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CHAPTER 1: DRAFTING AND SUBMITTING RESOLUTIONS

1. Introduction

1.1. This portion of the Guide is intended to inform proponents of the timelines, procedures, and format governing the submission of resolutions, and to suggest means of improving the content of resolutions.

2. When May Resolutions Be Submitted?

2.1. The deadline for the submission of resolutions is posted on the Conference website at ccba.law.

2.2. Submissions Have a Hard-Deadline: Resolutions receive equal consideration regardless of when they are submitted. However, if a resolution is not submitted in the proper format (see below) by the submission deadline, it shall be rejected, unless it qualifies for acceptance as either a Late Filed Resolution or an Emergency Late-Filed Resolution.

2.2.1 For the criteria and procedure governing acceptance of Late Filed Resolutions or Emergency Late-Filed Resolutions, which are extraordinary types of resolutions, see the [Rules of Operation & Procedure](#), Article II, paragraphs 6(b) and 6(c).

2.3. Opportunity to Correct Defects: If a resolution is not in the proper format, but is submitted by no later than ten (10) days before the submission deadline, then the resolution will be returned to the proponent with an opportunity to correct the defects and to resubmit it in proper format by the submission deadline.

2.3.1. Any resolutions that are not submitted in the proper format by the submission deadline shall be rejected.

3. How Should Resolutions Be Submitted?

3.1. All resolutions must be submitted electronically. Any resolution that is submitted only by a printed copy will be rejected. All resolutions should be submitted using the officially provided method, as well as an attachment (see below) to the form. Do not send a printed copy, or a back-up disk.

3.2. Each resolution must be submitted separately (the submission form only allows you to input information for 1 resolution and only 1 attachment). Each attachment must be saved in Word

format. In addition to the online submissions, the delegation chair must send an email to: resolutions@ccba.law, stating (1) the name of your delegation; (2) the chair's name, telephone number and e-mail address; (3) the number of resolutions being submitted by the delegation; (4) and the file names assigned to each resolution. If questions regarding a delegation's submissions should be directed to someone other than the chair of the delegation, please include that person's contact information as well.

- 3.3 The File Name of the resolution (i.e., the Word document attached to each form) should be the initials of the proponent association, the sequential number of that association's resolutions for that year, and the year of the submission. If a resolution is submitted by 10 individuals, then the last name of the first named individual should be used. For instance:

Resolutions submitted by the Bar Association of San Francisco for the 2020 Conference would be named: "BASF-1-2020," and "BASF-2-2020," etc.

Resolutions submitted by Jane Smith and 9 other individuals for the 2020 Conference would be named: "SMITH-1-2020", and "SMITH-2-2020," etc.

- 3.4. Proponents sometimes seek to revise their resolutions shortly after submission. Any proposed revision of a resolution should be submitted in the same manner as the original resolution but should be accompanied by instructions that refer to the file name given to the original version. (E.g., a revision of "LACBA-3-2020" would come with instructions that "This file replaces LACBA-3-2020.")

4. How Should A Resolution Be Formatted?

- 4.1. Follow the format displayed in the [Sample Resolution](#). A fillable Word template can be downloaded from ccba.law, to help avoid common formatting errors. If a resolution is not submitted in proper format by the submission deadline, it will be rejected. The various parts of the resolution are explained below.

4.1.1. Except as provided for in section 5, below, a resolution should only address a single subject. For example, a resolution should not attempt to revise both a statute dealing with punitive damages, and a separate statute dealing with attorney's fees.

- 4.2. Font, Justification, and Margins:

4.2.1. The resolution should be submitted in 12-point font, using a Times New Roman typeface, single-spaced, without justification. Margins should be one inch at top, bottom, and sides.

- 4.3. Area of Law (optional):

- 4.3.1. You may state the area of law addressed by your resolution, e.g. Civil Procedure, Government, Family Law, Probate, Guardianships, Criminal Law, Criminal Procedure, etc. The sole purpose of this information is to aid Resolutions Committee in organizing all of the submitted resolutions into categories for consideration by the Conference as a whole. Resolutions Committee has the sole authority and discretion to decide which categories resolutions are put into for the Conference.
- 4.3.2. Do **not** title your resolution, or give it a “Digest”. The title and digests for resolutions will be added by the Resolutions Committee to briefly summarize the resolution. The title and digest added by Resolutions Committee will replace the Area of Law identified by the proponent. Should Resolutions Committee have any questions or concerns regarding the language of the title or digest, Resolutions Committee will contact the author of the resolution to discuss the matter, at the discretion of Resolutions Committee.

4.4. Preamble:

- 4.4.1. The preamble summarizes the nature of the resolution by identifying the decision-making body to whom the resolution is directed, the law to be changed, and the nature of the change. For instance, the preamble in the sample resolution is implicitly directed at the Legislature, seeks to change Code of Civil Procedure section 996.030, and seeks to change that law by amending it, and therefore reads as follows:

RESOLVED, that the Conference of California Bar Associations recommends that legislation be sponsored to amend Code of Civil Procedure section 996.030 to read as follows:

- 4.4.1.1. To add an entirely new statutory section by that number, the preamble would read:

RESOLVED, that the Conference of California Bar Associations recommends that legislation be sponsored to add Code of Civil Procedure section 996.030 to read as follows:

- 4.4.1.2. To repeal that statutory section, the preamble would read:

RESOLVED, that the Conference of California Bar Associations recommends that legislation be sponsored to repeal Code of Civil Procedure section 996.030 as follows:

- 4.4.1.3. To change the California Rules of Court, the preamble would read:

RESOLVED, that the Conference of California Bar Associations recommends that the Judicial Council amend [or add] [or repeal] California Rules of Court, rule 15, to read as follows:

- 4.4.1.4. To change the Rules of Professional Conduct, the preamble would read:

RESOLVED, that the Conference of California Bar Associations recommends that the Board of Governors of the State Bar of California and the California Supreme Court [amend/add/repeal] Rules of Professional Conduct, rule 1-100, to read as follows:

- 4.4.2. These forms may be adapted when dealing with other decision-makers who have authority over other laws, rules, regulations, or policies.
 - 4.4.3. The preamble must refer to *all* sections or rules that the text of the resolution proposes to amend, add, or repeal. But list only the numbers of the sections or rules, not the particular subdivisions or paragraphs affected. For instance, if the resolution proposes to amend subdivision (f) of Civil Code section 1000, the preamble should refer simply to "Civil Code section 1000," not to "Civil Code section 1000, subdivision (f)."
- 4.5. Text:
- 4.5.1. The first line of the text lists only the section or rule number of the law to be amended, added, or repealed. Omit the code or set of rules of which that section or rule is a part. For instance, the first line should state just "§ 1000," not "Civil Code section 1000," unless the resolution seeks to change more than one code or set of rules. Do **not** include section captions (publisher's headings/titles) because they may vary depending upon the publisher.
 - 4.5.2. The second line has the beginning text of the statute/rule. Include **all** of the original text of existing statute/rule. **Underline the text you propose adding to the statute/rule.** **~~Strikethrough the text you propose deleting from the statute/rule.~~** Do not leave a blank line between the section or rule number and the text. Do not leave a blank line between subdivisions of the text or between paragraphs within subdivisions. Leave blank lines only when multiple sections or rules are being affected. In that event, leave a blank line between the sections or rules.
 - 4.5.2.1. Remember, the goal of your resolution is to improve California's law by re-writing its codes and rules. Therefore, your proposed revisions need to make *actual changes to the language of the law*, not aspirational goals. Give the legislature the best language and revisions that you can to solve the problems with the current law.
 - 4.5.2.2. Do NOT include arguments in your proposed revisions, references to studies, or explanations about why the current law is problematic. Those subjects will be put in your Statement of Reasons (see below).
 - 4.5.2.3. Do NOT trust that someone else will fix, improve, or re-write the language to solve the problem you've identified. "Approve in Principle" does not just mean you've found a problem and someone should fix it. As the proponent, it is your responsibility to propose the best fix possible for that problem.
 - 4.5.3. Each new paragraph, whether designated as a separate subdivision or not, begins with

a single tab indentation of one-half inch. The degree of indentation is the same for all levels of subdivisions. For instance, there is no greater indentation for the first line of subdivision (a)(1)(B) than there is for the first line of subdivision (b). All subsequent lines of each paragraph are flush with the left margin.

4.5.4. Do NOT number the lines of the text of the resolution, unless you use the Fillable Template, in which case, properly formatted line numbers are automatically included.

4.5.5. Proposed new language: Underline all language that is new to the section and all language that you propose to relocate within the section. (See "or ordered" in the sample resolution.) If the entire section is new, underline the entire text, including the section number.

4.5.6. Proposed deleted language: strikethrough all language to be deleted. (See "any" in the sample resolution.) Use the "strikethrough" or "overstrike" function of your word-processing program. Do NOT use slash [/] marks or a red-lining function.

4.5.7. The text of every resolution is followed by a blank line and this legend:

(Proposed new language underlined; language to be deleted stricken.)

4.5.8. The *entire section or rule must be quoted*, even though the proposed change affects only part of it, unless the Resolutions Committee chair has granted a waiver in advance. To request a waiver, send your resolution to resolutions@ccba.law with a cover e-mail indicating what you are requesting.

4.5.8.1. If a waiver has been received authorizing you to omit a single subdivision, insert the following legend in its place:

[Subdivision () remains unchanged.]

See the example at subdivision (b) of the sample resolution.

4.5.8.2. If a waiver has been received authorizing you to omit multiple subdivisions, insert the following legend in their place:

[Subdivisions () through () remain unchanged.]

4.5.8.3. Like other new paragraphs, references to omitted subdivisions should be indented.

4.5.8.4. Do not leave a blank line before or after a reference to omitted subdivisions unless the next line of text is a new code section, in which case a blank line should separate the next section from the reference to the omission.

4.6. Proponent:

- 4.6.1. "Proponent" is stated in all caps, followed by the name(s) of the sponsoring bar association(s) or ten individual members in initial caps. For instance:

PROPONENT: XYZ County Bar Association

PROPONENTS: John Doe, Jane Roe, Robert Smith, Roberta Jones, Kevin Park, [etc., listing all ten]

4.7. Statement of Reasons:

- 4.7.1. This is the place in which you state the reasons why you think that the law should be changed. It **must not exceed 500 words**. Because this is your first opportunity to persuade the other delegates of the merits of your proposal, it should be carefully and clearly written.

- 4.7.2. The statement of reasons must be organized into the following two sections in the following order:

“The Problem”
“The Solution.”

- 4.7.2.1. “The Problem” describes the law on this subject as it currently exists and why that is a problem. This section identifies the nature, severity, and frequency of the undesirable consequences that result from existing law.
- 4.7.2.2. “The Solution” describes how the changes proposed in the resolution would change the existing law to cure or mitigate the problems you’ve identified.

- 4.7.3. Use the *California Style Manual* when citing to authority. For instance:

Case citations should be given in the following form: *State Bar v. Resolutions Committee* (1999) 81 Cal.App.4th 256.

Statutory citations should be given in the following form: when referenced within a sentence, the full Code name should be used, e.g., Code of Civil Procedure section 1000, but when referenced in a parenthetical, the Code should be abbreviated, e.g. (Code Civ. Proc., § 1000.)

- 4.7.3.3. Unless stated otherwise, all code citations are presumed to be to California law. Therefore, you need not identify the code as being from California unless you are distinguishing California law from the law of other jurisdictions.

4.8. Impact Statement:

- 4.8.1. The impact statement must follow the statement of reasons. It states whether the resolution would affect laws (i.e. statutes and regulations) other than those expressly identified in the text of the resolution, and if so, how. This is an important part of your resolution. Please research the impact your resolution will have on other laws.
- 4.8.2. A negative impact statement is used when the resolution will have no other affect. Again, please research the impact of your resolution before inserting the negative impact statement. For instance:

“This resolution does not affect any other law, statute or rule.”

- 4.8.3. A positive impact statement is used when the resolution will affect other laws. For instance:

“This resolution affects Corporations Code sections 25110 and 25120 by creating a new exemption from the qualification requirements imposed by those sections.”

- 4.8.4. If the effect of the resolution is to create a conflict with or ambiguity in another law, consider carefully whether the resolution should be revised to eliminate that conflict or ambiguity by, e.g., amending that other law as well.

4.9. Current or Prior Related Legislation:

- 4.9.1. List any statutes or legislative bills that are (1) currently pending, and/or (2) have been brought before California’s Legislature regarding the subject in the resolution. For instance, if the resolution is similar to a bill that is pending, or was not enacted, then that bill should be listed. Also, if a resolution seeks to modify a bill that has recently been enacted, then that bill should be listed. Like the Impact Statement, this is an important part of your resolution. Please research this issue carefully. Related Legislation should be referenced using the California Style Manual, and should include the house of introduction, the number assigned, and the legislative session, for instance:

Assem. Bill No. 60 (2019-2020 Reg. Sess.), or
Sen. Bill No. 123 (1993-1994 Reg. Sess.)

- 4.9.2. Do not list case law in this section. Any relevant cases should be addressed in the Statement of Reasons.

4.10. Author and/or Permanent Contact:

- 4.10.1. List the person who should be contacted *prior to the beginning* of the Conference if anyone has any questions concerning the resolution. This may be either the resolution's author or some other responsible person within the delegation of the sponsoring bar association, such as the chair of the association's delegation. State that person's name, mailing address, phone number, and e-mail address in one continuous string, rather than in separate lines. For example:

AUTHOR AND/OR PERMANENT CONTACT: Jane Smith, 1234 Main Street, Suite 567, Los Angeles, CA 90001-0001, phone: 123-456-7890, e-mail: Jane.Smith@aol.com

4.10.2. Because the resolutions are widely distributed, use addresses and phone numbers that you are comfortable being publicly disclosed.

4.11. Responsible Floor Delegate:

4.11.1. This is the delegate who should be contacted *on the Conference floor* if anyone has any questions concerning the resolution during the Conference. It may be the same person as the author or permanent contact, or someone else. List only the delegate's name, not the address or phone numbers. For example:

RESPONSIBLE FLOOR DELEGATE: Richard Doe

4.11.2. If no particular delegate has yet been assigned responsibility for the resolution on the floor, and if the author will not or might not be attending the Conference, list the name of the delegation chair.

5. When May Multiple Statutory Amendments Be Proposed in a Single Resolution?

5.1. Frequently, a proponent will want to amend, add, or repeal multiple sections or rules in a single resolution as opposed to separate resolutions for each section. This is sometimes proper. If all of the proposed changes to those sections or rules relate to a single subject and are motivated by a single set of reasons, they may be stated in a single resolution, unless there is some reason to expect that there would be a basis for supporting some of the amendments but not others. A single resolution is only appropriate if ALL of the following statements are true:

5.1.1. All the amendments are designed to address the same problem.

5.1.2. The debate would be the same on all the amendments.

5.1.3. There is no reason why someone would support some of the amendments but oppose others.

5.1.4. None of the amendments would have unintended collateral effects that others would not have.

5.1.5. If the resolution were an initiative, it would pass the single-subject test.

5.1.6. The rationale for the change is equally strong as to all the amendments.

5.2. Resolutions Committee has the discretion to reject a resolution as being improperly formatted if it determines that a resolution contains multiple sections and any of the above statements

are not true.

- 5.3. If you are in doubt concerning the propriety of submitting a resolution proposing multiple amendments, you may consult with the Chair or Vice-Chair of the Resolutions Committee (resolutions@ccba.law).

6. Before Submitting Your Resolution, What Can You Do to Reduce the Need for any Revisions?

- 6.1. If you are amending the language of an existing statute or rule:
 - 6.1.1. Make sure that you quote the most current language. Do not rely on paper supplements or pocket parts, because they may not yet reflect amendments made in the most recent legislative session. Instead, check commercial electronic resources or the websites maintained by the Legislative Counsel (<https://leginfo.legislature.ca.gov>) or the Judicial Council (<https://www.courts.ca.gov/rules.htm>).
 - 6.1.2. Make sure that you quote the existing text accurately. To minimize typographical errors, consider cutting-and-pasting the text from an electronic source rather copying it from a book.
- 6.2. If you are adding a section or rule, make sure that there is not already a section or rule with the same number that you propose to assign to your new one.
- 6.3. Ask another attorney (ideally, an attorney who practices extensively in the field of law affected by the resolution) to review your resolution for content.
- 6.4. Ask another writer to review both the text of the resolution and the statement of reasons for style, grammar, and spelling.
 - 6.4.1. In finalizing your resolution, consider how your proposed language would work in practice, whether it solves the problem, whether it's enforceable, and whether it creates other problems. Give the legislature the best language and revisions that you can to solve the problems with the current law.
- 6.5. Ask a current or former member of the Resolutions Committee to review it for content.
- 6.6. Additional Hints:
 - 6.6.1. When using Word, be sure track changes is either turned off or all changes have been accepted. This avoids a lot of confusion in resolution review and formatting.
 - 6.6.2. Do not include any headers, footers, or footnotes.
 - 6.6.3. Do NOT title your resolution, or add a "Digest".

7. How to Draft a More Persuasive Resolution.

- 7.1. When drafting a resolution, consider the following questions:
- 7.1.1. Is the problem that you identify perceived to be a problem by others?
 - 7.1.2. Does the amendment cure that problem?
 - 7.1.3. Does the amendment create any new problems? If so, is there an alternative solution that causes fewer unintended effects?
 - 7.1.4. Does the amendment create an inconsistency between similar situations? If so, should the scope of the new rule be expanded to apply to those other situations as well? If it should not, does the utility of the new rule outweigh the potential for confusion arising from the inconsistency?
 - 7.1.5. Is the statement of reasons persuasive? If a similar resolution has been raised in the past, what arguments were offered in favor of it? Are they stronger than the arguments in your statement of reasons?
 - 7.1.6. What arguments are likely to be raised in opposition to your resolution? If a similar resolution has been raised in the past, what arguments were used to oppose it? Can you blunt those arguments by modifying your amendment? Can you anticipate and rebut those arguments in your statement of reasons?
 - 7.1.7. Has similar legislation been introduced, either in the current or prior legislative sessions? (Search at under www.calbar.ca.gov Attorney Resources>Legislation>Search for Legislation.) If so, what arguments in favor and against it were identified in the legislative staff analyses? (Staff analyses and other legislative history back to 1999 are available in the Legislative Counsel's website. Look under "Bill Information" at <https://leginfo.legislature.ca.gov>.)

8. What If You Have Questions that Are Not Answered Here?

- 8.1. If you have additional questions while you are drafting the resolution, contact the Resolutions Committee at resolutions@ccba.law.

CHAPTER 2: PREPARING FOR THE CONFERENCE

1. Introduction

Preparing for the Conference can be analogized to preparing for trial. The resolution is your "pleading," and the time period leading up to the Conference is the "discovery" phase—a chance to discover the strengths and weaknesses of your resolution and of its opposition, if any, and perhaps negotiate a compromise. The major difference: Don't think of this as work, have fun with it!

2. Section/Committee Reports

2.1. Resolutions Committee Report:

One of the standing committees of the Conference is the Resolutions Committee, known as Rescom. Its job is to prepare a written report evaluating the merits of every resolution.

Before the Conference, you may be contacted by the member of Rescom who has been assigned the responsibility for preparing the initial draft of the committee's report on your resolution. Because the recommendation in the Rescom report will be the "default setting" for action at the Conference, it is in your interest to give this person as much assistance as possible. The Rescom member will be interested in answers to the following questions, among others: What prompted the resolution? Has it ever been presented to the Conference before? What are the arguments against it? What groups might support or oppose it, and why? Is there any similar legislation pending?

Rescom's final report will be available on the Conference website approximately two months before the Conference. Once the report is available, study the reasons for Rescom's recommendation, and prepare a response to any negative recommendation with which you disagree. Follow up on any previously unknown history described in the report or made known to you through contacting other interested persons. (See § 2.2.) If the appropriate response is to amend the resolution, draft amendments for circulation to interested parties. (See § 4.)

2.2. Resolutions and Reports from Prior Years:

If you have access to the proceedings of past years, and if you did not review them before submitting your resolution, do so now to determine whether any similar resolutions have been presented to the Conference previously. If so, review the Rescom reports and any counterarguments that may have been submitted to see the arguments that may be used against your current resolution. Contact the authors of those prior resolutions to see what arguments were raised on the floor. Why did the prior resolutions succeed or fail?

2.3. Legislative Analyses:

Review recent legislation to see if any legislation similar to your resolution has ever been proposed. (You can search both current legislative session and prior sessions on the Legislative Counsel's website: <https://leginfo.legislature.ca.gov>.) If so, review the legislative staff analyses (which are available in the same website) to see what arguments were raised for or against those bills. Identify any currently pending legislation on same subject matter and track its progress up to the date of the Conference. Contact the legislator-author's office for a copy of the bill and make your interest known, and follow it by bill number on the legislative website, <https://www.senate.ca.gov>.

2.4. State Bar Sections/Committee Reports:

Sections and committees of the State Bar which are interested in the subject matter of the resolution have an opportunity to make their own recommendations in written reports that are included in the Conference materials after the Resolutions Committee report. As with Rescom, you may be contacted by a reviewing member with questions or concerns, and how you answer may be helpful to those who ultimately read the materials in deciding how to vote. Interested members of relevant substantive law sections may be of particular help in making sure you know of any related

legislation, in framing your arguments, and in refining or amending language to improve the resolution.

3. Counterarguments of Other Associations:

Any counterarguments that other bar associations may submit in opposition to the resolution are included in the Conference materials following your own statement of reasons. It may be useful to contact the association and the author of any counterargument to discuss their concerns and make a judgment as to whether they require action (either because they are valid, or because the association represents a lot of votes at the Conference). If the opposition is in principle, the counterargument may suggest new arguments on your side that were not included in your statement of reasons. If an amendment is suggested in the counterargument or seems appropriate after reading it, it may help to negotiate the language with the author of the counterargument as well as other interested persons.

4. Preparing Amendments:

If you decide to prepare an amendment to your resolution before coming to the Conference, it is best to coordinate with other interested members of your delegation and with others who have indicated they will support it if amended. By copying each of these individuals on relevant emails at an appropriate time, you can maximize exposure of a proposed amendment and minimize the chance of overlooking unforeseen new problems that often come with trying to satisfy one person's isolated concern. If you ask for feedback, you will usually get it. It will all make it easier for you to avoid -- or at least to anticipate -- problems that may come up in the press of business at the Conference.

5. Lobbying Other Delegations:

Major delegations will come to the Conference with announced "spreadsheet" positions based on votes taken at summer caucus meetings. Each such delegation will probably have a designated contact person or "responsible floor delegate" assigned to your resolution. Sometimes such a delegate will contact you before the Conference to suggest an amendment as a condition of that association's support; and just as in the case of a counterargument, you need to make a judgment, perhaps with the help of others, as to how much merit there is in the suggestion. Even if you do not hear from anyone, it may be helpful to find out who the responsible delegate is at some of the major delegations and make contact in advance to find out their or their association's position, answer any questions, and try to arrange in advance an opportunity to try to persuade them at the Conference if they are coming in opposed.

6. Lobbying Your Own Delegation:

Because your own delegation has submitted your resolution, it is generally assumed that all its members will vote for it when the time comes. However, the time leading up to the Conference is an important time for you to work with your delegation leadership to get help with some of the necessary tasks both before and during the Conference, to prepare other members to speak in favor if necessary, and to make sure a full delegation of "aye" votes will be there for you when the resolution is called.

7. Final preparations for the Conference:

7.1. Amendments:

Once any proposed amendments have been circulated for discussion and a plan of action agreed upon, make sure you have printed copies of the amendments to distribute to everyone at the Conference in accordance with Conference rules. You should also bring a copy of the amended resolution on a flash-drive, both to e-mail a copy to the Resolutions Committee and to use as a basis for additional possible refinements as negotiations continue with other delegations. Then line up the most persuasive advocate (or the one likely to represent the most votes) to help at the Conference with making a friendly amendment at the beginning of floor debate.

7.2. Speakers:

Just as you will be doing for your own schedule, make sure the interested persons you count on to help you at the Conference, either with lobbying or with speaking in favor, are actually going to be available on the floor of the Conference when your resolution comes up.

CHAPTER 3: STRATEGIES DURING THE CONFERENCE

1. Introduction

The best way to have fun participating in the Conference is to work with other delegations to have a positive impact on the Conference's ultimate legislative product. This requires some advance planning. Try to anticipate problems by reviewing the agenda and the most current spreadsheet. For any resolution that your delegation considers important, you should have a plan for lobbying and debate in place before the beginning of the Conference. The three-day Conference will fly by, and without preparation you will not be able to participate effectively.

2. Call-ups

2.1. Formal Procedure:

The recommendation of the Resolutions Committee becomes the action of the Conference with respect to each resolution, unless the resolution is called up for debate. The Chair (or "authorized representative") of any Delegation may call up a resolution. Call-ups may also be made by the author of the resolution or by any five delegates. Timing is critical, especially on the "One" and "Two" series, for which call-ups are due one hour prior to the floor debate of the respective series. All other call-ups are due not later than one hour following the commencement of the Conference. Thus, as a practical matter, you should have delivered to Conference Operations Committee ("ConOps") all of your call-up requests before sitting down for the beginning of the Conference. The procedure for making call-ups will be posted on the CCBA website.

2.2. How to Decide What to Call Up:

If your delegation's position on a resolution differs from that of the Resolutions Committee, then you should generally call the resolution up for debate. Otherwise, you will have no opportunity to try to convince the Conference that the Resolution Committee's recommendation is wrong. If you subsequently decide that you don't want to debate it, you can cancel the call-up later in the proceedings. Forms for the cancellation of call-ups are available during the Conference from ConOps.

2.3. Limited vs. Full Debate:

A resolution may be called up for either limited debate or full debate. With limited debate, there are two speakers on each side, including the proponent. Each speaker is given two minutes, with one more minute to the proponent to close. This amount of debate is adequate for most resolutions. There is no limit on the number of resolutions that a delegation may call-up for limited debate. With full debate, the time increases to three minutes, with one and one-half minutes for the proponent to close, and there are an unlimited number of speakers (until the house votes to close debate). Each delegation is limited to ten full-debate call-ups, but delegations rarely, if ever, use the full allotment. Full debate should be limited to extraordinarily complex and important issues. If you subsequently decide that full debate is not necessary, you can reduce your full-debate call-up to one for only limited debate.

2.4. Special Setting:

If a resolution that you sponsor or wish to amend requires time for lobbying or for the preparation of an amendment, then special setting is an invaluable tool. Anticipate when the resolution is likely to come up for debate, and go to the Conference Operations Committee as early as possible to discuss an appropriate time for a special set. This allows time for you to finish lobbying other delegations either on the floor or during delegation caucuses. Special sets can also be used to accommodate scheduling conflicts with delegation members who are expected to participate in the debate.

2.5. Use of Consent Calendar:

Sometimes you can overcome an unfavorable recommendation from Resolutions Committee without debate. If you can address the concerns of the Resolutions Committee with an amendment, and get the concurrence of all the delegations that have taken a position on the spreadsheet of either Disapprove or Approve as Amended, you can have your resolution placed on the "Consent Calendar." ConOps has forms for accomplishing this feat and will be happy to guide you through the process. Whenever you have a resolution that has been disapproved by the Resolutions Committee, you should give serious consideration to using the Consent Calendar process.

3. Lobbying During the Conference

3.1. Lobbying During Debate of Other Resolutions:

Conference time goes by quickly when you are trying to convince other delegations to change their position, or negotiating amendments to address the concerns of those opposed to your resolution. It is usually necessary to locate responsible members of other delegations and discuss these issues while debate is ongoing for other resolutions. Ask the Chair of the target delegation to steer you toward the individual delegate handling your resolution. Lobbying is an important part of the Conference experience, and (quietly) walking around to find and talk to responsible members of other delegations during debate of other resolutions is not considered a breach of etiquette. For any extended discussion, you should go to the sides or the back of the room, or even out into the hallway, to avoid distracting other delegates from the debate.

3.2. Breakfast and Lunch Caucuses:

Many of the larger delegations meet for breakfast on Saturday and Sunday, and for lunch on Saturday, and conduct caucuses in which delegation positions may be changed. As you are campaigning behind the scenes for a resolution, you should make optimum use of this time to visit delegations whose positions you wish to change. Check with the delegation that you are targeting to find out when and where they caucus. This sort of advocacy is often more effective than the formal debate, because in the caucuses you can engage in a more informal dialogue, and find grounds for friendly amendments.

3.3. Amendments:

Amendments are often necessary to accommodate a compromise reached with other delegations or address the concerns of the Resolutions Committee.

3.3.1. Amendments that change ten (10) words or less may be done orally, without having a written version distributed to the entire Conference.

3.3.2. Amendments that change more than ten (10) words must be in writing, setting out the proposed amendments *to the previously published resolution* in **bold text**, and distributed to the entire Conference (including the Chair, the Board, and the Resolutions Committee). Production of amendments and copying can be handled at the Conference through ConOps, but you will save a lot of money if you can plan in advance and use an outside copy service.

3.3.3. ALL proposed amendments, *regardless of length*, must be e-mailed to Resolutions Committee at resolutions@ccba.law, before the resolution is debated on the floor.

- 3.3.4. A proponent (which includes both the author of, and the delegation sponsoring, the resolution) cannot move their own amendment. Amendments can be moved by a different delegation, or by a group of ten (10) delegates, in the same way that an original resolution can be sponsored. Therefore, the procedure for amendments on the floor is to line up a delegate from a different delegation, or from a group of ten (10) delegates, for the amendment in advance, and yield the floor during your opening argument to move the "friendly" amendment. If you wish to propose an amendment to another delegation's resolution, you should always attempt to obtain the proponent's consent, and arrange to make a "friendly" amendment. Without the proponent's consent you can still move the amendment, but be sure to approach the opposing podium promptly because unfriendly amendments do not have any special priority in the debate.

4. Floor Debate

4.1. Importance of Preparation:

The challenge of effectively participating in floor debate is one of the most important parts of the Conference. You need to prepare for your remarks so you are able to cover the salient, convincing parts of your position in less than two minutes. You also need to be so familiar with the subject matter of the resolution that you can respond extemporaneously to issues that may be raised by other speakers. You also need to anticipate when the resolution on which you are speaking comes up for debate. If you are the proponent, locate the microphone designated for proponents and be ready to speak as soon as your resolution is called. If you are not the proponent, find a spot near a speaker podium during the voting on the previous resolution, and be prepared to choose the podium so that you are in place for the next debate. Teamwork is valuable in this enterprise, so that more than one person is responsible for assuring that your delegation's speaker is in place at the start of debate. For example, you should always have a back-up speaker ready in case your planned speaker is unavailable. You should also have someone in charge of monitoring the debate and reminding speakers to be in place on time.

4.2. Priority of Debate:

The Chair first recognizes the author or other representative of the proponent of the resolution. After the proponent's opening time is exhausted, the Chair recognizes a speaker in opposition, and then alternates between speakers in favor and speakers in opposition. Generally, speakers on the same side are recognized in the order in which they stood on their respective podiums. Note that amendments are not entitled to any special priority! It is common that the proponent of an amendment (or a subsidiary motion to table, etc.) will be left standing at the close of debate without being recognized. To be sure an amendment will find its way on to the agenda, it is necessary to speak to the proponent, and arrange for the proponent to yield time for a "friendly amendment" (which time is not deducted from the proponent's debate time).

4.3. Style of Argument:

You usually have two minutes or less to convince a sophisticated and intelligent audience on an issue they have already had a chance to review and study. You need to be selective about what you say, and how you say it.

4.3.1. Ad Hominem Attacks:

The most serious breach of etiquette at the Conference is to attack one of the other debaters personally. Such attacks invariably undercut your argument as they offend nearly all present, and are irrelevant in any event. Your audience at the Conference is sophisticated enough in the ways of rhetoric to evaluate an argument on its own merits, and not by the personal deficiencies or presumed motives of the individual proponent.

4.3.2. Use of Humor:

It is hard to be funny without offending someone, but if you can avoid giving any serious offense, humor can be very effective in making your argument memorable and persuasive. Good-natured ribbing of the characteristics of various California counties, and the success or failure of professional sports franchises, are all fair game.

4.3.3. Prepared Remarks:

You will certainly want to rehearse and be prepared for your brief speech, but if possible, limit yourself to a few written notes and avoid reading a written speech. Sometimes even experienced delegates are more comfortable reading a written speech, and there is nothing really wrong with the practice, but if you can get past use of written speeches you are likely to be more interesting and thus more effective.

4.3.4. Working Within Time Limit:

Always be ready to make your points quickly. This exercise is one of the more useful lessons to take back to the practice of law. It could work out that the only time you have is thirty seconds yielded by a different speaker, so you should always be prepared to make your points succinctly.

4.3.5. There Are No Lost Causes:

One often gets the sense from the Conference that passage (or defeat) of a particular resolution is a foregone conclusion, and that speaking against the majority would be of no utility. This perception is a mistake. If you are the sole voice in dissent, it is all the more important that you participate in the debate. An important purpose of the Conference is to air diverse views. Whatever arguments you make will probably be made by opponents at the next level of legislative lobbying, and the proponents need to hear the arguments eventually. If your opposition disturbs the unanimity and creates a minority in dissent, it could change the Board's ultimate prioritization of the resolution for lobbying purposes. Your remarks could also be food for thought for different resolutions in later years. Thus, there is truly no such thing as a lost cause.

4.5. Strategies for Yielding Unused Time:

As much as we prepare for the constraints of the Conference's time limitations, you will often find yourself with significant time left on the clock, with many competing strategic considerations at play. The worst you can do is become hypnotized by your own amplified voice and go into a speaking black-out in which you drone on until the buzzer sounds. Here are more useful strategies to consider.

4.5.1. Adding Diverse Voices to the Debate:

Note that in limited debate, if you as proponent never yield to other speakers there will only be one other voice in favor of your resolution. If you have discovered allies while lobbying other delegations, particularly those from different parts of the state, or with different professional perspectives, you should make a point of saving some of your time to yield to those allies, in order to add more diverse voices to the debate. Yielding your time in which to close to a supporter can be particularly effective. Think in advance about whether there are supporters who should be heard. Take a few minutes before debate to check in with them and to get a feel for what arguments they want to make. With this information, you can choreograph an effective argument by yielding time to your supporters. If you find yourself with extra time and without anyone lined up to assist you, quickly scan the room for likely speakers to whom to yield.

4.5.2. Paradox of Yielding Small Balance of Time:

Before you yield time to a like-minded speaker, consider whether that speaker will have an opportunity to speak in any event (which will usually be the case in unlimited debate). If you yield a small balance of time (e.g., fifteen seconds), you will ironically cut off the very ally you hoped to favor.

4.5.3. Yielding Time to the Chair:

The Conference is generally pressed for time to get all resolutions debated, so if everything has been said that needs to be said, the polite course is to yield your time to the Chair. This is especially true in unlimited debate.

5. Floor Voting

5.1. Planning Attendance:

Debate can move quickly at the Conference. To be prepared for your resolution, and resolutions you want to speak on, you should keep track of and anticipate when those resolutions are coming up for debate, and try to coordinate schedules to maximize your delegation's attendance at such times. If you have a scheduling conflict during the Conference, strongly consider filing a request to specially set your resolution for debate so that you know you will be available to speak on it.

5.2. Block Voting:

The Conference Rules state: "All voting shall be by individual delegates then present on the conference floor. Block or unit voting by delegations is prohibited."

5.3. Calling for Division:

A call for Division is appropriate when the vote on a resolution appears to be close, and requires an individual vote count. It is not appropriate when you simply disagree with the vote or when there is a clear majority. Division counts are time-consuming, and calls for Division that are not in good faith unfairly decrease the time for substantive debate on resolutions. However, if the vote appears to be close, feel free to shout out "Division," which will be taken as a motion that a more exact count of votes be taken. The Chair is often corrected on close votes in such situations.

6. Courtesy Resolutions

There is really no provision for "Courtesy Resolutions" or "points of personal privilege." Although most such resolutions are welcome and benign, such resolutions should be kept brief, and the timing of the resolutions should be cleared with the Conference Operations Committee and/or the Chair of the Conference, when possible.

CHAPTER 4: AFTER THE CONFERENCE

1. Approved Resolutions

If your resolution was approved in principle, or approved in principle as amended, you may be required to provide more detailed information about your resolution to improve its chances of success in CCBA's legislative program, and hopefully with the Legislature. That additional information will need to be more than just a repeat of the resolution, and you should anticipate providing (a) both the arguments for and against the resolution, (b) specific evidence and legal authorities supporting your resolution, (c) identifying groups who are likely to support and oppose the resolution, and (d) identifying by name any legislators who are likely to support your resolution. The more information you provide, the easier it will be for a legislative author to be found, to acquire support from other organizations, and to respond to questions and counterarguments challenging the need and effect of your resolution.

2. Disapproved Resolutions

If your resolution was disapproved at the conference, you can consider reintroducing it at a future conference. To increase your chances of future success, take note of the arguments raised against the resolution so that you can address them in a revised resolution. Many times a resolution is disapproved, not because it is a bad idea or because there is not a problem that needs to be fixed, but because the resolution *as drafted* does not effectively fix the problem or creates a new unintended problem. Therefore, some simple drafting revisions addressing the concerns raised by opponents can often change delegates' positions from disapprove to approve in principle. Also, resolutions that are straightforward and address a narrow issue are less likely to have unintended consequences than resolutions which add entirely new statutes or statutory schemes. Try breaking your resolution into "bite-size" pieces that other delegates, and ultimately legislators, can easily understand, evaluate, and support.