



LASSEN SUPERIOR COURT

TONY MALLERY
PRESIDING SUPERIOR COURT JUDGE

CHRIS VOSE
COURT EXECUTIVE OFFICER

Board of Supervisors
County of Lassen
221 S. Roop St.
Susanville, CA 96130

COUNTY OF LASSEN

NOV 20 2017

Board of Supervisors

RE: Number of Trustees for Law Library Board

Dear Sirs,

As you know, Lassen County has a Law Library Board of Trustees. The Business and Professions Code (sections 6301 and 6301.5) requires that it be established at six in number, unless, in a County where there are no more than three judges of the Superior Court, the Board of Supervisors establishes it to be some number less (minimum of three). Such a reduction would require the "...concurrence of the majority of the incumbent judges of the Superior Court..."

We regularly have difficulty getting a quorum of six trustees to attend meetings just to conduct normal business. A reduction to three would require only two to attend to create a quorum which would enable this board to better function.

As the only incumbent judge of a two judge court, I concur in the reduction of the number of trustees to three in number. Please schedule this matter for consideration at one of your upcoming Board of Supervisors meetings.

Sincerely,

Tony Mallery
Presiding Judge
Lassen Superior Court

□ **Court Operation Services**
-Filing Office
-Courtroom Services
2610 Riverside Drive
Susanville, CA 96130
(530) 251-8205
(530) 257-9061 Fax

□ **Court Administrative Services**
-Fiscal
-Human Resources
2610 Riverside Drive
Susanville, CA 96130
(530)251-8205 x116 Fiscal
(530)251-8205 x117 HR
(530)251-4922 Fax

□ **Judicial Suite**
2610 Riverside Drive
Susanville, CA 96130
(530) 251-8205
(530) 251-8431 Fax

□ **Family Court Services**
-Access to Justice Center
-CCRC/Mediation
-Family Law Facilitator
-Teen Court
2610 Riverside Drive
Susanville, CA 96130
(530) 251-8205 opt 4
(530) 257-8756 Fax
(503) 251-8430 Teen Ct

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF SUPERVISORS FOR THE COUNTY OF LASSEN
REGARDING THE NUMBER OF LAW LIBRARY TRUSTEES

WHEREAS, the Lassen County Law Library was established by ordinance of the Lassen County Board of Supervisors on November 13, 1908; and

WHEREAS, section 6301 of the California Business and Professions code identifies how many trustees shall serve on a particular Counties' law library board; that, because of the operation of section 6301, the Lassen County Law Library Board is composed of six trustees at a minimum; and

WHEREAS, section 6301.5 allows a Board of Supervisors, in a county where there are no more than three judges of the superior court, to reduce the number of trustees to not less than three in number; and

WHEREAS, the presence of a quorum at meetings of this board has, more frequently than not, been difficult to obtain, and, a reduction of the number of trustees would necessarily reduce the number required to obtain a quorum for any particular meeting.

NOW, THEREFORE, BE IT RESOLVED THAT all the above recitals are true and correct; and

BE IT FURTHER RESOLVED THAT the number of Trustees to serve on the Lassen County Law Library is hereafter reduced to three in number, said composition to be determined by Business and Professions Code section 6301.

The foregoing Resolution was adopted at a regular meeting of the Board of Supervisors of the County of Lassen, State of California, held on the 9th day of January, 2018, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman
Lassen County Board of Supervisors

ATTEST:
JULIE BUSTAMANTE
Clerk of the Board

BY: _____
Michele Yderraga, Deputy Clerk of the Board

I, , Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing resolution was adopted by the said Board of Supervisors at a regular meeting thereof held on the ____ day of _____, 20____.

Deputy Clerk

West's Annotated California Codes
Business and Professions Code (Refs & Annos)
Division 3. Professions and Vocations Generally (Refs & Annos)
Chapter 5. Law Libraries (Refs & Annos)
Article 1. Boards of Law Library Trustees (Refs & Annos)

West's Ann.Cal.Bus. & Prof.Code § 6301

§ 6301. Counties with no more than three judges of the
superior court; reduction of the number of law library trustees

Effective: January 1, 2002
Currentness

(a) Except as otherwise provided by statute, a board of law library trustees is constituted as follows:

(1) In a county where there are no more than three judges of the superior court, each of those judges is ex officio a trustee. The judges may at their option select only one of their number to serve as a trustee, and in that event they shall appoint two additional trustees who are residents of the county or members of the State Bar.

(2) In a county where there are more than three judges of the superior court, the judges of that court shall elect either four or five of their number to serve as trustees.

(3) Any judge of the superior court who is an ex officio or elected member may, at the judge's option, designate a resident of the county or a member of the State Bar to act for the judge as trustee.

(4) The chair of the board of supervisors is ex officio a trustee, but the board of supervisors at the request of the chair may appoint a member of the State Bar, any other member of the board of supervisors of the county, or a resident of the county to serve as trustee in place of the chair. The appointment of the person selected in place of the chair of the board of supervisors shall expire when a new chair of the board of supervisors is selected, and that appointment shall not be subject to the provisions of Section 6302.

(5) The board of supervisors shall appoint as many additional trustees, who are members of the State Bar, as may be necessary to constitute a board of at least six and not more than seven members.

(b) No more than two law library trustees may be residents of the county who are not judges of the county, members of the State Bar, or members of the board of supervisors of the county.

Credits

(Added by Stats.1941, c. 452, p. 1742, § 1. Amended by Stats.1943, c. 570, p. 2138, § 1; Stats.1957, c. 2114, p. 3746, § 1; Stats.1959, c. 1450, p. 3732, § 1; Stats.1967, c. 1013, p. 2608, § 1; Stats.1970, c. 619, p. 1230, § 1; Stats.1970, c. 1358, p. 2526, § 1; Stats.1971, c. 100, p. 129, § 1; Stats.1977, c. 1257, p. 4754, § 1, eff. Oct. 3, 1977; Stats.1998, c. 931 (S.B.2139), § 3, eff. Sept. 28, 1998; Stats.2001, c. 52 (A.B.1103), § 1.)

Editors' Notes

LAW REVISION COMMISSION COMMENTS

1998 Amendment

Section 6301 is amended to accommodate unification of the municipal and superior courts in a county. Cal. Const. art. VI, § 5(e). The section is also amended to reflect elimination of the justice court. Cal. Const. art. VI, §§ 1, 5(b). [28 Cal.L.Rev.Comm. Reports 51 (1998)].

2001 Amendment

Section 6301 is amended to reflect elimination of the municipal courts as a result of unification with the superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

Section 6301 is also amended to clarify that an attorney need not belong to a county bar association to serve on a law library board. It is also unnecessary for the attorney to reside in the county or regularly practice law in the county. It is sufficient if the attorney is a member of the State Bar. The local trial judges and the board of supervisors thus have broad discretion to select capable attorneys to serve as trustees, yet eliminate unsuitable candidates in the selection process.

Section 6301 is further amended to permit a resident of the county to serve on a law library board in specified circumstances. To ensure that judges, attorneys, and boards of supervisors continue to be represented on law library boards, the number of lay trustees serving at the same time is limited to two.

Section 6301 is further amended to permit the judges of a superior court to select either four or five of their number to serve on the law library board, at their discretion. Formerly, the number of judge trustees in a county with a unified superior court depended on how many judge trustees were authorized as of January 1, 1998. See 1998 Cal. Stat. ch. 931, 3.

To further promote flexibility, Section 6301 is amended to permit a law library board to consist of either six or seven members. Formerly, the size of the board depended on the number of judge trustees, which in turn depended on the number of municipal courts in the county or the number of judge trustees authorized as of January 1, 1998. See 1998 Cal. Stat. ch. 931, 3.

For a special provision governing the composition of the law library board in San Diego County, see Section 6301.1. For a provision authorizing a board of less than six members in a county with three or fewer superior court judges, see Section 6301.5. For a provision grandfathering pre-1941 legislation establishing a law library and board of law library trustees in a county, see Section 6363. See also Section 6364 (discretion of board of supervisors in applying chapter).

Section 6301 is also amended to make technical changes. [30 Cal.L.Rev.Comm. Reports 429 (2000)].

West's Ann. Cal. Bus. & Prof. Code § 6301, CA BUS & PROF § 6301
Current with all 2017 Reg.Sess. laws.

West's Annotated California Codes

Business and Professions Code (Refs & Annos)

Division 3. **Professions** and Vocations Generally (Refs & Annos)

Chapter 5. Law Libraries (Refs & Annos)

Article 1. Boards of Law Library Trustees (Refs & Annos)

West's Ann.Cal.Bus. & Prof.Code § **6301.5**

§ **6301.5**. Board of not less than three members in certain counties

Effective: January 1, 2002

Currentness

In any county where there are no more than three judges of the superior court, the board of supervisors, with the concurrence of the majority of the incumbent judges of the superior court, may reduce the number of law library trustees to not less than three members.

Credits

(Added by Stats.1969, c. 17, p. 79, § 1. Amended by Stats.1977, c. 1257, p. 4754, § 2, eff. Oct. 3, 1977; Stats.2001, c. 52 (A.B.1103), § 2.)

Editors' Notes

LAW REVISION COMMISSION COMMENTS

2001 Amendment

Section **6301.5** is amended to apply to any county where there are three or fewer judges of the superior court. Reduction of the size of the board pursuant to this provision is optional, not mandatory. Where the board of supervisors and the judges of the superior court agree to reduce the size of the board pursuant to this provision, the agreement may also address the composition of the board.

For the composition of a law library board generally, see Section 6301. For a special provision governing the composition of the law library board in San Diego County, see Section 6301.1. For a provision grandfathering pre-1941 legislation establishing a law library and board of law library trustees in a county, see Section 6363. See also Section 6364 (discretion of board of supervisors in applying chapter). [30 Cal.L.Rev.Comm. Reports 429 (2000)].

Relevant Additional Resources

Additional Resources listed below contain your search terms.

CROSS REFERENCES

County defined for purposes of this Code, see **Business and Professions** Code § 17.

West's Ann. Cal. Bus. & Prof. Code § **6301.5**, CA BUS & PROF § **6301.5**

Current with all 2017 Reg.Sess. laws.