

The logo for 'county bar update' features the words 'county bar' in a small, black, sans-serif font above the word 'update' in a large, purple, cursive script font.

December 2013 • Vol. 33 No. 12 | An E-Publication of the Los Angeles County Bar Association

Brief Glimpse of My Second Year at the Conference of California Bar Associations: Back for More

Conference passes 12 LACBA resolutions. Find out how to write resolutions for the next conference [HERE](#).

"Brief Glimpse" submitted by Scott Luskin, an executive committee member of the LACBA Delegation. Mr. Luskin is an attorney with Payne & Fears LLP focusing on business, labor/employment, and insurance coverage litigation. He can be contacted at sol@paynefears.com or (213) 439-9911.

I just returned from my second conference—this year in San Jose—where I learned that the Conference of California Bar Associations (CCBA) once again had double-digit resolutions passed into law. For those of you who don't know, the CCBA is a volunteer group of attorneys representing more than 25 local, metropolitan, and specialty bar associations throughout California. Our organization proposes new laws and rules to promote justice and smooth the inner workings of California's complex legal system.

The 2013 conference passed almost as quickly as my first in 2012. We began with a parade of delegations, and LACBA, the largest delegation, marched in to the sounds of AC/DC's "Back in Black." We all wore matching black attire, even the distinguished John Van de Kamp.

As we settled in to debate the proposed resolutions, I was nervous. I had a resolution up for consideration in 2013. I drafted an amendment to the Election Code that brings more transparency to the ballot initiative process. My resolution was likely to be debated on the third of three conference days. I learned that while most of the delegations approved my resolution, there were a few that were against it or sought to amend it. I spent a lot of time the first two days strategizing how to ensure that my resolution would pass.

In the meantime, we debated. The conference members are practitioners from all areas, so the resolutions are diverse. We debate by topic areas (ex. constitutional law, real property, criminal law, wills and trusts, and civil procedure).

I was honored to be given the assignment to speak on behalf of the LACBA delegation regarding a change to the California Code of Civil Procedure. The amendment would require complaints amended by right to be filed three court days before the hearing on a demurrer rather than any time before the ruling.

Unlike last year, where I was almost always on the losing side of a debate, I was determined to "whip" the vote and make sure my argument was the winner. My job was that much harder because the amended complaint resolution was actually voted down by the conference last year. I knew that two delegations were the primary opponents, so I spent a lot of time, along with my LACBA colleague Morgan Pietz, to lobby for their support. We elicited information about possible changes that would make the resolution more palatable and, at the same time, attempted to determine what argument could ultimately change their minds.

This lobbying effort was some of the most interesting and fun time I had at the conference. It was playing the

game at another level, not just arguing my points but actually prescreening my arguments for the most impact. Ultimately, after extended debate, Mr. Pietz and I succeeded in persuading a large majority of delegates to our position. It was exhilarating. Apparently, I spoke so fast, yet clearly enough, that I won an award for my “speed advocacy.”

By day three of the conference I was weary. I was worried that I would not be able to best represent my own Election Code resolution. Remarkably, by the time my resolution was up for debate, it passed by consent. My resolution moved on to the next level—looking for legislative sponsorship.

After the conference, the approved resolutions are presented to the conference’s lobbyist, Larry Doyle, the former chief legislative counsel for the State Bar of California. Mr. Doyle takes these resolutions on a tour of the capitol, looking for legislative support.

He has been very successful turning resolutions into reality. There were 13 conference resolutions signed into law this year by Gov. Jerry Brown. Among them were bills that 1) helped provide additional training and access to EpiPens to promote better and safer allergy care by lay rescuers and prehospital emergency medical care personnel (a LACBA resolution!) and 2) established an attorney-client privilege for lawyer referral services. You can read about all the 2013 legislation at <http://larrydoyleesq.blogspot.com>.

I continue to be amazed at the ability for one attorney to so quickly influence the laws of California. I am excited at the chance to have my resolution go through the process and hopefully become law in the near future. I invite everyone to **join the LACBA delegation** and to bring your best proposal. The deadline to submit proposals to next year’s conference in sunny San Diego is January 10, 2014. Hopefully, I will see you there.

Editor’s Note:

Twelve 2013 LACBA resolutions were passed by the Conference of California Bar Associations (still informally referred to as the Conference of Delegates) at its annual conference held last October at the Fairmont San Jose. Resolutions addressing the following issues were approved in principle or with amendments accepted by the authors:

- Amendment of Pleadings without Leave of Court
- Appellate Division Statement of Reasons to Support Decisions
- Certificates of Rehabilitation under Realignment
- Discrimination Based on Sexual Orientation
- Higher Threshold Value for Thefts Charged as Infractions
- Increase to MICRA Cap
- Narcotics Offender Registration Exemption during Proposition 36 Diversion
- Proposition 36 Diversion for Concurrent Nonviolent Offenses
- Protective Orders for Witness Intimidation
- Redaction of Minor’s Name in Civil Actions
- Trust Deed Foreclosure Sales
- Vehicle Offenses Dismissal while Incarcerated

Resolution authors work closely with the CCBA Board of Directors and with the conference lobbyist, Larry Doyle, to fine-tune proposals and locate appropriate legislators to carry the resultant measures, allowing authors an opportunity to take an integral part in improving the law. Following the conference, the LACBA Delegation voted to communicate to the CCBA and to Larry Doyle that its resolution concerning availability of Prop 36 diversion for persons concurrently convicted of nonviolent offenses in the same case is its first priority among the LACBA resolutions passed in 2013.

Write resolutions for the next conference. If you are interested in making improvements to code sections that affect your clients and practice, please review these and other resolutions at www.calconference.org and

consider writing resolutions (with statements of reasons) that the LACBA Delegation may submit to the statewide conference in 2014.

Please take a moment to review the **new format for submitting resolutions** and the **application** to serve on the 2014 delegation. Formatted resolutions should be submitted to the LACBA Delegation Chair in care of Grace Danziger at gdanziger@lacba.org by January 10, 2014. (If you wish to be introduced to a veteran delegate to consult regarding your resolution idea prior to formatting and submitting it, please contact Grace Danziger.)

© 2013 Los Angeles County Bar Association • [Disclaimer and Proprietary Notice](#)
[Privacy Policy](#) • [Questions?](#) [Member Services](#) msd@lacba.org • [Contact](#) • [Sitemap](#)