

The Honorable Arnold Schwarzenegger
Governor, State of California
State Capitol
Sacramento, California 95814

SUBJECT: Assembly Bill 2713 - SIGN

Dear Governor Schwarzenegger:

I understand that Assembly Bill No. 2713 has been enrolled and may already be on your desk awaiting action. I urge you to SIGN this very important bill, which would provide guidance to the lawyer who finds him or herself in the unfortunate position of having discovered serious misconduct on the part of his or her governmental client, and being unable to change or remedy that misconduct through the governmental client itself. The lawyer's service to the public and license to practice law will continue to be 'on the line' without this bill becoming law.

As a California resident, I have a vested interest in our State government acting properly in performing its responsibilities to the public. As a former government lawyer and whistle-blower, I have a special interest in seeing that lawyers representing governmental entities have guidance on what to do with knowledge of improper governmental activity, instead of having to founder on their own. Existing Rule 3-600 of the State Bar Rules of Professional Conduct does just half the job in its requirement that the lawyer urge reconsideration or remediation, then refer the matter higher within the organization. As it exists, the rule's only option in the event of failure is the attorney's resignation. For a lawyer who has spent his or her career in public service, it is unfair, unreasonable, and untenable to expect resignation. A penultimate pathway to law enforcement or governmental oversight or regulatory authority should be available.

It is obvious that AB 2713 has been crafted with tremendous care, attention to balance, common sense, a high respect for attorney-client confidentiality, and an equally high regard for the public interest.

I urge you, Governor Schwarzenegger, to SIGN this bill.

Sincerely,

John W. Dean

cc: Assemblymember Fran Pavley