

AMENDED IN ASSEMBLY APRIL 22, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 100**

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**Introduced by Assembly Member Alejo**

January 8, 2015

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An act to add Section 8924.7 to, and to add Chapter 1.5 (commencing with Section 8050) to Division 1 of Title 2 of, the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 100, as amended, Alejo. California Law Fellowship Program.

Existing law authorizes certain internship and fellowship programs, as specified.

This bill would establish the California Law Fellowship Program for the purpose of offering licensed attorneys and other qualifying law school graduates limited-term placements in public sector positions within state government *as California Law Fellows*, and encouraging each ~~participant~~ *fellow* to seek permanent public-sector employment at the conclusion of his or her fellowship, as specified.

Existing law, commonly known as the Code of Ethics, prohibits a Member of the Legislature or an employee of either house of the Legislature from receiving or agreeing to receive, directly or indirectly, any compensation, reward, or gift from any source except the State of California for any service, advice, assistance, or other matter related to the legislative process, except for specified circumstances.

This bill would provide that the services of a ~~participant in the California Law Fellowship Program~~ *Fellow* are not compensation, a reward, or a gift to a Member of the Legislature for purposes of the so-called Code of Ethics. The bill would also provide that a participant

in the program is not an employee of either house of the Legislature for purposes of the Code of Ethics.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California has the eighth largest economy in the world, and
- 4 its laws have a far-reaching impact on individuals, entities, and
- 5 organizations within the state and throughout the world.
- 6 (b) Because of its extraordinary economic impact and leadership
- 7 on timely issues, California’s statutory framework and legal
- 8 structures have a national and global impact.
- 9 (c) Rapid technological and societal advances require the
- 10 development of public policy in new and evolving areas.
- 11 (d) State government officials must make informed policy
- 12 decisions about issues that have increasingly complex and
- 13 interrelated legal components.
- 14 (e) California is home to some of the world’s most prestigious
- 15 universities and law schools.
- 16 (f) California is currently facing one of the largest surpluses of
- 17 recent law school graduates in the nation, and the unique education
- 18 and training of these skilled graduates could greatly assist the state
- 19 government in its work.
- 20 (g) Only approximately 5 percent of attorneys nationwide work
- 21 for state governments, meaning that the nation’s state governments
- 22 derive insufficient benefit from those attorneys’ legal training and
- 23 expertise.
- 24 (h) *Approximately 36 percent of attorneys working for the State*
- 25 *of California are 55 years of age or older; therefore, California*
- 26 *must encourage attorneys to enter public service to fill vacancies*
- 27 *as those attorneys retire.*
- 28 (i) The establishment of a law fellowship program in California
- 29 will enable the state to capitalize on the experience of its law school
- 30 graduates for the betterment of its government.
- 31 SEC. 2. Chapter 1.5 (commencing with Section 8050) is added
- 32 to Division 1 of Title 2 of the Government Code, to read:

1 CHAPTER 1.5. CALIFORNIA LAW FELLOWSHIP PROGRAM

2  
3 8050. (a) The California Law Fellowship Program is hereby  
4 established.

5 (b) The purpose of the program is to offer licensed attorneys  
6 and other qualifying law school graduates limited-term placements  
7 in public sector positions within state government. ~~The~~

8 (c) ~~The~~ program shall provide each ~~participant~~ *California Law*  
9 *Fellow* with the opportunity to work in the public sector and shall  
10 encourage each participant to seek permanent public-sector  
11 employment at the conclusion of the fellowship.

12 (d) *The Legislature requests that The University of the Pacific*  
13 *McGeorge School of Law, in consultation with California law*  
14 *schools accredited by the American Bar Association, and with any*  
15 *other appropriate person or entity, do all of the following with*  
16 *respect to the California Law Fellowship Program:*

17 (1) *Create the program to provide law graduates a*  
18 *post-graduate educational experience and provide the Legislature*  
19 *and other governmental entities with legal assistance and advice.*

20 (2) *House and administer the program, including managing*  
21 *funding and processing applications.*

22 ~~(e)~~

23 (e) A ~~participant's~~ *California Law Fellow's* placement with a  
24 state agency shall be contingent on that agency's acceptance of  
25 the ~~participant, fellow,~~ according to criteria adopted by the  
26 participating state agency for purposes of the program.

27 ~~(f)~~

28 (f) (1) It is the intent of the Legislature that participation in the  
29 program by an attorney or other qualifying law school graduate,  
30 by a state agency, or by a public official within a state agency shall  
31 not constitute a gift of public money or thing of value for purposes  
32 of Section 6 of Article XVI of the California Constitution, a gift  
33 for purposes of the Political Reform Act of 1974 (Title 9  
34 (commencing with Section 81000)), or a gift, bequest, or favor for  
35 purposes of the Code of Judicial Ethics adopted pursuant to  
36 subdivision (m) of Section 18 of Article VI of the California  
37 Constitution.

38 (2) To the extent feasible, the program shall be designed and  
39 administered to accomplish the Legislature's intent as specified  
40 in this subdivision.

1 (e)  
2 (g) State funds shall not be used to administer the program.

3 (f)  
4 (h) For purposes of this section:

5 (1) “California Law Fellow” means a participant in the  
6 program.

7 (1)  
8 (2) “Program” means the California Law Fellowship Program.

9 (2)  
10 (3) “Qualifying law school graduate” means a recipient of a law  
11 degree from a law school accredited by the American Bar  
12 Association.

13 SEC. 3. Section 8924.7 is added to the Government Code, to  
14 read:

15 8924.7. (a) The Legislature finds and declares that the  
16 California Law Fellowship Program, established pursuant to  
17 Chapter 1.5 (commencing with Section 8050) of Division 1,  
18 establishes a formal fellowship program that provides substantial  
19 public benefits to the Legislature as a participating state agency.

20 (b) The services of a ~~participant in the California Law~~  
21 ~~Fellowship Program~~ *California Law Fellow*, whose placement  
22 with the Legislature is ~~accepted~~ *duly authorized* by the Senate  
23 Committee on Rules, the Assembly Committee on Rules, or the  
24 Joint Committee on Rules, as appropriate, are not compensation,  
25 a reward, or a gift to a Member of the Legislature for purposes of  
26 paragraph (4) of subdivision (b) of Section 8920.

27 (c) A ~~participant in the California Law Fellowship Program~~  
28 *California Law Fellow*, whose placement with the Legislature is  
29 ~~accepted~~ *duly authorized* by the Senate Committee on Rules, the  
30 Assembly Committee on Rules, or the Joint Committee on Rules,  
31 as appropriate, is not an employee of either house of the Legislature  
32 for purposes of this article.

33 (d) *For purposes of this section, a California Law Fellow is*  
34 *“duly authorized by the Senate Committee on Rules, the Assembly*  
35 *Committee on Rules, or the Joint Committee on Rules” only if both*  
36 *of the following requirements are satisfied:*

37 (1) *The California Law Fellow has been selected according to*  
38 *criteria, and pursuant to a process, approved by the Senate*  
39 *Committee on Rules, the Assembly Committee on Rules, or the*  
40 *Joint Committee on Rules.*

1     (2) *The program has executed an agreement with the Senate*  
2 *Committee on Rules, the Assembly Committee on Rules, or the*  
3 *Joint Committee on Rules whereby the California Law Fellow is*  
4 *bound to abide by standards of conduct, economic interest*  
5 *disclosure requisites, and other requirements specified by the*  
6 *Senate Committee on Rules, the Assembly Committee on Rules, or*  
7 *the Joint Committee on Rules.*

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