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4	8	02/06/1974	Letter	Letter from John Malone, Secretary of State Bar of California to RN re: membership fees, prior fee waivers, waiver policies, current fees due. 2 pgs.

# THE STATE BAR OF CALIFORNIA



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February 6, 1974

Richard M. Nixon  
President of the United States  
The White House  
Washington, D.C. 20500

Dear Mr. Nixon:

Under State Bar policies which were in effect prior to January 1, 1974, you had been granted a waiver of your annual State Bar membership fee by the Board of Governors. At its December 14, 1973 meeting, the Board of Governors formally recognized that Section 6141.1 of the Business and Professions Code does not authorize the grant of waivers which would continue beyond the calendar year for which said waivers were originally granted, and fee waivers theretofore granted were terminated as of December 31, 1973. Accordingly, the fee waiver previously granted to you has been terminated and is no longer in force or effect.

New policies regarding fee waivers have been adopted to implement Section 6141.1 of the Business and Professions Code, which authorizes the Board of Governors, for good cause, to waive payment of the annual membership fee by any member upon the affirmative vote of 12 members of the Board. A copy of these new policies is enclosed for your information. Applications for waiver of membership fees for 1974 and future calendar years may be submitted in accordance therewith. Please note particularly the circumstances which, if standing alone, the Board will ordinarily not consider to be "good cause".

1974 membership fees for which current waivers have not been obtained were due and payable February 1, 1974, and thereafter will become delinquent with consequent attachment of penalty if not paid on or before April 1, 1974.

Very truly yours,

John S. Malone  
Secretary

JSM/kdk  
Enclosures

## THE STATE BAR OF CALIFORNIA

### FEE WAIVERS

*(Resolutions Adopted by the Board of Governors  
December 14, 1973)*

"The Board of Governors, for good cause, may waive the payment of the active or inactive annual membership fee by any member upon the affirmative vote of 12 members of the Board. Such waivers shall be considered separately by the Board for each calendar year, and continuing waivers which purport to waive the annual membership fees of members for more than one calendar year shall not be granted.

"Any member, or any member's legal representative, spouse, relative, law partner or associate, or other person familiar with the pertinent facts and circumstances, may request a waiver of payment of the member's annual membership fee by submitting an application therefor in a form satisfactory to the Secretary or his designee, and shall bear the burden of showing specific facts and circumstances in support of such request. Unless excused by the Secretary or his designee, based on his knowledge that the facts on which an original waiver was granted still obtain, such an application shall also be required with regard to each request to waive the member's annual membership fee for each subsequent calendar year.

"In determining whether there is good cause for such a waiver, the Board may consider all of the facts and circumstances pertinent to the request, including, without limitation, those presented by or on behalf of the member, the public purpose which would be served by the member paying his or her fee and, in the case of an active member, his or her eligibility for inactive membership and physical and mental ability to execute the documents necessary for enrollment as an inactive member and the likelihood of enrollment as such a member pursuant to Section 6007 of the Business and Professions Code.

"In determining whether there is good cause to renew a member's waiver for a subsequent calendar year, the Board may consider all of the facts and circumstances pertinent to a renewal, including, without limitation, those presented by or on behalf of the member, those specified in the preceding paragraph, the facts and circumstances which constituted good cause for the waiver granted to the member for the preceding calendar year, and the probability, if any, that those facts and circumstances have not materially changed in the interim."

### FURTHER RESOLUTION

"RESOLVED that while the Board recognizes that all of the facts and circumstances pertinent to a request for a waiver of an annual membership fee must be considered in each individual case, it is the sense of the Board that any one of the following circumstances, standing alone, will ordinarily not be sufficient good cause for waiver of an annual membership fee in an individual case:

1. A member's poor financial condition;
2. A member's poor physical or mental condition;
3. A member's age;
4. A member's service in a public office, the military service of the United States, the Peace Corps or VISTA;
5. A member's retired status."