past, the advisory recommendations of administrative law judges were not made public prior to the time the Commission acted upon them. Although AB 3383 (Moore), effective January 1, 1987, now requires that ALJs circulate proposed decisions to all parties to a case prior to the Commission's consideration of a recommendation, the PUC has rejected a proposal which would further discourage off-the-record lobbying of PUC members. The plan would have required the Commissioners to report off-the-record conversations during the early part of a rate case and would have banned off-the-record discussions after the ALJ had rendered his/her initial decision. At an October meeting, the Commission instead took a wait-and-see approach to the proposal, preferring to evaluate the effect of AB 3383 before adopting stricter rules regarding ex parte contacts. The PUC majority stated that the circulation of a judge’s recommendation before a final PUC decision would make parties aware of key issues and promote on-the-record comments rather than private lobbying.

Trailways Lines Inc. is a passenger bus company which operates between San Francisco, Los Angeles, and San Diego and travels across California's borders into Oregon, Nevada, and Arizona. At October 21-22 PUC hearings in San Francisco, Trailways requested a rate increase and alleged that it operated at a loss of $1.1 million during the twelve-month period ending March 31, 1986. The United Transportation Union protested Trailways' rate increase request. On November 17, the Commission authorized the bus company to increase its fares by 13%.

In a recent meeting, the PUC decided to hold an additional year of public hearings on the feasibility of various methods to block calls made to "976" numbers. In response to complaints from parents whose children make unauthorized, repeated, and expensive calls to the 976 numbers, PUC previously established rules governing operation of the lines and ordered telephone companies to cancel (on a one-time-only basis) bills consisting of unauthorized calls. The additional hearings will investigate and review alternative measures to block all calls to "976" numbers, at the customer's option.

FUTURE MEETINGS:
The full Commission usually meets every other Wednesday in San Francisco.
ERNAL LAWYERS from its program if theysign a declaration promising not to prac-
tice law privately.

Legal Services for Indigents Accused
of Crimes. The State Bar has proposed
Supreme Court rules seeking to establish
a commission of the Bar to provide legal
services to indigents accused of crimes.
The Commission on the Delivery of
Defense Services to the Indigent
Accused would consist of three criminal
lawyers, a retired appellate or Supreme
Court justice, and a public member. The
Commission's responsibilities would
include advising jurisdictions about legal
services for indigents where statutory
public defender services are unavailable.
The members of the Commission
would serve by appointment by the
Board of Governors. The appointees
would receive no compensation for their
services but would be reimbursed for
their expenses.
The Commission would also have
duties to prepare an annual report with
recommendations for the improvement
of systems for the delivery of indigent
criminal defense services in the state; to
provide technical assistance to jurisdic-
tions requesting assistance in facilitating
systems for the delivery of indigent crim-
nal defense services; and to recommend
to the Supreme Court new rules or
changes in rules regarding systems
for the delivery of indigent criminal
defense services.

Foreign Lawyer Rule Approved. On
January 2, the California Supreme
Court approved a new rule of court
which will give foreign lawyers a limited
right to practice law in California. (See
CRLR Vol. 6, No. 4 (Fall 1986) p. 91.)
The Board of Governors had requested
the rule in response to a demand from
the Japanese Bar Federation that its
lawyers be allowed to practice in the
Japanese Bar Federation that its
lawyers be allowed to practice in Japan,
and four other states, in exchange
for reciprocity in Japanese courts. The
new rule becomes effective ninety days
following its January 2 filing. Former
Chief Justice Rose Elizabeth Bird
dissented, contending that the new rule
discriminates against U.S. attorneys by
enjoining; and that the State Bar, with
the approval of the Supreme Court, formu-
late rules and regulations governing law-
ner referral services. One such proposed
regulation is the requirement of an
application and licensing fee to be paid
by lawyer referral services in order to
be certified by the State Bar.

SB 1543 (Presley) was signed by the
Governor on September 24, 1986. (See
CRLR Vol. 6, No. 4 (Fall 1986) for
complete background information.)
Pursuant to the statute, Attorney
General John Van de Kamp has appoint-
ed Robert C. Fellmeth, Director of the
Center for Public Interest Law, as State
Bar Discipline Monitor. The Monitor
will investigate and evaluate the State
Bar discipline system and procedures
and will submit his first report to the
Legislature by June 1, 1987.

LITIGATION:
Keller v. State Bar, 181 Cal. App. 3d
471 (1986), the challenge to the Bar's use
of mandatory dues to advance political
causes and activities, was appealed by
the Bar to the California Supreme
Court, which recently announced it will
review the appellate court's decision.
(See CRLR Vol. 6, No. 4 (Fall 1986) pp.
92-93.) The case is still pending before
the California Supreme Court, although
briefs have been filed by both sides.

RECENT MEETINGS:
On November 20, the Bar's Discipline
Committee met in San Francisco. In
discussing the Client Security Fund pro-
gram, the Committee announced that
Kioki Tatsui has been selected as Direc-
tor of the Program, and that six other
positions are in the process of being
filled. The Committee also discussed the
need to raise the portion of individual
dues to be allocated to the Fund from
$25 to $40.

The Committee also discussed its Dis-
aster Response program. In response to
past incidents of unethical solicitation at
the scene of disasters (such as the Cerri-
tes air crash), members of the Discipline
Committee will respond onsite within 24
hours to conduct interviews to ascertain
whether solicitation has occurred.

On November 21 in San Francisco,
the Board of Governors, after heated
debate, approved a $40,000 expenditure
for a public relations study aimed at
improving the image of the Bar and the
legal profession. The Board approved
the expenditure by a vote of 10-9. Bar
Governor Richard Alexander spoke in
favor of the proposal, and stated that the
study is needed to determine whether the
$700,000 spent by the Bar each year
for communication is being spent effec-
tively.

Public member Richard Annotico
opposed the proposal and stated that
if the Board of Governors instead
concentrates on making improvements to
the Bar, the Bar's image will take care
of itself. Also in opposition to the
expenditure was Ron Olson, the Board's
finance chairperson. Mr. Olson stated
that in light of the Bar's tight budget, an
expenditure of $40,000 is premature,
especially in light of the likelihood that
the public relations firm conducting the
study will recommend the expenditure
of even more money, possibly several
million dollars.

The Board also approved standards
for certification and recertification of
Immigration and Nationality Law Spe-
cialists. Prior to the Board's approval,
the Bar certified specialists in only four
fields of law: criminal law, family law,
taxation law, and workers' compensa-
tion law.

The standards for certification include
the following: applicants must be active
members in good standing of the State
Bar of California; within the three years
prior to application for certification,
applicants must have participated as
principal attorney in 150 cases involv-
ing application for immigrant or non-
imigrant status, or deportation and
exclusion hearings before immigration
courts; and the applicant must have par-
ticipated as principal attorney in five of
the following ten procedures: naturaliza-
tion or nationality cases, administrative
appeal practice, judicial review of
immigration proceedings in federal
courts, labor certifications, contested
deporation exclusion hearings before
immigration judges; and the applicant must have par-
ticipated as principal attorney in five of
the following ten procedures: naturaliza-
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the following ten procedures: naturaliza-
tion or nationality cases, administrative
appeal practice, judicial review of
immigration proceedings in federal

during the three years
immediately preceding his/her applica-
tion to have completed 42 units of
Board-approved classes on immigrant
visas, non-immigrant visas, deportation, administrative and judicial review, and citizenship and naturalization. Furthermore, the applicant must pass a written exam prior to certification to demonstrate knowledge, proficiency, and experience in immigration and nationality law sufficient to justify the representation of special competence to the legal profession and the public. The test may be waived if the applicant, during the three years preceding the application, has completed an additional sixty units accumulated either through teaching immigration classes or publishing articles on immigration and nationality law in a professional publication or journal.

The pass rate on the July 1986 California exam was the second lowest on a summer exam in two decades. Only 3,525 of 7,950 applicants passed the exam, for a passage rate of 44.3%. In contrast, the passage rate in 1974 for the summer exam was 61.7%, and has been dropping slowly ever since.

The passage rate for first-time takers from ABA-approved schools was 64% and the passage rate for non-ABA-approved schools was 44%. The passage rate for repeaters from ABA-approved school was only 29%, and the passage rate for repeaters from non-approved schools was 15%.

FUTURE MEETINGS:
To be announced.