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Three Vie for District Seven Seat on State Bar Board

By SHERRI M. OKAMOTO, Staff Writer

Patrick M. Kelly, the western region managing partner for Wilson Elser Moskowitz Edelman & Dicker LLP, private investigator Jeffrey P. Lustman, and appellate attorney Jeremy B. Rosen of Horvitz & Levy LLP have filed papers to run for a position on the State Bar Board of Governors.

State Bar officials confirmed that the three were the only candidates to file their petitions by Wednesday's 5 p.m. deadline.

While Kelly and Lustman had previously announced their intention to seek the one available seat for District Seven—which represents all of Los Angeles County and has a total of five lawyer representatives on the board—Rosen had not widely broadcast his intention to run.

Rosen is characterizing himself as an “outsider” because he did not seek the endorsement

of the Breakfast Club—a dues-paid organization whose primary function is to endorse candidates for the Board of Governors. The organization unanimously voted last month to back Kelly.

“I don't buy into the notion that a small, insular group of so-called elites should have so much influence,” Rosen said, adding that he has not sought out any other endorsements, and that he was not sure he would.

“It's time for an outsider who can work with others to get onto the State Bar to represent the wide range of lawyers in the city and in the state,” he declared.

To spread his message, Rosen said he is relying on his candidate statement and its invitation for constituents to contact him with questions and concerns.

“That sort of grassroots contact is what's important,” he

opined. “I want to make myself available.”

Among the issues Rosen is basing his campaign on are the costs associated with State Bar membership and the discipline process.

“In these challenging economic times,” Rosen suggested that “it seems like the wrong time” for the State Bar to consider increasing member dues. He also critiqued the expense of mandatory continuing legal education as outweighing the benefits, and an example of the State Bar “trying to over-regulate minute aspects of the practice.”

He proposed that the State Bar should look for ways to decrease costs by focusing on the “core mission” of the organization; the discipline process.

The disciplinary system is “somewhat of a bloated process” he opined. “It’s both over and under inclusive.” Rosen argued that “it takes too long” for “innocent” attorneys to be exonerated, and to “get the bad lawyers off the street, so to speak.”

Rosen predicted that his platform, combined with his ability to work together well with

others, would make him a viable candidate and qualified board member.

As an appellate attorney, he said he has had “lots of experience with consumers of the Bar” representing a myriad of clients including universities, cities, labor unions, companies, lawyers, doctors and “countless” individuals, which “gives me a unique vantage point to understand the public’s concerns.”

The attorney became a partner at Horvitz & Levy last year, having joined the firm in 2001 after working as a litigation associate at Munger, Tolles & Olson.

He also clerked for Judge Ferdinand F. Fernandez of the Ninth U.S. Circuit Court of Appeals and U.S. District Court Judge Wm. Matthew Byrne Jr. of the Central District of California.

Rosen graduated magna cum laude and Phi Beta Kappa from Cornell University, and magna cum laude, Order of the Coif from the Duke University School of Law, where he served on the Editorial Board of the Duke Law Journal and also earned his master of laws degree.

The “insider” to Rosen’s claimed “outsider” status is Kelly, who is basing his campaign on his 39-year career of service to state and local bar organizations.

The former Los Angeles County Bar Association president was the founder and first chair of the LACBA’s minority employment outreach committee and was also an attorney member of the Commission on Judicial Performance and chair of its Rules Committee.

In addition he has served on the board of the Legal Aid Foundation of Los Angeles, president of the Coalition for Justice, and chair of the editorial board for the Los Angeles Lawyer magazine and the California Lawyer magazine.

Among the issues Kelly has said he would like to address as a member of the board was the impact of the economy on the delivery of legal services, the coordination of member benefits between the state and local bars, and enhancing the level of professionalism among attorneys.

A graduate of Pomona College and Loyola Law School, Kelly was admitted to the State Bar in 1970.

The third candidate in the field, a self-described “anarchist,” Lustman’s platform is reforming the State Bar disciplinary system, which he encountered in 2006 when he was publicly reprovved for sending a letter protesting an unfavorable decision by Div. Eight of this district’s Court of Appeal and accusing then-Presiding Justice Candace Cooper, Justice Laurence Rubin and Justice Madeleine Flier of dishonesty and corruption.

He ran on the same basic platform in his 2007 bid for a District Seven seat he lost to retired State Bar Court Judge Michael D. Marcus.

A graduate of the University of Maryland, Lustman earned his law degree from William Howard Taft University in Santa Ana and was admitted to the State Bar in 1995 but is not in active practice.

The State Bar Board of Governors meets approximately eight times a year to debate organizational, policy and professional issues.

It consists of 15 attorney members elected by their peers in geographic districts, as well as the State Bar president, a representative of the California

Young Lawyers Association, and six public members appointed by the governor and the legislative leadership.

Whoever wins this year's election will join current District Seven representatives James H. Aguirre of Richardson & Fair; Assistant U.S. Attorney Angela J.

Davis; retired State Bar Court Judge Michael D. Marcus, now a private judge with ADR Services Inc.; and former LACBA Rex S. Heinke of Akin Gump Strauss Hauer & Feld LLP.

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