

# CALIFORNIA LAWYERS ASSOCIATION

## Sections Governmental Affairs Policy

### 1) **Governmental Affairs Standards**

A Section may (a) take positions or comment on legislation, regulations, jury instructions, or rules; (b) propose legislation, regulations, jury instructions, or rules; or (c) work with the executive, legislative, and judicial branches of government, and other stakeholders (collectively “governmental affairs”) only if germane to the designated practice area of the Section under one of the following germaneness standards:

- a. The matter requires the special knowledge, training, experience, or technical expertise of the Section;
- b. The position advocated would promote clarity or consistency in the law within the Section’s area of practice, knowledge, training or expertise; or
- c. The matter is substantially related to the practice of law, the legal profession or the administration of justice within the Section’s area of practice, knowledge, training or expertise.

Any position, comments, or proposal approved by a Section shall not be disseminated orally or in writing until the requirements set forth in section 5 below and, if necessary, section 6 below have been satisfied.

### 2) **Political Campaigns**

Sections are prohibited from directly or indirectly participating in, or intervening in, any political campaign on behalf of, or in opposition to, any candidate for elective public office.

### 3) **Section Legislative and Governmental Activity Structure**

Each Section should design an internal governmental affairs system that is appropriate to the size of the Section and volume of governmental affairs performed by that Section. This internal governmental affairs system may include individual committees within the Section to develop and promote that Section’s governmental affairs and should seek input from the Section’s standing committees.

The Section's internal governmental affairs system must coordinate with CLA’s Director of Governmental Affairs (“DGA”) to facilitate implementation of the Sections Governmental Affairs Policy.

### 4) **Development of Governmental Affairs**

The Sections may engage in governmental affairs. CLA recognizes that Section governmental affairs activity is an important component of the advancement of the mission of CLA and the Sections. CLA promotes and encourages such activity in accordance with this policy. Approval by the CLA Board of Representatives (the “Board”) is not required for any

Section's governmental affairs, unless required under the DGA/Section Dispute Resolution Procedures set forth in section 6.

**5) Approval of Governmental Affairs**

Each Section shall develop policies and procedures for the internal Section approval of their proposed governmental affairs. Upon request, the DGA will be available to help facilitate the development of governmental affairs within the Section.

Nothing in this Policy precludes individual Section members from engaging in governmental affairs in their own name, provided the individual Section members explicitly state they are doing so in their individual capacity and not on behalf of CLA or any Section.

With respect to a proposed comment, position, or proposal ("proposed governmental affairs activity") to be made on behalf of a Section on a governmental affairs matter, after a Section has approved such proposed governmental affairs activity the Section must submit a draft of the Section's proposed governmental affairs activity to the DGA for review. Upon receipt, the DGA will review the draft to ensure compliance with the Governmental Affairs Standards of section 1 above and ensure compliance with the following additional considerations: (1) the proposed governmental affairs activity does not conflict with other positions taken or comments made by a Section or by CLA as a whole; and (2) the proposed governmental affairs activity would not have an adverse impact on Section or CLA governmental affairs or on CLA as a whole. A Section shall not disseminate the proposed governmental affairs activity before receiving approval from the DGA or pursuant to the DGA/Section Dispute Resolution procedure in section 6 below. If the DGA believes the proposed governmental affairs activity does not meet any of the criteria in this section, the DGA will contact the Section as soon as possible and work with the Section in an effort to resolve any issues. Upon approval, the DGA will notify the Section that the proposed governmental affairs activity is approved and can be disseminated. If the DGA does not approve the proposed governmental affairs activity and the Section and DGA are unable to resolve any issues, the Section may seek further review pursuant to section 6 below.

If the DGA does not respond to a Section's submission of a draft of a proposed governmental affairs activity within three business days after its submission with the plan or status, the Section may treat the submission as raising a dispute between the DGA and a Section, and follow the process set forth in section 6 below.

**6) DGA/Section Dispute Resolution Procedures**

If there is a dispute between the DGA and a Section or between Sections on a governmental affairs matter that cannot be resolved by informal discussions, the following procedures shall apply:

- a. The DGA or a Section may submit a written request to the Chair of the GAC for the GAC to resolve the dispute. The party submitting the request shall send a copy of the request to the other party;
- b. Within five (5) business days after receipt of a dispute resolution request, or another period agreed upon by the parties and the GAC, the parties shall submit separate

written statements to the Chair of the GAC setting forth their respective positions on the dispute; and the Chair shall ensure that the statements are distributed to the other members of the GAC

c. Within seven (7) business days after receipt of the dispute statements, or another period agreed upon by the parties and the GAC, the GAC shall meet to hear the dispute. This meeting may take place in-person, by telephone, by videoconference, or by other electronic means. The GAC shall apply the Section Governmental Affairs Standards set forth in section 1 above and the additional considerations set forth in section 5 above in its determination of the dispute. If the dispute is between the DGA and a Section, a two-thirds vote of the GAC members present at the meeting shall be required to resolve the dispute in favor of the Section, subject to further review, if any, by the Board, as set forth below. If the dispute is between Sections, a two-thirds vote of GAC members present at the meeting shall be required to resolve the dispute, subject to further review, if any, by the Board, as set forth below. In cases where the GAC does not resolve a dispute between Sections by a two-thirds vote, the Sections shall not take any actions related to the disputed matter without first complying with the approval policies set forth in section 5 above, unless the GAC decision is overturned by the Board as provided for in section 6.

d. Within one (1) business day after the conclusion of a dispute meeting, or as soon thereafter as reasonably practical, the Chair of the GAC shall inform the parties to the dispute of the outcome;

e. If a party to the dispute wishes to contest the outcome, that party may seek further review by the Board by submitting a written request to the Chair of the GAC and the DGA and sending a copy of the request on the other party;

f. Within five (5) business days after receipt of a dispute resolution request, or another period agreed upon by the parties and the DGA, the parties shall submit separate written statements setting forth their respective positions to the Chair of the GAC, who will, in turn, provide copies of both statements with any additional supporting materials to the Board;

g. At the next regularly scheduled Board meeting after receipt of the dispute statements, or another period agreed upon by the parties, the DGA, and the Board, the Board shall meet to hear the dispute. This meeting may take place in-person, by telephone, by videoconference, or by other electronic means. The Board shall apply the Sections Governmental Affairs Standards set forth in section 1 above and the additional considerations set forth in section 5 above in its determination of the dispute. A two-thirds vote of the Board members present at the meeting shall be required to resolve the

h. dispute in favor of the requesting party. If the requesting party receives less than a two-thirds majority of the Board members present, the decision by the GAC shall stand;

Within one (1) business day after the conclusion of a Board dispute meeting, or as soon thereafter as reasonably practical, the Chair of the GAC shall inform the parties to the dispute of the outcome.

**7) Continuing Responsibilities on Governmental Affairs Matters**

The Section's Executive Committee should monitor the progress of the Section's governmental affairs matters. This includes, but is not limited to, answering any questions or requests for suggested modifications by legislators, legislative staff, or other stakeholders. Section members may also testify on governmental affairs matters. Any such testimony must be coordinated with the DGA and/or CLA's lobbyist and must be consistent with a previously approved Section position, comment, or proposal.

**8) Association-wide Governmental Affairs Approval**

If a particular Section is requesting CLA-wide endorsement of a proposed governmental affairs matter, the request shall be submitted to the DGA and Chair of GAC. GAC will consider the request and convey its determination to the Board, either as a recommendation to approve CLA-wide endorsement of a proposed governmental affairs matter or a report of disapproval.