nine and no more than 13 active members, at least five (5) of whom shall be non-panel members. The members of the Committee shall be appointed for a term of three (3) years.

In addition, the President or his/her designee and the Secretary/Treasurer shall be ex-officio members of the Committee.

Responsibilities of the Committee. Subject to the rules and regulations promulgated by the Board of Governors of the State Bar, the committee shall adopt an organizational structure and policies necessary for the operation of the referral service, subject to the approval of the Board.

Budget, Fees and Accounting. No later than the November Board meeting of each year, the Committee shall submit to the Board for its approval, its proposed budget and fee schedule for the ensuing fiscal year. Any amendments to the budget or fee schedule shall not be effective until approved by the Board. Before January 31st of each year, the Committee shall submit to the Board a written report and accounting of the operations of the service for the past fiscal year.

Source: Adopted November 14, 1994. Formerly Article VII Association By laws.

POLICY AND PROCEDURES
Judiciary Committee

Composition

- (1) The President, subject to the advice and consent of a majority of the entire Board, shall appoint a Judiciary Committee, consisting of nine (9) Active members, one of whom shall be members of the Barristers Club of Sacramento at the time of his/her appointment. In addition, the First vice president of the Association shall be a voting member, and the president of the Association shall be a non-voting member of the Committee.
- (2) Each appointed member of the Committee shall serve for a term of three (3) years, with the term of one-third (1/3) of those members expiring each year.
- (3) All phases of the Committee's activity are absolutely confidential and shall not be disclosed to anyone other than another Committee member or an authorized representative of the Governor's office. Communications between the Committee and any authorized representative of the Governor's office shall be absolutely privileged and confidential, and shall not be discoverable in any judicial or administrative proceedings.
- (4) The Committee shall comply with the Rules of Procedure approved by a majority of the Council.

Plebiscites. The Committee shall ascertain by plebiscite the opinion of the Active members of the Association in regard to candidates for contested primary and general elections to the Superior Court of Sacramento County and to the Municipal Court and Justice Courts regularly sitting within the County of Sacramento. The plebiscite shall be by written ballot mailed no later than forty-five (45) days prior to the contested election. The ballots shall be counted days prior to the contested election. The ballots shall be counted by the Committee and the results certified to the Board not later than thirty (30) days prior to the contested election.

The Committee, with the advice and consent of each candidate, shall prepare a written statement of biographical information and professional qualifications for election to the contested judicial office. The statement shall consist of not more than one hundred (100) words. In case of a dispute between a candidate and the Committee as to wording or content of a statement, the matter shall be submitted to a panel consisting of three (3) members of the Board appointed by the President. The decision of the panel shall be final. The statement shall be mailed with the plebiscite ballot.

The ballot shall contain the name of all candidates for the judicial office sought and a space stating "none of the above". The ballot shall be on one side only and shall be enclosed in an envelope which does not disclose the identity of the member voting. The ballot shall be sent by mail to each Active member with the statements of the candidates and a letter of instructions explaining how to vote the ballot and specifying the latest date on which it will be received as a valid vote. The ballot shall be accompanied by an envelope addressed to the Secretary/Treasurer which has in its left hand corner the words "Plebiscite Ballot, Sacramento County Bar Association" and underneath said words sufficient space for the signature, typed or printed name and Association membership number of the member voting. Upon receipt of the addressed envelopes with appropriate signature and identification, the Secretary/Treasurer of his/her designee shall:

1. Verify the identities of the member voting; if the member cannot be identified, the envelope shall not be opened and the ballot shall not be counted.
2. Remove the sealed envelopes containing the ballots to the addressed envelope.
3. Place the sealed envelopes containing the ballots in a container provided for such purposes.
4. Retain and account for any unopened addressed envelopes; and
5. Deliver the sealed envelopes containing the ballots to the Committee. Members of the Committee designated by the Chairperson shall remove the ballots from the sealed envelopes, destroy the envelopes, count the votes, and report the results to the voting Board. The candidate receiving the greatest number of votes shall be endorsed by the Association, provided that no candidate shall be endorsed equal 25% of the total membership of the Association and 60% of the total votes cast.

The Association shall give such publicity to the plebiscite and the results therefore as may be determined by the Board.

Source: Adopted November 14, 1994. Previously Article VII Association By laws.

POLICY AND PROCEDURES AFFILIATED BAR ASSOCIATIONS

Other bar associations in Sacramento County that meet the qualifications listed below may affiliate with this association by filing an application with the Board. The Board shall approve or disapprove the application.

Qualifications. A bar association meeting the following qualifications shall be eligible to be an Affiliated Bar Association:

- A. Its membership is equal to at least two percent (2%) of the membership of the Association.
- B. Fifty percent (50%) of its members are members of the Association.
- C. It is geographically based in the County of Sacramento, or a part thereof.
- D. It is interested in legal matters generally, without limitation to a particular branch or subdivision of the law; provided, however, that the Board, for good cause shown, may waive this requirement. This subsection shall not be construed to limit the affiliation of Capitol City Trial Lawyers Association.
- E. It shall not discriminate in any way on the basis of sex, race, creed, color or national or ethnic origin.

Application for Affiliation. An application for affiliation shall be submitted to the Executive Director of this Association together with the list of members of such Affiliated Bar Association, and other information as may be required by the Association. A similar list of members shall be filed by each Affiliated Bar Association with the Executive Director of the Association by October 30th of each year. The Executive Director of the Association shall transmit such list and application to the Board for its consideration.

Termination of Affiliated Bar Association. If the number of total members of the number of Association members of any Affiliated Bar Association falls below the required percentages, and is not brought up to the required percentages within a period of two months after written notice thereof to its Secretary by the Executive Director of the Association, or if such affiliated Bar Association ceases to exist, then such Affiliated Bar Association shall be subject to termination by the Board, and upon such termination all rights and privileges of its affiliated members in the Association shall be terminated.

Waiver of Termination. Any Affiliated Association that falls below the two percent (2%) required percentage may apply to the Board for a hardship waiver. Any Affiliated Association that applies for such waiver must have had a representative on the Board for the preceding three (3) years. In order to qualify for waiver, sixty percent (60%) of the Affiliated Bar Association's members must be members of the Association.

This was amended November 18, 2004. Source Adopted November 4, 1994. Formerly Article IV, Association By laws.

POLICY AND PROCEDURES
MINIMUM CONTINUING LEGAL EDUCATION COMMITTEE

1.0 PURPOSE

The purpose of the Sacramento County Bar Association's (SCBA) Minimum Continuing Legal Education Committee (MCLE) is to develop and implement the policy and procedures for the approving of MCLE credits for its sections and affiliates. In this way, the SCBA assures that Sacramento attorneys remain current regarding the law, the obligations and standards of the profession and management of their practices.

2.0 AUTHORITY

Continuing legal education is required of all active members of the State bar of California. The SCBA is an authorized MCLE provider pursuant to Rule 9.0 et seq of the State Bar Rules. The SCBA MCLE Committee approves applications from its sections and affiliates in conformity with standards set forth by the State Bar.

3.0 COMPOSITION AND CHAIRPERSON

The members of the MCLE Committee are representatives of the SCBA's section and affiliates.

4.0 PROCEDURES

4.1 Duties

The MCLE Committee's duties are to determine whether to grant credit, the appropriate categories for credit, and the amount of credit in accordance with rules promulgated by the State Bar of California and the policies and procedures of the SCBA and the MCLE Committee.

4.2 Meetings

The MCLE Committee shall meet monthly to consider MCLE applications submitted by SCBA sections and Divisions on the first Thursday of each month at the SCBA office 425 University Ave., Suite 120, Sacramento, CA 95825.

4.3 APPLICATIONS FOR MCLE CREDIT

4.3.1 Any SCBA section or affiliate may seek approval for programs by filing an application on a form prepared by the MCLE Committee.

4.3.2 Applications for approval should be submitted prior to the occurrence for the program for which approval is sought. Retroactive approval may be granted if the section or affiliate representative personally appears and provides an explanation which, in the opinion of the MCLE Committee, warrants retroactive approvals.

4.3.3 Completed applications should be delivered or mailed to the SCBA at 425 University Ave., Suite 120, Sacramento, CA 95825 or sent by FAX to (916) 564-3787 – in care of the SCBA Administrative offices. No copies are necessary.

4.3.4 In accordance with Rule 7.1.4 of the State Bar Rules and Regulations to MCLE sponsors of programs to run more than one hour must provide written “substantive” materials to the participants. A copy of such materials should be submitted at the time of application. The MCLE Committee may, in its discretion, grant tentative approval exceeding one hour pending receipt and approvals of such materials.

4.3.5 Sign in and verification of attendance. At the time of the program, the section or affiliate will offer a sign in sheet on which attorneys may enter their names, signature, and State Bar number. The section will send completed sign in sheets to the receptionist of the SCBA, who will confirm program approvals and enter the information in the SCBA records relating to MCLE credits earned by SCBA members. Both the approved application and the original sign in sheet are necessary to document the MCLE credit.

5.0 POLICIES

5.1 It is the general policy of the MCLE Committee that programs other than those presented by sections and affiliates of the SCBA will not be considered for approval by the MCLE Committee. Such entities will be encouraged to seek their own provider eligibility through the State Bar of California. As a courtesy, the MCLE Committee will approve applications submitted by Judges of the Sacramento County Courts, but will be unable to provide staff or funds. This is in accordance to Prudential Guidelines page 2.

5.2 It is the general policy of the MCLE Committee that luncheon programs will not be approved for more than .75 hours credit. However, approval for up to one hour of credit for a luncheon program may be granted by the MCLE Committee if a representative of the applicant of each credit appears at a regular MCLE Committee that the program will (or did) consume at least one hour.

5.3 It is the general policy of the MCLE Committee that law program eligible for MCLE credit must provide SCBA members the opportunity to remain current regarding substantive law, the obligation and standards of the profession and the management of their practices. Therefore programs produced for marketing or business promotions will not be approved for MCLE credit.

5.4 It is the general policy of the MCLE Committee to approve legal ethics credit pursuant to section 2.1 of the MCLE Guideline form the California State Bar Association.

6.0 GENERAL INTEREST SEMINARS FOR SCBA MEMBERS

6.1 Each section and affiliate is encouraged (either alone or jointly with one or more other sections or affiliates) to arranged at least one program of general interest to SCBA members during each calendar year. The MCLE Committee will help coordinate the presentations and publication of the programs in the Sacramento Lawyer.

6.2 The programs are typically held on a Saturday morning and typically will be eligible for 3 hours of MCLE credit. McGeorge School of Law will provide free of charge its campus for these General

Interest Seminars with the understanding that any student or faculty member of the school may attend without paying the registration fee. Refreshments can be requested in advance by calling McGeorge or if you would like SCBA to arrange, let them know in advance.

6.3 These programs shall be arranged by following the Planning Guide for MCLE Seminars.

6.4 It is intended that program fees generated by these General Interest Seminars will be used to build the MCLE Credit database. SCBA intends to provide an annual report to all of its members of the MCLE credits earned in that year through use of this database.

6.5 The General interest Seminars shall be open to the public. Special registration rates at a reduced amount will be available for SCBA as a benefit of SCBA membership.

Section 2.1.1

*Education activities that instruct attorneys as to the MCLE requirement for credit as law practice management. (92-2 3/13/92)

*MCLE credit will not be given for that portion of an approved activity in which the primary emphasis is on the setting of legal services. Credit will be given for education activities or the portions thereof which provide practical advice leading to the more efficient and cost effective advice leading to the more efficient and cost-effective delivery of legal services.

*Education activities relating to the ethical rules regulating the advertising of legal services may qualify for MCLE credit in the area of legal ethics (92-4, 5/28/92).

*Education activities relating to legal ethics must focus on the professional responsibility of attorneys and not on ethics in general. Education activities or the moral issues facing society in general do not count for MCLE credit. (92-4, 5/28/92).

Section 2.1.2

**"Emotional distress" may include instructions on how to deal with stress (91-1, 6/24/91).

*Subject to the standards of Section 7.1 education activities relating to the prevention, detection and treatment substance abuse and emotional distress may address generic issues of substance abuse or emotional distress is an element or a factor do not qualify as activities relating to prevention, detection and treatment of substance abuse and emotional distress. (92-4, 5/28/9).

Section 2.1.3

*Education activities relating to elimination of bias must focus on problems which attorneys encounter in the legal profession, and not on generic issues of bias in society in general. Education activities on how to handle a bias case do not count for elimination of bias credit (91-1, 1/27/92).

Section 3.5

*Only approved activities or parts of activities which occur on or after the first day of the month of admittance to the State Bar meet the MCLE requirement. (92-2, 3/13/92).

Section 3.6

*Self-study credit is available after February 1, 1992, for MCLE activities involving approved videotapes, audiotapes, films, etc. produced before that date, if the content of the materials remains current and the self-study activity actually occurred after February 1, 1992. (91-2, 7/15/91).

*An attorney teaching a law school class that commences before the current compliance period may claim pro rata credit based on the percentage of the hours taught in the current compliance period. (92-2, 3/13/92).

POLICY AND PROCEDURES PLANNING GUIDE FOR MCLE SEMINARS

The following procedural guideline was designed to help you plan and execute a successful event. There are certain factors that need to be considered before hand and if these procedures are your event should be well organized with all announcements and mailing being timely, concise, and correct, guaranteeing high attendance.

It is important to mention that to qualify for MCLE credits, the MCLE meeting Committee needs an application, plus materials submitted prior to their regular meeting time, which is the first Thursday of each month at 12:00 noon in the Sacramento County Bar Association offices. (Form attached as Example "A")

(SPECIAL NOTE: Do not wait until the day of the meeting to fax your information. This has in the past jammed the Bar machine and applications have not made their deadline.)

After Committee approval a letter of acceptance will be mailed out to the contact person named on the application. Once that has been established your seminar coordinator must coordinate with the Sacramento County Bar Association staff BEFORE any publicity is released.

If your seminar requires Bar staff to take reservations, attend the function to check off attendees, collect payment at the door, hand out literature and certificated, you must inquire about availability, never assume that staff will be available.

Giving out information at Section meetings, making announcements in the Sacramento Lawyer prior to coordinating with Bar staff, this has in the past created embarrassment, excess work and stress for the staff. Without full knowledge, the Bar appears unprofessional, unorganized and less than helpful when a party request information regarding a seminar and staff has no information to impart.

The Sacramento County Bar Association has limited staffing, therefore the association is only able to provide services to the Sacramento County Bar Association's Section Seminars. Affiliates and outside organizations must co-sponsor with a section, under the Section's heading, before the Sacramento County Bar Association can take reservations, attend, or publicize. The Bar budget does not include a line item for entities outside those Sections.

PLANNING AND PUBLICIZING

Scheduling

The Sacramento County Bar Association's MCLE Committee has reserved meeting space, set on a yearly basis, through McGeorge. At the beginning of the year Sections should coordinate with the MCLE Committee to schedule the month they plan to sponsor a seminar.

Flyers/Announcements

Announcements of seminars are created and distributed by the Sacramento County Bar Association office. Bar staff needs all pertinent information prior to membership notification as well as to ensure all necessary information has been included. All announcements must have the following information:

Individuals name(s) of person(s) attending (not as a group or Law Firm name)	Where to mail the payment
County Bar # and State Bar #	County Bar # and State Bar #
Title of Seminar	Title of Seminar
Date of Seminar	Date of Seminar
Amount of Seminar	Amount of Seminar
Enclosed	Enclosed
	Where to mail the payment

It has been found that the most efficient and cost effective method for the SCBA Office to email out all flyers. It is always best to give information (listed above) to the Bar staff and let them coordinate.

SACRAMENTO LAWYER

Keep in mind the Sacramento Lawyer deadlines. You must be approved by MCLE for credits, completely coordinate with the Bar staff as to their availability before submitting your calendar for Sacramento Lawyer publication. If MCLE approval was not gained timely for publication purposes, make certain Bar staff has and okays the particulars, then publish with "MCLE Pending" notation.

MATERIALS

An original of materials to be handed out at the seminar should be given to Bar staff for duplication purposes. The materials need to be in the Bar at least one week in advance of the seminar to assure completion. The staff will bring the materials plus the sign in sheets (sample attached as "B") and certifications of attendance (sample attached as "C").

If for any reason Bar staff is not available to attend the seminar, you must assign a coordinator to handle registration and above materials.

IMPORTANT: If attendees do not sign-in with their State Bar number and original signatures on the sign-in sheet, nor pick-up a certificate of attendance, the Bar will have no record and attendees will receive no MCLE credit toward their State Bar demands. It should also be noted the Sacramento County Bar Association does not keep computer records for non County Bar members. Non-members will not receive a yearly re-cap of County Bar sponsored MCLE seminars.

If you have any questions, suggestions please call 916-564-3780.

POLICY AND PROCEDURES GUIDE FOR SACRAMENTO COUNTY BAR ASSOCIATION SECTIONS

The following outlines the workings between Sections and the Sacramento County Bar Association.

POLICY

Attached are the following:

A current copy of the Uniform Section Bylaws.. This lays out the scope and purpose for the Section's existence as well as what the Section can and cannot do.

The Article and Section of the Sacramento County Bar Association's bylaws governing the operation of the Section.

The MCLE Seminar Policy and Procedures

Memberships

Section membership is available to dues paying SCBA members and to non-attorney parties interested in the type of law this Section focuses. Attorney's not members of the SCBA are not eligible for Section membership no board seats. Non-attorney members are not eligible for Section membership nor do they have voting privileges.

Dues

The SCBA sends out yearly dues notices. If the section feels it is warranted an additional notice may be mailed, with section monies, to current members of the section. These mailings will be the sole responsibility of the Section Board.

SCBA staff needs to know if/when a section is planning a dues change. This information should reach the SCBA offices no later than the first working day of October. Dues notices are printed the first of November.

Membership List

As new members join, yearly dues are collected, the SCBA will complete an alphabetical listing and give said list to Section Board. This list will be completed and continually updated as timely as possible.

Please note that non-SCBA members shall be the separate maintenance of the Section as the SCBA computer banks hold only SCBA members.

Meetings and Publications

All meeting schedules, speakers, facilities and programs are the sole responsibility of the Section Board as are the taking of reservations and the collection of program fees.

All notices mailing and Sacramento Lawyer articles are the sole responsibility of the Section Board. Sacramento Lawyer deadline is the 1st of the month prior to publication, i.e., June 1 for July, July 1 for August. For your convenience and ease, the SCBA has an open account with Capitol Printing (916-442-2947) which offers printing/mailing and membership register services, plus free pick-up and delivery.

The only exception is MCLE seminars, a separate portion to this guide.

Accounting

All monies collected by the Section i.e., dues, luncheon or seminar fees, miscellaneous must go through the SCBA account. Said amounts will be earmarked for the Section. No section shall open their own account independent of the SCBA.

All monies shall be accounted by the SCBA staff and a quarterly report emailed to Section Board. All

billings shall be directed to the SCBA and paid with section funds by SCBA staff.

The Section shall not obligate the SCBA by incurring billings in excess of account balance. Prior to planning events or projects make certain the monies are available.

IMPORTANT: Designate to vendors that the Section name needs to appear on billings, this will ensure funds for payment come from the correct Section account, in the event more than one Section holds a function at the same facility. This a frequent occurrence and has created accounting headaches/errors in the past.

Efficiency, accuracy, consistency are only as good as the communications. If the Section does not keep SCBA staff alerted to the changes affecting the Section the Section will not receive the proper and necessary data for operation. SCBA staff needs to know officer names, addresses and telephone numbers and be kept updated as changes occur and/or election are held.

If you need further assistance please call (916) 564-3780.

POLICY AND PROCEDURES FUNDING OF NON-SCBA EVENTS

It shall be the policy of the Sacramento County Bar Association that all requests for funding of non-SCBA events be submitted to the Executive Committee for preliminary screening. If the request is for \$500 or less the Executive Committee will make the decision. Any amount over that will go to the Board for decision.

Adopted by Bar Council April 20, 1995.

POLICIES AND PROCEDURES OF THE SACRAMENTO COUNTY BAR ASSOCIATION

Policies and Procedures of the Sacramento County Bar Association may be established by the Board, the Executive committee or the General Assembly.

All policies and procedures shall be in writing. At least one copy of each policy and/or procedure shall be maintained, in its most current form, at the office of the County Bar.

POLICY AND PROCEDURES CONFERENCE ROOM RENTAL POLICY

It shall be the policy of the Sacramento County Bar Association that a conference room rental rate be set for \$50 for one-half day for non-association members and \$25 for one-half day for Association members for non-Association business use.

This policy was established by the Board on January 17, 1980. Amended January 20, 2005

**POLICY AND PROCEDURES IDP MAIL
LIST USAGE**

It shall be the policy of the Sacramento County Bar Association that upon permission given to an organization or individual to send a mailing to the Indigent Defense Panel membership, then the Indigent Defense Panel may charge an administrative fee of \$25.

This policy was established by the Board on April 21, 1983. Amended 2001.

**POLICY AND PROCEDURES ATTORNEY
GENERAL MEMBERSHIP**

It shall be the policy of the Sacramento County Bar Association that the Attorney General, State of California, be offered Honorary Membership in the Sacramento County Bar Association for the length of time he/she holds office.

This policy was established by the Board on April 21, 1983. Amended 2001.

**POLICY AND PROCEDURES RESOLUTIONS |
CONFERENCE OF DELEGATES**

It shall be the policy of the Sacramento County Bar Association that the County Bar delegation to the Conference of Delegates has authority to submit resolutions to the Conference without approval of the Board.

This policy was established by the Board on January 19, 1984.

**POLICY AND PROCEDURES E&O
POLICY**

It shall be the policy of the Sacramento County Bar Association that panel Members of the Indigent Defense Panel and the Attorney Referral Service not be allowed to post a bond in lieu of the E&O Insurance Requirement. This policy was established by the Board on May 16, 1985.

**POLICY AND PROCEDURES
FUNCTION FEES POLICY**

It shall be the policy of the Sacramento County Bar Association that a ten dollar differential be charged between payment in advance and payment at the door at all County Bar Functions.

This policy was established by the Board on May 18, 1995.

**POLICY AND PROCEDURES TRAVEL AND
REIMBURSEMENT POLICY**

The Sacramento County Bar Association travel reimbursement policy for officers, board members and staff is as follows:

Registration Fees—all authorized meeting registration fees are to be reimbursed

Lodging—lowest room rate at conference site

Meals – Not to exceed \$50 per day

Transportation—Air—lowest coach fare—with special efforts to undertake super saver rates by advance booking wherever whenever possible

Transportation—Ground & Parking—to be reimbursed at actual cost. Auto

Mileage—the highest rate per mile permitted by the IRS regulations

Incidentals—the necessary cost of tips, long-distance telephone, fax and copy services while away from the office.

Only the President may be reimbursed for reasonable entertainment expenses.

All requests for reimbursements along with invoices and receipts shall be submitted within sixty days of the activity, and no later than October 31 of the fiscal year. If spouse is traveling with officer of staff, those expenses are not to be included for reimbursement.

Adopted January 20, 2005

CODE OF ETHICS

A Code of Ethics for Board Members

- As a member of the board I will:
- listen carefully to my teammates, and the constituents I serve.
- respect the opinions of my fellow board members.
- respect and support the majority decisions of the board.
- recognize that all authority is vested in the board when it meets in legal session and not in individual board members.
- keep well-informed of developments that are relevant to issues that may come before the board.
- participate actively in board meetings and actions.
- call to the attention of the board any issues I believe will have an adverse effect on the agency or our constituents.
- attempt to interpret the needs of constituents to the agency and the action of the agency to its constituents.
- refer constituent or staff complaints to the proper level on the chain of command.
- recognize that the board member's job is to ensure that the agency is well managed, not to manage the agency.
- vote to hire the best possible person to manage the agency.
- represent all constituents of the agency and not a particular geographic area or special interest groups.
- consider myself a "trustee" of the agency and do my best to ensure that the agency is well maintained, financially secure, growing, and always operating on the best interests of constituents.
- always work to learn more about the board member's job and how to do the job better.
- declare any conflicts of interest between my personal life and my position on the agency board, and avoid voting on issues that appear to be a conflict of interest.

As a member of the board I will not:

- be critical, in or outside of the board meeting, of fellow board members or their opinions.
- use the agency or any part of the organization for my personal advantage or the personal advantage of my friends or relatives.
- discuss the confidential proceedings of the board outside the board meeting.
- promise prior to a meeting how I will vote on any issue in the meeting.
- interfere with the duties of the administrator or undermine the administrator's authority.

Adopted January 20, 2005

ASSOCIATE MEMBER

The following persons are eligible to be Associate members: Legal professionals in the identified fields who reside in or maintain offices in Sacramento County, Yolo County & Placer County. Individuals who qualify for Active Members are not eligible to become Associate Members. Legally related professional fields, as identify by the Board, may include but are not limited to the following:

- a) Administrative Law Associate (qualify as one of the following: Employees of administrative agencies; persons with governmental duties closely related to the fields of administrative adjudication or rule making.
- b) Bar Executive Associate: Executives of a bar association.
- c) Business Services Associate (qualify as one of the following): Title officers, private or professional trust officers or certified public accounts who regularly provide business services for active members of the Association in furtherance to the legal goals and objectives of the members and of the member's clients.
- d) Criminal Justice Associate (qualify as one of the following): Persons who hold degrees in criminal justice or criminology; persons who serve full time as any one of the following; law enforcement officers, criminal investigators, parole probation, pre trial service or correctional officers; other personnel of the justice system directly involved in the administration of criminal justice in a professional capacity.
- e) Dispute Resolution Associate (qualify as one of the following): Persons who perform as third party neutrals; arbitrators, mediators, negotiators, conciliators, neutral factfinders or ombudspersons who have completed a training course to have equivalent experience through local, state or national dispute resolution programs; persons who are employees by a public or private agency where professional duties directly relate to dispute resolution; persons who are employed by, or consultants to, a "profit" dispute resolution organization where professional duties directly relate to dispute resolution; person who are volunteers with a dispute resolution center.
- f) Educational Associate (qualify as one of the following): Provost, deans and other administrators; law school librarians; faculty; members; members of the board of visitors of ABA approved law schools; chief administrative officers of boards of bar examiners.
- g) Governmental Business Associate: Persons employed full time by a federal, state or local agency engaged in public contracting (included grants) or business regulation with respect to that agency, or who are employed full time in business with a position where they work with federal, state or local agencies and are engaged in public contracting including grants) or business regulation; persons who have full time professional duties relating to that kind of contracting or regulation; persons who regularly consult with lawyers in performance of these professionals duties.
- h) Judicial Associate: Persons engaged in the field of judicial administration.
- i) Law Librarian Association: Persons who provide professional law librarian services to a law library such as a law firm library, corporate law department library, governmental law library or separately maintained law section of a general library.

- j) Law Office Administrative Association: Persons holding degrees in law office administration, accounting or business administration who are employed full time in helping lawyers deliver legal services; persons serving in law offices as managers or administrators.
- k) Legal Assistant Associate: Persons qualified by education, training or work experience who are employed or retained by a lawyer, law office, corporation, government agency or other entity and who perform specifically delegated substantive legal work for which a lawyer is responsible.
- l) Expert Services Associate: Persons qualified by education, training or work experience who are employed or retained by a lawyer, law office, corporation, government agency or other entity to provide expert opinions.

Adopted January 20, 2005

SACRAMENTO COUNTY BAR DELEGATIONS POLICIES AND PROCEDURES

Amended September 18, 2004

I. INTRODUCTION

The Sacramento County Bar Association (SCBA) shall maintain a delegation to the Conference of Delegates of California Bar Associates (CDCBA) at the State Bar Annual Meeting. These policies and procedures have been designed to ensure continuity from one delegation to the next, encourage active participation by members of the delegation, and ensure a delegation that is a representative cross-section of the SCBA membership.

SCBA officers and Board members are encouraged to participate as members of the delegation, particularly since only elected officers and bar council members can be said to “represent” the SCBA membership. At the same time, however, bar council members and SCBA officers should accept appointment to the delegation only if they are prepared to fulfill all commitments required of other delegates.

II. DELEGATION MEMBERSHIP

A. Delegation Size. The size of the certified delegation is determined by the Executive Director of the CDCBA in accordance with CDCBA rules.

B. Selection of Delegates and Alternates

1. The Delegation Chair (Chair) shall appoint all members of the delegation, both delegates and alternates.
2. To the extent possible, delegation membership shall be reflective of the membership of the SCBA and the diverse views of different practice areas.

3. Preference for seats on the delegation shall be given, upon compliance with the duties and responsibilities as set forth below, to:

- a) Individuals who served on any previous year's delegation, and diligently fulfilled all the duties and responsibilities of delegation members, and
- b) members of the Board and officers of the SCBA.

C. Duties and Responsibilities. There is no distinction between the duties and responsibilities of delegates and alternates. All designated members shall:

1. attend all delegation meetings,
2. promptly report on all matters referred to them for action,
3. perform such duties as assigned to them by the Chair,
4. be diligent in attendance on the floor of the Conference,
5. immediately inform the Chair if it becomes apparent that they cannot attend the Conference.

D. Vacancies

1. Vacancies shall be filled by the Chair.
2. A vacancy shall occur when any delegation member fails to attend two meetings of the full delegation unless excused by the Chair.

III. OFFICERS OF THE DELEGATION

A. Officers

1. By October 31 of the pertinent year, the President of the SCBA shall appoint the Delegation Chair (Chair) for a three-year term. Prior to appointment, the Chair shall have at least three years experience on the SCBA Delegation. The Executive Committee of the SCBA shall have the power of approval of all delegation appointments made by the Chair, which may include delegation officers such as Vice-Chair, Secretary, Assistant Secretary, Parliamentarian, Assistant Parliamentarian, Whip, and Assistant Whip. Individuals serving as delegation officers must have at least one year prior experience as a delegate. All delegation activities shall be controlled by and pursuant to the SCBA Delegation Policies and Procedures, as from time to time amended.

B. Powers and Duties of the Officers

1. Chair. The Chair shall have such powers and duties as are usually exercised by such an officer. The Chair shall preside at meetings of the delegation, organize the delegation, appoint the committees that may be required, report on the CDCBA to the Board, and perform other duties that may from time to time be assigned by the SCBA President and/or the Board. The Chair, or his/her designee, shall be entitled to be a Member of the Board and serve a three-year term as delegation representative.
2. Vice-Chair. The Vice Chair shall serve as Chair in the absence of or upon the resignation or removal of the Chair and perform other duties that may from time to time be assigned by the Chair.
3. Secretary. The Secretary shall keep the records of the meetings of the delegation, make all necessary reports to CDCBA, carry on the correspondence of the delegation,

maintain the policies and procedures, and perform other duties that may from time to time be assigned by the Chair.

4. Assistant Secretary. The Assistant Secretary shall serve as Secretary in the absence of or upon the resignation or removal of the Secretary and perform other duties that may from time to time be assigned by the Secretary or the Chair.

5. Parliamentarian. The Parliamentarian shall advise the Chair on all matters of order, procedures and rules, advise members of the delegation concerning matters of order on the conference floor, and perform other duties that may from time to time be assigned by the Chair.

6. Assistant Parliamentarian. The Assistant Parliamentarian shall serve as Parliamentarian in the absence or upon the resignation or removal of the Parliamentarian and perform other duties that may from time to time be assigned by the Parliamentarian or the Chair.

7. Whip. The Whip shall be responsible for ensuring that all delegation seats on the conference floor are filled at all times, advise the Chair and the delegation concerning pending amendments and the progress of resolutions being considered by the conference, and perform other duties that may from time to time be assigned by the Chair.

8. Assistant Whip. The Assistant Whip shall serve as Whip in the absence of or upon the resignation or removal of the Whip and perform other duties that may from time to time be assigned by the Whip or the Chair.

C. Term of Office, Removal and Vacancies.

1. Unless sooner removed, delegation officers shall serve until successors are selected.

2. The Chair may be removed only by the SCBA President or by a majority vote of the Board. Other delegation officers serve at the pleasure of the Chair.

3. Vacancies shall be filled in the same manner as the original selection.

IV. COMMITTEES

A. The Chair shall appoint committees that may from time to time be required.

B. Subcommittees

1. No later than November 30 of each year, the Chair shall appoint subcommittees to review proposed resolutions drafted by members of the delegation. Each subcommittee shall have a subcommittee chair, appointed by the Chair or selected by the subcommittee with the approval of the Chair.

2. Members of a subcommittee shall possess some expertise in the area of the subcommittee's subject matter. Membership should also reflect the diversity of views in that area.

3. Subcommittees shall solicit the position of SCBA sections or committees regarding resolutions within the section or committee's aegis.

C. The officers and subcommittee chairs shall serve as the Delegation Executive Committee.

V. SACRAMENTO COUNTY BAR ASSOCIATION SPONSORED RESOLUTIONS

1. No later than November 30 of each year, the Chair shall request members of the bench and bar, and SCBA sections and committee chairs, to submit potential resolutions to the delegation for its consideration.

2. The full delegation shall consider all proposals for resolutions, at a meeting to be held at least two weeks before the first deadline for submission of resolutions.
3. After review is completed, the delegation, by majority vote, shall determine whether a proposed resolution shall be sponsored by the SCBA. (Proponents of unsuccessful resolutions may want to refer to CDCBA procedures relating to the introduction of nonassociation sponsored resolutions.)

VI. RESOLUTIONS SPONSORED BY OTHER BAR ASSOCIATIONS

A. Counterarguments.

1. Immediately upon receipt from CDCBA of the initial draft resolutions each year, the Chair shall refer all resolutions to the appropriate subcommittee(s) for review. This initial review is for the purpose of determining whether to recommend that the delegation submit a counterargument to any resolution. The subcommittees shall provide written reports of their recommendations to the full delegation.
2. At least two weeks before the deadline for submission of counterarguments, the full delegation shall meet to review the recommendations of the subcommittees.

B. Delegation Positions.

1. The subcommittees shall meet again immediately after notification is received from CDCBA that final Conference materials are available. This meeting is for the purpose of recommending a position for the delegation to take on each resolution. The options for possible positions are:
 - a) Approve in Principle (AP)
 - b) Approve as amended (AA)
 - c) Disapprove (D)
 - d) Action Unnecessary (AU)
 - e) Refer to the CDCBA Executive Committee for appropriate action (REC)
2. The subcommittees shall provide written reports of their recommendations to the full delegation.
3. The full delegation shall meet at least two weeks before the start of the Conference to consider the subcommittees' reports and to determine the official delegation position on each resolution.
 - a) The position of a subcommittee on a resolution shall be considered to be the motion before the delegation.
 - b) The official delegation position is for guidance only. Each delegate/alternate is free to vote his/her own conscience on each issue on the floor of the Conference.
 - c) If the position of the delegation differs from the official recommendation of the CDCBA Resolutions Committee, the delegation shall decide whether the resolution should be "called up" for debate.
 - d) The delegation may appoint a member to speak on behalf of the delegation in debate on the floor of the Conference.

- e) A list of delegation positions shall be distributed to all delegates/alternates before the start of the Conference.

VII. OTHER DELEGATION POLICIES

- A. Each delegation member shall be responsible for recruiting at least one new member each year.
- B. The delegation shall prepare a budget for its expenses to be submitted to the Board for its approval. Expenses include, but are not limited to, costs associated with (1) the full delegation meeting before the conference, (2) hospitality suite and delegation lunch expenses during the Conference, (3) travel expenses for the SCBA Executive Director to attend the Conference, (4) scholarships, and (5) copying and printing. The delegation budget may be amended at the request of the delegation upon majority vote of the Board.
- C. Upon request from the Chair, the SCBA Executive Director and SCBA staff shall provide any assistance needed to the delegation.
- D. Scholarships shall be provided for new delegates to defray the costs of attending the Conference. Scholarship recipients must be members of the SCBA. Preference shall be given to those with demonstrated involvement in delegation activities. Financial need may be considered. The Delegation Executive Committee shall select scholarship recipients and administer the scholarship program.

VIII. AMENDMENTS

These policies and procedures may be amended or repealed and new policies and procedures can be adopted in whole or in part by the delegation.

POLICY AND PROCEDUES

Electronic Mailing List Policy

No attachments shall be sent through the Electronic Mailing List. Links to web pages are acceptable. Those posting to the Electronic Mailing List agree to hold the Association harmless from any liability that may occur from the electronic mailing. Notices to be posted shall not contain any libelous or objectionable material, or subject the Association to any liability.

A member of a section or affiliate organization in good standing shall be able to post to the Electronic Mailing List by e-mailing the desired notice and desired posting date to the Executive Director at least three days before such notice is requested to be distributed to the Electronic Mailing List.

Non-members of the Association may, on payment of \$100.00 and with the approval of the Association President, post to the Electronic Mailing List by e-mailing the desired notice and desired posting date to the Executive Director at least three weeks before such notice is requested to be distributed to the Electronic Mailing List.

If the Association President denies a non-member's request to post to the Electronic Mailing List, such non-member shall have the right to appeal to the Board of Directors, where such non-member shall have the burden of proof to establish that the Association President abused his or her discretion in the denial of the request.

Adopted December 16, 2004

**POLICY AND PROCEDUES
MEMBERSHIP INCENTIVE**

Any person who joins the Sacramento County Bar Association during the months of October November December will enjoy membership for the following calendar year.

Adopted 9/20/2007

**POLICY AND PROCEDUES CHECK
DEPOSIT POLICY**

It shall be the policy of the Sacramento County Bar Association that all checks payable to the SCBA shall be deposited within two weeks of receipt.

This policy was established by the Board of Directors December 20, 2007.

**POLICY AND PROCEDUES AMICUS
BRIEF POLICY**

This memo sets forth the Sacramento County Bar Association (SCBA) policy on (1) reviewing requests to draft or join amicus briefs, (2) appointing an Amicus Brief Committee and (3) drafting amicus briefs. For simplicity, the term "amicus brief" as used herein shall also refer to amicus letters.

Amicus briefs may only be filed, or joined, on behalf of the SCBA as a whole and may not be filed or joined by individual SCBA sections or committees except as permitted in this policy. As a general rule, the SCBA will file or join an amicus brief only if it relates to the practice of law or the administration of justice; possible exceptions to this rule will be considered on a case-by-case basis. The SCBA may decline to consider any request to file or join an amicus brief if there is inadequate time to consider the matter.

Procedures Relating to Amicus Requests Made to the SCBA

Receipt of the Request and Formation of An Amicus Committee. Any request for the SCBA to draft or join an amicus brief shall be submitted to the Executive Director of the SCBA. Upon receipt of such a request, the Executive Director will immediately alert the President and members of the Executive Committee of the request and assist the President in identifying suitable members of a committee for the purposes of the particular brief requested.

Upon receipt of the request and prior to the next Sacramento County Board meeting, the President shall appoint an Amicus Brief Committee to consider the particular brief requested. The committee shall consist of at least five SCBA members. At least two of the committee members must be members of the SCBA Appellate Section and have significant appellate practice experience, and at least two of the committee members must be members of any pertinent SCBA subject matter Section and have significant pertinent subject matter expertise.

Upon appointment of the Amicus Brief Committee members, the Executive Director shall provide the committee members with all relevant materials received with the request. The Amicus Brief Committee shall review and consider all materials relevant to the amicus brief and may, in its discretion, communicate with counsel connected with the litigation at issue, or any other person or entity it deems necessary or useful in completing its Executive Summary. The Amicus Brief Committee will draft an Executive Summary of the issues and arguments presented in the case, which shall also include a recommendation that the SCBA (1) seek leave to file its own amicus brief, (2) join an amicus brief drafted by another person or entity or (3) decline to seek leave to file or join an amicus brief in the matter at issue. The Amicus Brief Committee will submit its Executive Summary to the Executive Director within 30 days, who in turn will distribute it to the members of the Executive Committee.

Consideration of the Request by the SCBA Executive Committee. The Executive Committee shall consider the Executive Summary and recommendation of the Amicus Committee and any documents submitted by the party requesting amicus support. No presentations to the Executive Committee by counsel connected in any way to the litigation at issue will be permitted. The Executive Committee may, in its discretion, make its own recommendation to the Board that SCBA (1) seek leave to file its own amicus brief, (2) join an amicus brief drafted by another entity or (3) decline to seek leave to file or join an amicus brief in the matter at issue. The Executive Committee also has the option of not making any recommendation to the Board. The Executive Director will forward the amicus request to the members of the Board along with any recommendations made by the Amicus Brief Committee and Executive Committee, and notify the SCBA membership of the pending request. The notice shall state that sections or individuals wishing to provide comment to the Board may submit memoranda with such comments to the Executive Director by a date certain.

If time permits, all relevant materials will be provided to the Board at least one week in advance of the meeting at which the amicus request will be considered. A member of the Amicus Brief Committee

shall make an oral presentation of the matter to the Board. No presentations to the Board by counsel connected in any way to the litigation at issue will be permitted.

The Decision to Approve or Reject an Amicus Request. A majority of the Board must support the amicus request to the SCBA for it to be granted. When deciding whether to grant a particular request to draft or join an amicus brief, the following should be analyzed:

- Does the issue pertain to a matter that directly impacts the mission or goals of the SCBA or the objectives of one of the sections or committees?
- Is the issue one that is being adequately advanced by other persons and organizations with a more direct stake in the matter?
- Is the issue something that is uniquely within the experience or expertise of lawyers or the legal community to comment upon, and will taking a position benefit the legal community, or the Sacramento community at large?
- Is the issue one that is highly controversial or about which there may be a strong division of opinion among members of the SCBA?

No single consideration or combination of factors will necessarily be determinative of any given request to seek leave to file or join an amicus brief. Rather, the Board must balance each of the factors set forth above, together with any other relevant considerations, including responses from the SCBA membership, and prioritize their importance in each individual case. For example, if a particular issue is vital to the mission of the SCBA and its members, and is not being adequately advanced by other persons or organizations, the Board may decide to draft or join an amicus brief even though the issue may be highly controversial or involve a division of opinion among the SCBA membership. Conversely, if an issue is not of vital concern to the SCBA or its members and is being adequately advanced by other persons with a more direct stake in the matter, the Board may decide not to draft or join an amicus brief.

Production of the Brief. If it is determined that an amicus brief will be drafted on behalf of the SCBA, the Board, in consultation with the Amicus Committee, shall determine and contact a person or entity able and willing to prepare the brief. While pro bono preparation of the brief will be sought in the first instance, if the matter is of sufficient importance, the Board in its discretion may authorize the expenditure of SCBA funds to cover costs related to the production, service and filing of the brief and/or reasonable attorneys' fees to compensate counsel participating in preparation of the brief. The Board may attach specific instructions to the drafting of an SCBA amicus brief. Similarly, if the Board is considering a request that the SCBA join an amicus brief drafted by another person or entity, the Board may convey to the drafters specific SCBA preferences on the substance, tone or actual language of the brief. The President will set a deadline for submission to the Board of the draft brief.

If the Board votes in favor of the SCBA joining an amicus brief drafted by another person or entity, the Amicus Brief Committee Chair will be responsible for providing any information necessary to the drafters of the brief to carry out that purpose, and for obtaining a draft of the brief to submit to the Director by the deadline set by the President.

Final Board Approval. The SCBA Board must approve, by a simple majority vote, the final version of any amicus brief proposed to be filed on behalf of the SCBA, or in which the SCBA proposes to join.

Participation by One or More Sections of the SCBA

Each SCBA section may, but is not required, to create its own procedures for reviewing, analyzing and deciding upon amicus requests. Any section that has written procedures may review and analyze an amicus brief request concurrently with the SCBA's review and analysis.

Provided that the SCBA Board authorizes the SCBA to seek leave to file its own amicus brief, any SCBA section that has complied with its own written procedures for reviewing, analyzing and deciding upon amicus requests may join the SCBA amicus brief.

Provided that the SCBA Board authorizes the SCBA to join an amicus brief drafted by another entity, any SCBA section that has complied with its own written procedures for reviewing, analyzing and deciding upon amicus requests may also join the same amicus brief.

Approved by the Board of Directors December 18, 2008

JUDGE OF THE YEAR, DISTINGUISHED ATTORNEY OF THE YEAR
AND BOARD OF DIRECTORS CANDIDATES

Except for the time provided to the Board for comments described below, no member shall advocate, support, encourage, or discourage the recommendation of a nominee to any member(s) of the Nominating Committee.

Regarding Judge of the Year (JOY):

The SCBA will annually honor a judge based upon the following criteria:

- Commitment to principles of the SCBA Mission: *To enhance the system of justice, the lawyers who serve it, and the community served by it;*
- Commitment to fair and equitable administration of the courts;
- Respected for legal abilities by fellow judges and attorneys who appear before him/her;
- Known for appropriate judicial demeanor and lack of bias; and
- Demonstrated service to the Sacramento community at large.

Annually and no later than February 3rd, the SCBA shall make a request to the general membership for nominations for Judge of the Year. The request shall contain the criteria for the award. Responses will be invited by a deadline of approximately March 1st. The Executive Director shall review those nominated to make sure that they qualify (that is, that they are active judges) and the Board of Directors will be confidentially emailed the names of the eligible nominees. As directed by the Executive Director, Board members will have until approximately March 15th to make any comments regarding nominees. The nominations and Board comments will be forwarded to the Nominating Committee within three business days of the Board's deadline for comments. The Nominating Committee shall review the nominations and comments

and make any independent research necessary to evaluate the nominees and shall provide a report and recommendation to the Board at the April Board meeting in confidential closed session. Any written or electronic documents presented or generated shall be destroyed after the Board vote. Such report will indicate how the nominees fulfill the criteria and how the recommended candidate best fulfills the criteria.

The Nominating Committee shall also provide any contact information it deems useful for the Editor of the *Sacramento Lawyer* to choose a profile writer and for the Bench Bar Reception Committee Chair(s) one or more options for an introductory speaker at the Bench Bar Reception.

When the Nominating Committee's recommendation comes to the Board, the Board shall give due consideration to that recommendation but shall retain the power to name such judge as it deems appropriate, regardless of the Committee's recommendation.

The Board may act at the April Board meeting or may delay the vote one month for consideration. The Board action shall be completed by the May Board meeting and the Board's decision shall be communicated to the Nominating Committee, the successful nominee, the Editor of the *Sacramento Lawyer*, and the Chair(s) of the Bench Bar Reception Committee.

Regarding Distinguished Attorney of the Year (DAY):

The SCBA will annually honor a member of the SCBA as the distinguished attorney for the year. The award will be given to the lawyer who most exemplifies the best qualities of the legal profession and who, through his or her professional endeavors, has made Sacramento a better place to live and work. Emphasis is placed on the attorney's efforts within the past five years.

Annually and no later than April 3rd, the SCBA shall make a request to the general membership for nominations for Distinguished Attorney of the Year. The request shall contain the criteria for the award. Responses will be invited by a deadline of approximately April 30th. The Executive Director shall review those nominated to make sure that they qualify (that is, that they are active SCBA members and attorneys) and the Board of Directors will be confidentially emailed the names of the eligible nominees. As directed by the Executive Director, Board members will have until approximately May 15th to make any comments regarding nominees. The nominations and Board comments will be forwarded to the Nominating Committee within three business days of the Board's deadline for comments. The Nominating Committee shall review the nominations and comments and make any independent research necessary to evaluate the nominees and shall provide a report and recommendation to the Board at the June Board meeting in closed session. Such report will indicate how the nominees fulfill the criteria and how the recommended candidate best fulfills the criteria. Any written or electronic documents presented or generated shall be destroyed immediately after the Board vote. The Nominating Committee shall also provide any contact information it deems useful for the Editor of the *Sacramento Lawyer* to choose a profile writer and for the Annual Meeting Committee to have one or more options for an introductory speaker.

When the Nominating Committee's recommendation comes to the Board, the Board shall give due consideration to that recommendation but shall retain the power to name such attorney as it deems appropriate, regardless of the Committee's recommendation.

The Board may act at the June Board meeting or may delay the vote one month for consideration. The Board action shall be completed by the July Board meeting and the Board's decision shall be communicated to the Nominating Committee, the successful nominee, the Editor of the *Sacramento Lawyer*, and the Chair of the Annual Meeting Committee.

Regarding Board of Director Candidates:

Annually and no later than July 3rd, the SCBA shall make a request to the general membership for nominations for candidates for elected seats on the Board of Directors that will be open for the following year. Responses will be invited by a deadline of approximately July 30th. The Executive Director shall review those nominated to sure that they qualify (that is, that they are active SCBA members and meet any requirements of the Board seat they seek) and the Board of Directors will be confidentially emailed the names of the eligible nominees. As directed by the Executive Director, Board members will have until approximately August 15th to make any comments regarding nominees. The nominations and Board comments will be forwarded to the Nominating Committee within three business days of the Board's deadline for comments. The Nominating Committee shall review the nominations and comments and make any independent research necessary to evaluate the nominees and shall provide a report and recommendation to the Board at the September Board meeting in closed session. Such report will indicate how the nominees fulfill the criteria and how the recommended candidate's best fulfill the criteria. Any written or electronic documents presented or generated shall be destroyed immediately after the Board vote.

When the Nominating Committee's recommendations come to the Board, the Board shall give due consideration to those recommendations but shall retain the power to name such candidates as it deems appropriate, regardless of the Committee's recommendations.

The Board may act at the September Board meeting or may delay the vote one month for consideration. The Board action shall be completed by the October Board meeting and the Board's decision shall be communicated to the Nominating Committee, the successful candidates, and the Executive Director to prepare the General Member Election Ballot.

Approved by the Board of Director January 21, 2017

Drug and Alcohol Use Policy at SCBA Events

Nature of the Policy: The Sacramento County Bar Association (“SCBA”) is concerned about the safety of all members and guests at its events. The SCBA recognizes that alcohol and drug abuse pose a significant threat to the goals of the SCBA. Accordingly, the SCBA has established a drug and alcohol policy that balances our respect for individuals to responsibly consume alcohol with the desire to maintain a safe environment for those in attendance. This document is the SCBA’s policy regarding drug use and alcohol consumption at SCBA events. It is intended to be read and applied in a common-sense manner. This policy applies to any event, meeting, retreat, mixer, social, dinner party, party, reception, seminar, or other gathering, for which the persons organizing the event are representing or conducting business on behalf of the SCBA or one of its sections, divisions, or committees, regardless of whether SCBA reimburses for any event costs.

Drug/Substance Use: The SCBA does not allow the use of drugs or other substances that are illegal under federal law (including marijuana). If there is any doubt regarding the legality of the substance, do not use it.

Alcohol Consumption: Participants at SCBA events should not consume alcohol at levels that reasonably place them at risk of being cited for any alcohol-related offense.

Acknowledgement of Policies: The SCBA may from time to time require SCBA leaders or SCBA event participants to acknowledge receipt of this policy.

Policy adopted by board on:

Date: October 18, 2017

SCBA Food and Beverage Reimbursement Policy

General Event Cost Reimbursement Policies:

Because the Sacramento County Bar Association (“SCBA”) is a non-profit organization that relies primarily on membership dues and event charges for support, its leadership must be prudent when spending its funds. This includes funds SCBA leaders (such as section, division, and committee leaders) spend on meetings, holiday gatherings and other events that are expected to involve SCBA reimbursement requests for costs that admission fees do not cover. The total cost should be reasonable under the circumstances.

Events involving more than ten (10) people should include a reasonable admission fee when possible to cover at least some food, beverage and other costs (alcohol reimbursement policies are below). Leaders should consider holding gatherings at the SCBA offices, which have a large meeting/gathering room and kitchen facilities for caterers. At times, gatherings at homes or restaurants may be more appropriate. If leaders conclude a restaurant is more appropriate, they should try to schedule events in a manner that considers potential scheduling date cost differences. For example, holiday gathering costs in November are often significantly lower than costs for the same event in December, when facilities are at peak demand. The demand for room space and the related costs for gatherings during some days of the week are much less than for other days.

Leaders should notify the SCBA Executive Director at least 60 days in advance of a planned event, describing the nature of the event, the proposed facilities and the expected attendance. They should not under any circumstances sign a contract relating to the event. All contracts must be signed by the SCBA Executive Director. If there is a recurring event, it should be part of the section, division, or committee budget the SCBA Executive Committee uses in preparing the SCBA annual budget. In any event, requests not submitted to the Executive Director at least sixty (60) days in advance of the event may be submitted by the SCBA Executive Committee to the SCBA Board of Directors for approval, and in some cases the Board of Directors will not be able to consider the request until after the event.

Alcohol Cost Reimbursement:

Any reference below to "drink(s)" is to alcoholic drink(s). Subject to the limitations set forth below, reimbursement for alcohol expenses may be requested by SCBA members using the SCBA food and beverage reimbursement form. Reimbursement will be limited to two drinks per person for any given event. Further, the reimbursement amount is not an average based on attendance at the event but is specific to each person in attendance.

For example, if there are ten people at the event, and five (5) have no drinks while five (5) have three (3) drinks, reimbursement is limited to ten (10) drinks. Drinks, including drink tickets, may not be transferred. For example, if a person not drinking alcohol orders a drink for a person who is, the cost for that drink will not be reimbursed. The cost reimbursement will be limited to \$8 per drink. The cost reimbursement limit per 750 ml of wine is \$25. Each 750ml bottle shall be considered to contain five (5) drinks.

Reimbursement Request:

Submission of an expense reimbursement request is an acknowledgement that the request is within these policies.

Acknowledgement of Policies:

The SCBA may from time to time require SCBA leaders or SCBA event participants to acknowledge receipt of this policy.

Policy adopted by board on:

Date: November 15, 2017

