Rules of Procedure of the State Bar of California

TITLE I – INTRODUCTORY PROVISIONS	
Rules of Procedure of the State Bar of California 1. Title and Authority	
RULE 1. TITLE	**Rule 1.1 Title and Authority**
These rules shall be known and cited as the Rules of Procedure of the State Bar of California.	These rules are the Rules of Procedure of the State Bar of California.
	Rule 1.2 Authority to Adopt
	These rules are adopted by the Board of Governors of the State Bar under Business and Professions Code section 6086 to facilitate and govern proceedings in the State Bar Court, the Office of the Chief Trial Counsel and the Office of Probation.

2. Interpretation	
	Rule 2.1 Ordinary Meanings
	All terms used in these rules have their ordinary meanings unless specifically defined otherwise. Some definitions may be limited to the rules in which they appear.
RULE 2. DEFINITIONS	**Rule 2.2 Definitions**
	These definitions apply to all rules, unless otherwise stated. Defined terms are not capitalized unless they are proper names.
2.02 "Appellant" is a party in a State Bar Court proceeding who requests review by the Review Department under rule 301 or 308. Use of the terms "appellant" and "appellee" in these rules shall not be construed to imply that the scope of review by the Review Department is other than as set forth in rule 305(a).	(1) "Appellant" means a party who makes a request for review or summary review by the Review Department.
2.04 "Appellee" is a party in a State Bar Court proceeding who is an opposing party of an appellant as defined by rule 2.02.	(2) "Appellee" means a party opposing an appellant in a State Bar Court proceeding.
2.06 "Applicant" is a party seeking admission to the State Bar in a proceeding under rule X of the Rules Regulating Admission to Practice Law in California and rules 680 – 687 of these rules.	(3) "Applicant" means a party seeking admission to the State Bar in a moral character proceeding under these rules.
2.08 "Assigned judge" is the hearing judge assigned to adjudicate a State Bar Court proceeding.	(4) "Assigned judge" means the hearing judge assigned to adjudicate a State Bar Court proceeding.

2.10	"Board of Governors" is the Board of Governors of the State Bar or designee.	(5) "Board of Governors" means the Board of Governors of the State Bar or its designee.
2.12	"Board of Governors Committee on Discipline" is the committee designated by the Board of Governors to address attorney discipline matters.	(6) "Board of Governors Discipline Oversight Committee" means the committee designated by the Board of Governors to address attorney discipline matters.
2.14	"California State Bar Court Reporter" is the publication of the State Bar of California in which opinions of the State Bar Court, Review Department are published.	(7) "California State Bar Court Reporter" means the publication of the State Bar of California containing the opinions of the State Bar Court, Review Department.
2.16	"Chief Trial Counsel" is the Chief Trial Counsel of the State Bar appointed pursuant to Business and Professions Code section 6079.5 or designee.	(8) "Chief Trial Counsel" means the chief trial counsel of the State Bar appointed in accordance with Business and Professions Code § 6079.5, or the counsel's designee.
2.18	"Clerk" is the Clerk of the State Bar Court or designee.	(9) "Clerk" means the Clerk of the State Bar Court or the clerk's designee.
2.20	"Client Security Fund" is the Client Security Fund established by the State Bar pursuant to Business and Professions Code section 6140.5.	(10) "Client Security Fund" means the Client Security Fund established by the State Bar under Business and Professions Code § 6140.5 to compensate victims of attorney dishonesty.
2.22	"Committee of Bar Examiners" is the Committee appointed by the Board of Governors to address admissions matters pursuant to Business and Professions code section 6046 – 6046.5.	(11) "Committee of Bar Examiners" means the committee appointed by the Board of Governors under Business and Professions Code §§ 6046–46.5 to address admissions matters.
2.24	"Consumer" is a consumer within the meaning of Code of Civil Procedure section 1985.3(a)(2).	(12) "Consumer" means a consumer within the meaning of Code of Civil Procedure § 1985.3(a)(2).

2.26	"Complaint" is a communication which is found to warrant an investigation of alleged misconduct of a State Bar member which, if the allegations are proven, may result in discipline of the member.	(13) "Complaint" means a communication alleging misconduct by a State Bar member sufficient to warrant an investigation that may result in discipline of the member if the allegations are proved.
2.28	"Complainant" is a person whose communication generates an inquiry or a complaint.	(14) "Complainant" means a person who alleges misconduct by a State Bar member.
2.30	"Counsel" is an active member of the State Bar, or an attorney admitted pro hac vice, who is counsel of record for a party in a State Bar Court proceeding.	(15) "Counsel" means an active member of the State Bar, or an attorney admitted pro hac vice, who is counsel of record for a party in a State Bar Court proceeding.
2.32	"Court" is the State Bar Court, Hearing Department, Review Department, or any judge thereof.	(16) "Court" means the State Bar Court, Hearing Department, Review Department, or any associated judge.
2.34	"Court days" are days on which the State Bar Court is open for business. State Bar Court holidays are indicated on a calendar published annually by the State Bar Court and available from the Clerk.	(17) "Court days" are the days that the State Bar Court is open for business, published in an annual calendar that indicates holidays and is available from the Clerk.
2.36	"Customer" is a customer within the meaning of Government Code section 7465.	(18) "Customer" means a customer within the meaning of Government Code § 7465.
2.38	"Days" are all calendar days, including days on which the State Bar Court is not open for business.	(19) "Days" are all calendar days, including days on which the State Bar Court is not open for business.
2.40	"Declaration" is a declaration complying with the requirements of Code of Civil Procedure section 2015.5, or an affidavit.	(20) "Declaration" means an affidavit or writing that complies with the requirements of Code of Civil Procedure § 2015.5.

2.42	"Deputy Trial Counsel" is counsel from the Office of the Chief Trial Counsel representing the State Bar in State Bar Court proceedings. Where counsel other than counsel from the Office of the Chief Trial Counsel represents the State Bar in a State Bar Court proceeding, references in these rules to "deputy trial counsel" shall apply to such counsel.	(21) "Deputy Trial Counsel" means the attorney from the Office of the Chief Trial Counsel who represents the State Bar in a State Bar Court proceeding – other than the Chief Trial Counsel.
2.44	"Disciplinary proceedings" are proceedings initiated against a member which may lead to the imposition of discipline.	(22) "Disciplinary proceeding" means a proceeding initiated for the purpose of seeking the imposition of discipline against a State Bar member.
2.46	"Executive Committee" is the committee of the State Bar Court appointed by the Presiding Judge pursuant to Business and Professions Code section 6086.65(c).	(23) "Executive Committee" means the committee of the State Bar Court appointed by the Presiding Judge under Business and Professions Code § 6086.65(c).
2.48	"Executive Director" is the Chief Executive Officer of the State Bar or designee.	(24) "Executive Director" means the Chief Executive Officer of the State Bar or the officer's designee.
2.50	"Financial institution" is a financial institution within the meaning of Government Code section 7465(a).	(25) "Financial institution" has the meaning provided in Government Code § 7465(a).
2.54	"Formal proceedings" is any proceeding in the State Bar Court. The terms "State Bar Court proceeding" and "disciplinary proceeding" as used in these rules include "formal proceeding" as used in the State Bar Act, Business and Professions Code section 6000 et seq.	(26) "Formal proceeding" means a proceeding in the State Bar Court, including any disciplinary proceeding.
2.56	"General Counsel" is the General Counsel of the State Bar or designee.	(27) "General Counsel" means the General Counsel of the State Bar or the counsel's designee.

2.58	"Hearing" is any proceeding on the record before a judge of the Hearing Department, including but not limited to a conference (except a settlement conference), a hearing on a motion, an evidentiary hearing or a trial.	(28) "Hearing" means a proceeding on the record before a judge of the Hearing Department, including: (a) a conference – but not a settlement conference; (b) a hearing on a motion; (c) an evidentiary hearing; (d) a trial; or (e) any other proceeding before a judge of the Hearing Department.
2.60	"Hearing Department" is the trial department of the State Bar Court established pursuant to Business and Professions Code sections 6079.1 and 6086.5.	(29) "Hearing Department" means the trial department of the State Bar Court established by Business and Professions Code §§ 6079.1 and 6086.5.
2.62	"Hearing judge" is a judge of the Hearing Department.	(30) "Hearing judge" means a judge of the Hearing Department.
2.64	"Initial pleading" is the notice of disciplinary charges, notice of hearing, petition, or other pleading that initiates a State Bar Court proceeding.	(31) "Initial pleading" means the notice of disciplinary charges, notice of hearing, petition, or other pleading that begins a State Bar Court proceeding.
2.66	"Inquiry" is a communication concerning the conduct of a member of the State Bar received by the Office of the Chief Trial Counsel which is designated for evaluation to determine if any action is warranted by the State Bar.	(32) "Inquiry" means an evaluation to decide whether any action is warranted by the State Bar based on information relating to the conduct of a State Bar member and received by the Office of the Chief Trial Counsel.
2.68	"Investigation" is the Office of the Chief Trial Counsel's process of obtaining, evaluating and reviewing evidence and information.	(33) "Investigation" means the process of obtaining, evaluating, and reviewing evidence and information.

2.70	(a) "Judge" is a judge of the State Bar Court appointed pursuant to Business and Professions Code section 6079.1 or 6086.65, and includes judges pro tempore as defined in paragraph (b) of this rule.	(34) "Judge" means a judge or judge pro tempore of the State Bar Court appointed in accordance with Business and Professions Code § 6079.1 or 6086.65.
2.72	"Judicial Nominees Evaluation Commission" is the designated agency of the State Bar pursuant to Government Code section 12011.5.	(35) "Judicial Nominees Evaluation Commission" means the State Bar agency that evaluates candidates for state judicial office under Government Code § 12011.5.
2.74	"Lawyer Review Judge" is the Review Department Judge referenced in Business and Professions Code section 6086.65(a).	[deleted]
2.76	"Member" is an attorney subject to the disciplinary or regulatory jurisdiction of the State Bar.	(36) "Member" means an attorney subject to the disciplinary or regulatory jurisdiction of the State Bar.
2.78	"Notice to show cause" is a "notice of disciplinary charges" or "initial pleading" as used in these rules.	(37) "Notice of Disciplinary Charges" means the initial pleading that provides notice of the rules, statutes, or orders the member is alleged to have violated.
2.80	"Office of the Chief Trial Counsel" is the office within the State Bar which is the prosecutorial arm of the State Bar in attorney discipline and regulatory matters, under the direction of the Chief Trial Counsel.	(38) "Office of the Chief Trial Counsel" or "Office of Trials" means the State Bar office that prosecutes attorney discipline and regulatory matters under the direction of the Chief Trial Counsel.
2.82	"Overnight mail" is any method of overnight delivery service authorized by Code of Civil Procedure section 1013.	(39) "Overnight mail" means any method of overnight delivery service authorized by Code of Civil Procedure § 1013.

2.84	"Party" is a respondent, petitioner, applicant, or member who is the subject of the State Bar Court proceeding, or the State Bar.	(40) "Party" means the State Bar or a respondent, petitioner, applicant, or member who is the subject of a State Bar Court proceeding.
2.86	"Petitioner" is a party who has filed a petition for reinstatement, a petition for transfer to active enrollment, or any other type of petition permitted in State Bar Court proceedings.	(41) "Petitioner" means a party who has filed a petition permitted in State Bar Court proceedings, such as a petition for reinstatement or a petition for transfer to active enrollment.
2.88	"Pleading" is any paper filed by a party as part of the record in a State Bar Court proceeding, except transcripts and exhibits.	(42) "Pleading" means any paper filed by a party as part of the record in a State Bar Court proceeding – except a transcript or an exhibit.
2.90	"President of the State Bar" is the chief elected officer of the State Bar in accordance with Business and Professions Code section 6020.	(43) "President of the State Bar" means the chief officer of the State Bar elected in accordance with Business and Professions Code § 6020.
2.92	"Presiding Judge" is the Presiding Judge of the State Bar Court appointed pursuant to Business and Professions Code sections 6079.1 and 6086.65. Unless expressly provided otherwise in a particular rule, "Presiding Judge" means "Presiding Judge or designee."	(44) "Presiding Judge" means the judge who presides over the State Bar Court and is appointed in accordance with Business and Professions Code §§ 6079.1 and 6086.65, or the judge's designee.
2.94	"Proceeding" is any State Bar Court proceeding as defined by rule 3.10.	[deleted]
2.96	"Reasonable cause" is a state of facts and circumstances as would lead a person of ordinary care and prudence to believe or to entertain a strong suspicion that something is true.	(45) "Reasonable cause" means a situation that would lead a person of ordinary care and prudence to believe, or entertain a strong suspicion, that something is true.

2.98	"Respondent" is a party who is the subject of a disciplinary proceeding in the State Bar Court.	(46) "Respondent" means a member who is the subject of a disciplinary proceeding in the State Bar Court.
3.00	"Response" is a responsive pleading; in a disciplinary proceeding, the "response" is the "answer" referred to in Business and Professions Code sections 6007(e) and 6088.	(47) "Response" means a responsive pleading or answer.
3.02	"Review Department" is the appellate department of the State Bar Court established pursuant to Business and Professions Code section 6086.65.	(48) "Review Department" means the appellate department of the State Bar Court established in accordance with Business and Professions Code § 6086.65.
3.04	"Settlement conference" is a conference in a State Bar Court proceeding conducted for the purpose of compromise without trial, which shall not be on the record, provided that any agreement among the parties may be memorialized on the record.	(49) "Settlement Conference" means a meeting between parties conducted to reach a compromise without trial.
3.06	"State Bar" is the State Bar of California.	(50) "State Bar" means the State Bar of California.
3.08	"State Bar Court" is the adjudicative tribunal established pursuant to Business and Professions Code sections 6079.1, 6086.5 and 6086.65.	(51) "State Bar Court" means the adjudicative tribunal established in accordance with Business and Professions Code §§ 6079.1, 6086.5, and 6086.65.
3.10	"State Bar Court proceeding" is any proceeding in the State Bar Court, including but not limited to a "formal proceeding" as referenced in the State Bar Act, Business and Professions Code section 6000 et seq.	(52) "State Bar Court proceeding" means a proceeding in the State Bar Court, including a formal proceeding.

3.12	"Supervising Judge" is the Supervising Judge of the Hearing Department" selected in accordance with these rules.	(53) "Supervising Judge" means the supervising judge of the Hearing Department.
3.14	"Supreme Court" is the Supreme Court of California.	(54) "Supreme Court" means the Supreme Court of California.
3.16	"Trial" is an evidentiary hearing on the merits of a State Bar Court proceeding before a hearing judge. "Trial" does not include hearings on motions, or probable cause hearings pursuant to Business and Professions Code section 6007(b).	(55) "Trial" means an evidentiary hearing on the merits of a State Bar Court proceeding before a hearing judge – not including a hearing on a motion or probable cause hearing under Business and Professions Code § 6007(b).
3.18	"Trust Account Financial Records" are financial records which a member must maintain in accordance with the Rules of Professional Conduct of the State Bar.	(56) "Trust Account Financial Record" means a financial record that a member must maintain in accordance with the Rules of Professional Conduct of the State Bar.

2. Interpretation	
RULE 3. REFERENCES TO STATUTES AND RULES	**Rule 2.3 References to Statutes and Rules**
All references in these rules to statutes and rules are to statutes and rules as amended.	All references in these rules to statutes and rules are to the statutes and rules as amended.

TITLE II – STATE BAR COURT PROCEEDINGS	
3. General Rules	
RULE 10. SCOPE OF RULES	**Rule 3.1 Scope**
The rules in Title II govern the procedure in all State Bar Court proceedings commenced on or after their effective date, and all proceedings pending in the State Bar Court on that date, unless in a particular proceeding the Court orders the application of former rules based on a determination that injustice would otherwise result, and except that the former Transitional Rules of Procedure shall remain in effect where specifically provided and/or where not superseded by the revised rules of Titles I, II and III.	The rules in Title II govern the procedures in all State Bar Court proceedings

3. General Rules	
RULE 12. ASSIGNMENT OF JUDGES PRO TEMPORE	**Rule 3.2 Assignment of Judges Pro Tempore**
Judges pro tempore may be assigned to adjudicate State Bar Court proceedings in the Hearing Department when, in the discretion of the Presiding Judge, it has been determined that a hearing judge is unavailable to serve without undue delay to the proceeding.	When a State Bar Court proceeding might be delayed because a hearing judge is unavailable, the Presiding Judge may assign a judge pro tempore to preside over the proceeding.

3. General Rules	
RULE 14. DISPOSITION OF PENDING MATTERS FOLLOWING EXPIRATION OF JUDGE'S TERM	**Rule 3.3 Disposition of Pending Matters After a Judge's Term Expires**
Unless otherwise directed by the Supreme Court, the Board of Governors may appoint a judge whose term has expired to serve as a judge pro tem to complete matters which were pending before the judge at the expiration of his or her term of office.	Unless the Supreme Court directs otherwise, when a judge's term expires, the Board of Governors may appoint the judge to serve as a judge pro tempore so that the judge can complete pending matters.

3. General Rules	
RULE 20. PUBLIC NATURE OF STATE BAR COURT PROCEEDINGS	**Rule 3.4 Public Nature of State Bar Court Proceedings**
All State Bar Court proceedings shall be public, except settlement conferences and except as otherwise provided by law, by these rules, or by order of the Court pursuant to rule 23.	Except as otherwise provided by law or by these rules, all State Bar Court proceedings must be public except settlement conferences and portions of the record sealed by court order under rule 3.9.

3. General Rules	
RULE 21. CONFIDENTIAL PROCEEDINGS	**Rule 3.5 Confidential Proceedings**
Proceedings under Business and Professions Code section 6007(b)(3) and moral character proceedings shall be confidential, except that the applicant or member may waive confidentiality.	Unless the applicant or member waives confidentiality, proceedings under Business and Professions Code § 6007(b)(3) and moral character proceedings are confidential.

3. General Rules	
RULE 22. PUBLIC RECORDS CONCERNING RESIGNATIONS	**Rule 3.6 Public Records Concerning Resignations**
(a) The filing of a written resignation with disciplinary charges pending pursuant to California Rules of Court, rule 9.21, and the resulting transfer to inactive status shall be public.	If a member resigns while disciplinary charges are pending under California Rules of Court, rule 9.21, a copy of the member's written resignation, the record of any perpetuated evidence, any stipulation as to facts and conclusions of law, and the member's inactive status must be public and available for public inspection.
(b) A copy of the written resignation and the record of the perpetuated evidence, if any, shall be available for public inspection.	[intentionally left blank]

3. General Rules	
RULE 23. ORDERS SEALING PORTIONS OF RECORD	**Rule 3.7 Order Sealing Portions of the Record**
(a) As used in this rule, the term "protected material" includes a hearing, testimony, exhibit, pleading or other document, which is part of the record in a public proceeding but has been ordered sealed under this rule.	**(A) Protected Material.** Protected material means any part of a public proceeding's record, including a hearing, testimony, exhibit, pleading, or other document, that the Court orders to be sealed under this rule.
(b) A motion to seal protected material must be filed in the hearing department and, absent a showing of good cause for the delay, the motion may not be made for the first time on review.	**(B) Filing a Motion to Seal.** The motion must be supported by specific facts showing that a statutory privilege or constitutionally protected interest exists that outweighs the public interest in the proceeding. The motion may be filed under seal; in that event, it will be treated as protected material until the Court orders otherwise. Unless the movant shows good cause for the delay, the motion may not be made for the first time on review.
(c) A motion for an order sealing a portion of the record shall be supported by a showing of specific facts establishing that a statutory privilege or constitutionally protected interest of a party, non – party or witness outweighs the compelling public interest in the public nature of the proceeding. The relief sought shall be narrowly tailored to serve the specific interest sought to be protected. The motion may be filed under seal and if so filed shall be treated as protected material, until further order of the Court.	[intentionally left blank]
(d) Protected material shall be kept under seal by the Clerk, and shall be marked and maintained by other custodians in a manner calculated to prevent improper disclosure.	**(C) Care of Protected Material.** The Clerk must keep protected material under seal. Other custodians must mark and maintain the material in a manner calculated to prevent improper disclosure.

(e) All persons to whom protected material is disclosed shall be given a copy of the applicable order sealing a portion of the record by the person making the disclosure.	
(f) Unless otherwise ordered, protected material may only be disclosed to:	**(D) Recipients of Disclosure.** Unless otherwise ordered, protected material may be disclosed only to:
(1) Parties to the proceeding and counsel;	(1) parties to the proceeding and counsel;
(2) Personnel of the Supreme Court, the State Bar Court and independent audiotape transcribers; and	(2) Supreme Court personnel, State Bar Court personnel, and independent audiotape transcribers; and
(3) Personnel of the Office of Probation when necessary for their official duties.	(3) Office of Probation personnel, when necessary for their official duties.
	(E) Disclosure of Protected Material. A person who discloses protected material must give a copy of the applicable order sealing a portion of the record to the other person.
(g) Orders of the Hearing Department under this rule shall be reviewable by the Review Department under rule 300. The hearing judge or the Presiding Judge may order that the materials be sealed pending further order of the Review Department or the Supreme Court.	**(F) Review Department.** Under rule 9.1, the Review Department may review orders of the Hearing Department. The hearing judge or Presiding Judge may order the materials sealed pending any further order of the Review Department or the Supreme Court.
(h) Nothing in this rule shall prohibit a party from requesting that portions of evidence be redacted or from filing motions in limine.	**(G) Other Requests and Motions.** Nothing in this rule prohibits a request to redact portions of evidence or a motion in limine.

3. General Rules	
RULE 24. DELIBERATIONS NOT PUBLIC.	**Rule 3.8 Deliberations Are Not Public**
The deliberations of judges of the State Bar Court are confidential.	The deliberations of State Bar Court judges are confidential.

3. General Rules	
RULE 30. PROCEEDINGS TO BE RECORDED OR REPORTED	**Rule 3.9 Recorded or Reported Proceedings**
All hearings, trials, and Review Department oral arguments in State Bar Court proceedings shall be recorded by electronic equipment or reported by other methods approved by the Executive Committee. Copies of such recordings in public proceedings shall be available for purchase from the Clerk.	The Court must record or report all hearings, trials, and Review Department oral arguments in State Bar Court proceedings, and make copies of the recordings available for purchase from the Clerk.

3. General Rules	
RULE 31. PREPARATION OF TRANSCRIPTS	**Rule 3.10 Preparation of Transcripts**
The official transcript is prepared under the direction of the State Bar Court. Upon request, and advance payment of the cost the Clerk shall cause to be prepared an original and one copy of an official transcript. A party ordering an official transcript of a pending proceeding shall serve a copy of the transcript order on all opposing parties. The original transcript shall be filed with the Clerk and the copy shall be furnished to the requesting party. Additional copies may be obtained from the Clerk upon payment of the cost. Payment may be waived under rule 422(b).	The official transcript is prepared under the direction of the State Bar Court. Upon request and advance payment of the cost, the Clerk will cause to be prepared an original and one copy of an official transcript. A party ordering an official transcript of a pending proceeding must serve a copy of the transcript order on all opposing parties. The original transcript will be filed with the Clerk and the copy will be furnished to the requesting party. Additional copies may be obtained from the Clerk upon payment of the cost. Payment may be waived under rule 12.3(B).

<table>
<tr><th colspan="2">3. General Rules</th></tr>
<tr><td>RULE 32. PHOTOGRAPHING, RECORDING AND BROADCASTING STATE BAR NOTE</td><td>Rule 3.11 Photographs, Recordings, and Broadcasts of State Bar Court Proceedings</td></tr>
<tr><td>In an earlier revision, the first word of Rule 32 was incorrectly changed to “Photocopying.” This error was corrected April 1, 2006.</td><td>[deleted]</td></tr>
<tr><td rowspan="3">Photographing, recording for broadcasting, broadcasting or audio-recording to make personal notes of public State Bar Court proceedings shall be permitted only on written order of the assigned judge in the Hearing Department, or the assigned panel, if pending in the Review Department. A person or entity may seek the permission of an assigned judge or panel to photograph, record, broadcast, or audio-record by submitting the form approved by the Executive Committee at least five days prior to the proceeding in question. The Clerk shall notify the parties that such a request has been received. The assigned judge or panel shall consider those factors relevant to a nonjury proceeding set forth in subdivision (e)(3) of rule 1.150, California Rules of Court. The assigned judge or panel may deny the request or limit or restrict the extent of the requested photographing, recording, or broadcasting, or condition the order on an agreement by the person or entity making the request to pay any increased Court – incurred costs. When permission to audiotape is granted, recordings shall not be used for any purpose other than as personal notes.</td><td>(A) Request and Permission. A public State Bar Court proceeding may be photographed, recorded, or broadcast only on written order of the hearing judge or, if pending in the Review Department, the Presiding Judge. A request must be in the form approved by the Executive Committee and submitted to the hearing judge or Review Department at least five days before the proceeding.</td></tr>
<tr><td>(B) Notice. The Clerk must notify all parties that a request has been received.</td></tr>
<tr><td>(C) Disposition of Request. To decide whether to grant the request, the hearing judge or the Presiding Judge will consider the factors for nonjury proceedings set forth in California Rules of Court, rule 1.150(e)(3). The hearing judge or Presiding Judge may:
(1) deny the request;
(2) limit the requested photographing, recording, or broadcasting; or
(3) require the requesting person to pay any increased court-incurred costs.</td></tr>
<tr><td></td><td>(D) Use of Audio-Only Recordings. When permission to audiotape is granted, the recordings must be used only as personal notes.</td></tr>
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4. Beginning Proceedings; Venue; Filing and Service; Computing Time	
RULE 50. COMMENCEMENT OF PROCEEDING	**Rule 4.1 Beginning Proceeding**
A State Bar Court proceeding is commenced by the filing of an initial pleading.	A State Bar Court proceeding begins when a party files the initial pleading.

4. Beginning Proceedings; Venue; Filing and Service; Computing Time	
RULE 51. PERIOD OF LIMITATIONS	**Rule 4.2 Limitations Period**
STATE BAR NOTE As a result of the State Bar's 1998-1999 funding crisis, the State Bar Board of Governors (Board) passed a resolution on May 31, 1998, tolling the application of rule 51(a) and (b) until May 31, 1999, and, by Board resolution dated April 30, 1999, extended the tolling until May 31, 2000. State Bar Note added September 1, 2006.	[deleted]
(a) A disciplinary proceeding based solely on a complainant's allegation of a violation of the State Bar Act or Rules of Professional Conduct shall be initiated within five years from the date of the alleged violation.	**(A) Time Limit for Complaint.** If a disciplinary charge is based solely on a complainant's allegations of a violation of the State Bar Act or Rules of Professional Conduct, the disciplinary procedure must begin within five years from the date of the violation.
(b) For purposes of paragraph (a) of this rule, a violation of the State Bar Act or the Rules of Professional Conduct is deemed to have been committed when every element of the alleged violation has occurred, except where the alleged violation is a continuing offense, in which case the violation is deemed to have been committed at the termination of the entire course of conduct.	**(B) When Violation Occurs.** The State Bar Act or a Rule of Professional Conduct is violated when every element of a violation has occurred. But if the violation is a continuing offense, the violation occurs when the offensive conduct ends.
(c) The period set forth in paragraph (a) of this rule shall be tolled during the time that any of the following exist:	**(C) Tolling.** The five-year limit is tolled while:
(1) The member continues to represent the complainant, a member of the complainant's family, or the complainant's business or employer;	(1) the member represents the complainant, the complainant's family member, or the complainant's business or employer;

(2) The complainant is under the age of majority, is insane, or is physically or mentally incapacitated;	(2) the complainant is a minor, insane, or physically or mentally incapacitated;
(3) Civil, criminal, or administrative investigations or proceedings arising out of substantially the same acts or circumstances that provide the basis for the alleged violations are pending with any governmental agency, Court, or tribunal;	(3) civil, criminal, or administrative investigations or proceedings based on the same acts or circumstances as the violation are pending with any governmental agency, Court, or tribunal;
(4) The member conceals facts constituting the violation;	(4) the member conceals facts about the violation;
(5) The member fails to cooperate with the investigation of the alleged violations;	(5) the member fails to cooperate with an investigation of the violation;
(6) The member makes false or misleading statements to the State Bar concerning the alleged violations;	(6) the member makes false or misleading statements to the State Bar concerning the violation;
(7) The disciplinary investigation or proceeding is abated for one or more of the reasons set forth in rule 116 of these rules;	(7) the disciplinary investigation or proceeding is abated under rule 5.11;
(8) The member is participating in an Alter native Dispute Resolution Mediation Discipline program, Agreement in Lieu of Discipline Prosecution program, or other authorized diversion program. Upon successful completion of the program, the underlying allegations will be barred pursuant to paragraph (a).	(8) the member is participating in an Alternative Dispute Resolution Mediation Discipline program, Agreement in Lieu of Discipline Prosecution program, or other authorized diversion program;

(9) The investigation is terminated by admonition;	(9) the investigation is ended by admonition; or
(10) The complaint or investigation is pending before the Audit and Review Unit. The State Bar may initiate disciplinary proceedings within two years after the conclusion of proceedings before the Audit and Review Unit; or	(10) the complaint or investigation is pending before the Audit and Review Unit.
(11) The member is suspended from the practice of law and is required to show rehabilitation pursuant to Standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, prior to being reinstated to active practice of law if allegations are used solely to rebut a member's claims of rehabilitation.	[moved to subsection (I)]
	(D) Authorized Diversion Program. If the member successfully completes an Alternative Dispute Resolution Mediation Discipline program, Agreement in Lieu of Discipline Prosecution program, or other authorized diversion program, the underlying allegations are barred.
	(E) Audit and Review Unit. The State Bar must begin disciplinary proceedings within two years after proceedings before the Audit and Review Unit conclude.

(d) If a prospective complainant dies before the expiration of the period set forth in paragraphs (a) and (c) of the rule, a surviving family member or executor or administrator for the decedent's estate may file a complaint with the State Bar on behalf of the decedent within two years after the date of death.	**(F) Death of Complainant.** If a prospective complainant dies before the time to begin a disciplinary procedure expires, a surviving family member or the estate's executor or administrator may file a complaint with the State Bar within two years after the complainant's death.
(e) Paragraph (a) of this rule does not limit the authority of the State Bar to initiate a disciplinary proceeding based on information received from a source independent of a time-barred complainant.	**(G) Independent Source.** The five-year limit does not apply to disciplinary proceedings that were investigated and initiated by the State Bar based on information received from an independent source other than a complainant.
(f) The member and State Bar may agree in writing to waive or extend the limitations set forth in this rule.	**(H) Waiver.** The member and State Bar may agree in writing to waive or extend the limitations in this rule.
(g) This rule does not apply to reinstatement proceedings conducted under Rule 660 et seq.	**(I) Reinstatement Proceedings.** This rule does not apply to reinstatement proceedings under rules 25 et seq. and rules 27 et seq.
(h) This rule shall apply to complaints and reports received by the State Bar after July 1, 1995.	[deleted]

4. Beginning Proceedings; Venue; Filing and Service; Computing Time	
RULE 52. VENUE	**Rule 4.3 Venue**
State Bar Court proceedings shall be initiated:	[deleted]
(a) in the County of Los Angeles if (1) the party who is the subject of the proceeding maintains or maintained his or her principal office for the practice of law in, or (2) the party who is the subject of the proceeding resides or resided or is or was located in, or (3) the alleged conduct that is the subject of the proceeding was committed in, any of the counties of Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara or Ventura;	**(A) Place.** If the party who is the subject of the proceeding maintains a principal office or residence or committed the violation in Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, or Ventura County, then the State Bar Court proceeding must begin in Los Angeles County. For all other California counties, the proceeding must begin in the city of San Francisco.
(b) in the City and County of San Francisco if (1) the party who is the subject of the proceeding maintains or maintained his or her principal office for the practice of law in, or (2) the party who is the subject of the proceeding resides or resided or is or was located in, or (3) the alleged conduct that is the subject of the proceeding was committed in, any county of the state other than those set forth in paragraph (a) of this rule; or	[intentionally left blank]
(c) if neither (a) nor (b) applies, or if both (a) and (b) apply, either in the County of Los Angeles or in the City and County of San Francisco.	**(B) Choice.** If no county or more than one county applies, then the State Bar Court proceeding may begin in either Los Angeles County or the city of San Francisco.

4. Beginning Proceedings; Venue; Filing and Service; Computing Time	
RULE 53. PROCEEDINGS IN ALTERNATIVE COUNTIES	
The Court may conduct proceedings, or parts thereof, outside of Los Angeles or San Francisco for the convenience of parties and witnesses, and upon timely motion of any party. An order granting a motion under this rule may be conditioned upon payment by the moving party of all or part of any resulting costs to the Court or to opposing parties. Orders entered under this rule shall be reviewable under rule 300.	[deleted]

4. Beginning Proceedings; Venue; Filing and Service; Computing Time	
RULE 54. TRANSFER OF VENUE	**Rule 4.4 Transfer of Venue**
(a) A motion for transfer of venue by any party must be filed in the Court where the proceeding is pending as soon as practical, and in no event later than the last day of the discovery period.	**(A) Filing Motion.** A party must file a motion for transfer of venue as soon as practical in the Court where the proceeding is pending, but not later than the last day of the discovery period.
(b) Motions for transfer of venue may be made:	**(B) Grounds.** Grounds for transfer are:
(1) on the ground that the proceeding was initiated in an improper venue, and/or	(1) improper venue, or
(2) on the ground that the proceeding should be transferred to a different venue for the convenience of witnesses and to promote the ends of justice.	(2) justice and the convenience of witnesses would be better served in a different venue.
(c) Rulings on motions for transfer of venue shall be reviewable pursuant to rule 300.	**(C) Review.** Rulings on motions for transfer of venue are reviewable under rule 9.1.

4. Beginning Proceedings; Venue; Filing and Service; Computing Time	
RULE 55. PLACE OF FILING PLEADINGS	**Rule 4.5 Where to File Pleadings**
Pleadings shall be filed with the Clerk in the venue in which the proceeding is located, except in case of emergency or as otherwise ordered. Pleadings filed with the Review Department may be filed in either location of the State Bar Court.	A party must file pleadings with the Clerk in the venue where the proceeding is located, except when ordered otherwise or in case of emergency. But a party may file pleadings with the Review Department in either location of the State Bar Court.

4. Beginning Proceedings; Venue; Filing and Service; Computing Time	
RULE 60. SERVICE OF INITIAL PLEADING	**Rule 4.6 Service of Initial Pleading**
(a) The initial pleading in any State Bar Court proceeding shall be served by the initiating party upon all other parties, except in those matters in which service of the initial pleading is made by the Clerk.	**(A) By Whom.** The initiating party must serve the initial pleading on all other parties, except in matters where the Clerk serves the initial pleading.
(b) Service upon a member who is the subject of a proceeding shall be addressed to the member at the latest address shown on the official membership records of the State Bar pursuant to Business and Professions Code section 6002.1(a)(1). If the member's latest address is within the United States, such service shall be made by certified mail, return receipt requested. If the member's latest address is outside the United States, such service shall be made by recorded delivery. If the person to be served is not a member and is not required by Business and Professions Code section 6002.1 to maintain an address on the official membership records of the State Bar, the person may be served by any method permitted under the Code of Civil Procedure for service of process. Where a written request, signed by the member, is made to the Office of the Chief Trial Counsel to serve counsel for a party, service shall only be made upon counsel.	**(B) Service on a Member.** When serving a member who is the subject of a proceeding, the initiating party or Clerk must address the service to the member's address in the State Bar's membership records. If it is in the United States, service must be made by certified mail, return receipt requested. If it is outside the United States, service must be made by recorded delivery.
	(C) Service on a Nonmember. When serving a nonmember, the initiating party or Clerk may use any method for service of process permitted under the Code of Civil Procedure.
	(D) Service on Counsel. When a party files and serves a signed, written notice to serve counsel for the party, the Office of the Chief Trial Counsel and the Clerk may serve only counsel for that party.

(c) Service upon the State Bar shall be made by serving the Office of the Chief Trial Counsel in the appropriate venue by certified mail, return receipt requested, except where another method of service is specified in the rules governing a particular type of proceeding.	**(E) Service on the State Bar.** To serve the State Bar, the initiating party must serve the Office of the Chief Trial Counsel in the appropriate venue by certified mail, return receipt requested – unless another method of service is specified in the rules governing a particular type of proceeding.

4. Beginning Proceedings; Venue; Filing and Service; Computing Time	
RULE 61. SERVICE OF SUBSEQUENT PLEADINGS	**Rule 4.8 Service of Later Pleadings**
(a) Each pleading filed subsequent to the initial pleading, except joint pleadings, shall be accompanied by proof of service on all other parties.	**(A) Proof.** Proof of service on all other parties must accompany any pleading, except joint pleadings, filed after the initial pleading.
(b) Service upon the State Bar shall be made by serving the designated deputy trial counsel of the Office of the Chief Trial Counsel. Members shall be served at the address maintained by the member on the official membership records of the State Bar pursuant to Business and Professions Code section 6002.1(a)(1), unless, with respect to the proceeding in connection with which the service is made, the member has counsel of record or has expressly requested in the response that service be made upon the member at a different address. If the person to be served is not a member and is not required by Business and Professions Code section 6002.1 to maintain an address on the official membership records of the State Bar, the person shall be served at the address given in the most recent pleading filed by the person, or, if the person has not filed a pleading giving an address, the person may be served at any address or location and by any method permitted under the Code of Civil Procedure for service of pleadings.	**(B) Service on the State Bar.** To serve the State Bar, a party must serve the designated deputy trial counsel of the Office of the Chief Trial Counsel. **(C) Service on a Member.** A party must serve a member at the member's address in the State Bar's membership records —unless the member has expressly requested that service be made to a different address or has asked for service to his or her counsel. **(D) Service on a Nonmember.** When serving a nonmember, a party must serve the person at the address given in the most recent pleading the person has filed. But if the person has not provided an address, the party may accomplish service by any method permitted under the Code of Civil Procedure.
(c) A party or attorney whose address changes while a proceeding is pending or who desires to be served with subsequent pleadings and notices at a different address, shall file and serve on all parties a written notice of change of address and a specific request that all future service be made upon the party or attorney at the new address.	**(E) Change of Address.** When a person's address changes while a proceeding is pending, or the person wants to be served with pleadings and notices at a different address, the person must file and serve all other parties with a written notice of change of address and a specific request that future service be made to the new address.

(d) Service of subsequent pleadings shall be made according to Code of Civil Procedure sections 1011 or 1012, or 1013(c) and (d), or by depositing said pleadings in the State Bar inter-office mail. If service is made by United States mail, by State Bar inter-office mail, by personal delivery, or by overnight mail, the period of notice given by such service, or the time for doing any act in response to such service, shall be computed in accordance with rule 63.	**(F) Method of Service.** A party must serve pleadings by United States mail, overnight mail, personal delivery, State Bar interoffice mail, or , if the receiving party consents, by fax.
(e) In lieu of service by personal delivery or overnight mail, service may be made by facsimile transmission, if the party being served consents to be served by facsimile transmission. The proof of service shall state (i) that such consent was obtained; (ii) the date and time that the facsimile transmission was made (iii) the telephone numbers of the transmitting and receiving machines and (iv) that the transmission was reported by the transmitting machine to be complete and without error. Proper service by facsimile transmission shall be treated as equivalent to service by overnight mail.	**(G) Service by Fax.** Service by fax is equal to service by overnight mail. The proof of service must state: (1) that the receiving party consented; (2) the date and time of the fax; (3) the telephone numbers of the transmitting and receiving machines; and (4) that the transmitting machine reported a complete transmission without error.
	(H) Notice Period; Time for Response. Rule 4.10 applies to notices and responses.

4. Beginning Proceedings; Venue; Filing and Service; Computing Time	
RULE 62. PROOF OF SERVICE	**Rule 4.9 Proof of Service**
(a) Proof of service by a party shall be made as provided in Code of Civil Procedure section 1013a.	**(A) By a Party.** A party must make proof of service under Code of Civil Procedure § 1013a.
(b) Proof of service by the Clerk shall be made as provided in Code of Civil Procedure section 1013a(4).	**(B) By the Clerk.** The Clerk must make proof of service under Code of Civil Procedure § 1013a(4).

4. Beginning Proceedings; Venue; Filing and Service; Computing Time	
RULE 63. COMPUTATION OF TIME	**Rule 4.10 Computing Time**
(a) Computation of time in State Bar Court proceedings shall be made according to Code of Civil Procedure sections 12, 12a, 12b, 13, 13a and 13b. When service is made by United States mail or State Bar inter-office mail, by the Court or by a party, the provisions of Code of Civil Procedure section 1013(a) shall apply. When service is made by overnight mail or by facsimile transmission, any right or duty to do any act or make any response within a prescribed period shall be extended by two (2) Court days.	**(A) Method.** In State Bar Court proceedings, time is computed under Code of Civil Procedure §§ 12, 12a, 12b, 13, 13a, or 13b. Code of Civil Procedure § 1013(a) applies to service by United States mail or State Bar interoffice mail. When service is made by overnight mail or by fax, the prescribed period to act or respond is extended by two Court days.
(b) References in these rules to days within which an act must be performed, or to giving a specified number of days of notice, refer to calendar days, except that when the period allowed is five (5) days or less, and the time for performance or the notice given is not extended by virtue of service by mail, the act shall be performed within, or the notice period shall consist of, the stated number of Court days.	**(B) Calendar Days and Court Days.** "Days" means calendar days when referring to the period within which an act must be performed or a specified period of notice. But "days" means Court days when the period is five days or fewer and not extended by the manner of service.

4. Beginning Proceedings; Venue; Filing and Service; Computing Time	
RULE 64. ORDERS SHORTENING OR EXTENDING TIME; LATE FILING	**Rule 4.11 Orders Shortening or Extending Time; Late Filing**
(a) Time limits and notice periods provided for in these rules may be shortened or extended by order of the Court, for good cause, on motion of a party or on the Court's own motion.	**(A) Time Limits and Notice Periods.** On its own motion or a party's motion, and for good cause, the Court may order time limits and notice periods shortened or extended.
(b) Upon motion and for good cause, the Court may grant an extension of time to file a pleading or permit late filing of a pleading.	**(B) Shortened Time Limit.** If a party seeks an order shortening a time limit, the party must provide a declaration stating the reasons. A motion to shorten time must be served by personal delivery or overnight mail. The Court may direct the Clerk to notify the parties by telephone that they must file and serve any opposition by a date set by the Court. On motion and for good cause, the Court may extend the time to file a pleading or permit late filing of a pleading.
(c) A motion or stipulation for an order shortening time shall be supported by a statement of the reasons therefor, which in the case of a motion shall be in the form of a declaration. Motions for orders shortening time shall be served by personal delivery or overnight mail. The Court may direct the Clerk to notify the parties by telephone that any opposition to a motion to shorten time must be filed and served by a date set by the Court.	**(C) Consent.** When a party moves to extend time or to file late, the party must declare whether the party has requested or secured consent from the other parties.
(d) Parties filing motions for extension of time or for late filing shall state in a declaration whether the other parties to the proceeding have been requested to consent to the extension or late filing, and whether or not such consent has been given.	[intentionally left blank]

4. Beginning Proceedings; Venue; Filing and Service; Computing Time	
RULE 75. PRE-FILING, EARLY NEUTRAL EVALUATION CONFERENCE	**Rule 4.12 Prefiling, Early Neutral Evaluation Conference**
(a) If the Office of the Chief Trial Counsel and the member are unable to reach agreement on the resolution or disposition of a matter prior to the filing of a notice of disciplinary charges, an Early Neutral Evaluation Conference, conducted by a State Bar Court hearing judge, shall be held within fifteen (15) days of the request of either party.	**(A) Early Neutral Evaluation Conference.** If the Office of the Chief Trial Counsel and the member cannot agree on the resolution or disposition of a matter before disciplinary charges are filed, either party may request an Early Neutral Evaluation Conference. A State Bar Court hearing judge must conduct the conference within 15 days of the request.
(b) At the Conference, the Early Neutral Evaluation judge shall provide the parties with an oral neutral evaluation of the alleged facts and charges and the potential for the imposition of discipline. If a resolution of the matter which requires the approval of the Court is reached by the parties at the Conference, the Office of the Chief Trial Counsel shall document the resolution and shall submit it to the Early Neutral Evaluation judge for approval or rejection.	**(B) Judicial Evaluation.** At the conference, the judge must give the parties an oral evaluation of the facts and charges and the potential for imposing discipline. If the parties then resolve the matter in a way that requires Court approval, the Office of the Chief Trial Counsel must document the resolution and submit it to the Evaluation judge for approval or rejection.

(c) In order for the Early Neutral Evaluation judge to provide a meaningful evaluation, the Office of the Chief Trial Counsel shall provide the Early Neutral Evaluation judge with a copy of the draft notice of disciplinary charges. Each party may also provide the Early Neutral Evaluation judge with such documents and information that the party believes supports his or her position. The Early Neutral Evaluation Conference shall be confidential and each party may designate any documents he or she provides for in camera inspection only and not to be exchanged with the opposing party. All documents provided to the Early Neutral Evaluation judge shall be returned to the respective parties at the conclusion of the Conference.	**(C) Evidence.** The Office of the Chief Trial Counsel must submit a copy of the draft notice of disciplinary charges to the judge prior to the conference. Each party may submit documents and information to supports its position.
	(D) Confidentiality. The conference is confidential. A party may designate any document it submits for in camera inspection only.
(d) Unless otherwise stipulated by the parties, the Early Neutral Evaluation judge shall not act as the trial judge in a subsequent proceeding involving the same facts.	**(E) Trial Judge.** Unless otherwise stipulated by the parties, the Early Neutral Evaluation judge cannot be the trial judge in a later proceeding involving the same facts.
(e) The provisions of this rule shall apply to all proceedings in which the notice of disciplinary charges was not filed on or before January 29, 1999.	[deleted]

5. Pleadings, Motions, and Stipulations	
RULE 100. GENERAL RULES OF PLEADING	**Rule 5.1 General Rules of Pleading**
Each assertion in a pleading shall be simple, concise and direct.	Each assertion in a pleading must be simple, concise, and direct.

5. Pleadings, Motions, and Stipulations	
RULE 101. NOTICE OF DISCIPLINARY CHARGES	**Rule 5.2 Notice of Disciplinary Charges**
(a) Unless otherwise specified in the rules governing a particular type of proceeding, a notice of disciplinary charges is the initial pleading in a disciplinary proceeding.	**(A) Initial Pleading.** A notice of disciplinary charges is the initial pleading in a disciplinary proceeding, unless specified otherwise in the rules.
(b) The notice of disciplinary charges shall:	**(B) Contents.** The notice of disciplinary charges must:
(1) Cite the statutes, rules, or Court orders alleged to have been violated, or to warrant the action proposed.	(1) cite the statutes, rules, or Court orders that the member allegedly violated or that warrant the proposed action;
(2) Contain a statement of facts constituting the alleged violations in sufficient detail to permit the preparation of a defense.	(2) contain a statement of facts comprising the violations in sufficient detail to permit the preparation of a defense;
(3) Relate the alleged facts to specific statutes, rules or Court orders alleged to have been violated or to warrant the action proposed.	(3) relate the stated facts to the statutes, rules, or Court orders that the member allegedly violated or that warrant the proposed action;
	(4) contain a notice that the member may be ordered to pay costs; and
(4) Contain the following language in capital letters at or near the beginning of the notice of disciplinary charges:	(5) contain the following language in capital letters at or near the beginning of the notice:

"IF YOU FAIL TO FILE AN ANSWER TO THIS NOTICE WITHIN THE TIME ALLOWED BY STATE BAR RULES, INCLUDING EXTENSIONS, OR IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL, (1) YOUR DEFAULT SHALL BE ENTERED, (2) YOU SHALL BE ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR AND WILL NOT BE PERMITTED TO PRACTICE LAW UNLESS THE DEFAULT IS SET ASIDE ON MOTION TIMELY MADE UNDER THE RULES OF PROCEDURE OF THE STATE BAR, YOU SHALL NOT BE PERMITTED TO PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOUR DEFAULT IS SET ASIDE, AND (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.	**"IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL:** **(1) YOUR DEFAULT WILL BE ENTERED;** **(2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW;** **(3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION AND THE DEFAULT IS SET ASIDE; AND** **(4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE. SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE YOUR DEFAULT, IT WILL BE DEEMED AS CONSENT BY YOU FOR THIS COURT TO ENTER AN ORDER RECOMMENDING YOUR DISBARMENT WITHOUT FURTHER HEARING OR PROCEEDING. SEE RULE 7 ET SEQ., RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA."**
"STATE BAR RULES REQUIRE YOU TO FILE YOUR WRITTEN RESPONSE TO THIS NOTICE WITHIN TWENTY DAYS AFTER SERVICE.	[deleted]

"IF YOUR DEFAULT IS ENTERED AND THE DISCIPLINE IMPOSED BY THE SUPREME COURT IN THIS PROCEEDING INCLUDES A PERIOD OF ACTUAL SUSPENSION, YOU WILL REMAIN SUSPENDED FROM THE PRACTICE OF LAW FOR AT LEAST THE PERIOD OF TIME SPECIFIED BY THE SUPREME COURT. IN ADDITION, THE ACTUAL SUSPENSION WILL CONTINUE UNTIL YOU HAVE REQUESTED, AND THE STATE BAR COURT HAS GRANTED, A MOTION FOR TERMINATION OF THE ACTUAL SUSPENSION. AS A CONDITION FOR TERMINATING THE ACTUAL SUSPENSION, THE STATE BAR COURT MAY PLACE YOU ON PROBATION AND REQUIRE YOU TO COMPLY WITH SUCH CONDITIONS OF PROBATION AS THE STATE BAR COURT DEEMS APPROPRIATE. SEE RULE 205, RULES OF PROCEDURE FOR STATE BAR COURT PROCEEDINGS."	[intentionally left blank]
(5) Contain a notice that the respondent may be ordered to pay costs pursuant to Business and Professions Code section 6086.10.	[intentionally left blank]
(c) If the State Bar intends to seek the involuntary inactive enrollment of the respondent pursuant to Business and Professions Code section 6007(c), the notice of disciplinary charges should include a statement that upon a finding that the respondent's conduct poses a substantial threat of harm to the interests of the respondent's clients or the public, the respondent may be involuntarily enrolled as an inactive member of the State Bar.	[intentionally left blank]

5. Pleadings, Motions, and Stipulations	
RULE 102. MOTIONS WHICH EXTEND TIME TO FILE RESPONSE	**Rule 5.3 Motions that Extend Time to File Response**
The filing of a timely motion to dismiss under rule 262(b), (c), (d) or (e), shall postpone the party's obligation to file the response to the notice of disciplinary charges or other initial pleading until ten (10) days after:	**(A) Motion for Dismissal.** Only a timely motion for dismissal under rule 8.4(B), (C), (D), (E), (F), or (G) will automatically extend the time to respond.
	(B) Time to Respond After Motion. The party's obligation to file a response to the notice or pleading begins 10 days after:
(a) notice or service of the Court's denial of the motion;	(1) notice or service of the Court's denial of the motion;
(b) proper service of the initial pleading, if the motion was granted under rule 262(b);	(2) proper service of the initial pleading, if the motion was granted under rule 8.4(B);
(c) service of an amended pleading if the motion was granted with leave to file an amended initial pleading under rule 262(c).	(3) service of an amended pleading if the motion was granted with leave to file an amended initial pleading under rule 8.4(C).

5. Pleadings, Motions, and Stipulations	
RULE 103. RESPONSE TO NOTICE OF DISCIPLINARY CHARGES	**Rule 5.4 Response to Notice of Disciplinary Charges**
(a) Unless the time is extended by Court order or as provided in paragraph (b), a written response to the notice of disciplinary charges shall be filed and served by the respondent within twenty (20) days after service of the notice of disciplinary charges in the manner prescribed by rules 54 and 61.	**(A) Time to File Response.** Unless the time is extended by Court order or stipulation, the member must file and serve a written response to the notice of disciplinary charges within 20 days after it is served. Except for motions authorized by rule 8.4(C), demurrers and motions for further particulars are not allowed.
(b) The time within which the response shall be filed may be extended once before its expiration, by not more than fifteen (15) days, by written stipulation signed by the parties thereto, without necessity for an order of the Court. All such stipulations shall be filed with the Clerk prior to the original expiration date.	**(B) Stipulated Extension.** The parties may agree once to extend the time for filing a response by up to 15 days without a Court order. They must file a signed, written stipulation with the Clerk before the original expiration date.
(c) The response shall contain:	**(C) Content of Response.** The response must contain an address for service on the member in the proceeding and either:
(1) an address for service on the respondent in the proceeding; and	[intentionally left blank]
(2) either:	[intentionally left blank]
(i) a specific admission or specific denial of the allegations set forth in the notice of disciplinary charges, and such other facts by way of defense as may be relevant; or	(1) a specific admission or specific denial of the allegations in the notice and other facts relevant to a defense; or

(ii) a plea of nolo contendere, subject to the approval of the State Bar Court. The plea of nolo contendere shall (1) be signed by the respondent and his or her attorney, if any, and (2) contain an acknowledgement by the respondent that he or she completely understands that the plea of nolo contendere shall be considered the same as an admission of the truth of the facts alleged in the notice of disciplinary charges and of culpability for the purposes of the disciplinary proceeding.	(2) a plea of nolo contendere, signed by the member and the member's attorney, stating that the member understands that he or she effectively admits that the facts alleged in the notice are true, and he or she is culpable of the misconduct. The State Bar Court must approve this plea.
(d) If no written response has been filed within the time set forth in paragraph (a) of this rule, including any extensions as provided in paragraphs (a) and (b) of this rule, and no motion under rule 102 is pending, the deputy trial counsel may elect to proceed by the default.	**(D) Default.** If the member fails to file a timely response or move to extend the time to respond, the deputy trial counsel may proceed by default.

5. Pleadings, Motions, and Stipulations	
RULE 104. AMENDED PLEADINGS	**Rule 5.5 Amended Pleadings**
(a) Amendment to Initial Pleading Prior to Response or Default. An initial pleading may be amended once before the filing of the response or the entry of default without Court approval. The party initiating the proceeding shall serve the amended initial pleading in accordance with rule 60, and the time to respond shall be calculated from the date the amended pleading is served.	**(A) Amending the Initial Pleading before Response or Default.** The party that began the proceeding may amend its initial pleading once without Court approval before the member files a response or the entry of default. The amended initial pleading must be served under rule 4.7. The time to respond begins when it is served.
(b) Other Amendments to the Initial Pleading Before Commencement of Trial. For good cause, the Court may permit amendments to the initial pleading in addition to those permitted by paragraph (a) of this rule. Unless the Court rules that the amendment is to correct insubstantial errors in the initial pleading:	**(B) Amending the Initial Pleading Before Trial Begins.** For good cause, the Court may permit further amendments to the initial pleading. Unless an amendment merely corrects insubstantial errors in the pleading, the party must serve the amended pleading on the opposing party, who must have a reasonable time to file a response and prepare a defense.
(1) The party initiating the proceeding shall serve the amended initial pleading in accordance with rule 60, and the opposing parties shall receive a reasonable time to file a response to the amended initial pleading and prepare a defense; and	[intentionally left blank]
(2) If the opposing party's default has been entered, the entry of default shall be vacated.	[intentionally left blank]
(c) Amendments to Initial Pleading During or After Trial.	[intentionally left blank]

(1) Contested Trials. During or after a contested trial, the Court may permit the initial pleading to be amended. Unless the initial pleading is amended to conform to proof of issues raised by the pleadings or to include matters proven by evidence introduced without objection, the opposing parties are entitled to a reasonable time to file a response to the amendment and prepare a defense.	**(C) Amending the Initial Pleading During or After a Contested Trial.** The Court may permit an amendment to the initial pleading. If the pleading is amended to conform to proof of issues raised by the pleadings or to include matters proven by evidence introduced without objection, the opposing parties need not respond. Otherwise, they must have reasonable time to respond to the amendment and prepare a defense.
(2) Default Trials. In default cases, leave to substantially amend the initial pleading shall not be granted unless the default is vacated and the amended initial pleading is served on the opposing parties in accordance with rule 60.	**(D) Amending the Initial Pleading After a Default.** The Court will allow substantial amendments to the initial pleading only if it vacates the default. The amended pleading must be served on the opposing parties under rule 4.7.
(d) Amended Pleadings. Pleadings other than initial pleadings may be amended once without Court approval before a response is due or is served, whichever occurs first, or, if the pleading is one to which no response is permitted and no trial date in the proceeding has been set, within twenty days after the pleading is served. Otherwise, a party may amend a pleading by Court order for good cause or by stipulation of the parties.	**(E) Amending Other Pleadings.** A party may amend a later pleading once without Court approval if: (1) the party amends the pleading before a response is due or served, whichever comes first; (2) a response to the pleading is not allowed, the Court has not set a trial date, and the party amends the pleading within 20 days after service; (3) the party obtains a Court order to amend the pleading for good cause; or (4) the parties stipulate to the amendment.

5. Pleadings, Motions, and Stipulations	
RULE 105. MOTIONS	**Rule 5.6 Motions**
(a) Unless the Court orders otherwise, all motions, including any motion based in whole or in part on the grounds that a continuance is needed due to the time constraints of the respondent's practice, shall be made in writing.	**(A) Written Motions.** Unless the Court orders otherwise, all motions must be written.
(b) Except as otherwise ordered or provided in these rules, an opposing party shall have ten (10) days from service of a motion to file and serve a written response.	**(B) Time for Response.** Unless these rules provide otherwise, an opposing party must file and serve a written response within 10 days after a motion is served.
(c) Facts relied upon in support of or in opposition to a motion shall be supported by declaration, except facts already in the record or subject to judicial notice. Exhibits submitted in support of or in opposition to a motion shall be authenticated by declaration unless already admitted in evidence.	**(C) Factual Support.** Except for facts already in the record or subject to judicial notice and exhibits already admitted in evidence, facts relied on or exhibits submitted to support or oppose a motion must be supported or authenticated by a declaration.
(d) Unless otherwise ordered, written motions shall be submitted without hearing.	**(D) Hearing.** Unless otherwise ordered, written motions are submitted without hearing.

5. Pleadings, Motions, and Stipulations	
RULE 106. DISQUALIFICATION OF JUDGES	**Rule 5.7 Disqualifying a Judge**
(a) A judge shall be disqualified if he or she is subject to disqualification under Code of Civil Procedure section 170.1; or	**(A) Disqualification under CCP § 170.1.** When Code of Civil Procedure § 170.1 applies, the judge must be disqualified.
(b) A judge pro tempore shall be disqualified if the judge pro tempore or the office with which he or she is affiliated, is or represents:	**(B) Judge Pro Tempore.** A judge pro tempore must be disqualified if the judge pro tempore or the judge pro tempore's office is affiliated with or represents:
(1) a party to pending litigation involving any party or counsel in the proceeding, or the law office with which any party or counsel is affiliated, or	(1) a party to pending litigation that involves any party, counsel, or law office affiliated with any party or counsel; or
(2) a party represented by any party or counsel in the proceeding, or the law office with which any party or counsel is affiliated.	(2) a party represented by any party, counsel, or law office affiliated with any party or counsel.
(c) Only the provisions of Code of Civil Procedure sections 170.2, 170.3(b), 170.4, and 170.5(b)-(g) shall apply to judicial disqualification in State Bar Court proceedings. A judge who recuses himself or herself shall promptly give notice of the recusal to the judge who has authority to assign the matter to another judge.	**(C) Applicable Provisions; Recusal.** Only the provisions of Code of Civil Procedure §§ 170.1, 170.2, 170.3(b), 170.4, and 170.5(b)–(g) apply to judicial disqualification in State Bar Court proceedings.
	(D) Notice of Recusal. Judges who recuse themselves must promptly give notice of the recusal to the judge who has authority to assign the matter to another judge.

(d) An assigned judge's consideration or rejection of a stipulation in a proceeding shall not be a basis for disqualification of the judge from that proceeding. Submission of a stipulation to the assigned judge for approval constitutes a waiver of any contention that the judge is disqualified due to the judge's consideration or rejection of the stipulation. The parties may submit a stipulation to a settlement judge pursuant to rule 133 prior to the filing of a notice of disciplinary charges or at any time thereafter. The settlement judge shall, in the absence of the stipulation of the parties, be disqualified from presiding over the trial of the matter. In a proceeding in which a party seeks relief from default, it shall not be a basis for disqualification that the judge heard evidence or filed a decision prior to the filing of the motion for relief from default.	**(E) Review of Stipulation.** An assigned judge's consideration or rejection of a stipulation in a proceeding is not a basis to disqualify the judge from the proceeding.
	(F) Settlement Judge. Unless the parties stipulate otherwise, a settlement judge is disqualified from presiding over the trial of the matter.
	(G) Proceeding Involving Relief from Default. When a party seeks relief from default, the judge may not be disqualified on the basis that the judge heard evidence or filed a decision before the party filed the motion for relief.
(e) If a judge refuses or fails to disqualify himself or herself, any party may file a motion to disqualify the judge. The motion shall contain a verified statement setting forth the facts constituting the grounds for disqualification. Copies of the motion shall be served on the opposing party and upon the judge alleged to be disqualified. The following time limits and procedures shall apply:	**(H) Motion to Disqualify.** If a judge refuses or fails to disqualify himself or herself, any party may file a motion to disqualify. The motion must contain a verified statement setting forth the facts constituting the grounds for disqualification. Copies of the motion must be served on the opposing party and must be personally served upon the judge the party seeks to disqualify or on his or her case administrator if the judge is present in the State Bar's office or in chambers.

(1) The motion to disqualify shall be made within the earliest of the following dates:	**(I) When to File Motion.** If the party seeking disqualification did not know the matter was assigned to the judge or of the ground for disqualification in time to file the motion under the other provisions of this rule, the party must file the motion promptly and make an oral motion when the next hearing, trial, conference, or argument begins. Otherwise, a party must move to disqualify within the earliest of:
(i) ten (10) days after the ground for disqualification first became known to the party making the motion or to that party's counsel	(1) 10 days after the party or the party's counsel learns of the ground for disqualification;
(ii) prior to commencement of trial;	(2) before the trial begins; or
(iii) as to a judge of the Review Department, twenty (20) days prior to oral argument held before the Review Department; and	(3) twenty days before oral argument is held before the Review Department.
(iv) if the assignment of the matter to the judge, or the grounds for disqualification were not known to the moving party sufficiently in advance to permit the filing of a written motion in accordance with paragraphs (e), the party shall file the motion promptly and shall make an oral motion at the start of the next hearing, trial, conference, or argument.	[intentionally left blank]

(2) Within ten (10) days after service of the motion, the judge may file a consent to disqualification, in which case the judge shall promptly give notice of the disqualification to the judge who has authority to assign the matter to another judge. Alternatively, the judge may file a verified answer admitting or denying any or all of the allegations contained in the party's motion and setting forth any additional facts material or relevant to the question of disqualification. The Clerk shall transmit a copy of the judge's answer to each party.	**(J) Consent or Answer to Motion.** After a motion to disqualify is filed, the judge may: (1) consent to disqualification within 10 days after the motion is served and promptly notify the judge who has authority to assign the matter to another judge; (2) file a verified answer admitting or denying any or all the allegations in the motion and setting forth any additional facts material or relevant to the question of disqualification, and the Clerk must transmit a copy of the judge's answer to each party; (3) fail to expressly consent or timely answer, in which case the judge's consent to disqualification is presumed, and the Clerk must promptly notify the judge who has authority to assign the matter to another judge.
(3) A judge who fails to file a consent or answer within the time allowed shall be deemed to have consented to his or her disqualification and the Clerk shall promptly notify the judge who has authority to assign the matter to another judge.	[intentionally left blank]
(4) No judge who refuses to recuse himself or herself shall pass upon his or her own disqualification or upon the sufficiency in law, fact, or otherwise, of the statements of disqualification filed by a party. In every such case, the question of disqualification shall be heard and determined by another judge selected by the presiding judge or the supervising judge.	**(K) Ruling on Disqualification.** A judge who refuses to recuse himself or herself may not rule on his or her own disqualification. The presiding or supervising judge must assign another judge to decide the motion. If the judge hearing the motion decides that the judge is disqualified, the judge must promptly notify the judge who has authority to assign the matter to another judge.

(5) The judge deciding the question of disqualification may decide the question upon the basis of the statement of disqualification and answer and upon such written arguments as the judge requests. If the judge deciding the question of disqualification determines that the judge is disqualified, the judge hearing the question shall promptly give notice of the disqualification to the judge who has authority to assign the matter to another judge.	[intentionally left blank]
(f) A party who is dissatisfied with the ruling on a motion for disqualification made by the judge designated by paragraph (e) may file a petition for review. A petition to review a ruling on a motion to disqualify a judge may be filed pursuant to rule 300 within ten (10) days after the ruling is made (if it is first made orally) or within ten (10) days after service of notice of the ruling (if it is first made in writing). The Review Department shall act on the petition on an expedited basis.	**(L) Petition for Review.** A ruling on a motion for disqualification is reviewable under rule 9.1. The party must file the petition within 10 days of service of the ruling. The Review Department must expedite action on the petition.

5. Pleadings, Motions, and Stipulations	
RULE 108. CONSOLIDATION	**Rule 5.8 Consolidation**
(a) Consolidation may be ordered upon motion of any party, on stipulation of the parties or on the Court's own motion with notice to the parties and an opportunity to be heard except where good cause is shown, motions to consolidate shall be filed within thirty (30) days of the filing of the notice of disciplinary charges or other initial pleading in the most recent of the proceedings sought to be consolidated. Proceedings may be consolidated if no substantial rights of any party will be prejudiced and if consolidation will not cause undue delay of either matter. Proceedings involving different members but common questions of fact may be consolidated for all purposes or for the purpose of joint hearing or joint trial.	**(A) Motion to Consolidate.** The Court may order consolidation on any party's motion, the parties' stipulation, or the Court's own motion with notice to the parties and an opportunity to be heard.
	(B) When to File a Motion to Consolidate. A party must file the motion within 30 days after the notice of disciplinary charges or other initial pleading is filed in the most recent of the proceedings the party seeks to consolidate.
	(C) Consolidation Generally. The judge may order proceedings consolidated if consolidation will not prejudice any substantial rights of any party or cause undue delay of any matter. The judge may order proceedings involving different members but common questions of fact consolidated for all purposes, including the purposes of joint hearing or joint trial.
(b) Proceedings in the Hearing Department shall not be consolidated with proceedings in the Review Department. The Presiding Judge may order that a proceeding in the Review Department be remanded to the Hearing Department for a ruling as to whether consolidation is appropriate.	**(D) Consolidation not Allowed.** Proceedings in the Hearing Department may not be consolidated with proceedings in the Review Department. But the Presiding Judge may order a proceeding in the Review Department remanded to the Hearing Department for a ruling on whether consolidation is appropriate.
(c) If the proceedings which a party seeks to consolidate are pending in different venues, a motion for transfer of venue must be granted prior to the filing of a motion to consolidate.	**(E) Consolidation Across Venues.** The Court must grant a motion for transfer of venue before the party may seek to consolidate proceedings pending in different venues.

5. Pleadings, Motions, and Stipulations	
RULE 109. SEVERANCE	**Rule 5.9 Severance**
Severance may be ordered upon motion of any party, on stipulation of the parties or on the Court's own motion with notice to the parties and an opportunity to be heard. Motions to sever should be filed as soon as practical. A proceeding may be severed for the convenience of the parties, to avoid substantial prejudice to any party or when conducive to expedition and economy.	**(A) Motion for Severance.** The Court may order severance on any party's motion, the parties' stipulation, or the Court's own motion. The Court must provide notice to the parties and allow them an opportunity to be heard.
	(B) Time to File Motion for Severance. A party must file a motion to sever as soon as practical.
	(C) Grounds for Severance. The Court may order a proceeding severed for the convenience of the parties, to avoid substantial prejudice to any party, or when conducive to expedition and economy.

5. Pleadings, Motions, and Stipulations	
RULE 115. CONTINUANCES	**Rule 5.10 Continuance**
A motion for continuance, including but not limited to any motion based in whole or in part on the grounds that the continuance is needed due to the time constraints of the respondent's practice, shall be in writing and shall only be granted upon a showing of good cause. Stipulations for continuance require Court approval.	A motion for continuance must be in writing and will only be granted upon a showing of good cause. Stipulations for continuance require Court approval.

5. Pleadings, Motions, and Stipulations	
RULE 116. ABATEMENT	**Rule 5.11 Abatement**
(a) Upon motion by any party, or upon the Court's motion after notice to the parties, the Court may order any proceeding before it abated in whole or in part. Abatement of a proceeding stays the proceeding in the State Bar Court and tolls all time limitations in the proceeding, except that the Court may grant a motion for perpetuation of evidence.	**(A) Motion for Abatement.** On any party's motion or on its own motion after notice to the parties, the Court may abate any proceeding in whole or in part. Abatement stays the proceeding in the State Bar Court and tolls all time limitations in the proceeding, but the Court may grant a motion for perpetuation of evidence.
(b) In determining a motion pursuant to this rule, the Court may consider any relevant factor, including the following:	**(B) Relevant Factors.** The Court may consider any relevant factor to determine a motion under this rule, including the need to dispose of the proceeding at the earliest time and the extent to which:
(1) the need for disposing of the proceeding at the earliest time;	[intentionally left blank]
(2) the extent to which the issues in a related proceeding are the same or substantially the same as those before it;	(1) the issues in the proceeding are substantially the same as in a related proceeding;
(3) the extent to which the proceeding would probably be delayed by awaiting the trial or an appeal in a related proceeding;	(2) the proceeding would probably be delayed by waiting for the trial or an appeal in a related proceeding;
(4) the extent to which the proceeding would probably be expedited by awaiting the disposition in a related proceeding;	(3) the proceeding would probably be expedited by waiting for the disposition in a related proceeding;
(5) the extent to which evidence to be adduced in a related proceeding would aid in the determination of the State Bar Court proceeding;	(4) evidence to be adduced in a related proceeding would aid in determining the proceeding;

(6) the extent to which evidence may be unavailable in the State Bar Court proceeding because of any delay resulting from the abatement;	(5) evidence may become unavailable because of any delay;
(7) the extent to which parties, witnesses or documents are currently unavailable to participate in the State Bar Court proceeding for reasons beyond the parties' control;	(6) parties, witnesses, or documents are currently unavailable for reasons beyond the parties' control;
(8) the extent to which a party or witness may be prejudiced in a related proceeding by withholding or failing to withhold further action; and	(7) a party or witness may be prejudiced in a related proceeding by delaying or proceeding with further action; and
(9) the extent to which a Client Security Fund claim would be unnecessarily delayed.	(8) a Client Security Fund claim would be unnecessarily delayed.
(c) For purposes of this rule, a "related proceeding" is any civil, criminal, administrative, or State Bar Court proceeding in which a party, real party in interest, or witness is also a party or witness in the proceeding before the Court, or any civil, criminal, administrative, or State Bar Court proceeding which involves the subject matter of the proceeding before the Court.	**(C) Related Proceeding.** "Related proceedings" means a civil, criminal, administrative, or State Bar Court proceeding that involves the same subject matter or in which a party, real party in interest, or witness in one proceeding is also a party or witness in another proceeding.
(d) Review of a hearing judge's ruling on a motion under this rule may be sought pursuant to rule 300.	**(D) Review.** A Court's ruling on a motion for abatement is reviewable under rule 9.1.

5. Pleadings, Motions, and Stipulations	
RULE 117. MENTAL INCAPACITY	**Rule 5.12 Mental Incapacity**
(a) No disciplinary proceeding shall be initiated or conducted against a member who has been judicially declared by a Court of record to be of unsound mind or, on account of mental condition, incapable of managing his or her affairs, until a subsequent judicial determination has been made to the contrary.	**(A) Generally.** When a Court of record has judicially declared a member to be mentally incompetent, no disciplinary proceeding may be initiated against the member until judicially determined competent.
(b) Upon motion of a party, a party's counsel, or the Court, the Court may order any pending disciplinary proceeding abated, for such time and upon such terms as it deems proper, because of the member's inability to assist in or conduct the defense of the proceeding due to mental illness or infirmity, or where probable cause has been found to believe that such inability exists.	**(B) Abatement.** The Court may order any pending disciplinary proceeding abated for any time and on terms it finds proper if the member is unable – or there is probable cause to believe that the member is unable – to assist in or conduct a defense because of mental illness or infirmity.

5. Pleadings, Motions, and Stipulations	
RULE 118. MILITARY SERVICE	**Rule 5.13 Military Service**
If any member who is the subject of a State Bar Court proceeding is on active duty in the armed forces of the United States, the Court shall abate the proceeding if the member's military service will materially impair the member's ability to participate in the proceeding.	The Court must abate a proceeding when the member who is the proceeding's subject is on active duty in the armed forces of the United States and unable to participate in the proceeding.

5. Pleadings, Motions, and Stipulations	
RULE 130. STIPULATIONS GENERALLY	**Rule 5.14 Stipulations Generally**
It is the duty of all parties, if practical, to endeavor to arrive at pretrial stipulations concerning some or all of the issues in the proceeding. All stipulations shall be signed by each party and by each party's counsel, if any.	If practical, all parties must try to make pretrial stipulations about some or all the issues. Each party and each party's counsel must sign all stipulations.

5. Pleadings, Motions, and Stipulations	
RULE 131. STIPULATIONS AS TO FACTS ONLY	**Rule 5.15 Stipulations to Facts Only**
(a) Stipulations as to facts only shall set forth the following:	**(A) Required Elements.** Stipulations to facts only must comprise:
(1) an acknowledgement that stipulations as to facts are binding on all parties regardless of the disposition or degree of discipline recommended or imposed, and	(1) an acknowledgement that the stipulations to facts are binding on all parties, and
(2) a statement that respondent either admits the truth of the facts set forth in the stipulation or pleads nolo contendere to those facts. If the respondent pleads nolo contendere to the stipulated facts, the stipulation shall include an acknowledgement that the respondent completely understands that the plea of nolo contendere shall be considered the same as an admission of the stipulated facts for purposes of determining whether respondent is culpable of professional misconduct and that the stipulated facts will be used for determining whether respondent is culpable.	(2) a statement that the member either admits the truth of the facts in the stipulation or pleads nolo contendere to those facts. If the member pleads nolo contendere, the stipulation must show that the member understands that the Court will use the stipulated facts to determine whether the member is culpable of professional misconduct and treat the plea as an admission that the stipulated facts are true. **(B) Effect at Trial.** Evidence to prove or disprove a stipulated fact is inadmissible.
(b) Where the parties agree that relief from stipulations as to facts is appropriate, Court approval is nonetheless required. Motions for relief must demonstrate that such relief is necessary to prevent a miscarriage of justice or for other extraordinary reasons. Evidence to prove or disprove a stipulated fact is inadmissible.	**(C) Relief from Stipulation.** The Court must approve a motion or stipulation for relief from stipulations of facts. The motion or stipulation must show that the relief is necessary for extraordinary reasons but cannot include evidence to prove or disprove a stipulated fact.

5. Pleadings, Motions, and Stipulations	
RULE 132. STIPULATIONS AS TO FACTS AND CONCLUSIONS OF LAW	**Rule 5.16 Stipulations to Facts and Conclusions of Law**
(a) The parties in a disciplinary matter may stipulate as to facts and conclusions of law regarding culpability, reserving the question of disposition.	**(A) Generally.** The parties in a disciplinary matter may stipulate to facts and conclusions of law regarding culpability but reserve the question of disposition.
(b) A proposed stipulation as to facts and conclusions of law in a disciplinary matter shall set forth each of the following:	**(B) Required Elements.** A proposed stipulation to facts and conclusions of law must comprise:
(1) a statement of the investigations or proceedings included;	(1) a statement of the investigations or proceedings included;
(2) a statement of acts or omissions acknowledged by the respondent as cause for discipline;	(2) the member's acknowledgement of acts or omissions that are cause for discipline;
(3) conclusions of law, drawn from and specifically referring to the facts admitted by the respondent, regarding the respondent's culpability of violating specified statutes and/or Rules of Professional Conduct;	(3) conclusions of law drawn from, and specifically referring to, the admitted facts regarding the member's culpability;

(4) a statement that respondent either (i) admits that the facts set forth in the stipulation are true and that he or she is culpable of violations of the specified statutes and/or Rules of Professional Conduct; or (ii) pleads nolo contendere to those facts and violations. If the respondent pleads nolo contendere, the stipulation shall include an acknowledgement that the respondent completely understands that the plea of nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the statutes and/or Rules of Professional Conduct specified in the stipulation.	(4) a statement that the member either (a) admits the truth of the facts comprising the stipulation and admits culpability for misconduct; or (b) pleads nolo contendere to those facts and misconduct;
(5) an enumeration of the charges, if any, to be dismissed;	(5) an enumeration of any charges to be dismissed;
(6) a statement that the stipulation resolves the entire proceeding except as expressly set forth in the stipulation and except as to disposition;	(6) a statement of the extent to which the stipulation resolves the proceeding;
(7) a statement that the member acknowledges the provisions of Business and Professions Code sections 6086.10 and 6140.7;	(7) the member's acknowledgement of Business and Professions Code §§ 6086.10 and 6140.7;
(8) a statement as to whether or not the parties intend to be bound by the stipulated facts even if the conclusion of law are rejected and regardless of the degree of discipline recommended or imposed; and	(8) a statement that the parties will or will not be bound by the stipulated facts even if the conclusions of law are rejected and regardless of the degree of discipline recommended or imposed; and

(9) a statement that the respondent has been advised in writing of any pending investigations or proceedings not resolved by the stipulation except for investigations, if any, by criminal law enforcement agencies, identified by investigation case number or proceeding case number, and complaining witness name(s), if any. Such information shall not be set forth in the stipulation, but the stipulation shall recite that all such information has been provided to the respondent in a separate document, as of a specified disclosure date. The specified disclosure date shall be not more than thirty (30) days before the stipulation is filed.	(9) a statement that the member has been advised in writing of any pending investigations (except for any law enforcement agencies' criminal investigations) or proceedings not resolved by the stipulation.
	(C) Plea of Nolo Contendere. If the member pleads nolo contendere, the stipulation must show that the member understands that the plea is treated as an admission of the stipulated facts and an admission of culpability.
	(D) Unresolved Pending Investigations and Proceedings. These must be identified by investigation case number or proceeding case number, and any complaining witness's name. The stipulation cannot contain the information but must show that all the information was provided to the member in a separate document within 30 days before the stipulation was filed.

(c) Stipulations as to facts and conclusions of law may include partial stipulations as to facts bearing on aggravation and mitigation. The parties may waive the right to an evidentiary hearing on aggravation and mitigation by submitting a stipulation containing a complete statement of aggravating and mitigating circumstances.	**(E) Partial Stipulation.** Partial stipulations to facts concerning aggravation and mitigation are allowed. The parties may waive an evidentiary hearing on these issues by submitting a stipulation containing a complete statement of aggravating and mitigating circumstances.

5. Pleadings, Motions, and Stipulations	
RULE 133. STIPULATIONS AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION	**Rule 5.17 Stipulations to Facts, Conclusions of Law, and Disposition**
A proposed stipulation as to facts, conclusions of law, and disposition shall set forth each of the following:	**(A) Contents.** A proposed stipulation to facts, conclusions of law, and disposition must comprise:
(1) an acknowledgement that stipulations as to proposed disposition are not binding upon the Supreme Court;	(1) an acknowledgement that proposed stipulations for disposition do not bind the Supreme Court;
(2) a statement of the investigations or proceedings included;	(2) a statement of the investigations or proceedings included;
(3) a statement of acts or omissions acknowledged by the respondent as cause or causes for discipline;	(3) the member's acknowledgement of acts or omissions that are cause for discipline;
(4) conclusions of law, drawn from and specifically referring to the facts admitted by the respondent, regarding the respondent's culpability of violating specified statutes and/or Rules of Professional Conduct;	(4) conclusions of law drawn from, and specifically referring to, the admitted facts regarding the member's culpability;
(5) a statement that respondent either	(5) a statement that the member either (a) admits the truth of the facts comprising the stipulation and admits culpability for misconduct; or (b) pleads nolo contendere to those facts and misconduct;
	(6) the deputy trial counsel's statement, if requested by the Court, that the factual stipulations are supported by evidence obtained in the State Bar investigation of the matter;

(i) admits the facts set forth in the stipulation are true and that he or she is culpable of violations of the specified statutes and/or Rules of Professional Conduct or	[intentionally left blank]
(ii) pleads nolo contendere to those facts and violations. If the respondent pleads nolo contendere, the stipulation shall include each of the following	[intentionally left blank]
(a) an acknowledgement that the respondent completely understands that the plea of nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the violation of the statutes and/or Rules of Professional Conduct specified in the stipulation; and	[intentionally left blank]
(b) if requested by the Court, a statement by the deputy trial counsel that the factual stipulations are supported by evidence obtained in the State Bar investigation of the matter.	[intentionally left blank]
(6) an enumeration of the charges, if any, to be dismissed;	(7) an enumeration of any charges to be dismissed;
(7) a statement that the stipulation resolves the entire proceeding except as expressly set forth in the stipulation;	(8) a statement of the extent to which the stipulation resolves the proceeding;
(8) a statement of aggravating and mitigating circumstances;	(9) a statement of aggravating and mitigating circumstances;

(9) the disposition to be recommended or imposed;	(10) the recommended disposition;
(10) a statement that the member acknowledges the provisions of Business and Professions Code sections 6086.10 and 6140.7;	(11) the member's acknowledgement of Business and Professions Code §§ 6086.10 and 6140.7;
(11) a statement as to whether or not the parties intend to be bound by the stipulated facts contained in the stipulation even if the conclusions of law and/or stipulated disposition are rejected; and	(12) a statement that the parties will or will not be bound by the stipulated facts even if the conclusions of law and/or stipulated disposition are rejected; and
(12) a statement that the respondent has been advised in writing of any pending investigations or proceedings not resolved by the stipulation except for investigations, if any, related to investigations by criminal law enforcement agencies, identified by investigation case number or proceeding case number, and complaining witness name(s), if any. Such information shall not be set forth in the stipulation, but the stipulation shall recite that all such information has been provided to the respondent in a separate document, provided to the respondent not more than thirty (30) days before the stipulation is received by the Court.	(13) a statement that the member has been advised in writing of any pending investigations (except for any law enforcement agencies' criminal investigations) or proceedings not resolved by the stipulation.
	(B) Plea of Nolo Contendere. If the member pleads nolo contendere, the stipulation must also show that the member understands that the plea is treated as an admission of the stipulated facts and an admission of culpability.

	(C) Unresolved Pending Investigations or Proceedings. These must be identified by investigation case number or proceeding case number, and any complaining witness's name. The stipulation cannot contain the information but must show that all the information was provided to the member in a separate document within 30 days before the stipulation was filed.

5. Pleadings, Motions, and Stipulations	
RULE 134. STIPULATIONS AS TO DISPOSITION	**Rule 5.18 Stipulations to Disposition**
(a) The parties in a disciplinary matter may stipulate as to disposition after facts establishing culpability, and conclusions of law, have been previously adjudicated by the Court and/or stipulated to by the parties.	**(A) Generally.** The parties may stipulate to disposition after the Court decides – or the parties stipulate to – facts establishing culpability and conclusions of law.
(b) Stipulations as to disposition shall include or have attached thereto a stipulated statement of all factual findings and legal conclusions relied upon in support of the stipulated disposition which are not contained in a written decision filed by the Court or a previously filed stipulation.	**(B) Attachments.** If the stipulation to disposition is supported by any factual findings or legal conclusions that are not in a written decision filed by the Court or a previously filed stipulation, those findings and conclusions must be included in, or attached to, the stipulation to disposition.
(c) Stipulations as to disposition shall set forth each of the following:	**(C) Required Elements.** Stipulations to dispositions must comprise:
(1) an acknowledgment that stipulations as to proposed disposition are not binding upon the Supreme Court;	(1) an acknowledgement that proposed stipulations for disposition do not bind the Supreme Court;
(2) a statement of the pending investigations or proceedings included;	(2) a statement of the investigations or proceedings included;
(3) a statement that the stipulation resolves the entire proceeding except as expressly set forth in the stipulation;	(3) a statement of the extent to which the stipulation resolves the proceeding;
(4) all factual stipulations regarding aggravation and/or mitigation upon which the parties wish to rely;	(4) all factual stipulations regarding aggravation or mitigation that the parties wish to rely on;

(5) the disposition to be recommended or imposed;	(5) the recommended or imposed disposition;
(6) a statement that the member acknowledges the provisions of Business and Professions Code section 6086.10;	(6) the member's acknowledgement of Business and Professions Code §§ 6086.10 and 6140.7;
(7) a statement as to whether or not the parties intend to be bound by the stipulated facts contained in the stipulation even if the conclusions of law and/or stipulated disposition are rejected; and	(7) a statement that the parties will or will not be bound by the stipulated facts even if the conclusions of law and/or stipulated disposition are rejected; and
(8) a statement that the respondent has been advised in writing of any pending investigations or proceedings not resolved by the stipulation except for investigations, if any, related to investigations by criminal law enforcement agencies, identified by investigation case number or proceeding case number, and complaining witness name(s), if any. Such information shall not be set forth in the stipulation, but the stipulation shall recite that all such information has been provided to the respondent in a separate document, not more than thirty (30) days before the stipulation is received by the Court.	(8) a statement that the member has been advised in writing of any pending investigations (except for any law enforcement agencies' criminal investigations) or proceedings not resolved by the stipulation.
	(E) Unresolved Pending Investigations or Proceedings. These must be identified by investigation case number or proceeding case number, and any complaining witness's name. The stipulation cannot contain the information but must show that all the information was provided to the member in a separate document within 30 days before the stipulation was filed.

5. Pleadings, Motions, and Stipulations	
RULE 135. APPROVAL OF STIPULATIONS BY HEARING JUDGES	**Rule 5.19 Approval of Stipulations by a Hearing Judge**
(a) Court approval is not required for stipulations as to facts under rule 131, unless the respondent has pleaded nolo contendere to those facts. Court approval is required for stipulations pursuant to rules 132, 133 and 134. The assigned judge shall determine whether the stipulation is fair to the parties and adequately protects the public. A stipulation which satisfies the requirements of rule 133(a)(5)(ii)(b) shall be deemed to be supported by an adequate factual basis, and no further evidence of the underlying facts shall be required. A stipulation which satisfies the requirements of rules 131, 132, 133 or 134 shall be deemed voluntary. The Court may approve the stipulation as written or on condition that the parties accept specified modifications, or the Court may reject the stipulation.	**(A) When Approval is Required.** Court approval is not required for stipulations to facts under rule 5.15, unless the respondent has pleaded nolo contendere to those facts. Court approval is required for stipulations under rules 5.16, 5.17, and 5.18. The assigned judge must determine whether the stipulation is fair to the parties and adequately protects the public.
	(B) Adequate Factual Basis. If a stipulation is supported by the deputy trial counsel's statement under rule 5.17(A)(6), it is supported by an adequate factual basis, and no further evidence of the underlying facts will be required.
	(C) Voluntary Stipulations. A stipulation that satisfies the requirements of rules 5.15, 5.16, 5.17, or 5.18 is considered voluntary.
	(D) Approval. The Court may approve the stipulation as written or on condition that the parties accept specified modifications, or the Court may reject the stipulation.
(b) Once approved by the Court, the stipulation shall bind the parties in the proceedings to which it relates unless with drawn or modified with approval of the Court, upon good cause shown and upon motion of a	**(E) When Binding.** After Court approval, a stipulation binds the parties in the related proceedings unless the stipulation is withdrawn or modified.

party filed within fifteen days of service of the order approving stipulation, or on the Court's motion after notice to the parties.	**(F) Withdrawal and Modification.** Any party may make a motion to withdraw or modify a stipulation. The motion must show good cause and be filed within 15 days after the order approving the stipulation is served. The Court may give notice to the parties and withdraw or modify a stipulation on its own motion.
(c) If the Court rejects a stipulation, the parties shall be relieved of all effects of the stipulation except factual stipulations to which they agree to be bound if the stipulation is rejected. Rejection of a stipulation shall not bar approval of a later stipulation in the same case, but the parties shall first disclose to the Court the fact that a previous stipulation was rejected.	**(G) Effects of Rejection.** When the Court rejects a stipulation, the parties are relieved of the effects of the stipulation, except the factual stipulations they agreed to be bound by. The parties may submit a later stipulation in the same case but must inform the Court that an earlier stipulation was rejected.
(d) Review of an order made under this rule may be sought only pursuant to rule 300 and only with regard to the orders on motions to modify or withdraw from a stipulation.	**(H) Review.** Only orders on motions to modify or withdraw from a stipulation are reviewable and only under rule 9.1.

6. Subpoenas and Discovery	
RULE 150. INVESTIGATION SUBPOENAS	**Rule 6.1 Investigation Subpoenas**
(a) Motion to Quash. Upon the service of an investigation subpoena pursuant to Business and Professions Code section 6049(b), the member who is the target of the investigation, or any other person or entity served with the subpoena, may file a motion to quash the subpoena pursuant to Business and Professions Code Section 6051.1 and this rule.	**(A) Issuing a Subpoena.** In the conduct of investigations, the Office of the Chief Trial Counsel may compel, by subpoena, the attendance of witnesses and the production of books, papers, and documents pertaining to the investigation under Business and Professions Code §§ 6049(b) and 6069.
(1) The motion shall be filed in accordance with the Code of Civil Procedure and shall be served on the State Bar investigator, deputy trial counsel or other authorized agent requesting the records, as designated in the subpoena, or if no such person is designated, on the Chief Trial Counsel.	**(B) Motion to Quash.** Any person or entity who is served with an investigation subpoena may move to quash the subpoena under Business and Professions Code § 6051.1 and this rule.
(2) The motion must be supported by one or more declarations based on personal knowledge and filed together with the motion.	**(C) Service of a Motion to Quash.** The motion must be filed with the State Bar Court and must be served on the designated State Bar investigator, deputy trial counsel, or other authorized agent requesting the records. If the subpoena does not designate a party for service, the motion must be served on the Chief Trial Counsel.
	(D) Permissible Grounds for a Motion to Quash. The motion must be supported by one or more declarations based on personal knowledge and filed with the motion.

(b) Trust Account Financial Records. The sole ground on which a motion to quash a trust account financial records subpoena may be made or granted shall be that the records sought by the subpoena are not trust account financial records which member must maintain in accordance with the Rules of Professional Conduct.	**(E) Trust Account Financial Records.** The sole basis for a motion to quash a trust account financial records subpoena is that the records sought are not trust account financial records that the member must maintain under the Rules of Professional Conduct.
(c) Other Financial Records. If the challenged subpoena seeks financial records other than trust account financial records, and if a motion to quash the subpoena under this rule is made, the records sought shall not be examined by any party until after the motion has been ruled upon. A motion to quash a subpoena for financial records other than trust account financial records may be granted on any of the following grounds:	**(F) Other Financial Records.** If the challenged subpoena seeks financial records other than trust account financial records, and if a party makes a motion to quash the subpoena under this rule, the records sought cannot be examined by any party until the Court rules on the motion. Grounds for a motion to quash are:
(1) That the subpoena does not comply with applicable statutes or State Bar rules governing the issuance or scope of such subpoenas;	(1) the subpoena does not comply with applicable statutes or State Bar rules governing the issuance or scope of financial record subpoenas;
(2) That the subpoena does not describe with particularity the records sought by the subpoena;	(2) the subpoena does not describe the records sought with particularity;
(3) That the subpoena was not served inthemanner[sic] required by Business and Professions Code section 6069(b) on the member or members whose financial records are sought by the subpoena, and on any other "customer" as defined in Government Code section 7465(d), or	(3) the subpoena the subpoena was not properly served under Business and Professions Code § 6069(b); or

(4) That the scope of the records sought by the subpoena is not consistent with the scope and requirements of the investigation in connection with which the subpoena was issued.	(4) the scope of the records the subpoena seeks is not consistent with the scope and requirements of the investigation.
(d) Non-Financial Records. If the challenged subpoena seeks documents other than financial records, a motion to quash the subpoena may be made or granted on any of the following grounds:	**(G) Non-Financial Records.** For a subpoena that seeks documents other than financial records, grounds for a motion to quash are:
(1) That the subpoena does not comply with applicable statutes or State Bar rules governing the issuance or scope of such subpoenas;	(1) the subpoena does not comply with applicable statutes or State Bar rules governing the issuance or scope of financial record subpoenas;
(2) That the subpoena does not describe with particularity the records sought by the subpoena; or	(2) the subpoena does not describe the records sought with particularity;
(3) That the subpoena was not properly served pursuant to Code of Civil Procedure section 1987; or	(3) the subpoena was not properly served under Code of Civil Procedure § 1987; or
(4) That the scope of the records sought by the subpoena is not consistent with the scope and requirements of the investigation in connection with which the subpoena was issued.	(4) the scope of the records the subpoena seeks is not consistent with the scope and requirements of the investigation.
	(H) Court Records. If a subpoena is issued to obtain public records from any Court, the Office of the Chief Trial Counsel need not serve the subpoena on the target of an investigation or on other parties to a State Bar Court proceeding.

6. Subpoenas and Discovery	
RULE 151. ISSUANCE OF DISCOVERY SUBPOENAS BY PARTIES IN STATE BAR COURT PROCEEDINGS	**Rule 6.2 Discovery Subpoenas and Depositions**
(a) In the course of discovery, any party may issue subpoenas as provided by Business and Professions Code section 6049(c) and 6085, and in accordance with the provisions of Code of Civil Procedure section 1985. Alternatively, any party may compel another party to testify at a deposition, with or without production of documents, by serving a notice to appear pursuant to Code of Civil Procedure section 1987.	**(A) No Discovery Subpoenas.** Except as otherwise provided by these rules, no party may issue subpoenas in the course of discovery, or to compel another party to testify at a deposition, without prior Court order.
	(B) Issuing a Subpoena Upon a motion and showing of good cause, the Court may order the issuance of a subpoena during discovery and limit the nature and scope of the subpoena.
	(C) Depositions to Perpetuate Testimony. The Court may order the taking of the deposition of any person upon a showing by the side requesting the deposition that the proposed deponent is a material witness who is unable or cannot be compelled to attend the hearing. If a deposition is ordered, the procedures stated in Government Code § 68753 shall be followed. Depositions to perpetuate testimony may be videotaped.

(b) Discovery subpoenas issued by any party [are] subject to applicable provisions of the Business and Professions Code and to all provisions of Chapter 2 of Title III of Part IV of the Code of Civil Procedure (beginning with section 1985), except those pertaining to bench warrants and concealed witnesses, and except as modified or limited by these rules.	**(D) Limitations.** Code of Civil Procedure § 2017.220 applies to complaining witnesses and alleged victims of misconduct in any proceeding arising from a member's criminal conviction for sexual misconduct or to hear a charge of violating Business and Professions Code § 6106.9 or rule 3-120 of the Rules of Professional Conduct.
(c) The party initiating a deposition shall, subject to possible later reimbursement of costs under rules 280-284, (1) serve a copy of the subpoena on the persons or entities required; (2) obtain proper proof of such service; and (3) pay applicable witness fees or expenses.	[intentionally left blank]
(d) A deposition subpoena duces tecum shall describe the requested records with particularity and shall comply with rule 153, 154, or 155, as applicable.	[intentionally left blank]
(e) The party serving a deposition subpoena duces tecum may request the subpoenaed party to provide an additional unsealed copy of the requested records, provided that:	[intentionally left blank]
(1) Notice of the request shall be given to all other parties;	[intentionally left blank]
(2) If a timely motion to quash the subpoena is filed, the subpoenaing party shall not inspect, copy, or use the records except as permitted by Court order; and,	[intentionally left blank]

(3) Within five (5) days after receiving the additional unsealed copy, or, if a motion to quash is filed, after the service of an order on a motion to quash permitting examination of the records the party that served the subpoena shall provide all other parties with accurate copies of the records, or with a reasonable opportunity to inspect and copy them.	[intentionally left blank]

6. Subpoenas and Discovery	
RULE 152. ISSUANCE OF TRIAL SUBPOENAS BY PARTIES IN STATE BAR COURT PROCEEDINGS	**Rule 6.3 Trial Subpoenas**
(a) A party may issue trial subpoenas as provided by Business and Professions Code sections 6049(c) and 6085, in accordance with the provisions of Code of Civil Procedure section 1985. Alternatively, any party to a proceeding may compel another party to testify or produce documents at trial by serving a notice to appear pursuant to Code of Civil Procedure section 1987.	**(A) Who May Issue a Subpoena.** Any party may issue trial subpoenas under Business and Professions Code §§ 6049(c) and 6085 and Code of Civil Procedure § 1985. And any party may compel another party to testify or produce documents at trial by serving a notice to appear under Code of Civil Procedure § 1987.
(b) Trial subpoenas are subject to the Business and Professions Code and to all provisions of Chapter 2 of Title III of Part IV of the Code of Civil Procedure (beginning with section 1985), except those pertaining to bench warrants and concealed witnesses, and except as modified or limited by these rules.	[intentionally left blank]
(c) The party initiating a trial subpoenas shall, subject to possible later reimbursement of costs under rules 280-284, (1) serve a copy of the subpoena on the persons or entities required; (2) obtain proper proof of such service; and (3) pay applicable witness fees or expenses.	**(B) Service.** Subject to possible reimbursement of costs under rules 8.9–8.12, the party issuing a trial subpoena must: (1) serve a copy of the subpoena on the persons or entities required; (2) obtain proper proof of service; and (3) pay witness fees or expenses.
(d) A trial subpoena duces tecum shall describe the requested records with particularity, and shall comply with rule 153, 154, or 155, as applicable.	[intentionally left blank]

(e) The party serving a trial subpoena duces tecum may request the subpoenaed party to provide an additional unsealed copy of the requested records, provided that:	**(C) Additional Copy of Records.** The party serving a trial subpoena duces tecum may ask the subpoenaed party to provide an additional unsealed copy of the requested records if the requesting party gives notice to all other parties. If the subpoenaed party files a timely motion to quash the subpoena, the requesting party may not inspect, copy, or use the records except as permitted by Court order. Within five days after receiving the additional unsealed copy or the Court's permission, the requesting party must also provide all other parties with accurate copies of the records or with a reasonable opportunity to inspect and copy them.
(1) Notice of the request shall be given to all other parties;	[intentionally left blank]
(2) If a timely motion to quash the subpoena is filed, the subpoenaing party shall not inspect, copy, or use the records except as permitted by Court order; and	[intentionally left blank]
(3) Within five (5) days after receiving the additional unsealed copy, or, if a motion to quash is filed, after the service of an order on a motion to quash permitting examination of the records, the party that served the subpoena shall provide all of the records, or with a reasonable opportunity to inspect and copy them.	[intentionally left blank]

6. Subpoenas and Discovery	
RULE 153. SUBPOENAS FOR TRUST ACCOUNT FINANCIAL RECORDS	**[See rule 6.2]**
(a) This rule governs discovery or trial subpoenas issued by the Office of the Chief Trial Counsel, after initiation of State Bar Court proceedings, which require financial institutions to produce trust account financial records of a member under Business and Professions Code sections 6049 and 6069(a).	[intentionally left blank]
(b) The State Bar shall serve the subpoena on the financial institution in the manner required by the Code of Civil Procedure and shall serve the member or members whose financial records are sought in the manner specified in rule 61. The subpoena shall designate the name, business address and business telephone number of the State Bar investigator, deputy trial counsel or other authorized agent requesting the records.	[intentionally left blank]
(c) In accordance with the Code of Civil Procedure, any person or entity served with the subpoena or a copy thereof may file a motion with the State Bar Court to quash the subpoena. The motion shall be served by overnight mail on all parties to the proceeding.	[intentionally left blank]
(d) The sole ground on which a motion to quash a subpoena under this rule may be made or granted shall be that the records sought by the subpoena do not pertain to trust accounts which the member must maintain in accordance with the Rules of Professional Conduct.	[intentionally left blank]

(e) The motion must be supported by one or more declarations based on personal knowledge, filed and served with the motion.	[intentionally left blank]

6. Subpoenas and Discovery	
RULE 154. SUBPOENAS FOR OTHER FINANCIAL RECORDS	**[See rule 6.2]**
(a) This rule governs discovery and trial subpoenas requiring financial institutions to produce financial records other than trust account financial records of a member.	[intentionally left blank]
(b) The subpoena shall be served on the customer whose financial records are sought pursuant to Business and Professions Code section 6069(b), on the financial entity subpoenaed, pursuant to the Code of Civil Procedure, and, to the extent not included in the foregoing, on all other parties to the proceeding in the manner specified in rule 61.	[intentionally left blank]
(c)	[intentionally left blank]
(1) In accordance with the Code of Civil Procedure, any person or entity served with the subpoena may file a motion with the State Bar Court to quash the subpoena.	[intentionally left blank]
(2) The motion may be granted based on the grounds applicable in civil actions under California law.	[intentionally left blank]
(3) The motion must be supported by one or more declarations based on personal knowledge, filed and served with the motion.	[intentionally left blank]

6. Subpoenas and Discovery	
RULE 155. OTHER DISCOVERY AND TRIAL SUBPOENAS	**[See rules 6.2 and 6.3]**
(a) This rule governs all discovery and trial subpoenas, except subpoenas requiring financial institutions to produce financial records.	[intentionally left blank]
(b) A copy of any subpoenas governed by this rule shall be served on the person or entity subpoenaed as provided in the Code of Civil Procedure, and, in the case of a subpoena duces tecum, on all other parties to the proceeding, as provided in the rule for service of subsequent pleadings (rule 61). Respondents shall serve any customer involved pursuant to Chapter 2 (commencing with section 1985 of Title III of Part IV of the Code of Civil Procedure).	[intentionally left blank]
(c)	[intentionally left blank]
(1) In accordance with the Code of Civil Procedure any person or entity served with the subpoena may file a motion with the State Bar Court to quash the subpoena.	[intentionally left blank]
(2) The motion may be granted based on the grounds applicable in civil actions under California law.	[intentionally left blank]
(3) The motion must be supported by one or more declarations based on personal knowledge, filed and served with the motion.	[intentionally left blank]

6. Subpoenas and Discovery	
RULE 156. PROCEEDINGS ON MOTIONS TO QUASH SUBPOENAS	**Rule 6.4 Proceedings on Motion to Quash Subpoena**
(a) A motion to quash a subpoena shall be filed and served in accordance with the Code of Civil Procedure.	**(A) Generally.** A motion to quash a subpoena must be filed and served under the Code of Civil Procedure.
(b)	[intentionally left blank]
(1) A motion to quash an investigation subpoena shall be decided by a hearing judge assigned for that purpose. A motion to quash a discovery or trial subpoena, shall be decided by the judge assigned to the proceeding.	**(B) Jurisdiction.** The judge assigned to the proceeding may decide a motion to quash a discovery or trial subpoena.
(2) The Court may hold a hearing on the motion. If a hearing is held, it shall be set on an expedited basis.	**(C) Hearing.** The Court may hold a hearing on the motion. A hearing must be expedited.
(3) The order on the motion shall include findings concerning any factual issues presented by the motion, and shall state the reasons for the order.	**(D) Order.** An order on the motion must include findings on any factual issues the motion presents and state the reasons for the order.
(c) If the motion to quash seeks a stay of compliance with the subpoena pending ruling on the motion to quash, the Court may grant a stay, upon a showing of good cause, without awaiting the filing of a response to the motion.	**(E) Stay of Compliance.** If the motion to quash seeks a stay of compliance with the subpoena pending the Court's ruling on the motion, and good cause is shown, the Court may grant a stay before a response is filed.

(d) A party may seek review of the order of the hearing judge under rule 300. The order will be reversed only if the hearing judge's factual findings are not supported by substantial evidence, or for error of law or abuse of discretion.	**(F) Review of Motion to Quash.** A hearing judge's order is reviewable under rule 9.1. The order may be reversed only if the hearing judge's factual findings are not supported by substantial evidence, for error of law, or for abuse of discretion.

6. Subpoenas and Discovery	
RULE 157. SUBPOENAS FOR COURT RECORDS	**[This rule moved to rule 6.1]**
Notwithstanding rules 150-155, a party issuing a subpoena to obtain public records from any Court need not serve the subpoena on the target of the investigation or on the other parties to the State Bar Court proceeding.	[intentionally left blank]

6. Subpoenas and Discovery	
RULE 158. APPROVED SUBPOENA FORMS	**Rule 6.5 Approved Subpoena Forms**
(a) Subpoena forms approved by the Judicial Council of California, wherever applicable, may be used by parties whenever discovery is permitted, as limited or modified by these rules.	**(A) Generally.** Parties may use subpoena forms approved by the Judicial Council of California.
(b) Subpoena forms may be obtained from the Clerk. Upon request, the Clerk shall issue subpoenas on behalf of parties appearing in propria persona who are not entitled to practice law in California.	**(B) Issuance.** Parties may obtain subpoena forms from the Clerk. On request, the Clerk will issue subpoenas on behalf of parties appearing in propria persona who are not entitled to practice law in California.
(c) Definitions and use of terms. As used in the Judicial Council Subpoena forms, unless the context or subject matter otherwise requires:	**(C) Definitions of Terms.** Unless the context or subject matter shows differently, terms used in the Judicial Council Subpoena forms have these meanings:
(1) "The People of the State of California" includes the State Bar of California.	(1) "The People of the State of California" includes the State Bar of California;
(2) "Superior Court of California" includes the State Bar of California for the limited purpose of issuing subpoenas.	(2) "Superior Court of California" includes the State Bar of California for the limited purpose of issuing subpoenas; and
(3) "Requests for Accommodations" means a request for accommodations pursuant to the State Bar of California's Accommodations Request Procedure.	(3) "Requests for Accommodations" are requests for accommodations under the State Bar of California's Accommodations Request Procedure.

6. Subpoenas and Discovery	
RULE 180. APPLICABILITY OF CIVIL DISCOVERY ACT	**Rule 6.6 Discovery Procedures**
(a) The Civil Discovery Act (commencing with section 2016.010-2016.070 of the Code of Civil Procedure) applies in State Bar Court proceedings whenever discovery is permitted, as limited or modified by these rules.	**(A) Generally.** The procedures in this rule constitute the exclusive procedures for discovery. No other form of discovery is permitted without prior Court order under rules 6.7 or 6.9.
(b) Except as limited by these rules, Code of Civil Procedure section 2017.220, applies to complaining witnesses and alleged victims of misconduct in any proceeding in which a member is charged with a violation of Business and Professions Code section 6106.9 or rule 3-120 of the Rules of Professional Conduct, or which arises from the criminal conviction of the member for sexual misconduct.	**(B) Timing of Discovery Requests**. All requests for discovery must be made in writing and served on the other side within 15 days after service of the answer to the notice of disciplinary charges, or within 10 days after service of any amendment to the notice.
	(C) Scope of Discovery. Upon request, a party must provide to the other party: (1) The name, the address and telephone number of each individual likely to have discoverable information – along with the subjects of that information – that the disclosing party may use to support its allegations or defenses, including in mitigation and aggravation; (2) The name (and, if not previously provided, the address and telephone number) of each individual the disclosing party then intends to call as a witness and those it may call if the need arises, including in mitigation and aggravation;

	(3) A copy – or description by category and location – of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its allegations or defenses, including in mitigation and aggravation. This includes: (i) all statements about the subject matter of the proceedings, including any impeaching evidence, made by any witness then intended to be called or may be called if the need arises by the disclosing party; (ii) all statements about the subject matter of the proceedings made by a person named or described in the notice, or amendment to the notice, other than the member when it is claimed that an act or omission of the member as to the person described is a basis for the discipline proceeding; (iii) all investigative reports made by or on behalf of the disclosing party about the subject matter of the proceeding; (iv) all reports of mental, physical, and blood examinations, then intended to be offered in evidence by the disclosing party.
	(D) Definition of Statement. For purposes of these procedures, statement means either: (1) a written statement that the person has signed or otherwise adopted or approved; or (2) a contemporaneous stenographic, mechanical, electrical, or other recording – or a transcription of it – that recites substantially verbatim the person's oral statement.

	(E) Form and Time of Response. All responses under subdivision (C) must be in writing, signed and served within 20 days after service of the request. All documents and tangible things described but not served with the responses must be made available for inspection and copying by the requesting party within the same time period.
	(F) Basis for Initial Disclosure; Unacceptable Excuses. A party must make its disclosures based on the information then reasonably available to it. A party is not excused from making its disclosures because it has not fully investigated the case or because it challenges the sufficiency of another party's disclosures or because another party has not made its disclosure.
	(G) Continuing Duty. If a party receives a written request for discovery, the party receiving the request has a continuing duty to provide discovery of items listed in the request until proceedings before the Court are concluded. When a written request for discovery is made in accordance with these rules, discovery must be provided within a reasonable time after any discoverable items become known to the party obligated to provide discovery.

	(H) Failure to Comply with Discovery Request. **(1) Inadmissible**. If any party fails to comply with a discovery request as authorized by these procedures, the items withheld are inadmissible or, if the items have been admitted into evidence, must be stricken from the record. If testimony is elicited during direct examination and the party eliciting the testimony withheld any statement of the testifying witness in violation of these discovery procedures, the testimony must be ordered stricken from the record. **(2) Reasonable Continuance.** Upon a showing of good cause for failure to comply with a discovery request, the Court may admit the items withheld or direct examination testimony of a witness whose statement was withheld upon condition that the side against whom the evidence is sought to be admitted is granted a reasonable continuance to prepare against the evidence, or may order the items or testimony suppressed or stricken from the record.

	(I) Privileged or Protected Material. **(1) Applicable.** Nothing in these procedures authorizes the discovery of any writing or thing which is privileged from disclosure by law or is otherwise protected. Statements of any witness interviewed by the deputy trial counsel, by any investigators for either side, by the member, or by the member's attorney are not protected as work product. **(2) Information Withheld**. When a party withholds information otherwise discoverable under these rules by claiming that it is privileged or otherwise protected, the party must make the claim expressly and must describe the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable the other party to assess the applicability of the privilege or protection.
	(J) Protective Orders. The Court may, upon application supported by a showing of good cause, issue protective orders to the extent necessary to maintain in effect such privileges and other protections as are otherwise provided by law.

6. Subpoenas and Discovery	
RULE 181. TIME PERIOD FOR COMPLETING DISCOVERY	**Rule 6.7 Motion to Request Other Discovery**
(a) All parties shall complete formal discovery within one hundred twenty (120) days after service of the initial pleading unless the Court extends the discovery period pursuant to paragraph (d) or orders a shorter discovery period.	**(A) Generally.** Upon a motion and showing of good cause, the Court may order additional discovery.
(b) The discovery period is tolled (1) from the filing of the Clerk's entry of default until the default is set aside or (2) from the filing of a stipulation as to facts, conclusions of law and disposition until ruled upon by the Court.	**(B) Timing and Support.** The motion must be filed no later than 45 days after service of the answer to the notice of disciplinary charges. It must be supported by one or more declarations describing the nature and scope of the requested discovery, its relevancy to the allegations or defenses, and the proposed completion date.
(c) Discovery requests must be served so as to allow each responding party sufficient time to respond within the discovery period.	**(C) Time for Response.** An opposing party must file and serve a written response within five days after a motion is served.

(d) A motion for an extension of the discovery period shall show that the party or parties seeking the extension have made reasonably diligent efforts to complete discovery within the time allowed by paragraph (a) of this rule, and that the requested extension will materially contribute to settlement of the proceeding or to the party's presentation of evidence at trial. Upon motion or stipulation, or on the Court's own motion after notice to the parties and an opportunity to respond, the Court may order reasonable extensions of the discovery period.	**(D) Ruling.** The Court may deny the motion if it determines that: (1) The discovery sought is irrelevant to the allegations or defenses at issue; (2) The discovery sought is unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome or less expensive; (3) The party seeking discovery has had ample opportunity by discovery in the action to obtain the information sought; or (4) The burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the importance of the issues at stake in the proceeding, and the importance of the proposed discovery in resolving the issues.
(e) The amendments to paragraphs (a) and (d) shall apply to all proceedings in which the notice of disciplinary charges or other initial pleading is filed on or after February 1, 1999.	[deleted]

6. Subpoenas and Discovery	
RULE 182. DISCOVERY CONFERENCE AND REPORT	**[See rule 6.6]**
(a) Within twenty (20) days after service of the responsive pleading in a proceeding in which discovery is permitted without Court order, the parties shall engage in a discovery conference at which the parties shall make a good faith effort to reach agreement as to the following:	[intentionally left blank]
(1) An exchange of documents, witness names and addresses, and other information, without formal discovery requests from opposing parties, to occur on or before a date which shall be no later than ten (10) days after the discovery conference; and	[intentionally left blank]
(2) A plan and timetable for the completion of formal discovery no later than the discovery cut-off date.	[intentionally left blank]
(b) No party may serve any formal discovery request until twenty (20) days after the date the responsive pleading is originally due under the applicable rule.	[intentionally left blank]
(c) The parties may stipulate without leave of Court to one continuance of the discovery conference to a date not more than thirty (30) days after service of the responsive pleading. Any such stipulation shall be filed with the Court.	[intentionally left blank]

(d) At the first status conference which occurs after the discovery conference, the parties shall report to the Court regarding any agreements for informal discovery reached at the discovery conference; each party's plan and timetable for conducting formal discovery; and any anticipated discovery disputes or reasons why the parties may be unable to complete formal discovery by the discovery cut-off date.	[intentionally left blank]
(e) Delays in conducting the discovery conference or in completing any agreed-upon informal exchange shall not extend the time for completion of formal discovery, except by Court order based on unforeseeable and exceptional circumstances.	[intentionally left blank]
(f) A party's failure to participate in good faith in a discovery conference, or to make a good faith effort to comply with all agreements reached at a discovery conference and reported to the Court, may constitute cause for an order compelling or precluding discovery or other appropriate discovery sanctions.	[intentionally left blank]

6. Subpoenas and Discovery	
RULE 183. PROHIBITED DISCOVERY	**Rule 6.8 Prohibited Discovery**
No discovery shall be conducted concerning the deliberations of judges or other persons who are or have been responsible for adjudicating attorney disciplinary or regulatory matters.	The deliberations of judges or others responsible for adjudicating attorney disciplinary or regulatory matters are exempt from discovery.

6. Subpoenas and Discovery	
RULE 184. PHYSICAL AND MENTAL EXAMINATIONS	**Rule 6.9 Physical and Mental Examinations**
(a) Code of Civil Procedure section 2032 does not apply in State Bar Court proceedings.	[intentionally left blank]
(b) In any proceeding in which the mental or physical condition of a member is at issue, and to the extent that discovery is permitted by rule or order of the Court:	[intentionally left blank]
(1) The State Bar may move for an order requiring the member who is the subject of the proceeding to undergo a mental and/or physical examination pursuant to Business and Professions Code section 6053. The motion and supporting evidence must demonstrate that there is good cause to require the examination. The motion shall specify the manner, conditions, scope, and nature of the requested examination.	**(A) State Bar's Motion for Examination.** When a member's mental or physical condition is at issue, the State Bar may move for an order requiring the member to undergo a mental or physical examination under Business and Professions Code § 6053. The motion and supporting evidence must show good cause for the examination. The motion must specify the manner, conditions, scope, and nature of the requested examination.
(2) The Court, on its motion, may issue an order to show cause why a mental and/or physical examination of the member should not be ordered pursuant to Business and Professions Code section 6053. The order to show cause shall specify the manner, conditions, scope, and nature of the proposed examination, and shall afford the parties at least ten (10) days from the service of the order to show cause to file a response.	**(B) Court's Order to Show Cause.** On its own motion, the Court may order the parties to show cause why it should not order the member's mental or physical examination under Business and Professions Code § 6053. The order must specify the manner, conditions, scope, and nature of the proposed examination, and give the parties at least 10 days after the order is served to file a response.

(c) If a motion under paragraph (b)(1) or an order to show cause under paragraph (b)(2) is filed after probable cause has been found to issue a notice to show cause pursuant to Business and Professions Code section 6007(b)(3) regarding a member, the motion or order shall be filed in the involuntary in[sic] active enrollment proceeding, and not in any other pending proceeding involving that member. The proceedings on the motion or order to show cause shall be stayed until at least ten (10) days following the appointment of counsel.	**(C) Filing Restriction.** When probable cause has been found to issue a notice to show cause regarding a member under Business and Professions Code § 6007(b)(3), a motion for examination or an order to show cause may be filed only in an involuntary inactive enrollment proceeding.
(d) The Court may hold a hearing to determine whether the need for the examination out[sic] weighs the member's right to privacy. If so, appropriate limitations or conditions should be included in the order so as to minimize the intrusiveness of the examination.	**(D) Hearing.** The Court may hold a hearing to determine whether the need for the examination outweighs the member's right to privacy. If so, the Court's order must include appropriate limitations or conditions to minimize the intrusiveness of the examination.
(e) An order requiring an examination under this rule shall provide for the selection of the physician or psychiatrist who will perform the examination, and shall specify the manner, conditions, scope, and nature of the examination to be conducted. With the approval of the Court, the parties may stipulate to have an examination conducted by a qualified expert other than a physician or psychiatrist.	**(E) Selecting a Physician or Psychiatrist.** An order must provide for selecting the physician or psychiatrist who will perform the examination, and must specify the examination's manner, conditions, scope, and nature. With Court approval, the parties may stipulate to have an examination conducted by a qualified expert other than a physician or psychiatrist.

(f) The parties may stipulate to the issuance of an order for a physical or mental examination. The stipulation shall specify the manner, conditions, scope, and nature of the examination to be conducted, and the party or parties who will bear the cost thereof. The stipulation may request that a specified physician or psychiatrist or other qualified expert be appointed to conduct the examination, or may request the Court to select a physician or psychiatrist.	**(F) Stipulation.** The parties may stipulate to an order for a physical or mental examination that specifies the examination's manner, conditions, scope, and nature, and the party or parties who will pay for the examination. The parties may ask the Court to appoint a specified physician or psychiatrist or other qualified expert to conduct the examination or may ask the Court to select a physician or psychiatrist.
(g) Unless otherwise ordered by the Court, or otherwise stipulated, the party moving for the examination shall pay the cost thereof.	**(G) Costs.** Unless the Court orders or a stipulation specifies otherwise, the party seeking the examination must pay the cost.
(h) When a motion is filed or an order to show cause is issued under this rule, the Court may appoint counsel to represent the member in connection with the motion or order to show cause. The appointment and compensation of counsel shall be governed by rule 422.	**(H) Appointment of Counsel**. When a motion is filed or an order to show cause is issued, the Court may appoint counsel to represent the member regarding the motion or order. Rule 12.3 governs the appointment and compensation of counsel.

6. Subpoenas and Discovery	
RULE 185. FAILURE TO MAKE OR COOPERATE IN DISCOVERY	**Rule 6.10 Motions to Compel Discovery and Sanctions**
(a) Prior to filing a motion to compel compliance with discovery requests, the party seeking to compel discovery shall make a reasonable and good faith attempt at an informal resolution of any issue presented by it. The motion to compel discovery shall be accompanied by a declaration stating facts showing that such a reasonable and good faith attempt was made.	**(A) Informal Resolution of Issues.** A party must make a reasonable and good faith attempt to informally resolve any issue before filing a motion to compel compliance with discovery requests. A declaration stating facts showing that the party made the attempt must accompany the motion.
(b) A party may move to compel compliance with discovery requests no more than thirty (30) days after the date on which the discovery response was due or served. This time limit may be extended by stipulation of the parties.	**(B) Motion to Compel Compliance with Discovery Requests.** A party may move to compel compliance with discovery requests within 15 days after the date on which the discovery response was due or served.
	(C) Discovery Sanctions. The Civil Discovery Act's provisions about misuse of the discovery process and permissible sanctions (except provisions for monetary sanctions and the arrest of a party) apply in State Bar Court proceedings. The Court may not order dismissal as a discovery sanction without considering the effect on the protection of the public.

6. Subpoenas and Discovery	
RULE 186. DISCOVERY SANCTIONS	**[This rule moved to rule 6.10(C)]**
The provisions of the Civil Discovery Act relating to misuse of the discovery process apply in State Bar Court proceedings, except that provisions for monetary sanctions and the arrest of a party are inapplicable, and provided that dismissal shall not be ordered as a discovery sanction in a disciplinary proceeding unless the Court has first considered the impact of dismissal on the protection of the public.	[intentionally left blank]

6. Subpoenas and Discovery	
RULE 187. CONTEMPT PROCEEDINGS	**Rule 6.11 Contempt Proceedings**
(a) Whenever any witness subpoenaed to appear and give testimony or to produce books, papers or documents refuses to appear or testify or to answer any pertinent or proper questions or to produce such books, papers or documents, the party by whom or upon whose behalf the subpoena was issued may file a motion requesting the Court to report to the superior Court, as provided in Business and Professions Code section 6051, that the witness is in contempt of the subpoena. A party may report a contempt to the appropriate superior Court without first making a motion under this rule if that party is authorized to do so under Business and Professions Code section 6051.	**(A) Motion to Report Contempt to the Superior Court.** When a subpoena requires a witness to appear and give testimony or to produce books, papers, or documents, and the witness refuses to do so or refuses to answer pertinent and proper questions, the party by whom or upon whose behalf the subpoena was issued may ask the Court to report to the superior court that a subpoenaed witness is in contempt of the subpoena under Business and Professions Code § 6051
	(B) Party's Report of Contempt to Superior Court. A party may report contempt without making a motion if authorized under Business and Professions Code § 6051.
(b) Upon the filing of a motion under this rule, if it appears that the subpoena was properly issued and served and that there is no valid legal basis for the witness's noncompliance, the Court shall report the witness's contempt to the superior Court.	**C) Court's Report of Contempt to Superior Court on Motion.** If it appears that the subpoena was properly issued and served and that there is no valid legal basis for the witness's noncompliance, then on a party's motion, the Court will report the witness's contempt to the appropriate superior court.
(c) Upon the Court's issuance of a report of contempt, the party by whom or upon whose behalf the subpoena was issued may bring a proceeding in the appropriate superior Court pursuant to Business and Professions Code section 6051. The report of contempt, including its findings and conclusions, shall not be binding upon the Superior Court.	**(D) Superior Court Proceeding.** After the Court reports the contempt, the party by whom or upon whose behalf the subpoena was issued may bring a proceeding in the appropriate superior court under Business and Professions Code § 6051. The report of contempt, including its findings and conclusions, is not binding on the superior court.

6. Subpoenas and Discovery	
RULE 188. JOINT DISCOVERY IN RELATED STATE BAR COURT PROCEEDINGS	**[This rule deleted]**
When two or more State Bar Court proceedings involve common questions of fact, but are not consolidated, then upon motion of any party, the Court may permit the conduct of joint discovery upon such terms and conditions as may be just. Joint discovery may not be conducted unless an order permitting joint discovery has been made in each of the proceedings involved.	[intentionally left blank]

6. Subpoenas and Discovery	
RULE 189. DISCOVERY REVIEW	**Rule 6.12 Discovery Review**
Within ten (10) days after service of notice of a discovery ruling by a hearing judge, a party may serve and file with the Clerk a petition for review of the ruling pursuant to rule 300.	Within 10 days after notice of a discovery ruling by a hearing judge is served, a party may serve and file a petition for review of the ruling under rule 9.1.

7. Defaults and Trials	
RULE 200. DEFAULT PROCEDURE FOR FAILURE TO FILE TIMELY RESPONSE	**Rule 7.1 Default Procedure for Failure to File Timely Response**
(a) To proceed by default upon respondent's failure to timely file a written response as provided by rule 103, the deputy trial counsel shall file and serve a written motion for entry of default on respondent. This motion shall recite:	**(A) Motion for Default.** When a member fails to timely file a written response under rule 5.4, the deputy trial counsel must file and serve a written motion for entry of default on the member. The motion must contain:
(1) the date of filing of the notice of disciplinary charges and the date of service thereof;	(1) the date of notice and date of service of disciplinary charges;
(2) that the respondent has not timely filed a response as required by rule 103;	(2) a statement that the member did not timely file a response under rule 5.4;
(3) the minimum discipline which the deputy trial counsel intends to recommend if culpability is found, based on the evidence known to the moving party at the time the motion is filed, and, if the recommendation is less than disbarment, a statement that the State Bar Court may recommend or impose, and the Supreme Court may impose, lesser or greater discipline than recommended by the deputy trial counsel; and	[intentionally left blank] [intentionally left blank]
(4) the following in prominent type:	(3) the following language in prominent type:

"YOUR DEFAULT WILL BE ENTERED IF NO RESPONSE IS FILED WITH THE CLERK OF THE STATE BAR COURT WITHIN TEN (10) DAYS OF SERVICE OF THIS MOTION FOR ENTRY OF DEFAULT. IF YOUR DEFAULT IS ENTERED: (1) THE FACTUAL ALLEGATIONS SET FORTH IN THE NOTICE OF DISCIPLINARY CHARGES WILL BE DEEMED ADMITTED; (2) EVIDENCE THAT WOULD OTHERWISE BE INADMISSIBLE MAY BE USED AGAINST YOU IN THIS PROCEEDING, AND (3) YOU WILL LOSE THE OPPORTUNITY TO PARTICIPATE FURTHER IN THESE PROCEEDINGS, INCLUDING PRESENTING EVIDENCE IN MITIGATION, COUNTERING EVIDENCE IN AGGRAVATION, AND MOVING FOR RECONSIDERATION, UNLESS AND UNTIL YOUR DEFAULT IS SET ASIDE ON MOTION TIMELY MADE UNDER THE PRESCRIBED GROUNDS. SEE RULES 200 ET SEQ., RULES OF PROCEDURE FOR STATE BAR COURT PROCEEDINGS."	**"If you do not file a response with the State Bar Court within 10 days of service of this motion, the Court will enter your default, deem the facts in the notice of disciplinary charges admitted by you, and admit evidence against you that would otherwise be inadmissible. You will lose the opportunity to participate further in these proceedings, unless you timely make—and the Court grants—a motion to set aside your default. If you fail to timely move to set aside your default, it will be deemed as consent by you for this Court to enter an order recommending your disbarment without further hearing or proceeding. See Rule 7 et seq., Rules of Procedure of the State Bar of California."**

"IF YOUR DEFAULT IS ENTERED AND THE DISCIPLINE IMPOSED BY THE SUPREME COURT IN THIS PROCEEDING INCLUDES A PERIOD OF ACTUAL SUSPENSION, YOU WILL REMAIN SUSPENDED FROM THE PRACTICE OF LAW FOR AT LEAST THE PERIOD OF TIME SPECIFIED BY THE SUPREME COURT. IN ADDITION, THE ACTUAL SUSPENSION WILL CONTINUE UNTIL YOU HAVE REQUESTED, AND THE STATE BAR COURT HAS GRANTED, A MOTION FOR TERMINATION OF THE ACTUAL SUSPENSION. AS A CONDITION FOR TERMINATING THE ACTUAL SUSPENSION, THE STATE BAR COURT MAY PLACE YOU ON PROBATION AND REQUIRE YOU TO COMPLY WITH SUCH CONDITIONS OF PROBATION AS THE STATE BAR COURT DEEMS APPROPRIATE. SEE RULE 205, RULES OF PROCEDURE FOR STATE BAR COURT PROCEEDINGS."	[deleted]
	(B) Declaration of Reasonable Diligence. The motion must be supported by a declaration establishing that the deputy trial counsel acted with reasonable diligence to notify the member of the proceedings. Reasonable diligence means a thorough, systematic investigation and inquiry conducted in good faith. The declaration must: (1) state whether a signed return receipt for the notice of disciplinary charges was received from the member; (2) show the deputy trial counsel or agent took those steps a reasonable person who truly desired to give notice would have taken under the circumstances.

(b) The motion for entry of default shall be served in the manner specified in rule 60.	**(C) Service.** The deputy trial counsel must serve the motion under rule 4.7.
(c) If the respondent fails to file a written response with the Clerk within ten (10) days after service of the motion for entry of default, the Clerk shall enter the respondent's default by filing and serving on the respondent and deputy trial counsel a notice of entry of default. Service of the notice of entry of default on the respondent shall be as provided in the rule for service of initial pleadings (rule 60). The notice shall include the following in prominent type:	**(D) Entry of Default.** If the member fails to file a written response with the Clerk within 10 days after the motion is served, the Clerk will enter the member's default by filing and serving a notice of entry of default on the member and the deputy trial counsel. Service of the notice of entry of default must comply with rule 4.7. The notice must include this language in prominent type:
"YOUR DEFAULT HAS BEEN ENTERED BECAUSE OF YOUR FAILURE TO TIMELY FILE A RESPONSE TO THE NOTICE OF DISCIPLINARY CHARGES FILED IN THIS PROCEEDING. THE FACTUAL ALLEGATIONS SET FORTH IN THE NOTICE OF DISCIPLINARY CHARGES HAVE BEEN DEEMED ADMITTED. YOU MAY NOT PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS AND UNTIL YOUR DEFAULT IS SET ASIDE ON MOTION TIMELY MADE UNDER THE PRESCRIBED GROUNDS. SEE RULES 200 ET SEQ., RULES OF PROCEDURE FOR STATE BAR COURT PROCEEDINGS.	**"Because you did not timely file a response to the notice of disciplinary charges filed in this proceeding, the Court has entered your default and deemed the facts alleged in the notice of disciplinary charges admitted. You may not participate further in these proceedings unless the Court sets aside your default. If you fail to timely move to set aside your default, it will be deemed as consent by you for this Court to enter an order recommending your disbarment without further hearing or proceeding. See rule 7 et seq., Rules of Procedure of the State Bar of California."**

"IN LIGHT OF THE ENTRY OF YOUR DEFAULT, IF THE DISCIPLINE IMPOSED BY THE SUPREME COURT IN THIS PROCEEDING INCLUDES A PERIOD OF ACTUAL SUSPENSION, YOU WILL REMAIN SUSPENDED FROM THE PRACTICE OF LAW FOR AT LEAST THE PERIOD OF TIME SPECIFIED BY THE SUPREME COURT. IN ADDITION, THE ACTUAL SUSPENSION WILL CONTINUE UNTIL YOU HAVE REQUESTED, AND THE STATE BAR COURT HAS GRANTED, A MOTION FOR TERMINATION OF THE ACTUAL SUSPENSION. AS A CONDITION FOR TERMINATING THE ACTUAL SUSPENSION, THE STATE BAR COURT MAY PLACE YOU ON PROBATION AND REQUIRE YOU TO COMPLY WITH SUCH CONDITIONS OF PROBATION AS THE STATE BAR COURT DEEMS APPROPRIATE. SEE RULE 205, RULES OF PROCEDURE FOR STATE BAR COURT PROCEEDINGS."	[deleted]
(d) Upon entry of default:	**(E) Effects of Entry of Default.** If the court enters a default:
(1) Unless the default is vacated:	(1) the Court will deem the facts alleged in the notice of disciplinary charges admitted without further evidence and will issue an order enrolling the member as an inactive member without notice or hearing;
(A) The factual allegations set forth in the notice of disciplinary charges shall be deemed admitted, unless otherwise ordered by the Court based on contrary evidence, and no further proof shall be required to establish the truth of such facts;	(2) the member may not participate in any way in the proceeding, except to file a motion to set aside the default or as otherwise permitted by these rules;

(B) The respondent shall be precluded from participating in anyway[sic] in the proceeding, except to file a motion to vacate the default; and	(3) except as allowed by these rules or ordered by the Court, the member will not receive any further notices or pleadings.
(C) Except as otherwise provided in these rules or by order of the Court, no further notices or pleadings shall be served upon the respondent except for any request for review filed by the deputy trial counsel and the decisions of the State Bar Court.	[intentionally left blank]
(2) Unless otherwise ordered by the Court, any settlement and pretrial conference dates set prior to the entry of default shall be vacated and the Clerk shall serve a notice of the default hearing upon the deputy trial counsel. The hearing shall be conducted in accordance with rule 202.	**(F) Vacation of Conference Dates.** Unless the Court orders otherwise, it will vacate any settlement and pretrial conference dates set before entry of default.
(3) Stipulations under rules 130-135 maybe[sic] filed notwithstanding the entry of default, provided, however, that unless otherwise provided in the stipulation and approved by the Court, the filing of such stipulations shall not relieve the respondent from the default.	**(F) Stipulations.** The parties may file stipulations under rules 5.14–5.19. But the stipulations do not relieve the member of default unless the stipulation provides otherwise, and the Court approves it.

7. Defaults and Trials	
RULE 201. PROCEDURES FOR RESPONDENT'S FAILURE TO APPEAR AS PARTY AT TRIAL; ENTRY OF DEFAULT	**Rule 7.2 Failure to Appear; Entry of Default**
(a) If a respondent fails to appear at trial in person or by counsel, the trial shall proceed unless for good cause the trial is continued;	**(A) Continuance.** If a member fails to appear at trial in person or by counsel, the trial shall proceed unless for good cause the trial is continued;
(b) If a respondent fails to appear as a party at the trial when that respondent's default had not previously been entered in the proceeding, then the Court shall order the Clerk to enter that respondent's default, if:	**(B) Default for Failure to Appear.** If the member fails to appear as a party at the trial, the Court must order the Clerk to enter a member's default, if:
(1) The notice of disciplinary charges was served on the respondent as required by the rule for service of initial pleadings (rule 60);	(1) the notice of disciplinary charges was served on the member under rule 4.7; and
(2) Notice of trial was mailed by first class mail, postage paid, to the respondent's counsel of record, or if none, to the respondent at the address provided in the response or in a notice of change of address filed by the respondent, or if none, at the respondent's address maintained pursuant to Business and Professions Code section 6002.1, or if none of the foregoing applies, at an address at which the respondent may be served pursuant to the rule for service of subsequent pleadings (rule 61); and	(2) notice of trial was mailed by first class mail, postage paid to: (a) the member's counsel; (b) the member at the address provided in the response or in a change-of-address notice filed by the member (if the member has no counsel); (c) the member's address in the State Bar's membership records (if the member has no counsel and has not provided any other address); or (d) an address allowed by rule 4.8.
(3) The respondent has not appeared at trial.	[intentionally left blank]

(c) Promptly upon entry of default under this rule, the Court shall order the Clerk to file and serve upon all parties a notice of entry of default. The notice shall include the following in prominent type:	**(C) Notice of Entry of Default.** The Court must order the Clerk to promptly file and serve notice of entry of default on all parties. The notice must include the following language in prominent type:
"YOUR DEFAULT HAS BEEN ENTERED BECAUSE OF YOUR FAILURE TO APPEAR AT THE TRIAL IN THIS PROCEEDING. THE FACTS SET FORTH IN THE NOTICE OF DISCIPLINARY CHARGES HAVE BEEN DEEMED ADMITTED AND DISCIPLINE MAY BE RECOMMENDED OR IMPOSED UPON YOU BASED UPON THE ADMITTED FACTS. YOU MAY NOT PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS AND UNTIL YOUR DEFAULT IS SET ASIDE ON MOTION TIMELY MADE UNDER THE PRESCRIBED GROUNDS. SEE RULES 200 ET SEQ., RULES OF PROCEDURE FOR STATE BAR COURT PROCEEDINGS."	**"Because you failed to appear at trial, the Court has entered your default and deemed the facts alleged in the notice of disciplinary charges admitted. You may not participate further in these proceedings unless the Court sets aside your default. If you fail to timely move to set aside your default, it will be deemed as consent by you for this Court to enter an order recommending your disbarment without further hearing or proceeding. See rule 7 et seq., Rules of Procedure of the State Bar of California."**

"IN LIGHT OF THE ENTRY OF YOUR DEFAULT, IF THE DISCIPLINE IMPOSED BY THE SUPREME COURT IN THIS PROCEEDING INCLUDES A PERIOD OF ACTUAL SUSPENSION, YOU WILL REMAIN SUSPENDED FROM THE PRACTICE OF LAW FOR AT LEAST THE PERIOD OF TIME SPECIFIED BY THE SUPREME COURT. IN ADDITION, THE ACTUAL SUSPENSION WILL CONTINUE UNTIL YOU HAVE REQUESTED, AND THE STATE BAR COURT HAS GRANTED, A MOTION FOR TERMINATION OF THE ACTUAL SUSPENSION. AS A CONDITION FOR TERMINATING THE ACTUAL SUSPENSION, THE STATE BAR COURT MAY PLACE YOU ON PROBATION AND REQUIRE YOU TO COMPLY WITH SUCH CONDITIONS OF PROBATION AS THE STATE BAR COURT DEEMS APPROPRIATE. SEE RULE 205, RULES OF PROCEDURE FOR STATE BAR COURT PROCEEDINGS."	[deleted]
(d) Proceedings, including the testimony of witnesses, the receipt of evidence and the argument of deputy trial counsel, may proceed immediately after the Court has ordered the Clerk to enter the respondent's default and before the default is actually entered.	**(D) Effects of Entry of Default.** (1) If the Court determines that the perpetuation of evidence is pertinent to any future inquiry into the member's conduct or qualification to practice law, the trial may proceed immediately after the Court orders the Clerk to enter the member's default and before the default is actually entered; (2) The other effects of entry of default under this rule are as set forth in rule 7.1(E).

7. Defaults and Trials	
RULE 202. DEFAULT HEARINGS	**[This rule is deleted]**
(a) After entry of the respondent's default pursuant to rule 200 or rule 201, an expedited hearing shall be held at which the deputy trial counsel shall be entitled to introduce any evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in Court proceedings.	[intentionally left blank]
(b) Declarations are admissible, if:	[intentionally left blank]
(1) the facts stated in the declarations are within the personal knowledge of the declarant and	[intentionally left blank]
(2) the facts are set forth with particularity	[intentionally left blank]
(c) The deputy trial counsel may submit the State Bar's written evidence with a request for waiver of hearing. The Court may then take the matter under submission without a hearing.	[intentionally left blank]

7. Defaults and Trials	
RULE 203. VACATING DEFAULT	**Rule 7.3 Vacating or Setting Aside Default**
(a) Stipulation. Prior to the commencement of the trial in a proceeding, a default entered under rule 200 may be vacated by written stipulation of the parties, filed with the Clerk. After the commencement of trial, a default may be vacated only by Court order as provided in this rule.	**(A) Stipulation.** The parties may file a written stipulation to vacate a default that must be approved by the Court.
(b) Motion to Vacate Improperly Entered Default. Any party may move to vacate any default on the ground that it was not properly entered. The Court may vacate an improperly entered default on its own motion. An improperly entered default may be vacated at any time while the State Bar Court has jurisdiction of the matter. Any default entered while the respondent was on active duty in the armed forces of the United States shall be deemed to have been entered improperly.	**(B) Motion to Vacate Improperly Entered Default.** An improperly entered default may be vacated at any time while the Court has jurisdiction over the matter. It may be done by motion of any party or on the Court's own motion. Any default entered while the member is on active duty in the armed forces of the United States is improperly entered.
(c) Motion to Set Aside Default. A respondent whose default has been properly entered under rules 200 or 201 may make a motion under this paragraph to set aside the default on the grounds of mistake, inadvertence, surprise or excusable neglect. Those grounds shall be interpreted in the same manner as in civil matters arising under Code of Civil Procedure section 473.	**(C) Motion to Set Aside Default.** A member may make a motion to set aside a default because of mistake, inadvertence, surprise, or excusable neglect. Those grounds must be interpreted in the same manner as in civil matters arising under Code of Civil Procedure § 473. The member must file the motion as soon as practical but no later than: (1) 180 days after notice of the entry of default is served under rule 7.1, or (2) 90 days after notice of the entry of default is served under rule 7.2.

(1) Any motion under this paragraph shall be filed as soon as practical, and in no event later than forty-five (45) days after service of notice of the entry of default.	**(D) Late-Filed Motion.** If the member files the motion beyond the time required in subdivision (C), the member must prove by clear and convincing evidence that:
(2) After the expiration of the time provided in subparagraph (1) of this paragraph, a respondent seeking relief from default must prove all of the following by clear and convincing evidence:	(1) the member did not receive or learn of the notice of disciplinary charges until after the required period expired;
(A) that the respondent did not receive or learn of the notice of disciplinary charges until after the expiration of the 45-day period provided in paragraph (c)(1) of this rule;	(2) the member filed the motion promptly after learning of the notice; and
(B) that the respondent filed the motion promptly after learning of the notice of disciplinary charges; and	(3) the member's failure to file a timely response and failure to file a timely motion were excused by compelling circumstances beyond the member's control.
(C) that the respondent's failure to file a timely response and the respondent's failure to file a timely motion prior to the expiration of the 45-day period provided in paragraph (c)(1) of this rule were excused by compelling circumstances beyond the control of the respondent.	[intentionally left blank]

(3) A motion under this paragraph shall be accompanied by a copy of the respondent's proposed response to the notice of disciplinary charges, unless the respondent has previously filed a response. The proposed response shall be verified and shall set forth with specificity the respondent's asserted defenses.	**(E) Notice of Charges and Response.** Unless the member already filed a response, a copy of the proposed response to the notice of disciplinary charges must accompany the motion. The proposed response must be verified and specifically state the member's defenses.
(4) A motion under this paragraph shall be supported by one or more declarations showing:	**(F) Support for Motion.** The member must support the motion with one or more declarations showing:
(A) the date on which the respondent first learned of the notice of disciplinary charges;	(1) the date that the member first learned of the disciplinary charges;
(B) the reason why the respondent did not file a response to the notice of disciplinary charges prior to the entry of default (if no response was filed);	(2) the reason why the member did not file a response to the notice of disciplinary charges before the entry of default (if no response was filed), or why the member failed to appear at trial;
(C) the date on which the respondent first learned of the entry of default;	(3) the date that the member first learned of the entry of default; and
(D) the reasons or grounds for setting aside the default; and	(4) the reasons to set aside the default.
(E) if a decision has been filed, an offer of proof of facts that the respondent expects to show if relieved from default, including any facts in mitigation.	[deleted]

(d) A motion to set aside a default under paragraph (c) of this rule shall not be granted on the ground that the discipline recommended by the deputy trial counsel or the Court exceeds the minimum discipline stated in the motion for entry of default pursuant to rule 200(a)(3).	[deleted]
(3) Ruling on Motion. A motion to set aside or vacate a default shall be decided on an expedited basis.	**G) Ruling on Motion.** The Court will decide a motion to set aside or vacate a default on an expedited basis. It may stay the proceedings pending its ruling. If the Court sets aside a default, it will vacate any decision it has issued.
(1) The Court may stay the proceedings pending its ruling.	[intentionally left blank]
(2) The Court may vacate a default subject to appropriate conditions. If the Court sets aside a default, it shall vacate any decision it has issued.	[intentionally left blank]
(3) If a motion to set aside a default is filed after the filing of the judge's decision, the judge:	**(I) Motion to Vacate Default After Decision Entered.** If a member files a motion to set aside a default after the judge files a decision, the judge:
(A) May set aside the default;	(1) may vacate the default subject to appropriate conditions;
(B) May set aside the default for limited purposes only, or	(2) may set aside the default for limited purposes only; or

(C) May deny the motion if the judge determines that the required showing has not been made or that the recommended discipline in the proceeding would not be affected by any legal contention made by the respondent, by proof of the truth of the facts set forth in the respondent's offer of proof, or by the respondent's participation in the proceeding.	(3) may deny the motion if the judge decides that the member has not made the required showing or that the recommendation in the proceeding would not be affected by the member's: (a) legal contentions, (b) offer of proof; or (c) participation in the proceeding.

7. Defaults and Trials	
RULE 204. INTERLOCUTORY REVIEW OF ORDERS DENYING OR GRANTING RELIEF FROM DEFAULT	**Rule 7.5 Interlocutory Review of Orders Denying or Granting Relief from Default**
An order on a motion to vacate a default may be reviewed pursuant to rule 300.	An order on a motion to vacate a default is reviewable under rule 9.1.

7. Defaults and Trials	
RULE 205. DURATION AND TERMINATION OF ACTUAL SUSPENSION IN DEFAULT PROCEEDINGS	**Rule 7.6 Petition for Disbarment After Default**
(a) Except as provided in paragraph (b), in a matter in which a member's default has been entered and the Court recommends that the member be placed on actual suspension, the Court's recommendation shall include each of the following: (1) a specific period of actual suspension; (2) a period of stayed suspension, if appropriate; and (3) a statement that the member's actual suspension shall continue unless the Court grants a motion to terminate the actual suspension at the conclusion of the specific period of actual suspension or upon such later date ordered by the Court.	**(A) Petition.** If the member fails to have the default set aside under rule 7.3, the Office of the Chief Trial Counsel may file a petition requesting the Court to recommend the member's disbarment to the Supreme Court. The petition must be supported by one or more declarations that address if: (1) any contact with the member has occurred since the default was entered; (2) any other investigations or disciplinary charges are pending against the member; (3) the member has a prior record of discipline; and (4) the Client Security Fund has paid out claims as a result of the member's conduct.
(b) If the period of actual suspension imposed by the Supreme Court is two years or more or if the Supreme Court has ordered the member placed on actual suspension for a specific period of time and until the member demonstrates to the satisfaction of the State Bar Court his rehabilitation, present fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Conduct, the provisions of rules 630 through 641 shall apply in addition to this rule.	**(B) Service.** The Office of the Chief Trial Counsel must serve the petition under rule 4.7. **(C) Response.** Within 20 days of service of the petition, the member must file and serve a motion to set aside the default as required under rule 7.3.

(c) At any time after the Court files a decision pursuant to paragraph (a), the member may move the Court to terminate his or her actual suspension at the conclusion of any specified period of actual suspension imposed by the Supreme Court or upon the effective date of the Court's ruling on the motion, whichever is later. The motion shall be in writing and shall be accompanied by a declaration of the member, under penalty of perjury, stating all of the following:	**(D) Order to Show Cause.** If the Office of the Chief Trial Counsel fails to file a petition, the Court may order the parties to show cause why the Court should not recommend the member's disbarment to the Supreme Court. (1) The Clerk must serve the order to show cause as set forth under rule 4.7. (2) The parties must file and serve responses within 20 days of service of the order to show cause. The responses must satisfy the requirements of subdivision (A) and (C), as appropriate.
(1) whether the Supreme Court has filed a final disciplinary order and, if so, the date the order imposing the actual suspension became or will become effective;	**(E) Ruling.** (1) If the member fails to file a response or the Court denies a motion to set aside the default, the Court must recommend the member's disbarment if the evidence shows: (a) The notice of disciplinary charges was served on the member as required under rule 4.7; (b) Reasonable diligence was used to notify the member of the proceedings prior to the entry of default or the member had actual notice; (c) The default was properly entered; and (d) The factual allegations deemed admitted in the notice of disciplinary charges support a finding that the member violated a statute, rule or court order that would warrant the imposition of discipline. (2) If the Court determines that any of the factors set forth under subdivision (1) do not exist, it must deny the petition, vacate the default, and take other appropriate action to ensure that the matter is promptly resolved.

(2) the length of the specific period of actual suspension ordered by the Supreme Court or, if no final disciplinary order has been filed, the length of the specific period of actual suspension recommended by the State Bar Court;	[intentionally left blank]
(3) in order to assist the Court in ascertaining any appropriate probation conditions to be imposed, the reasons for the member's failure to participate in the underlying proceeding for which his or her default was entered; provided, however, that such reasons need not be sufficient for vacating the member's default;	[intentionally left blank]
(4) whether the member is willing to fully comply with such probation conditions as are reasonably related to the proceeding, and are agreed upon by the parties or are imposed by the Court as a condition for the termination of the member's actual suspension;	[intentionally left blank]
(5) if the Supreme Court has filed a final disciplinary order and the period of actual suspension is ninety (90) days or more, that the member has complied with the requirements of rule 9.20, California Rules of Court; and	[intentionally left blank]
(6) if the period of actual suspension recommended by the State Bar Court is ninety (90) days or more, and the Supreme Court has not filed a final disciplinary order, that the member will comply with the requirements of rule 9.20, California Rules of Court.	[intentionally left blank]

(d) Within fifteen (15) days of service of the member's motion pursuant to paragraph (c), the Office of the Chief Trial Counsel may file a response.	[intentionally left blank]
(e) In the Court's discretion, the Court may hold a hearing on the member's motion to terminate his or her actual suspension.	[intentionally left blank]
(f) If the member has complied with the provisions of paragraph (c) of this rule and has agreed to fully comply with such standard or other probation conditions which are agreed upon by the parties or which the Court may impose, there shall be a presumption in favor of granting the motion to terminate the member's actual suspension at the conclusion of the specified period of actual suspension imposed by the Supreme Court. If the Court denies the motion, the Court shall clearly state the reason(s) for such denial.	[intentionally left blank]
(g) If the Court grants the motion to terminate the member's actual suspension, the Court may place the member on probation for a specified period of time and may impose such conditions of probation as the Court deems necessary or appropriate.	[intentionally left blank]
(h) This rule shall not preclude a member from moving to vacate a default pursuant to rule 203.	[intentionally left blank]
(i) The provisions of this rule shall apply to all proceedings in which the notice of disciplinary charges or other initial pleading is filed on or after March 15, 1999.	[intentionally left blank]

7. Defaults and Trials	
RULE 206. INTERLOCUTORY REVIEW OF ORDERS DENYING OR GRANTING MOTION PURSUANT TO RULE 205	**Rule 7.7 Interlocutory Review of Orders Issued Under Rule 7.6**
An order on a motion pursuant to rule 205 may be reviewed for abuse of discretion or error of law under rule 300.	An order on a motion under rule 7.6 is reviewable for abuse of discretion or error of law under rule 9.1.

7. Defaults and Trials	
RULE 210. OBLIGATION TO APPEAR AT TRIAL	**Rule 7.8 Obligation to Appear at Trial**
The respondent has an obligation to appear at trial unless default has been entered and has not been vacated. The respondent may appear through counsel rather than in person, unless the respondent is properly served with a trial subpoena or notice to appear at trial.	A member has an obligation to appear at trial unless a default has been entered and has not been vacated. Unless properly served with a trial subpoena or notice to appear at trial, the member may appear through counsel rather than in person.

7. Defaults and Trials	
RULE 211. PRETRIAL STATEMENTS AND PRETRIAL CONFERENCES	**Rule 7.9 Pretrial Statements and Pretrial Conferences**
(a) Unless otherwise ordered, or provided by stipulation of the parties approved by the Court, the parties shall file a joint pretrial statement, or if after a good faith attempt preparation of a joint statement is not feasible, serve and file separate pretrial statements.	**(A) Joint Pretrial Statement.** Unless the Court orders or the parties' court-approved stipulation states otherwise, the parties must attempt to file a joint pretrial statement. But if after a good faith effort a joint statement is not feasible, the parties must serve and file separate pretrial statements.
(b) Pretrial statements shall be filed and served no less than twenty (20) days prior to the pretrial conference, or as ordered by the Court.	**(B) Time for Pretrial Statements.** The parties must file and serve pretrial statements at least 10 days before the pretrial conference, or as the Court orders.
(c) Unless otherwise ordered, objections to any portion of a pretrial statement shall be made within ten (10) days of service of the pretrial statement.	**(C) Contents of Pretrial Statements and Exchange of Exhibits.** Unless otherwise ordered by the Court, the pretrial statements and exchange of exhibits must be completed as required under the Rules of Practice of the State Bar Court.
(d) Pretrial conferences shall not be held more than forty-five (45) days before the scheduled commencement of trial.	[intentionally left blank]
(e) At the pretrial conference, the Court shall rule on any objections to the pretrial statements and may order the pretrial statements amended or supplemented.	**(D) Pretrial Conference Rulings.** At the pretrial conference, the Court may rule on any objections to the pretrial statements and may order the pretrial statements to be amended or supplemented.
(f) Failure to file a pretrial statement in compliance with this rule may constitute grounds for such orders as the Court deems proper, including but not limited to the exclusion of evidence or witnesses.	**(E) Failure to File Pretrial Statements.** If a party fails to file a pretrial statement, the Court may order sanctions it deems proper, including but not limited to excluding evidence or witnesses.

7. Defaults and Trials	
RULE 212. NOTICE OF TRIAL	**Rule 7.10 Trial**
(a) Notice of the trial date shall be served upon the parties by the Clerk not less than thirty (30) days before the trial date, unless the parties agree to shorter notice.	**(A) Notice.** The Clerk must serve notice of the trial date on the parties at least 30 days before the trial date.
(b) If a trial date is rescheduled, at least twenty (20) days notice of the new date shall be given to the parties, orally or by mail, unless the parties have agreed to shorter notice.	**(B) Trial Date Rescheduled.** If a trial date is rescheduled, the Clerk must give at least 20 days notice of the new date to the parties, orally or by mail, unless the parties agree to shorter notice.
	(C) Commencement of Trial. Unless good cause is shown, the trial will begin no later than 125 days after the notice of disciplinary charges is served and will be conducted on consecutive days.

7. Defaults and Trials	
RULE 213. STATE BAR'S BURDEN OF PROOF	**Rule 7.11 The State Bar's Burden of Proof**
In disciplinary matters, the State Bar has the burden to prove culpability by clear and convincing evidence.	The State Bar must prove culpability by clear and convincing evidence.

7. Defaults and Trials	
RULE 214. RULES OF EVIDENCE	**Rule 7.12 Evidence**
Except as otherwise provided in rules governing specific types of proceedings or hearings, and subject to the provisions of the State Bar Act and relevant decisions of the Supreme Court and the State Bar Court, the Evidence Code, as applied in civil cases, shall be applicable in State Bar Court proceedings. The procedure for producing evidence in civil cases in Courts of record shall apply except as otherwise provided by these rules. However, no error in admitting or excluding evidence shall invalidate a finding of fact, decision or determination, unless the error resulted in a denial of a fair hearing.	**(A) Oral Evidence.** Oral evidence must be taken only on oath or affirmation. **(B) Rights of Parties.** Each party will have these rights: (1) to call and examine witnesses; (2) to introduce exhibits; (3) to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; (4) to impeach any witness regardless of which party first called him or her to testify; (5) to rebut the evidence against him or her; and, (6) if the member does not testify in his or her own behalf he or she may be called and examined as if under cross-examination. **(C) Relevant and Reliable Evidence.** The hearing need not be conducted according to technical rules relating to evidence and witnesses, except as hereinafter provided. Any relevant evidence must be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions. **(D) Hearsay.** Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but over timely objection will not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. An objection is timely if made before submission of the case. **(E) Privileges.** The rules of privilege will be effective to the extent that they are otherwise required by statue to be recognized at the hearing.

	(F) Judicial Discretion. The hearing judge has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.

7. Defaults and Trials	
RULE 215. EVIDENCE OF CLIENT SECURITY FUND PROCEEDINGS	**Rule 7.13 Evidence of Client Security Fund Proceedings**
(a) The fact that an application for reimbursement from the Client Security Fund has been approved or denied, in whole or in part, is inadmissible in a discipline proceeding involving the same member except:	**(A) Admissibility of Reimbursement Application.** The approval or denial, in whole or in part, of an application for reimbursement from the Client Security Fund is admissible in a discipline proceeding only if used:
(1) to prove the amount that was authorized as reimbursement after culpability has been found;	(1) to prove the authorized reimbursement amount after a finding of culpability;
(2) to impeach the applicant for reimbursement, the complaining witness or a party who is the subject of the State Bar Court proceeding; or	(2) to impeach the applicant for reimbursement, the complaining witness, or a party who is the subject of the State Bar Court proceeding; or
(3) for any purpose when a party who is the subject of the State Bar Court proceeding has already been disciplined for the same action that gave rise to the Client Security Fund application and the decision to discipline the party has become final.	(3) for any purpose when a party who is the subject of the State Bar Court proceeding has already been disciplined for the same action that gave rise to the Client Security Fund application and the decision to discipline the party has become final.
(b) If evidence of payment of a Client Security Fund claim is introduced, evidence of reimbursement thereof shall also be admissible.	**(B) Admissibility of Payment and Reimbursement.** If evidence that a Client Security Fund claim has been paid is introduced, evidence that it has been reimbursed is also admissible.

7. Defaults and Trials	
RULE 216. PRIOR RECORD OF DISCIPLINE	**Rule 7.14 Prior Record of Discipline**
(a) A prior record of discipline consists of an authenticated copy of all charges, stipulations, findings and decisions (whether or not final) reflecting or recommending imposition of discipline on a party who is presently the subject of a State Bar Court proceeding. A prior record of discipline may include records from any jurisdiction stated in Business and Professions Code section 6049.1. A prior record of discipline includes recommended discipline that has not yet been approved by the Court of last resort in the jurisdiction, and excludes the following dispositions if ordered in California or the equivalent if ordered elsewhere: suspension for non-payment of State Bar fees, inactive enrollment, interim suspension after conviction of crime, admonition, and agreements in lieu of discipline. In the event that part or all of the record evidencing a prior record of discipline is lost or destroyed, the record may be established by clear and convincing evidence.	**(A) Included Items.** A prior record of discipline comprises an authenticated copy of all charges, stipulations, findings and decisions (final or not) reflecting or recommending that discipline be imposed on a party. It may include: (1) records from any jurisdiction stated in Business and Professions Code §6049.1, and (2) recommended discipline that the Court of last resort in the jurisdiction has not yet approved.
	(B) Excluded Items. A prior record does not include the following dispositions if ordered in California or the equivalent if ordered elsewhere: (1) inactive enrollment; (2) suspension for nonpayment of State Bar fees; (3) interim suspension after conviction of crime; (4) admonition; and (5) agreements in lieu of discipline.
	(C) Lost or Destroyed Records. If part or all of the record is lost or destroyed, the record may be established by clear and convincing evidence.
(b) A record, or the existence of a record, of prior discipline is inadmissible until a finding of culpability is made, unless it tends to prove a fact in issue in determining culpability.	**(D) Admissibility.** A record, or the existence of a record, is inadmissible unless the Court finds culpability or it tends to prove a fact in issue in determining culpability.

(c) A record of prior discipline is not made inadmissible by the fact that the discipline has been recommended but has not yet been imposed. If a record of prior discipline which is not yet final is admitted, the Court shall specify the disposition:	**(E) Nonfinal Records.** If a record shows that discipline has been recommended but not yet imposed, the record is admissible but the Court must specify whether the nonfinal prior discipline recommendation is adopted, dismissed, or modified.
(1) If the non-final prior discipline recommendation is adopted; and	[intentionally left blank]
(2) If the non-final prior discipline recommendation is dismissed or modified.	[intentionally left blank]

7. Defaults and Trials	
RULE 217. ADMISSIBILITY OF COMPLAINTS	**Rule 7.15 Admissibility of Complaints**
Evidence of State Bar records of complaints or records of unproven charges against the respondent is inadmissible on behalf of the State Bar. If the respondent introduces evidence that no complaints or charges have been made, then evidence of any complaints or charges is admissible in rebuttal. Evidence of the facts underlying a record of complaint or unproven charge may be admitted to prove a fact in issue.	If the member introduces evidence that no complaints or charges have been made, then evidence of any complaints or charges is admissible in rebuttal. Evidence of the facts underlying a record of complaint or unproven charge may be admitted to prove a fact in issue. Otherwise, evidence of complaints or unproven charges is inadmissible.

7. Defaults and Trials	
RULE 218. ALLEGED MISCONDUCT OF ANOTHER MEMBER	**Rule 7.16 Alleged Misconduct of Another Member**
If it appears to the Court during a proceeding that there is probable cause to believe that another member has committed acts of misconduct, the proceeding that is already before the Court shall continue without abatement. After the decision in the proceeding is filed, the Court may refer the matter with regard to the other member to the Office of the Chief Trial Counsel.	If the Court finds probable cause to believe that another member has committed acts of misconduct, it will file a decision in the current proceeding before referring the matter regarding the other member to the Office of the Chief Trial Counsel.

7. Defaults and Trials	
RULE 219. FAILURE TO MEET BURDEN OF PROOF	**Rule 7.17 Failure to Meet Burden of Proof**
(a) During a trial, after the party with the burden of proof has rested, and before the proceeding is taken under submission by the Court, an opposing party may make an oral or written motion for a determination that the party with the burden of proof has failed to meet that burden, or the Court may indicate on the record that the Court is considering making such a determination on the Court's own motion, and afford the parties an opportunity for argument on the issue. If the allegations are severable, the Court may dismiss some but not all of them.	**(A) Motion on Failure to Meet Burden of Proof.** During a trial, after the party with the burden of proof has rested and before the proceeding is submitted to the Court, the opposing party may make a motion for a determination that the party with the burden of proof has failed to meet its burden, or the Court may make the motion itself and give the parties an opportunity to argue the issue. If the allegations are severable, the Court may dismiss some but not all of them. The Court must consider and weigh all the evidence introduced and determine credibility.
(b) The Court shall consider all of the evidence introduced, weigh the evidence and make determinations of credibility.	[intentionally left blank]
(c) If a party makes a motion under this rule and the motion is denied, that party may offer evidence without having reserved the right to do so and to the same extent as if the motion had not been made.	**(B) Denial of Motion.** If the motion is denied, the moving party may offer evidence to the same extent as if the motion had not been made.
(d) If a motion under this rule is granted, the Court's decision shall include findings of fact and conclusions of law.	**(C) Grant of Motion.** If the motion is granted, the Court's decision must include findings of fact and conclusions of law.

7. Defaults and Trials	
RULE 220. SUBMISSION AND DECISION	**Rule 7.18 Submission and Decision**
(a) When the matter has been submitted, the Court shall take the matter under submission. Thereafter, the Court shall cause the Clerk to file and serve the decision. The Court shall not assign the duty of preparation of the decision, in whole or in part, to any party or any party's counsel. The decision shall be the final decision of the Court unless a timely request for review under rule 301 or 308 or posttrial motion under rules 221-224 is filed with the Clerk, or unless the decision is modified on the Court's own motion. Corrections of typographical errors or insubstantial changes not affecting the merits shall not constitute a modified decision under this rule.	**(A) Submission.** The matter will be submitted on the last day of trial. Unless good cause is shown, no posttrial briefing is permitted. In no event may briefing extend submission beyond 21 days from the last day of trial.
(b) The Court shall file its decision within ninety (90) days of taking the matter under submission, unless a shorter period for filing the decision in an expedited proceeding is required by statute, by Supreme Court rule, or by these rules.	**(B)Time to File Decision.** The Court will file its decision within 90 days after the matter is submitted, unless an expedited proceeding requires a shorter period by statute, by Supreme Court rule, or by these rules.
	(C) Service and Finality of Decision. The Clerk will file and serve the Court's decision. The Court's decision is final unless a timely request for review under rule 9.2 or 9.8 or posttrial motion under rules 7.19–7.22 is filed, or unless the decision is modified on the Court's own motion. A decision is not modified simply by correcting typographical errors or making insubstantial changes that do not affect the merits.

(c) If the Court recommends disbarment, it shall also include in its decision an order that the respondent be enrolled as an inactive member pursuant to Business and Professions Code 6007, subdivision (c)(4).The order of inactive enrollment shall be effective upon personal service or three (3) days after service by mail, whichever is earlier, unless otherwise ordered by the Court.	**(D) Inactive Enrollment.** **(1) Disbarment Recommended.** If the Court recommends disbarment, it must also order the member placed on inactive enrollment under Business and Professions Code § 6007(c)(4). Unless the Court orders otherwise, the order takes effect on personal service or three days after service by mail, whichever is earlier. **(2) Disbarment No Longer Recommended.** If, either on reconsideration or review, a recommendation for disbarment is changed to one for a lesser discipline, the Court must vacate the order of inactive enrollment made under Business and Professions Code § 6007(c)(4).
(d) By March 1 of each year, the State Bar Court shall prepare and submit to the Chief Justice an annual report describing the compliance of each State Bar Court hearing judge with the requirements of paragraph (b) during the preceding calendar year.	**(E) State Bar Court's Annual Report.** By March 1 of each year, the State Bar Court must prepare and submit to the Chief Justice of the Supreme Court an annual report describing how each State Bar Court hearing judge complied with subsection (B)'s requirements during the preceding calendar year.
(e) Paragraphs (b) and (d) shall apply to all proceedings which are taken under submission for decision on or after February 1, 1999.	[intentionally left blank]

7. Defaults and Trials	
RULE 221. POSTTRIAL MOTIONS IN THE HEARING DEPARTMENT	**Rule 7.19 Posttrial Motions in the Hearing Department**
(a) Posttrial motions shall be governed by the rules governing motions generally, as set forth in rule 105, except that all posttrial motions shall be made in writing, and the opposing party shall file and serve a written response within fifteen (15) days of service of the motion.	**(A) Filing Before Decision.** Rule 5.6 governs posttrial motions. Additionally, posttrial motions must be in writing.
(b) If a posttrial motion is filed after service of the Hearing Department's decision:	**(B) Filing After Decision.** If a posttrial motion is filed after the decision is served, the time to seek review begins when the Hearing Department rules on the motion. A request for review filed before the ruling is automatically vacated and a new request for review must be timely filed.
(1) The time to seek review shall commence upon the service of the Hearing Department's ruling on the posttrial motion, and	[intentionally left blank]
(2) Any request for review filed prior to the Hearing Department's ruling on any post trial motion shall be deemed vacated.	[intentionally left blank]

7. Defaults and Trials	
RULE 222. MOTION TO REOPEN RECORD	**Rule 7.20 Motion to Reopen Record**
(a) A party may make a motion in the Hearing Department to reopen the record in the proceeding to present additional evidence at any time prior to the expiration of the time for requesting review by the Review Department.	**(A) When to Make Motion.** At any time before the period for requesting review by the Review Department expires, a party may make a motion in the Hearing Department to reopen the record to present additional evidence.
(b) A motion to reopen the record shall be accompanied by one or more declarations stating the substance of any new evidence which the moving party desires to present and showing:	**(B) Requirements.** A motion to reopen the record must be accompanied by one or more declarations stating the substance of the evidence and showing that:
(1) that the evidence is newly discovered and could not with reasonable diligence have been discovered and produced earlier;	(1) it is newly discovered and could not with reasonable diligence have been discovered and produced earlier;
(2) that the evidence is not merely cumulative and is the best available evidence on the issue, and	(2) it is not merely cumulative and is the best available evidence on the issue, and
(3) that consideration of the evidence would probably lead to a different result.	(3) consideration of the evidence would probably lead to a different result.

7. Defaults and Trials	
RULE 223. MOTION FOR NEW TRIAL	**Rule 7.21 Motion for New Trial**
(a) Within fifteen (15) days after service of the decision in a proceeding, any party may make a motion in the Hearing Department for a new trial.	**(A) When to Make Motion.** Any party may make a motion in the Hearing Department for a new trial within 15 days after the decision in a proceeding is served.
(b) A motion for a new trial shall be accompanied by one or more declarations setting forth the facts which the moving party contends justify a new trial, pursuant to the standards for granting a motion for a new trial in a civil matter in the Courts of this state.	**(B) Requirements.** A motion for a new trial must be accompanied by one or more declarations setting forth the facts that the moving party contends justify a new trial, under the standards for granting a motion for a new trial in a civil matter in the Courts of this state.

7. Defaults and Trials	
RULE 224. MOTION FOR RECONSIDERATION	**Rule 7.22 Motion for Reconsideration**
(a) Within fifteen (15) days after service of the decision in a proceeding, any party may make a motion in the Hearing Department for reconsideration.	**(A) Who May Make and When to Make Motion.** Any party may make a motion for reconsideration in the Hearing Department within 15 days after the decision in a proceeding is served.
(b) The grounds for a motion for reconsideration are (1) new or different facts, circumstances or law, as that ground is applied in civil matters under Code of Civil Procedure section 1008; and/or (2) the order or decision contains one or more errors of fact and/or law based on the evidence already before the Court.	**(B) Grounds.** The grounds for a motion for reconsideration are:
	(1) new or different facts, circumstances, or law, as that ground is applied in civil matters under Code of Civil Procedure § 1008; or;
	(2) the order or decision contains one or more errors of fact or law or both based on the evidence already before the Court.

8. Dispositions and Costs	
RULE 250. TRANSMITTAL OF DISCIPLINE RECOMMENDATIONS TO SUPREME COURT	**Rule 8.1 Sending Disciplinary Recommendations to the Supreme Court**
Unless otherwise ordered by the Court, a recommendation of suspension or disbarment, and the accompanying record, shall be transmitted to the Supreme Court after:	Unless the Court orders otherwise, the State Bar Court's final recommendation to suspend or disbar a member and the accompanying record will be sent to the Supreme Court after all applicable cost certificates have been filed, or an additional 30 days has expired, whichever is earlier.
(a) The disciplinary recommendation of the State Bar Court has become final and	[intentionally left blank]
(b) All applicable cost certificates have been filed, or an additional thirty (30) days has expired, whichever is earlier.	[intentionally left blank]

8. Dispositions and Costs	
RULE 251. WAIVER OF REVIEW BY REVIEW DEPARTMENT	**Rule 8.2 Waiver of Review by Review Department**
The parties may file a stipulation waiving review by the Review Department and requesting that the disciplinary recommendation be transmitted to the Supreme Court without delay. The stipulation shall be accompanied by a certificate of costs from the Office of the Chief Trial Counsel, if applicable. Upon filing of a stipulation under this rule, the Clerk shall transmit the record to the Supreme Court on an expedited basis.	The parties may file a stipulation to waive review under rule 9.1 and ask that the disciplinary recommendation be sent to the Supreme Court immediately. If applicable, the stipulation must be accompanied by a certificate of costs from the Office of the Chief Trial Counsel. The Clerk will send the record to the Supreme Court on an expedited basis.

8. Dispositions and Costs	
RULE 260. TYPES OF RESOLUTION; PROCEDURE; REVIEW	**Rule 8.3 Types of Resolution; Procedure; Review**
(a) Other than resolution by decision or stipulated disposition, a proceeding may be resolved by: (1) dismissal without prejudice, (2) dismissal with prejudice, (3) an order terminating the proceeding or (4) issuance of an admonition.	**(A) Types of Resolution.** Other than resolution by decision or stipulated disposition, a proceeding may be resolved by: (1) dismissal without prejudice; (2) dismissal with prejudice, (3) an order terminating the proceeding; or (4) issuance of an admonition.
(b) Resolution of a proceeding may be proposed by: (1) a motion by any party, (2) a motion made jointly by two or more parties or (3) the Court on its own motion, in which case the Court shall first afford the parties notice and an opportunity to object. An agreed-upon resolution of a proceeding by dismissal, admonition, or termination shall be proposed by joint motion rather than by stipulation; provided, however, that a stipulation under rule 132 or 133 may provide for the dismissal with prejudice of one or more charges brought in the proceeding in which the stipulation is filed. A joint motion for an admonition shall comply with rule 264(e).	**(B) Motion for Resolution.** A motion to resolve may be made by any party or by the Court on its after giving the notice and an opportunity to object. A motion rather than a stipulation is required when the parties agree to resolve a proceeding by dismissal, admonition, or termination. A joint motion for an admonition must comply with rule 8.7(E).
(c) Resolution of a proceeding requires a Court order even if proposed by an unopposed motion or by a joint motion. The Court, in the interests of justice, may decline to issue an order resolving a proceeding even if the order is sought by joint or unopposed motion.	**(C) Stipulation Affecting Resolution.** A stipulation under rule 5.16 or 5.17 may provide for the dismissal with prejudice of one or more charges brought in the proceeding in which the stipulation is filed.

(d) An order granting a motion for a resolution under rules 260-264 which resolves the proceeding in its entirety shall be reviewable by the review department upon the filing of a request for review under rule 301 or 308 by any party who opposed the motion. An order granting a motion for a resolution under rules 260-264 which does not resolve the proceeding in its entirety, or an order denying a motion for a resolution under rules 260 264, shall be reviewable pursuant to rule 300.	**(D) Court Order Required.** Even if no party objects to a motion for resolution, the Court, in the interests of justice, may decline to issue an order resolving a proceeding.
	(E) Review. If a motion for resolution under rules 8.2–8.6 is denied or the order granting the motion does not resolve the proceeding in its entirety, the order is reviewable under rule 9.1. If the order granting the motion resolves the proceeding in its entirety, any party who opposed the motion may request review under rule 9.2 or 9.8.

8. Dispositions and Costs	
RULE 261. DISMISSAL WITH OR WITHOUT PREJUDICE; EFFECT	**Rule 8.4 Dismissal With or Without Prejudice; Effect**
(a) All orders dismissing a proceeding in whole or in part shall specify whether such dismissal is with or without prejudice.	**(A) Language of Order.** An order dismissing a proceeding in whole or in part must specify whether the dismissal is with or without prejudice. If with prejudice, the order must state its basis.
(b) A dismissal with prejudice bars the State Bar from reopening the proceeding and from commencing a new proceeding based on the same transaction or occurrence. An order dismissing a proceeding with prejudice shall state the basis therefor.	**(B) Effect of Dismissal with Prejudice.** After a dismissal with prejudice, the State Bar may not reopen the proceeding or begin a new proceeding based on the same transaction or occurrence.
(c) After a dismissal without prejudice, the dismissed proceeding may be reopened by the filing of an amended notice of disciplinary charges or by appropriate motion, or a new proceeding may be commenced based on the same transaction or occurrence. Leave of the Court must be obtained, based on good cause shown, before a proceeding may be reopened, or a new proceeding commenced based on the same transaction or occurrence, if more than two (2) years have elapsed since the effective date of the dismissal, or, if the dismissal was based on an agreement in lieu of discipline, if the term of such agreement has expired. If a new proceeding is commenced based wholly or partially on the same transaction or occurrence as a proceeding previously dismissed without prejudice, the notice of disciplinary charges in the new proceeding shall identify the dismissed proceeding and shall state that the new proceeding is based (in whole or in part, as appropriate) on the same transaction or occurrence as the dismissed proceeding.	**(C) Effect of Dismissal without Prejudice.** After a dismissal without prejudice, the State Bar may reopen the proceeding by filing an amended notice of disciplinary charges or by appropriate motion, or open a new proceeding based wholly or partially on the same transaction or occurrence. The notice of disciplinary charges in a new proceeding must identify the dismissed proceeding and state that it is based on the transaction or occurrence in that proceeding.

	(D) Limitation on Proceedings. If more than two years have elapsed since the dismissal's effective date, or if the dismissal was based on an agreement in lieu of discipline, and the term of the agreement has expired, the State Bar must ask the Court's leave, based on good cause, to reopen a proceeding or begin a new proceeding opened based on the same transaction or occurrence.

8. Dispositions and Costs	
RULE 262. GROUNDS FOR DISMISSAL	**Rule 8.5 Grounds for Dismissal**
(a) Voluntary Dismissal for Insufficiency of Evidence. The party initiating a proceeding may move for voluntary dismissal of the proceeding, in whole or in part, based on unavailability or insufficiency of evidence. A dismissal under this paragraph shall be without prejudice unless the Court determines, in the exercise of discretion, that the proceeding should be dismissed with prejudice.	**(A) Voluntary Dismissal for Insufficiency of Evidence.** The party that began a proceeding may move to voluntarily dismiss the proceeding, in whole or in part, because evidence is unavailable or insufficient. Unless the Court, in its discretion, determines otherwise, a dismissal is without prejudice.
(b) Defective Service. A proceeding may be dismissed due to a defect in the manner of service of the initial pleading. Such a dismissal shall be without prejudice, and may take the form of an order that the proceeding will be dismissed without prejudice if proof of proper service is not filed within a specified time. A motion to dismiss due to a defect in the manner of service of the initial pleading shall be made no later than the date on which the moving party's response is to be filed or, if the moving party's default is entered, the expiration of the time to move for relief from default, or, if no response is provided for, no later than twenty (20) days after the date the allegedly defective service was made. Failure to file a timely motion under this paragraph shall preclude the party from a later assertion of the alleged defect in service as a ground for dismissal of the proceeding.	**(B) Dismissal for Defective Service.** A proceeding may be dismissed without prejudice because of a defect in the initial pleading's service, but the Court may allow a specified time for filing proof of proper service. If a timely motion is not filed, an alleged defect in service will not be grounds for dismissal. A motion to dismiss because of a defect in the initial pleading's service must be made no later than: (1) the date on which the moving party's response must be filed; or (2) if the moving party's default is entered, the time to move for relief from default expires; or (3) if no response is provided for, within 20 days after the date the allegedly defective service was made.

(c) Defective Initial Pleading.	**(C) Dismissal for Defective Initial Pleading.** A proceeding may be dismissed without prejudice if the initial pleading does not state a legally sufficient basis for the action proposed, or, in a disciplinary proceeding, if the initial pleading does not state a disciplinable offense or give sufficient notice of the charges. In either event, the Court may order dismissal without prejudice but must allow at least one opportunity to amend the pleading within 20 days after the dismissal order is served or 20 days after the Review Department's decision on the order is served, whichever is later. The Court may extend the time to amend. If the amended pleading does not cure the defects identified in the previous dismissal, the Court may dismiss the proceeding with prejudice.
(1) A proceeding may be dismissed for failure of the initial pleading to state a legally sufficient basis to warrant the action proposed, or, in a disciplinary proceeding, for failure of the initial pleading to state a disciplinable offense or to give sufficient notice of the charges.	[intentionally left blank]

(2) A motion to dismiss a disciplinary proceeding due to the failure of the initial pleading to give sufficient notice of the charges shall be made no later than the date on which the moving party's response is to be filed, or, if no response is provided for, no later than twenty (20) days after the service of the initial pleading. Failure to file a timely motion under this subparagraph shall preclude the party from a later assertion of the alleged inadequate notice of the charges as a ground for dismissal of the proceeding, but shall not preclude an assertion of inadequate notice for other purposes. A motion to dismiss for failure of the initial pleading to state a disciplinable offense may be made at any time prior to a finding of culpability.	**(D) Motion to Dismiss for Inadequate Notice.** If a timely motion to dismiss is not filed, an alleged defect in the pleading will not be grounds for dismissal but the party may still assert inadequate notice for other purposes. A motion to dismiss because the initial pleading fails to give sufficient notice of the charges must be made no later than: (1) the date on which the moving party's response must be filed; or (2) if no response is provided for, within 20 days after the initial pleading was served.
	(E) Motion to Dismiss for Failure to State a Disciplinable Offense. A motion to dismiss for failure of the initial pleading to state a disciplinable offense may be made at any time before the Court finds culpability.

(3) A dismissal under this paragraph shall be without prejudice, and at least one opportunity shall be given to file an amended initial pleading. Unless otherwise ordered, any amended initial pleading shall be filed within twenty (20) days of service of the order dismissing the proceeding or service of the Review Department decision in the matter, whichever is later. When a proceeding has previously been dismissed without prejudice based on a defect in the initial pleading, and the party has filed an amended initial pleading which does not cure the defects identified in connection with the previous dismissal, the Court shall have discretion to dismiss the proceeding with prejudice. A dismissal under this paragraph may be in the form of an order that the proceeding will be dismissed, with or without prejudice, as appropriate, if an amended initial pleading is not filed within a specified time.	[intentionally left blank]
(d) Barred by Statute or Rule. A proceeding may be dismissed on the ground that it is barred by any applicable statute or rule.	**(F) Proceeding Barred by Statute or Rule.** A proceeding may be dismissed if it is barred by any applicable statute or rule.
(e) Furtherance of Justice.	**(G) Dismissal to Further Justice.**
(1) The party initiating a proceeding may move to dismiss in the furtherance of justice. A dismissal under this paragraph shall be without prejudice unless the motion seeking dismissal shows good cause why the proceeding should be dismissed with prejudice.	(1) The party that began a proceeding may move to dismiss in the furtherance of justice. A dismissal is without prejudice unless the motion shows good cause for dismissal with prejudice.

(2) The Court on its own motion, after the parties are afforded notice and an opportunity to object, may dismiss a proceeding with or without prejudice in the furtherance of justice. The reasons for the dismissal and the determination of whether the dismissal is with or without prejudice shall be set forth in a written order.	(2) The Court may move on its own to dismiss to further justice but must give the parties notice, state its reasons for dismissal, and order the parties to show cause why it should not dismiss the proceeding. Within 10 days after the Court's order to show cause is served, the parties may file a response that may include declarations, an offer of proof, and points and authorities either in support of or in opposition to the Court's intended action. In its response the State Bar may include information concerning prior investigation matters that were closed with warning letters, resource letters, agreements in lieu of disciplinary prosecution, other agreements resolving investigations, and impositions of discipline (including private reprovals), or any other evidence of prior conduct tending to establish a common plan, scheme, or device. If the Court dismisses the proceeding, its written order will state its reasons and whether the dismissal is with or without prejudice.

(3) Prior to dismissing a proceeding on its own motion pursuant to paragraph (2) above, the Court shall issue an order to show cause notifying the parties of the Court's intent to dismiss the proceeding in the interests of justice and the proposed reasons for its dismissal. Within ten (10) days of service of the Court's order to show cause, the parties may file a response to the Court's order, which may include declarations, an offer of proof and points and authorities either in support of or in opposition to the Court's intended action. The State Bar may include, in its response, information concerning prior investigation matters which were closed with warning letters, resource letters, agreements in lieu of disciplinary prosecution, other agreements resolving investigations, and impositions of discipline including private reprovals and/or any other evidence of prior conduct tending to establish a common plan, scheme or device.	[intentionally left blank]
(f) Agreement in Lieu of Discipline. A disciplinary proceeding may be voluntarily dismissed because the State Bar and the respondent have entered into an agreement in lieu of discipline pursuant to Business and Professions Code section 6092.5(i). A dismissal under this paragraph shall be without prejudice, provided, however, that successful completion of the agreement in lieu of discipline shall bar subsequent prosecution of the respondent based on the misconduct charged in the dismissed proceeding.	**(H) Agreement in Lieu of Discipline.** If the State Bar and the member make an agreement in lieu of discipline under Business and Professions Code § 6092.5(i), a disciplinary proceeding may be voluntarily without prejudice. But if the member successfully performs the agreement, the State Bar cannot reopen the proceeding or bring a new one based on the misconduct charged in the dismissed proceeding.

(g) Discovery Sanction. Dismissal may be ordered as a discovery sanction. A dismissal under this paragraph shall be with prejudice unless the Court orders otherwise for good cause shown.	**(I) Discovery Sanction.** Dismissal may be ordered as a discovery sanction. Unless the Court orders otherwise for good cause shown, dismissal is with prejudice.
(h) Future Consolidation. Upon motion of the State Bar, a proceeding may be dismissed in order to permit it to be refiled at a later date and consolidated with an anticipated proceeding involving the same member that is not yet ready to be commenced. A dismissal under this paragraph shall be without prejudice. No dismissal under this paragraph shall be entered on the Court's own motion.	**(J) Future Consolidation.** The State Bar may move to dismiss a proceeding so it may be refiled and consolidated with another proceeding involving the same member that is not yet ready for prosecution. A dismissal is without prejudice. The Court may not dismiss a proceeding on its own motion.
(i) Resignation or Disbarment. If the member who is the subject of a proceeding resigns or is disbarred during the pendency of the proceeding, the Court shall take judicial notice of the Supreme Court's order accepting the resignation or ordering the disbarment, and shall dismiss the proceeding. Such dismissal shall be without prejudice to further proceedings in the event of a petition for reinstatement.	**(K) Resignation or Disbarment.** If the member who is the subject of a pending proceeding resigns or is disbarred, the Court will take judicial notice of the Supreme Court's order accepting the resignation or ordering the disbarment, and dismiss the proceeding without prejudice.

8. Dispositions and Costs	
RULE 263. TERMINATION DUE TO DEATH	**Rule 8.6 Termination Because of Death**
When a member, petitioner, or applicant who is the subject of a proceeding dies during the pendency of the proceeding, any party or its counsel, promptly upon learning of the death, shall file a motion for termination of the proceeding, accompanied by a certified copy of the death certificate, or other sufficient proof of death if a death certificate cannot be obtained after diligent effort. Upon receipt of such motion, or on the Court's own motion on receipt of sufficient proof of death and after notice to the deputy trial counsel and the deceased party's counsel, if any, the Court shall file an order terminating the proceeding.	If a member, petitioner, or applicant who is the subject of a pending proceeding dies, any party or its counsel, promptly on learning of the death, may file a motion to terminate the proceeding. The motion must be accompanied by a certified copy of the death certificate or, if a death certificate cannot be obtained after diligent effort, other sufficient proof of death. On receipt of the motion, or on the Court's own motion after receiving sufficient proof of death and giving notice to the deputy trial counsel and the deceased party's counsel (if any), the Court will file an order terminating the proceeding.

8. Dispositions and Costs	
RULE 264. ADMONITION	**Rule 8.7 Admonition**
(a) When the subject matter of a disciplinary proceeding pending in the State Bar Court does not involve a matter which is, or probably is, a Client Security Fund matter, or a serious offense as defined in paragraph (b) of this rule, the Court may resolve the matter by an admonition to the respondent, if the Court concludes that (1) the violation or violations were not intentional or occurred under mitigating circumstances, and (2) no significant harm resulted.	**(A) When Permissible.** The Court may resolve a matter by an admonition to the respondent if the subject matter of a pending disciplinary proceeding pending does not involve a Client Security Fund matter or a serious offense, and the Court concludes that the violation or violations were not intentional or occurred under mitigating circumstances; and no significant harm resulted.
(b) As used in this rule, "serious offense" means conduct involving dishonesty, moral turpitude, or corruption, including conduct or acts constituting bribery, forgery, perjury, extortion, obstruction of justice, burglary or offenses related thereto, intentional fraud and intentional breach of a fiduciary relationship.	**(B) "Serious Offense" Defined.** "Serious offense" means conduct involving dishonesty, moral turpitude, or corruption, including bribery, forgery, perjury, extortion, obstruction of justice, burglary or related offenses, intentional fraud, and intentional breach of a fiduciary relationship.
(c) The fact of the admonition, and/or a copy thereof, shall be communicated to the complainant, if any, and to the deputy trial counsel, but otherwise shall not be actively publicized by the State Bar or the State Bar Court. However, unless otherwise ordered, the file in a public proceeding shall remain public even if the proceeding is resolved by the issuance of an admonition.	**(C) Publicity.** A copy of the admonition or news of its issuance must be sent to the complainant, complainant's counsel (if any), and the deputy trial counsel. The State Bar or the State Bar Court will not actively publicize it otherwise. But unless otherwise ordered, the file in a public proceeding will remain public.
(d) The giving of an admonition does not constitute imposition of discipline upon the respondent.	**(D) Not Discipline.** The giving of an admonition is not equal to imposing discipline on the member.

(e) Any party may move for the issuance of an admonition under this rule, or the parties may make a joint motion. If the motion is made jointly, it shall be accompanied by a stipulation conforming to the requirements of rule 133, except that subparagraph (b)(1) shall not apply.	**(E) Who May Request Admonition.** Any party may move for an admonition, or the parties may make a joint motion. If the motion is made jointly, it must be accompanied by a stipulation under rule 5.17.
(f) If within two years after the effective date of a decision or order resolving a proceeding by issuing an admonition to the respondent, another disciplinary proceeding is initiated against that respondent based on other alleged misconduct, the proceeding resolved by admonition shall be reopened upon motion of the Office of the Chief Trial Counsel filed within thirty (30) days after the initiation of the second proceeding. All applicable time limitations shall be tolled during the period between the issuance of the admonition and the filing of the order granting the motion to reopen.	**(F) Reopening Proceedings.** If within two years after the effective date of an admonition the member allegedly commits misconduct that results in another disciplinary proceeding, then within 30 days after the new proceeding begins, the Office of the Chief Trial Counsel may file a motion to reopen the proceeding resolved by admonition. All applicable time limitations are tolled between the issuance of the admonition and the filing of the order granting the motion to reopen.

8. Dispositions and Costs	
RULE 270. PUBLIC AND PRIVATE REPROVALS	**Rule 8.8 Public and Private Reprovals**
(a) A reproval shall be set forth in the Court's decision or order approving stipulation, and shall be effective when the decision or order is final. The decision or order shall specify whether the reproval is public or private.	**(A) Stipulation and Reproval.** The Court's decision or order approving a stipulation will include a reproval that takes effect when the decision or order is final. The decision or order must specify whether the reproval is public or private.
(b) A public reproval imposed on a respondent is publicly available as part of the respondent's official State Bar membership records and is disclosed in response to public inquiries. The record of the proceeding in which the public reproval was imposed remains public.	**(B) Public Reproval.** A public reproval is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries, and is reported as a record of public discipline on the State Bar's web page. The record of the proceeding in which the public reproval was imposed is also public.
(c) A private reproval imposed on a respondent after the initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page. The complainant shall be advised of the imposition of any private reproval.	**(C) Private Reproval Before Notice of Disciplinary Charges.** A private reproval imposed before a State Bar Court proceeding begins is part of the member's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding is not available to the public unless it becomes part of the record of any later proceeding in which it is introduced as evidence of a prior record of discipline. The member is not obligated to pay discipline costs.

(d) If a private reproval was imposed as the result of a stipulation approved by the Court prior to the initiation of a State Bar Court proceeding, then the private reproval is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproval was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under these rules.	**(D) Private Reproval After Notice of Disciplinary Charges.** A private reproval imposed on a respondent after the initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page. The complainant is informed of the imposition of the private reproval. The member is not obligated to pay discipline costs.

8. Dispositions and Costs	
RULE 271. REPROVALS WITH CONDITIONS	**Rule 8.9 Reprovals with Conditions**
Conditions effective for a reasonable time may be attached to reprovals in the manner authorized by California Rules of Court, rule 9.19. Motions to modify conditions attached to reprovals shall be governed by rules 550-554 (modification or early termination of probation).	Conditions effective for a reasonable time may be attached to reprovals under California Rules of Court, rule 9.19. Motions to modify conditions attached to reprovals are governed by rules 20.1–20.7.

8. Dispositions and Costs	
RULE 280. CERTIFICATION AND ASSESSMENT OF COSTS	**Rule 8.10 Certification and Assessment of Costs**
Pursuant to Business and Professions Code section 6086.10:	**(A) Payment of Proceeding's Costs.** Under Business and Professions Code § 6086.10, a member who receives a public reproval or greater level of discipline must pay the costs of the disciplinary proceeding based upon cost certificates submitted by the Office of the Chief Trial Counsel or the Office of Probation and of the State Bar Court.
(a) Respondents ordered publicly reproved shall be ordered to pay the costs of the disciplinary proceeding based upon cost certificates of the Office of the Chief Trial Counsel or the Office of Probation and of the State Bar Court.	[intentionally left blank]
(b) The record of the State Bar proceedings transmitted to the Supreme Court with a recommendation of suspension, disbarment or acceptance of a member's resignation with disciplinary charges pending, shall be accompanied by the cost certificates of the Office of the Chief Trial Counsel or the Office of Probation and of the State Bar Court.	**(B) Cost Certificates Submitted with Record.** If the record of the State Bar proceedings sent to the Supreme Court contains a recommendation of suspension, disbarment, or acceptance of a member's resignation with disciplinary charges pending, the cost certificates of the Office of the Chief Trial Counsel or the Office of Probation and of the State Bar Court must accompany it.

(c) Costs shall be awarded to the State Bar with respect to any matter for which a respondent has been found culpable. For purposes of this rule, a "matter" is defined as a separate investigation initiated by the Office of the Chief Trial Counsel against a member, irrespective of the number of charged statutory and/or rule violations relating to that matter. A member has been found culpable in a matter if he or she is found culpable of one or more statutory or rule violations in that matter. "Matter" shall also include a probation revocation proceeding initiated by the Office of Probation and a conviction proceeding initiated by the Clerk of the State Bar Court following a referral order by the State Bar Court or the Supreme Court.	**(C) Culpability and Award of Costs.** If the Court finds a member culpable in a matter, it will award costs to the State Bar. A member is found culpable in a matter if the State Bar Court decides that the member violated at least one rule or statute at issue in that matter.
	(D) Definition of "matter." "Matter" includes: (1) a separate investigation opened by the Office of the Chief Trial Counsel against a member; or (2) a probation revocation proceeding begun by the Office of Probation; or (3) a conviction proceeding.
(d) If a respondent resigns from the practice of law with disciplinary charges pending against him or her, costs shall be awarded to the State Bar for both (i) the costs applicable to the processing of the respondent's resignation; and (ii) the costs applicable to the underlying pending disciplinary investigation or proceeding in light of the status of the proceeding at the time the respondent's resignation was received by the State Bar, provided that costs shall only be awarded as to those matters in which the State Bar's investigation was completed at the time the respondent's resignation was received by the State Bar.	**(E) Resignation with Charges Pending.** If a member resigns from the practice of law while disciplinary charges are pending against the member, the Court will award the State Bar the costs of processing the respondent's resignation; and the costs of the underlying pending disciplinary investigation or proceeding, depending on the status of the proceeding at the time of the resignation, that were complete when the State Bar received the respondent's resignation.

(e) If the Court orders that disciplinary costs be paid in installment payments, the order imposing costs shall require the payments to be made on an annual basis, designating the amount of each annual installment. Each installment payment shall be added to and become a part of the annual membership fees of the member.	**(F) Payment in Annual Installments.** If the Court's order imposing costs allows a member to pay in annual installments, the order must designate the amount of each installment, which will be added to and become a part of the member's annual membership fees.
(f) This rule does not limit the authority of the State Bar Court to grant relief from costs pursuant to Rule 282 and Business and Professions Code section 6086.10(c).	**(G) State Bar Court's Authority.** This rule does not limit the State Bar Court's authority to grant relief from costs under rule 8.11 and Business and Professions Code § 6086.10(c).

8. Dispositions and Costs	
RULE 282. PROCEDURE FOR RELIEF FROM OR EXTENSION OF TIME TO COMPLY WITH ORDER ASSESSING COSTS AGAINST DISCIPLINED OR RESIGNING RESPONDENT	**Rule 8.11 Order Assessing Costs Against Disciplined or Resigning Respondent**
(a) A respondent may challenge the propriety under Business and Professions Code section 6086.10(b) of the inclusion of items in the certificate of costs, and/or may challenge the computation of properly included costs, provided, however, that this rule does not authorize a challenge to the State Bar's determination of "reasonable costs" under Business and Professions Code section 6086.10(b)(3). Upon grounds of hardship, special circumstances or other good cause, a respondent against whom costs have been assessed under rule 280 may move for relief, in whole or in part, from the order assessing costs, for an extension of time to pay costs or for the compromise of a judgment obtained under Business and Professions Code section 6086.10(a). The motion shall be served upon the Office of the Chief Trial Counsel pursuant to rule 61.	**(A) Challenges to Costs.** Under Business and Professions Code § 6086.10(b), a member may challenge the propriety of including items in the certificate of costs or the calculation of properly included costs. But the member may not challenge the State Bar's determination of "reasonable costs" under Business and Professions Code § 6086.10(b)(3).

(b)	**(B) Motion for Relief from Complying or Extension of Time to Comply.** If costs have been assessed against a member under rule 8.10, the member may move for relief, in whole or in part, from the order assessing costs, for an extension of time to pay costs, or for the compromise of a judgment obtained under Business and Professions Code § 6086.10(a) on grounds of hardship, special circumstances, or other good cause. The motion must be served on the Office of the Chief Trial Counsel under rule 4.8. If the motion is based in whole or in part on financial hardship, it must be filed as soon as practicable after the circumstances giving rise to the financial hardship become known and be accompanied by the member's completed financial statement in the form prescribed by the Court. Otherwise, the motion may be filed within 30 days after the effective date of a public reproval by the State Bar Court or the filing of a Supreme Court order assessing costs. The motion must include the date the costs were originally ordered to be paid.
(1) A motion under this rule shall be filed no earlier than the effective date of a public reproval by the State Bar Court or the filing of a Supreme Court order assessing costs, and no later than thirty (30) days thereafter, unless the motion is based in whole or in part on financial hardship or upon a request for the compromise of a judgment of costs.	[intentionally left blank]
(2) A motion under this rule based in whole or in part on financial hardship must be filed as soon as practicable after the circumstances giving rise to the financial hardship become known. The motion shall be accompanied by a completed financial statement of the respondent in the form prescribed by the Court.	[intentionally left blank]

(c) The Office of the Chief Trial Counsel may file and serve a response to the motion within twenty (20) days from the service of the motion.	**(C) Response to Motion.** The Office of the Chief Trial Counsel may file and serve a response to the motion within 20 days after the motion is served.
(d) No hearing on the motion is required and shall only be held if the Court, in the exercise of its discretion, determines that it will materially contribute to the consideration of the motion.	**(D) Hearing.** No hearing on the motion is required. A hearing will be held only if the Court, in its discretion, determines that it will materially contribute to the consideration of the motion.
(e) An order of the Court on the motion shall be reviewed only pursuant to rule 300 and upon grounds of error of law or abuse of discretion.	**(E) Review.** An order of the Court on the motion is reviewable only under rule 9.1 and on grounds of error of law or abuse of discretion.

8. Dispositions and Costs	
RULE 283. AWARD OF COSTS TO RESPONDENT EXONERATED OF ALL CHARGES FOLLOWING TRIAL	**Rule 8.12 Award of Costs to Respondent Exonerated of All Charges After Trial**
(a) A respondent in a disciplinary proceeding who is exonerated of all charges following trial in the Hearing Department, decision of the Review Department, if review was sought, and decision or order of the Supreme Court, if a petition for writ of review was filed, may move for reimbursement of costs as authorized by Business and Professions Code section 6086.10(d).	**(A) Motion for Costs.** If a member in a disciplinary proceeding is exonerated of all charges, the member may move for reimbursement of costs under Business and Professions Code § 6086.10(d). Exoneration may occur following trial in the Hearing Department, or, after review, by decision of the Review Department or by decision or order of the Supreme Court.
(b) Only the following items shall be allowable as reasonable expenses of preparation for the hearing under Business and Professions Code section 6086.10(d):	**(B) Reasonable Expenses.** Under Business and Professions Code § 6086.10(d), only the following items are reasonable hearing preparation expenses:
(1) Taking, videotaping and transcribing necessary depositions, including an original and one copy of those taken by the respondent and one copy of depositions taken by the State Bar, and travel expenses to attend depositions;	(1) taking, videotaping, and transcribing necessary depositions – including an original and one copy of depositions taken by the respondent and one copy of depositions taken by the State Bar – and travel expenses to attend depositions;
(2) Service of process by a public officer, registered process server, or other means, as provided in Code of Civil Procedure section 1033.5(a)(4);	(2) service of process by a public officer, registered process server, or other means under Code of Civil Procedure § 1033.5(a)(4);
(3) Ordinary witness fees, other than expert witness fees, pursuant to Government Code section 68093;	(3) ordinary witness fees – but not expert-witness fees – under Government Code § 68093;

(4) Models and blowups of exhibits and photocopies of exhibits if, in the discretion of the Court, they were reasonably helpful to aid the Court as the trier of fact;	(4) models and blowups of exhibits and photocopies of exhibits (if, in the Court's discretion, they were reasonably helpful to the Court as the trier of fact);
(5) Transcripts of Court proceedings ordered by the Court;	(5) transcripts of Court proceedings ordered by the Court;
(6) Copies of State Bar Court Clerk's audiotape recordings of the proceeding in which the hearing is being held;	(6) copies of the State Bar Court Clerk's audiotape recordings of the proceeding in which the hearing is held;
(7) Investigation expenses incurred after filing of the notice of disciplinary charges in preparing the case for hearing if, in the discretion of the Court, such expenses were reasonably necessary;	(7) investigation expenses incurred to prepare the case for hearing after filing the notice of disciplinary charges (if, in the Court's discretion, the expenses were reasonably necessary);
(8) The reasonable expenses of computerized legal research if, in the discretion of the Court, such computerized research was reasonably required by the issues involved in the hearing and other less expensive means of research were not reasonably available;	(8) computerized legal research (if, in the Court's discretion, the research was reasonably required by the issues involved in the hearing and other less expensive means of research were not reasonably available); and
(9) The actual expense incurred in preparation for the hearing for (A) photocopying (except exhibits), (B) postage, and (C) telephone and facsimile transmission charges, provided that expenses shall not exceed $150.00 for the entire proceeding.	(9) photocopying (except exhibits), postage, and telephone and fax transmission charges (capped at $150 for the entire proceeding).
	(C) Expenses of Seeking Reimbursement. An exonerated member cannot recover costs incurred in seeking reimbursement.

(c) "Exoneration of all charges" within the meaning of Business and Professions Code section 6086.10(d) means a dismissal with prejudice of the entire proceeding following the Court's finding that the respondent is not culpable of the charged misconduct. A respondent is not "exonerated of all charges" within the meaning of section 6086.10(d) if the Court imposes an admonition or concludes that the respondent is culpable of charged misconduct even though no discipline is imposed or recommended.	**(D) "Exoneration" Defined.** Under Business and Professions Code § 6086.10(d) "exonerated of all charges" means the Court found the member not culpable of the charged misconduct and dismissed the entire proceeding with prejudice.
(d) A motion for reimbursement of costs under this rule shall be filed no earlier than the date of service of the final ruling exonerating the respondent of all charges following the conclusion of all proceedings in the matter, including Supreme Court review if any, and no later than thirty (30) days thereafter. The motion shall be accompanied by appropriate documentation of the costs for which reimbursement is requested. The respondent shall not be entitled to reimbursement of costs incurred in seeking reimbursement under this rule.	**(E) Time to File Motion and Response.** A motion for reimbursement of costs filed within 30 days after service of the final ruling exonerating the respondent of all charges after all proceedings in the matter end (including any Supreme Court review. Appropriate documentation of the costs for which reimbursement is requested must accompany the motion. A response may be filed within 20 days after it is served.
(e) Within twenty (20) days after service of a motion under this rule, a response thereto may be filed.	[intentionally left blank]
(f) The motion shall be heard and decided by the hearing judge who was assigned to the underlying proceeding. If there is no such judge or that judge is unavailable or disqualified, the motion shall be assigned to another hearing judge. A hearing may be held if the Court determines it necessary to resolve any substantial question of fact, or upon written request of any party.	**(F) Hearing.** The motion will be decided by the hearing judge who was assigned to the underlying proceeding. If there is no such judge or that judge is unavailable or disqualified, the motion will be assigned to another hearing judge. A hearing will be held only if the Court, in its discretion, determines that it will materially contribute to the consideration of the motion.

(g) The judge shall decide the motion by written order. The order may grant or deny the motion in whole or in part. The judge shall determine the reasonable expenses to be reimbursed pursuant to Business and Professions Code section 6086.10(d).	**(G) Decision.** The judge will decide the motion by written order, and may grant or deny the motion in whole or in part. The judge will determine the reasonable expenses to be reimbursed.
(h) Within fifteen (15) days after the service of the order on the motion, a party may file a petition for review under rule 300.	**(H) Review.** A party may file a petition for review under rule 9.1 within 15 days after the order on the motion is served.

8. Dispositions and Costs	
RULE 284. STIPULATING TO RELIEF FROM PAYMENT OF COSTS OR EXTENSION OF TIME TO PAY COSTS	**Rule 8.13 Stipulating to Relief from Payment of Costs or Extension of Time to Pay Costs**
By written stipulation approved by the Court, the Chief Trial Counsel may relieve the respondent, in whole or in part, from the obligation to pay the costs of disciplinary proceedings, or with the approval of the Court, may enter into an agreement extending the time to pay these costs, upon grounds of hardship, special circumstances or other good cause.	By written stipulation approved by the Court, the Chief Trial Counsel may relieve the member, in whole or in part, from the obligation to pay the costs of disciplinary proceedings, or, with the approval of the Court, may agree to extend the time to pay these costs on grounds of hardship, special circumstances, or other good cause.

8. Dispositions and Costs	
RULE 285. APPROVAL OF AGREEMENTS TO COMPROMISE JUDGMENTS FOR CLIENT SECURITY FUND PAYMENTS AND ASSESSMENTS	**Rule 8.14 Approval of Agreements to Compromise Judgments for Client Security Fund Payments and Assessments**
(a) A respondent against whom a judgment has been entered pursuant to rule 9.10(h) of the California Rules of Court and Business and Professions Code section 6140.5, and who wishes to compromise that judgment pursuant to an agreement between respondent and the State Bar, shall file an application for approval of the proposed agreement with the State Bar Court. The application and any supporting documents shall be served upon the Office of the Chief Trial Counsel pursuant to the rule for service of initial pleadings (rule 60).	**(A) Application to Compromise Judgment.** If judgment has been entered under California Rules of Court, rule 9.23 and Business and Professions Code § 6140.5 against a member, that member and the State Bar may agree to compromise that judgment. The member must apply to the State Bar Court for approval of the proposed agreement. The application and any supporting documents must be served on the Office of the Chief Trial Counsel under rule 4.7.
(b) The Office of the Chief Trial Counsel may file and serve a response to the application for approval of a compromise of judgment within twenty (20) days from the service of the application.	**(B) Response to Application.** The Office of the Chief Trial Counsel may file and serve a response to the application within 20 days after the application is served.
(c) No hearing on the application is required and shall only be held if the Court, in the exercise of its discretion, determines that it will materially contribute to the consideration of the application.	**(C) Hearing.** No hearing on the application is required. A hearing will be held only if the Court, in the exercise of its discretion, determines that it will materially contribute to the consideration of the application.
(d) An order of the Court on the application under this rule shall be reviewed only pursuant to rule 300 and upon grounds of error of law or abuse of discretion.	**(D) Review.** An order of the Court on the application under this rule is reviewable only under rule 9.1 and on grounds of error of law or abuse of discretion.

8. Dispositions and Costs	
RULE 286. EFFECT OF DEFAULT ON INSTALLMENT PAYMENTS	**Rule 8.15 Effect of Default on Installment Payments**
In any disciplinary recommendation or order that provides for installment payments of discipline costs or restitution, the Court must recommend or order that, upon the respondent's failure to timely make any installment payment, the unpaid balance is due and payable immediately unless relief has been granted under these rules.	In any disciplinary recommendation or order providing for installment payments of discipline costs or restitution, the Court must recommend or order that if the respondent fails to timely make any installment payment, the unpaid balance is due and payable immediately unless relief is granted under these rules.

8. Dispositions and Costs	
RULE 290. MANDATORY REMEDIAL EDUCATION	**Rule 8.16 Mandatory Remedial Education in Ethics**
(a) Except as provided by order of the Supreme Court, a member shall be required to satisfactorily complete the State Bar Ethics School in all dispositions or decisions involving the imposition of discipline, unless the member previously completed the course within the prior two years.	**(A) State Bar Ethics School.** A member must satisfactorily complete the State Bar Ethics School in all dispositions or decisions imposing discipline, unless the member has completed the course within the prior two years or the Supreme Court orders otherwise.
(b) If a member resides in another jurisdiction and is unable to attend State Bar Ethics School, the member may seek authorization to attend a comparable remedial education course offered through a certified provider in the other jurisdiction by obtaining the prior approval of the Office of the Chief Trial Counsel and final approval of the State Bar Court.	**(B) Comparable Alternative.** If a member resides in another jurisdiction and is unable to attend State Bar Ethics School, the member may seek authorization to attend a comparable remedial education course offered through a certified provider in the other jurisdiction by obtaining the prior approval of the Office of the Chief Trial Counsel and final approval of the State Bar Court.

8. Dispositions and Costs	
RULE 291. REIMBURSEMENT TO CLIENT SECURITY FUND	**Rule 8.17 Reimbursement to Client Security Fund**
In any disciplinary recommendation or order, the Court must include a recommendation or order that the respondent reimburse the Client Security Fund to the extent that the misconduct found in the proceeding results in the payment of funds pursuant to Business and Professions Code section 6140.5. Unless otherwise ordered by the Supreme Court or unless relief has been granted under these rules, any reimbursement so ordered must be paid within 30 days following the effective date of the final disciplinary order or within 30 days following the CSF payment, whichever is later.	In any disciplinary recommendation or order, the Court must include a recommendation or order that the respondent reimburse the Client Security Fund for any funds paid out under Business and Professions Code § 6140.5 because of the respondent's misconduct. Unless the Supreme Court orders otherwise or unless relief has been granted under these rules, the ordered reimbursement must be paid within 30 days after the effective date of the final disciplinary order or within 30 days after the CSF payment is disbursed, whichever is later.

9. Review by Review Department and Powers Delegated by Supreme Court	
RULE 300. PETITION FOR INTERLOCUTORY REVIEW AND FOR REVIEW OF SPECIFIED MATTERS	**Rule 9.1 Petition for Interlocutory Review and for Review of Specified Matters**
(a) Availability of Interlocutory Review and Review of Specified Matters. A party may petition for interlocutory review as provided in these Rules of Procedure with respect to significant issues that require intervention of the Review Department prior to completion of proceedings in the Hearing Department and that are not readily remediable after trial. Review of other specified matters is also available under this rule as provided by these Rules of Procedure.	**(A) Availability of Interlocutory Review and Review of Specified Matters.** As provided in these rules a party may petition for interlocutory review regarding significant issues requiring the Review Department to intervene before proceedings in the Hearing Department are complete if the issues are not readily remediable after trial. Other specified matters may be reviewed as provided by these rules of procedure.
(b) Time for Filing Petition. Any aggrieved party may petition the Review Department for review of an order within fifteen (15) days of the service of a written order by a judge of the Hearing Department, or of the making of an oral order on the record, whichever is later. If a different time for seeking review under this rule is specified elsewhere in these rules, that time shall control. The timely filing of a motion for reconsideration of the hearing judge's order shall extend the time within which a party may seek review under this rule until fifteen (15) days after service of the ruling on the motion for reconsideration.	**(B) Time for Filing Petition.** Any aggrieved party may petition the Review Department for review of a Hearing Department judge's order within 15 days after the written order is served, or the oral order is made on the record, whichever is later. If a rule specifies a different time for seeking review, that time controls. If a timely motion for reconsideration of the hearing judge's order is filed, the time to seek review is extended until 15 days after the ruling on the motion for reconsideration is served.
(c) Contents of Petition. Petitions pursuant to this rule shall be accompanied by:	**(C) Contents of Petition.** Petitions under this rule must be accompanied by:
(1) a supporting memorandum of points and authorities containing specific citations to the relevant portions of the record in the Hearing Department; and	(1) a supporting memorandum of points and authorities containing specific citations to the relevant portions of the record in the Hearing Department; and

(2) an appendix containing:	(2) an appendix containing:
(A) a copy of the written order (or, if there is none, a copy of the audiotaped record of the hearing at which the oral order was made) which the party seeks to have reviewed, and	(a) a copy of the written order or, if none, a copy of the audiotaped record of the hearing at which the oral order was made, and
(B) copies of all pleadings filed with the Hearing Department in support of or in opposition to the issuance of such order.	(b) copies of all pleadings filed with the Hearing Department in support of or in opposition to issuing the order.
(d) Filing and Service. The petitioner shall file the original and three copies of the petition and all supporting pleadings (including any required audiotape) with the Clerk. The petitioner shall serve copies of the petition and all supporting pleadings pursuant to the rule for service of subsequent pleadings (rule 61), on all other parties and upon the hearing judge who issued the order from which interlocutory review is sought.	**(D) Filing and Service.** For all types of review, the petitioner must file the original and three copies of the petition and all supporting pleadings (including any required audiotape) with the Clerk. The petitioner must serve copies of the petition and all supporting pleadings under rule 4.8 on all other parties. If interlocutory review from an order is sought, the petitioner must also serve the hearing judge who issued the order.
(e) Response. Unless otherwise ordered by the Review Department, no response to a petition for interlocutory review is required unless the Review Department grants review. If review is granted by the Review Department, the responding party may file and serve a response within ten (10) days of the service of the order granting review.	**(E) Response.** No response to a petition for interlocutory review is required unless the Review Department grants review or otherwise orders. A responding party may file and serve a response within 10 days after the order granting review is served.

(f) Filing and Service of Subsequent Pleadings. Following the filing of the petition for interlocutory review, any party filing a pleading with the Clerk, including the response to the petition pursuant to paragraph (e) of this rule, shall file the original and three copies of such pleading with the Clerk and shall serve copies of such on all parties pursuant to rule 61 and upon the hearing judge who issued the order from which interlocutory review is sought.	**(F) Filing and Service of Later Pleadings.** After the petition for interlocutory review is filed, any party who files a pleading with the Clerk, including the response to the petition, must file the original and three copies of such pleading with the Clerk, serve copies on all parties under rule 4.8, and serve copies on the hearing judge who issued the order from which interlocutory review is sought.
(g) Citations to Record; Supplemental Appendix. All statements of fact in support of or in response to the petition must be accompanied by appropriate citation to the appended record. If material pertaining to the challenged order that is part of the Hearing Department record was omitted from the appendix prepared by the petitioning party, an opposing party may file and serve, together with the response, a supplemental appendix containing the omitted material.	**(G) Citations to Record; Supplemental Appendix.** All statements of fact in support of or in response to the petition must cite to the appended record. If material pertaining to the challenged order is part of the Hearing Department record and was omitted from the appendix prepared by the petitioning party, an opposing party may file and serve, together with the response, a supplemental appendix containing the omitted material.
(h) Motion for Stay	**(H) Motion for Stay.**
(1) A party who intends to file a petition under this rule, and who seeks to stay proceedings in the Hearing Department pending disposition of the petition, must make a motion to the hearing judge for a stay. The motion must be made at the time of filing the petition, may be made orally on the record or in writing upon shortened notice pursuant to rule 64, and shall be ruled upon on an expedited basis.	(1) A party who intends to file an interlocutory petition and who seeks a stay of proceedings in the Hearing Department must file the petition and concurrently make a motion to the hearing judge for a stay. The motion may be made orally on the record or in writing on shortened notice under rule 4.11. The motion must be ruled upon on an expedited basis.

(2) If the motion for stay is denied by the hearing judge, the petitioning party may move the Review Department to stay further Hearing Department proceedings in the matter until the Review Department files a ruling on the petition. If the petitioning party moves for a stay by the Review Department:	(2) If the hearing judge denies the motion for stay, the petitioning party may move the Review Department to stay further Hearing Department proceedings in the matter until the Review Department files a ruling on the petition.
(A) The motion for stay shall be filed within five (5) days after the petitioning party receives notice that the hearing judge has denied the stay, or concurrently with the filing of the petition, whichever is later.	(a) The motion for stay must be filed within five days after the petitioning party receives notice that the hearing judge has denied the stay, or concurrently with the filing of the petition, whichever is later.
(B) The motion shall state that a motion for a stay was previously made to and denied by the hearing judge, and shall attach a copy of the hearing judge's ruling on the motion for stay, or if there is no written ruling, a copy of the audiotape of the hearing at which the oral order was made, together with copies of any pleadings filed in support of and/or in opposition to the motion.	(b) The motion must state that the hearing judge denied the previous motion for a stay and include a copy of the hearing judge's ruling, or, if none, a copy of the audiotape of the hearing at which the oral order was made, together with copies of any pleadings filed in support of or in opposition to the motion.
(C) The Presiding Judge may issue a temporary stay pending an opportunity for the Review Department to consider the motion for stay.	(c) The Presiding Judge may issue a temporary stay while the Review Department considers the motion for stay.

(i) Summary Denial. The petition may be summarily denied if it does not meet the criteria set forth in subdivision (a) of this rule or if it appears to the Review Department that the petition does not demonstrate clearly that the hearing judge's order was erroneous under the applicable standard of review.	**(I) Summary Denial.** The petition may be summarily denied if it does not meet the criteria set forth in subsection (A) or if the Review Department finds that the petition does not clearly demonstrate that the hearing judge's order was erroneous under the applicable standard of review.
(j) No Oral Argument. In proceedings in which the Review Department has granted review, the issues raised by the petition and any response thereto will be decided by the Review Department without oral argument unless the Review Department orders otherwise.	**(J) No Oral Argument.** The issues raised by the petition and any response will be decided by the Review Department without oral argument unless the Review Department orders otherwise.
(k) Standard of Review. Except as otherwise specified in a rule authorizing the filing of a petition under this rule, the standard of review in proceedings under this rule in which review has been granted shall be abuse of discretion or error of law.	**(K) Standard of Review.** Except as otherwise specified in a rule authorizing the filing of a petition under this rule, the standard of review in proceedings under this rule is abuse of discretion or error of law.
(l) Decision. In those proceedings in which review has been granted, the Review Department may deny the relief sought in the petition, or may grant the relief in whole or in part. If the requested relief is granted in whole or in part, it may be granted subject to appropriate conditions imposed upon the petitioning party. If a quorum of the Review Department is not available to rule on the petition in time to provide the petitioning party with meaningful relief, the Presiding Judge may act for the Review Department on any petition under this rule, subject to reconsideration by the Review Department in bank on its own motion or on motion of any party.	**(L) Decision.** The Review Department may deny the relief sought in the petition, or may grant it in whole or in part. Relief may be subject to appropriate conditions imposed on the petitioning party. If a quorum of the Review Department is not available to rule on the petition in time to provide the petitioning party with meaningful relief, the Presiding Judge may act for the Review Department on any petition under this rule, but the Review Department en banc may reconsider the petition on its own motion or on motion of any party.

9. Review by Review Department and Powers Delegated by Supreme Court	
RULE 301. REQUEST FOR REVIEW	**Rule 9.2 Requests for Review**
(a) Unless expressly provided otherwise in the rules governing a particular type of proceeding, all decisions, orders, or rulings by hearing judges which fully dispose of an entire proceeding are reviewable by the Review Department at the request of any party under this rule. Any party seeking review of such a decision shall serve and file with the Clerk a request for review which shall:	**(A) What May Be Reviewed.** Unless expressly provided otherwise in the rules governing a particular type of proceeding, all decisions and orders by hearing judges that fully dispose of an entire proceeding are reviewable by the Review Department at the request of any party under this rule.
	(B) Timing. Any party may file and serve a request for review within 30 days after the hearing judge's decision or order is served. If a posttrial motion is filed in the Hearing Department, a party seeking review must file and serve the request within 30 days after the hearing judge's ruling on the posttrial motion is served.
(1) Be filed within thirty (30) days after service of the hearing judge's decision if no posttrial motion has been filed by any party; or be filed within thirty (30) days after service of the hearing judge's ruling on a posttrial motion; and	**(C) Posttrial Motion After Request Filed.** If a posttrial motion about a decision is filed in the Hearing Department after a request for review is filed, any request for review of that decision will be vacated and the requesting party must file another request for review after the hearing judge's ruling on the posttrial motion is served.

(2) Unless otherwise ordered by the Presiding Judge, certify that a trial transcript has been ordered and appropriate arrangements have been made for payment. Unless otherwise ordered by the Presiding Judge, upon the failure of the party requesting review to timely order a transcript and/or to make timely payment of the required transcript deposit, the Clerk shall notify the party filing the request for review that the request for review will be dismissed unless, within fifteen (15) days after service of the Clerk's notice, the party tenders the required deposit and shows good cause why it was not timely paid, or shows good cause why other arrangements satisfactory to the Court have not been made.	**(D) Certification and Transcript.** Unless otherwise ordered by the Presiding Judge, the request for review must certify that a trial transcript has been ordered and payment has been made as required under the Rules of Practice of the State Bar Court. Unless otherwise ordered by the Presiding Judge, if the party requesting review fails to timely order a transcript or to timely pay the required transcript cost, the Clerk will notify the party that the request will be dismissed unless, within five days after the Clerk's notice is served, the party: (1) tenders the required cost, or (2) upon a motion and showing of good cause, obtains an order from the Court granting an extension of time or permitting other arrangements satisfactory to the Court.
(b) If any party to a proceeding files a request for review under paragraph (a) of this rule, any opposing party may thereafter file a request for review within ten (10) days after the service of the first party's request for review, or within the time permitted by subparagraph (a)(1) of this rule, whichever is later.	**(E) Additional Parties' Requests for Review.** If any party files a request for review under rule 9.2, any opposing party may file a request for review within 10 days after the first party's request for review is served.
(c) If more than one party requests review:	**(F) Multiple Requests for Review.** If more than one party requests review, the requesting parties will equally divide the cost of the transcript. Each will file an appellant's brief under rule 9.3 and a responsive brief under rule 9.4(A). Each may file a rebuttal brief under rule 9.4(B).
(1) The cost of the transcript shall be divided equally among the parties requesting review, and	[intentionally left blank]

(2) Each party requesting review shall file an appellant's brief as provided in rule 302; each such party shall file a responsive brief as provided in rule 303(a); and each such party may file a rebuttal brief as provided in rule 303(b).	[intentionally left blank]
(d) The filing of a posttrial motion as to a decision shall vacate any request for review of that decision filed under this rule. The time to request review after a posttrial motion shall commence with the service of the hearing judge's ruling on the motion.	[intentionally left blank]
(e) Except as expressly permitted by these rules, no action of a hearing judge shall be reviewable by the Review Department until after the entry of a decision or order by the hearing judge fully disposing of the entire proceeding.	**(G) When Review Is Permitted.** Except as expressly permitted by these rules, no action of a hearing judge is reviewable by the Review Department until after the hearing judge enters a decision or order fully disposing of the entire proceeding.

9. Review by Review Department and Powers Delegated by Supreme Court	
RULE 302. APPELLANT'S BRIEF	**Rule 9.3 Appellant's Brief**
(a) Within forty-five (45) days after service of the request for review or service by the Clerk of the trial transcript, whichever occurs later, the appellant shall file with the Clerk and serve an opening brief. The brief shall include references to the record to establish all issues of fact in support of the points raised by the appellant.	**(A) Time to File.** Within 45 days after the request for review is served or the Clerk serves the trial transcript, whichever occurs later, the appellant must file and serve an opening brief. **(B) Length.** Unless otherwise ordered by the Presiding Judge, the brief must not exceed 30 pages, exclusive of pages containing the table of contents, tables of citations and any addendum containing statutes, rules, regulations or similar materials. **(C) Factual Issues on Review.** The appellant must specify the particular findings of fact that are in dispute and must include references to the record to establish all issues of fact in support of the points raised by the appellant. Any factual error that is not raised on review is waived by the parties.
(b) If the appellant's opening brief is not timely filed, the Clerk shall notify the parties that if the brief is not filed within fifteen (15) days from service of the Clerk's notice, then unless otherwise ordered by the Presiding Judge, the request for review will be dismissed with prejudice, and if no other party requested review, the decision of the hearing judge will become the final decision of the State Bar Court.	**(D) Failure to File Brief.** Unless otherwise ordered by the Presiding Judge, if the opening brief is not filed, the Clerk will notify the parties that the brief must be filed within five days after the Clerk's notice is served or: (1) the request for review will be dismissed with prejudice; and (2) if no other party requested review, the hearing judge's decision will become the State Bar Court's final decision.

9. Review by Review Department and Powers Delegated by Supreme Court	
RULE 303. SUBSEQUENT BRIEFS	**Rule 9.4 Subsequent Briefs**
(a) Within thirty (30) days after service of the appellant's brief, the appellee shall file with the Clerk and serve a responsive brief which shall meet the same formal requirements as the appellant's brief. If the appellee's brief is not timely filed, the Clerk shall notify the parties that if the brief is not filed within fifteen (15) days from service of the Clerk's notice, then unless otherwise ordered by the Presiding Judge, the proceeding will be submitted on review without oral argument, and if oral argument is held at the request of the appellant or on the Court's motion, the appellee will be precluded from appearing.	**(A) Responsive Brief.** Within 30 days after the appellant's brief is served, the appellee may file and serve a responsive brief that meets the same formal requirements as the appellant's brief under rule 9.3(B) and (C). Unless otherwise ordered by the Presiding Judge, if the appellee's brief is not filed, the Clerk will notify the parties that the brief must be filed within five days after the Clerk's notice is served, or: (1) the proceeding will be submitted on review without oral argument; or (2) if appellant requests or the Court orders oral argument, the appellee will be precluded from appearing.
(b) Within fifteen (15) days after service of the appellee's brief, the appellant may file with the Clerk and serve a rebuttal brief, the body of which shall not exceed ten (10) pages in length. For good cause, the Presiding Judge may allow additional time for filing the rebuttal brief, and/or may permit the body of the brief to exceed ten (10) pages in length.	**(B) Rebuttal Brief.** Within 15 days after the appellee's brief is served, the appellant may file and serve a rebuttal brief whose body is no more than 10 pages. For good cause, the Presiding Judge may extend the time to file, or may permit the brief's body to exceed 10 pages, or both.

9. Review by Review Department and Powers Delegated by Supreme Court	
RULE 304. ORAL ARGUMENT BEFORE REVIEW DEPARTMENT	**Rule 9.5 Oral Argument Before Review Department**
Except as otherwise provided in these rules, the Review Department shall give the parties an opportunity for oral argument. The parties may waive oral argument at any time, but not less than five (5) days prior to the date set for oral argument. Unless oral argument is waived or the parties agree to a shorter period of notice, written notice of the time and place of oral argument shall be served on the parties at least thirty (30) days prior to the oral argument.	Except as otherwise provided in these rules, the Review Department will give the parties an opportunity for oral argument. The parties may waive oral argument at any time up to five days before the date set for oral argument. Unless oral argument is waived or the parties agree to a shorter period of notice, written notice of the time and place of oral argument must be served by the Clerk on the parties at least 30 days before the oral argument.

9. Review by Review Department and Powers Delegated by Supreme Court	
RULE 305. ACTIONS BY REVIEW DEPARTMENT	**Rule 9.6 Actions by Review Department**
(a) Upon review pursuant to rule 301 of decisions of rulings of the Hearing Department, the Review Department shall independently review the record and may adopt findings, conclusions and a decision or recommendation at variance with those of the hearing judge. The Review Department may remand a proceeding to the Hearing Department for a new trial on specified issues, for a trial de novo, or for other proceedings. Proceedings on remand shall be held before the same hearing judge unless the Review Department orders otherwise or that judge is unavailable. Findings of fact of the hearing judge resolving issues pertaining to credibility of witnesses shall be given great weight.	**(A) Standard of Review under Rule 9.2.** The Review Department will independently review the record and may make findings, conclusions, or a decision or recommendation different from those of the hearing judge. The findings of fact of the hearing judge are entitled to great weight and the burden is on the party alleging factual error to show that the findings are not supported by clear and convincing evidence. **(B) Remand.** The Review Department may remand a proceeding to the Hearing Department for a new trial on specified issues, for a trial de novo, or for other proceedings. If a proceeding is remanded, the same hearing judge will preside unless that judge is unavailable or the Review Department orders otherwise.
(b) The Review Department may take action as to an issue whether or not that issue was raised in the request for review or briefs of any party. If the Review Department is considering taking action as to an issue not raised by any party, the Review Department shall advise the parties in writing of such issues prior to oral argument and any party may file a supplemental brief regarding such issues. If the Review Department does not advise the parties in advance of oral argument, supplemental posttrial briefs shall be permitted, or a rehearing shall be ordered upon timely motion by any party under rule 309.	**(C) Issues Not Raised for Review.** The Review Department may take action on an issue that was not raised in the request for review or briefs of any party. If it does so, the Review Department will notify the parties in writing of the issues before oral argument, and any party may file a supplemental brief about those issues. If the parties are not notified before oral argument, they may make a motion to file supplemental briefs or for reconsideration under rule 9.9.

(c) The Review Department shall decide matters before it in bank. Two (2) judges of the Review Department shall constitute a quorum. A majority vote of the judges of the Review Department present and voting shall be sufficient to take any action or arrive at any decision in any matter before that department.	**(D) En Banc Review.** The Review Department will decide matters before it en banc. Two judges constitute a quorum. A majority vote of the judges present and voting are sufficient to take any action or arrive at any decision.
(d) The Review Department shall file its opinion within ninety (90) days of taking the matter under submission, unless a shorter period for filing the opinion in an expedited proceeding is required by statute, by Supreme Court rule, or by these rules.	**(E) Time for Opinion.** The Review Department will file its opinion within 90 days after the matter is submitted, unless the proceeding is expedited and a procedural rule, a statute, or a Supreme Court rule requires a shorter period for filing the opinion.
(e) In the event that one or more Review Department judges are disqualified or unavailable to serve in a matter before the department, the Presiding Judge may designate a hearing judge appointed by the Supreme Court pursuant to Business and Professions Code section 6079.1 to act in the place of the disqualified or unavailable Review Department judge, provided that the hearing judge so designated took no part in the consideration or decision of the matter in the Hearing Department. If the Presiding Judge is disqualified or unavailable to act under this provision, a Lawyer Review Judge shall act in place of the Presiding Judge, unless the Presiding Judge has designated another judge for this purpose.	**(F) Disqualified Judge.** If one or more Review Department judges are disqualified or unavailable to serve, the Presiding Judge may designate a hearing judge appointed by the Supreme Court under Business and Professions Code § 6079.1 to act in the Review Department judge's place, if the designated hearing judge took no part in considering or deciding the matter in the Hearing Department. If the Presiding Judge is disqualified or unavailable to act and has not designated another judge to act in his or her place, the Acting Presiding Judge may act in place of the Presiding Judge.

(f) In the event that the Review Department recommends disbarment, it shall also include in its opinion an order that the respondent be enrolled as an inactive member pursuant to Business and Professions Code section 6007, subdivision (c)(4). The order of inactive enrollment shall be effective upon personal service or three (3) days after service by mail, whichever is earlier, unless otherwise ordered by the Court.	**(G) Disbarment Recommendation.** If the Review Department recommends disbarment, it must include in its opinion an order that the respondent be enrolled as an inactive member under Business and Professions Code § 6007(c)(4). Unless otherwise ordered by the Court, the order takes effect on personal service or three days after service by mail, whichever is earlier.
(g) By March 1 of each year, the State Bar Court shall prepare and submit to the Chief Justice an annual report describing the compliance of the Review Department with the requirements of paragraph (d) during the preceding calendar year.	**(H) State Bar Court's Annual Report.** By March 1 of each year, the State Bar Court must prepare and submit to the Chief Justice an annual report describing how the Review Department complied with the requirements of subsection (E) during the preceding calendar year.
(h) Paragraphs (d) and (f) of this rule shall apply to all proceedings which are taken under submission on or after February 1, 1999.	[intentionally left blank]

9. Review by Review Department and Powers Delegated by Supreme Court	
RULE 306. ADDITIONAL EVIDENCE BEFORE REVIEW DEPARTMENT	**Rule 9.7 Additional Evidence Before Review Department**
(a) Except as provided by this rule or by order of the Review Department, the Review Department shall consider as evidence only that which was made a part of the record in the Hearing Department in the proceeding under review, or which was offered and excluded in the Hearing Department and which the Review Department determines should not have been excluded.	**(A) Record & Excluded Evidence.** Except as provided by this rule or by order of the Review Department, the Review Department considers only evidence that is a part of the record made in the Hearing Department, or excluded evidence that the Review Department determines should have been admitted.
(b) On its own motion or at the request of a party, the Review Department may take judicial notice of orders and decisions of the Supreme Court or the State Bar Court arising out of any State Bar Court proceeding involving the party who is the subject of the proceeding under review, whether or not such orders and decisions were introduced as evidence in the Hearing Department.	**(B) Augmenting Record: Judicial Notice & Stipulations.** On its own motion or at the request of a party, the Review Department may take judicial notice of orders and decisions of the Supreme Court or the State Bar Court arising out of any State Bar Court proceeding involving the party who is the subject of the proceeding under review, whether or not such orders and decisions were introduced as evidence in the Hearing Department. The Review Department may also admit other judicially noticeable facts or stipulated facts such as those bearing on restitution or rehabilitation occurring after the evidentiary proceedings before the hearing judge ended.
(c) The Review Department may augment the record to admit other judicially noticeable facts or stipulated facts such as those bearing on restitution or rehabilitation occurring subsequent to the conclusion of evidentiary proceedings before the hearing judge.	[intentionally left blank]

(d) Any party may move to augment the record, or in the alternative to remand the proceeding, to present evidence occurring subsequent to the conclusion of evidentiary proceedings before the hearing judge, such as evidence bearing on restitution or rehabilitation. Alternatively, any party may move to remand in order to file a motion to reopen the record pursuant to rule 222. Upon such motion, or on its own motion after notice to the parties, the Review Department may appoint a hearing judge as a referee to receive evidence and make proposed additional findings of fact thereon.	**(C) Augmenting Record: Additional Evidence from a Party.** Any party may move to present additional evidence occurring after evidentiary proceedings before the hearing judge ended, including evidence bearing on restitution or rehabilitation. Alternatively, any party may move to remand the proceeding so the party may file a motion to reopen the record under rule 7.20. On this motion, or on its own motion after notice to the parties, the Review Department may appoint a hearing judge as a referee to receive evidence and make proposed additional findings of fact.
(e)	**(D) Procedures to Augment or Correct Record.**
(1) Any motion by a party, or stipulation by all parties, for augmentation or correction of the record on review shall be so identified and shall be filed and served as a separate pleading on the date the appellant's opening brief is due to be filed.	(1) A motion or stipulation to augment or correct the record on review must be identified as such and filed and served as a separate pleading on the date the appellant's opening brief is due to be filed.
(2) All other parties shall file and serve a response to the motion to augment or correct the record as a separate pleading on the date the appellee's brief is due to be filed. If a motion to augment or correct the record is filed after the filing of the appellant's opening brief, any response thereto must be filed and served within ten (10) days of the service of the motion.	(2) All other parties may file and serve a response to the motion to augment or correct the record as a separate pleading on the date the appellee's brief is due to be filed. If a motion to augment or correct the record is filed after the appellant's opening brief is filed, any response to the motion must be filed and served within 10 days after the motion is served.

(3) The Review Department will grant requests for augmentation or correction of the record on review only if it determines that the original record is incomplete or incorrect, or as permitted by paragraphs (a) through (d) of this rule.	**(E) Augmentation Permitted.** The Review Department will grant requests to augment or correct the record on review only if it determines that the original record is incomplete or incorrect, or as permitted by subsections (A) through (D) above.

9. Review by Review Department and Powers Delegated by Supreme Court	
RULE 308. SUMMARY REVIEW PROGRAM	**Rule 9.8 Summary Review Program**
(a) The Review Department may summarily review matters raising limited issues on review which can be decided without necessitating a transcript of the entire record of State Bar hearings or the normal briefing schedule. Matters eligible for summary review include, but are not limited to, matters where no challenge has been made to the material findings of fact of the hearing judge and the issues on review are:	**(A) Scope for Summary Review.** The Review Department may summarily review matters raising legal issues on review that can be decided without a transcript of the entire record of State Bar hearings or the normal briefing schedule.
(1) contentions that the facts support conclusions of law different from those reached by the hearing judge;	**(B) Eligibility for Summary Review.** A matter is eligible for summary review if the requesting party does not challenge the hearing judge's findings of fact. The decision of the hearing judge will be the final State Bar Court decision on all material findings of fact and the parties will be bound by the facts as provided for under rule 5.5. The issues on review are limited to:
(2) disagreement as to the appropriate disposition or degree of discipline; and/or	(1) contentions that the facts support conclusions of law different from those reached by the hearing judge;
(3) other questions of law.	(2) disagreement about the appropriate disposition or degree of discipline; or
	(3) other questions of law.

(b) Unless the Review Department determines pursuant to paragraph (i) that a matter for which summary review has been requested is not appropriate for summary review, any issue or contention not raised by the parties in briefs filed pursuant to paragraph (f) shall be waived.	**(C) Issues Waived.** Any issue or contention not raised by the parties is waived.
(c) The decision of the hearing judge shall be the final State Bar Court decision as to all material findings of fact and as to all issues or contentions not raised in the briefs filed pursuant to paragraph (f) of this rule.	[moved to subd. (B)]
(d) Rules 301-304 are not applicable to matters reviewed pursuant to summary review. Rules 305, 306 and 309 are applicable to summary review matters.	**(D) Inapplicable and Applicable Rules.** Rules 9.2 – 9.5 do not apply to summary review matters. Rules 9.6, 9.7, and 9.9 apply to summary review matters.
(e)	**(E) Requests for Summary Review.**
(1) In lieu of a request for review, a party seeking summary review shall file a request that the Review Department designate the matter for summary review. Such request shall be filed within thirty (30) days after service of the hearing judge's decision or, if a posttrial motion has been made, the hearing judge's ruling on the posttrial motion.	(1) A party must ask the Review Department to designate the matter for summary review. The request must be filed within 30 days after the hearing judge's decision is served or, if a posttrial motion has been made, within 30 days after the hearing judge's ruling on the motion.
(2) In a matter in which review is sought under rule 301, the Review Department may notify the parties on its own motion that it considers the matter eligible for summary review, and may invite the party seeking review to elect summary review. If the party declines to elect summary review, the matter will proceed pursuant to rules 301-304.	(2) If review is sought under rule 9.2, the Review Department may notify the parties on its own motion that it considers the matter eligible for summary review, and may invite the party seeking review to elect summary review. If the party declines to elect summary review, the matter will proceed under rules 9.2 – 9.5.

(3) If both a request for summary review under this rule and a request for review under rule 301 are timely filed in the same proceeding, the matter shall proceed pursuant to rules 301-304, subject to subparagraph (2) of this paragraph.	(3) If a request for summary review under this rule and a request for review under rule 9.2 are both timely filed in the same proceeding, the matter will proceed under rules 9.2 – 9.5. But the Review Department may apply subsection (E)(2) of this rule.
(f) In summary review proceedings, in lieu of briefs, and provided that supplemental briefs may be ordered by the Review Department:	**(F) Opening Memorandum.** Instead of an opening brief, the party seeking summary review must file an opening memorandum within 20 days after the order designating the proceeding for summary review is served. The memorandum must not exceed 20 pages. It must include a copy of the decision from which review is sought and:
(1) Within twenty (20) days after service of the order designating the proceeding for summary review, the party seeking summary review shall file an opening memorandum which shall:	(1) concisely state the issues for review, including, if applicable, how the conclusions of law or disposition or both should be modified;
(A) Have attached thereto a copy of the decision from which review is sought;	(2) list the supporting authorities cited for the contentions raised on review, and concisely state the proposition for which each authority is cited; and
(B) Concisely state the issues presented on review, including, if applicable, the modifications requested with regard to the conclusions of law and/or disposition;	(3) state whether or not oral argument is requested.
(C) List the authorities asserted in support of the contentions raised on review, with a concise statement of the proposition for which each authority is cited; and	[intentionally left blank]

(D) State whether or not oral argument is requested.	[intentionally left blank]
(2) Within fifteen (15) days of service of the opening memorandum, each opposing party shall file a responsive memorandum which shall:	**(G) Responsive Memorandum.** Within 15 days after the opening memorandum is served, the opposing party must file a responsive memorandum that does not exceed 20 pages and:
(A) State whether the party disputes any issue raised or relief requested in the opening memorandum, and if so, the party's position regarding such disputed issue or request for relief;	(1) states whether the party disputes any issue raised or relief requested in the opening memorandum, and, if so, the party's position on the disputed issue or request for relief;
(B) State whether the party disputes the propriety of summary review;	(2) states whether the party believes summary review is not proper;
(C) Concisely state any additional issues which the party wishes to raise on review, including, if applicable, any modifications requested with regard to the conclusions of law and/or disposition;	(3) concisely states any additional issues for review, including, if applicable, how the conclusions of law or disposition or both should be modified;
(D) List the authorities upon which the party relies in support of its position, with a concise statement of the proposition for which each authority is cited; and	(4) lists the supporting authorities cited for the party's position, and concisely state the proposition for which each authority is cited; and
(E) State whether or not oral argument is requested.	(5) states whether or not oral argument is requested.

(3) Within ten (10) days of service of the responsive memorandum, the party seeking summary review may file a reply memorandum not more than five(5) pages in length addressing any new issues raised in the responsive memorandum.	**(H) Reply Memorandum.** Within 10 days after the responsive memorandum is served, the party seeking summary review may file a reply memorandum not to exceed five pages addressing any new issues raised in the responsive memorandum.
(g) Oral argument will not be heard in summary review proceedings unless specifically requested by a party or ordered by the Review Department on its own motion. If requested or ordered, oral argument shall be held by telephone conference on fifteen (15) days notice unless the parties agree otherwise. The telephone conference shall originate from one or more designated Courtrooms which shall be open to the public if the proceeding is public. The judges of the Review Department may participate from designated Courtrooms at different locations. Each party may present its oral argument either by telephone or in person at one of the designated Courtrooms.	**(I) Oral Argument.** Unless specifically requested by a party or ordered by the Review Department on its own motion, oral argument will not be heard in summary review proceedings. If requested or ordered, oral argument will be by telephone conference on 15 days' notice. The telephone conference will originate from one or more designated Courtrooms that will be open to the public if the proceeding is public. The judges of the Review Department may participate from designated Courtrooms at different locations. Each party may present its oral argument either by telephone or in person at one of the designated Courtrooms.
(h)	**(J) Full Record.**
(1) Nothing in this rule shall restrict the Review Department's authority, in proceedings in which review is requested, to review independently the full record of State Bar proceedings or to require a full or partial transcript and briefing schedule prior to oral argument of any case.	(1) When review is requested, nothing in this rule restricts the Review Department's authority to independently review the full record of State Bar proceedings or to require a full or partial transcript and briefing schedule before oral argument of any case.

(2) Should the Review Department determine that review of the full record is warranted, it may decline a party's request to review a matter by summary review and order the matter reviewed under rules 301-304. In this event, the party requesting review may withdraw the request within thirty (30) days after service of the Review Department's order.	(2) If the Review Department determines that it needs to review the full record, it may decline a party's request to review a matter by summary review and order the matter reviewed under rules 9.2 – 9.5. In this event, the party requesting summary review may withdraw the request within 30 days after the Review Department's order is served.
(i) In the event the Review Department determines that a matter for which summary review has been requested is not appropriate for summary review, the parties shall have ten (10) days from service of notice of such determination by the Court to file a request for review pursuant to rule 301. Rule 301 (a) (1) shall not apply to such requests for review.	**(K) Denial of Summary Review.** If the Review Department determines that summary review is not appropriate, then within 10 days after notice of the determination is served, a party may request review under rule 9.2.
(j) After the filing of the Review Department's decision in a summary review matter, a party who intends to seek review by the Supreme Court must first file a motion for reconsideration by the Review Department, accompanied by certification that a trial transcript has been ordered and appropriate arrangements have been made for payment. The motion shall be filed within fifteen (15) days from service of the Review Department's decision.	**(M) Review by the Supreme Court.** After the Review Department files its opinion in a summary review matter, a party who intends to petition the Supreme Court for review must first file with the Review Department a certification that a trial transcript has been ordered and appropriate payment has been made. The certification must be filed within 15 days from service of the Review Department's decision. The Supreme Court requires a complete record, including a trial transcript.
(1) For good cause, on motion of the party seeking reconsideration or on the Court's own motion after notice and an opportunity to be heard, the Court may order that all or part of the cost of the transcript be paid by the party or parties who originally sought summary review.	[intentionally left blank]

(2) Upon the filing of a motion for reconsideration under this paragraph, the provisions of rules 301(a)(2), 301(b), 301 (c), and 302-306 shall apply as if the motion for reconsideration were a request for review under rule 301, except that the time to file briefs shall be thirty (30) days for the opening brief, twenty (20) days for the responsive brief, and five (5) Court days for the rebuttal brief.	[intentionally left blank]

9. Review by Review Department and Powers Delegated by Supreme Court	
RULE 309. RECONSIDERATION OF REVIEW DEPARTMENT ACTIONS	**Rule 9.9 Reconsideration of Review Department Actions**
(a) Decisions or rulings of the Review Department shall not be subject to reconsideration unless the department otherwise orders on its own motion or upon a request for reconsideration filed and served by a party within fifteen (15) days of service of the Review Department's decision. The time to file a request for reconsideration may be extended upon motion for good cause shown, so long as the record in the proceeding has not yet been transmitted to the Supreme Court.	**(A) Reconsideration Not Automatic.** The Review Department does not reconsider opinions or orders unless it otherwise orders on its own motion or on a request for reconsideration filed and served by a party within 15 days after the Review Department's ruling is served. If the record in the proceeding has not yet been sent to the Supreme Court and good cause is shown, the time to file a request for reconsideration may be extended.
30. (b) If a request for reconsideration is filed, any opposing party may file a response thereto within fifteen (15) days of service of the request.	**(B) Opposing Reconsideration.** If a request for reconsideration is filed, any opposing party may file a response within 10 days of service after the request is served.

9. Review by Review Department and Powers Delegated by Supreme Court	
RULE 310. REVIEW DEPARTMENT OPINIONS AS PRECEDENT	**Rule 9.10 Review Department Opinions as Precedent**
(a) All opinions of the Review Department which are designated for publication by the Court shall be published in the California State Bar Court Reporter or other publications as directed by the Board of Governors. Hearing Department decisions shall not be published.	**(A) Published and Unpublished Opinions.** Review Department opinions that the Court designates for publication are published in the California State Bar Court Reporter or other publications, as directed by the Board of Governors. Hearing Department decisions are not published.
(b) A published opinion which is effective without a Supreme Court order, or as to which the recommended action has been adopted by a Supreme Court order, shall, in the absence of contrary Supreme Court precedent, be binding on the Hearing Department and citable as precedent in the State Bar Court.	**(B) Precedential Value.** A published opinion that has no review pending and either takes effect without a Supreme Court order, or is adopted by a Supreme Court order is binding on the Hearing Department and citable as precedent in the State Bar Court.
(c) Upon filing with the Supreme Court of a petition for writ of review of a proceeding, any published Review Department opinion in that proceeding shall cease to be citable as precedent unless and until the Supreme Court denies the petition for writ of review, dismisses the writ without issuing an opinion, or orders that the Review Department opinion shall remain citable.	**(C) Petition for Review Filed**. If a party to the proceeding files a petition for writ of review with the Supreme Court, the opinion in that proceeding cannot be cited as precedent unless the Supreme Court denies the petition for writ of review, dismisses the writ without issuing an opinion, or orders the Review Department opinion to remain citable.
(d) Any Review Department opinion ordered depublished by the Supreme Court shall not be citable as precedent.	**(D) Depublished Opinions.** If the Supreme Court orders a Review Department opinion depublished, the opinion is not citable as precedent.

9. Review by Review Department and Powers Delegated by Supreme Court	
NEW RULE – NO COMPARABLE EXISTING RULE	**Rule 9.11 Settlement Conferences on Review**
	(A) Application. After a hearing judge's decision is filed, a settlement conference will be scheduled if requested in writing by both parties. A request by either party that declares that the other party joins in the request is adequate. A settlement conference under this rule will be before a hearing judge or a judge pro tem assigned by the Presiding Judge.
	(B) Purpose. A settlement conference is to evaluate the merits of seeking review, consider a narrowing of the issues on review, and discuss settlement of the entire matter and other relevant issues.
	(C) Timing of Request. **(1) Before a Request for Review is Filed.** A request for a settlement conference must be filed with the Clerk of the Review Department within seven days of service of a hearing judge's decision. If a posttrial motion is filed after the decision, the request must be filed within seven days of service of the ruling on the motion. **(2) After a Request for Review is Filed.** A request for a settlement conference may be filed with the Clerk of the Review Department any time prior to service of the notice of oral argument.
	(D) Date of Conference. The Clerk will provide a settlement conference date within 15 days of the request. The parties must be prepared to accommodate the date provided by the Clerk or the conference may not be held.

	(E) Settlement Conference Statement. No later than two days before the date set for the settlement conference, a party may serve on the other party and lodge with the clerk of the Review Department a settlement conference statement.
	(F) Court Approval of Settlement. (1) The assigned settlement judge must approve a stipulation reached between the parties under this rule. The judge must determine whether the stipulation is fair to the parties and adequately protects the public, courts and profession. In addition, the judge must determine whether a stipulation that seeks to modify the hearing judge's decision as to any fact, conclusion of law, disposition or other provision is supported by an adequate factual and legal basis. (2) The stipulation must be submitted to the assigned settlement judge within 10 days of the settlement conference. (3) If the stipulation is rejected and a request for review has not previously been filed, the parties have 10 days from service of the order to file a request for review under rule 9.2.
	(G) Review Proceedings. Except as provided under subdivision (F)(3) or as otherwise ordered by the Presiding Judge, the request for a settlement conference or the pendency of settlement proceedings will not suspend the time to request review nor suspend the time to prepare the record for review under rule 9.2.

	(H) Confidentiality. Except as otherwise required by law, information disclosed to the Settlement Conference judge and the parties in the conference is confidential and must not be disclosed to anyone not participating in the settlement conference, including the Review Department.

9. Review by Review Department and Powers Delegated by Supreme Court	
RULE 320. EXERCISE OF POWERS DELEGATED BY SUPREME COURT	**Rule 9.12 Exercise of Powers Delegated by Supreme Court**
(a) State Bar Court actions authorized under rules 9.10(a) through 9.10(e), inclusive, California Rules of Court, shall be taken by the Review Department, except that (1) any modification of probation pursuant to rule 9.10(c), California Rules of Court, shall instead be acted upon initially by a hearing judge as provided in rules 550-554; and (2) a motion to extend the time within which a member must take and pass a professional responsibility examination pursuant to rule 9.10(b), California Rules of Court, which is made prior to the expiration of the period of time during which the member was ordered to take and pass the examination, shall instead be acted upon by a hearing judge.	**(A) Authorized Actions Similar to Those of State Bar Court.** State Bar Court actions authorized under California Rules of Court, rule 9.10(a)–(e) will be taken by the Review Department, except that: (1) a hearing judge will initially act on any modification of probation under California Rules of Court, rule 9.10(c), as provided in rules 20.1–20.7; and (2) if a motion is made to extend the time within which a member must take and pass a professional responsibility examination under California Rules of Court, rule 9.10(b), and the deadline for complying has not passed, a hearing judge will act on the motion.
(b) In addition to those actions referred to in paragraph (a) of this rule, the Review Department shall act on the following motions:	**(B) Additional Authorized Actions.** In addition to those actions in subsection (A), the Review Department will act on the following:
(1) Motions to vacate, delay the effective date of and temporarily stay the effective date of orders of interim suspension or orders of suspension issued under rules 9.10(a), 9.10(b) or 9.10(e), California Rules of Court. Such motions shall be governed by rule 321.	(1) Motions to vacate and motions to delay and temporarily stay the effective date of orders of interim suspension or orders of suspension issued under California Rules of Court, rules 9.10(a), 9.10(b), or 9.10(e). These motions are governed by rule 9.13 of these procedures.

(2) Motions by the Chief Trial Counsel for reconsideration of a decision not to place an eligible member on interim suspension. Any motion under this subparagraph shall be filed within fifteen (15) days after notice of the decision, shall show proof of service on all opposing parties pursuant to the rule for service of subsequent pleadings (rule 61), and shall show the legal basis for the entry of an order of interim suspension. Opposition to the motion shall be filed and served within ten (10) days of service of the motion. Parties shall file the original and three copies of all pleadings submitted under this subparagraph. For good cause, the Review Department may grant leave to file a motion under this subparagraph more than fifteen (15) days after notice of the decision.	(2) Motions by the Chief Trial Counsel to reconsider a decision not to place an eligible member on interim suspension. Any motion must be filed within 15 days after notice of the decision, show proof of service on all opposing parties under rule 4.8, and show the legal basis for entering an order of interim suspension. Opposition to the motion must be filed and served within 10 days after the motion is served. Parties must file the original and three copies of all pleadings submitted. For good cause, the Review Department may grant leave to file a motion more than 15 days after notice of the decision.

9. Review by Review Department and Powers Delegated by Supreme Court	
RULE 321. MOTIONS FOR RELIEF UNDER RULE 9.10, CAL. RULES OF COURT	**Rule 9.13 Motions for Relief under California Rules of Court, Rule 9.10**
(a) (1) Motions to the Review Department or the Hearing Department, as provided in rule 320 (a) for relief under California Rules of Court, rule 9.10(a) (to delay or stay interim suspension), 9.10(b) (to extend time to take and pass professional responsibility examination, or vacate suspension for failure to do so) or 9.10(e) (to delay or stay of disciplinary suspension ordered by Supreme Court), shall be filed with the Clerk of the State Bar Court within fifteen (15) days after the filing of the suspension order (if any), shall show good cause for the relief requested as provided in the applicable paragraph of this rule, and shall show proof of service pursuant to the rule for service of subsequent pleadings (rule 61). Such service shall be made on the Deputy Chief Trial Counsel in the appropriate venue.	**(A) Filing Motions.** Motions to the Review Department or the Hearing Department, as provided in rule 9.12(A) of these procedures for relief under California Rules of Court, rules 9.10(a) (to delay or stay interim suspension), 9.10(b) (to extend time to take and pass professional responsibility examination, or vacate suspension for failure to do so), or 9.10(e) (to delay or stay disciplinary suspension ordered by Supreme Court), must: (1) be filed with the Clerk of the State Bar Court within 15 days after the suspension order (if any) is filed; (2) show good cause for the relief requested; and (3) show proof of service under rule 4.8. Service must be made on the Deputy Chief Trial Counsel in the appropriate venue.
(2) Parties filing pleadings relating to motions under this rule shall file the original and three copies of all pleadings. All pleadings relating to motions under this rule shall prominently bear the legend "RULE OF COURT 9.10 MATTER" in the caption immediately below the case number and above the title of the pleading.	**(B) Pleadings Related to Motions.** Parties must file the original and three copies of all pleadings related to motions under this rule. The legend "RULE OF COURT 9.10 MATTER" must appear in the caption immediately below the case number and above the title of the pleading.

(3) For good cause, the Review Department or the Presiding Judge may grant leave to file a motion under this paragraph more than fifteen (15) days after the filing of the suspension order, and/or may order temporary relief to the extent necessary to permit the Review Department to act on the merits of the motion.	**(C) Extension of Time to File Motion or Temporary Relief.** For good cause, the Review Department or the Presiding Judge may grant leave to file a motion more than 15 days after a suspension order is filed, or may order temporary relief to the extent necessary for the Review Department to act on the merits of the motion
(b) A motion under rule 9.10(a), California Rules of Court, to delay or temporarily stay the effect of a prior order of interim suspension imposed pursuant to Business and Professions Code section 6102(a) or to obtain an exception thereto should include the following information as part of the member's showing of good cause:	**(D) Motion to Delay or Stay Interim Suspension.** A motion under California Rules of Court, rule 9.10(a) to delay or temporarily stay the effect of an order of interim suspension imposed under Business and Professions Code § 6102(a) or to obtain an exception to the rule should include the following information as part of the member's showing of good cause:
(1) The date the member was convicted and whether the member has appealed his or her conviction;	(1) the date the member was convicted and whether the member has appealed the conviction;
(2) What steps the member has taken to prepare for the impending suspension;	(2) the steps the member has taken to prepare for the impending suspension;
(3) The nature and extent of the member's current practice of law and the titles, Court case numbers and dates of any future hearings, trials or the dates and nature of other important legal events for which clients need representation; whether in cases pending before a tribunal, the tribunal has been notified of the member's impending suspension; and whether such legal events may be rescheduled or substitute counsel is available;	(3) the nature and extent of the member's current practice of law and the titles, court case numbers, and dates of any future hearings or trials, and the dates and nature of other important legal events for which clients need representation; whether in cases pending before a tribunal, the tribunal has been notified of the member's impending suspension; and whether these legal events may be rescheduled or whether substitute counsel is available;

(4) For each matter that is or would be affected by the member's suspension: when the member undertook representation of the client; whether the client has been notified of the conviction, the impending suspension and this motion; and whether the client would be substantially prejudiced by denial of this motion. If feasible, the motion should be accompanied by client declarations in support thereof; and	(4) for each matter that is or would be affected by the member's suspension: when the member undertook representation of the client; whether the client has been notified of the conviction, the impending suspension, and this motion; and whether the client would be substantially prejudiced by denial of this motion. If feasible, the motion should be accompanied by client declarations in support; and
(5) Whether the member has notified the Office of Trials of the intended motion, and if so, when, to whom and how.	(5) whether the member has notified the Office of Trials of the intended motion, and if so, when, how, and to whom.
(c) A member seeking, under rule 9.10(b), California Rules of Court, to extend the time previously ordered for taking and providing proof of passage of a professional responsibility examination or to vacate the member's suspension for failing to take and pass the ordered examination should include with any motion made to the Review Department, or to the Hearing Department as provided in rule 320(a), the following information as part of the member's showing of good cause for relief:	**(E) Motion Regarding Professional Responsibility Exam.** A member seeking, under California Rules of Court, rule 9.10(b) to extend the time ordered for taking and providing proof of passage of a professional responsibility examination or to vacate the member's suspension for failing to take and pass the ordered examination must include with any motion made to the Review Department, or to the Hearing Department as provided in rule 9.11(A), the following information as part of the member's showing of good cause:
(1) Whether the member has previously taken the ordered examination; if so, on what date(s), what steps were taken to prepare for such examination and the score received on each occasion;	(1) whether the member has taken the ordered examination and, if so, on what date or dates, what steps the member took to prepare for the examination, and the score received on each occasion;

(2) If the examination ordered was not taken on all available dates, why the member did not avail himself or herself of the opportunity to take the ordered examination on each of such dates;	(2) if the member did not take the examination on any available dates, the reason for not doing so on each of those dates;
(3) The nature and extent of the member's current practice of law and titles, Court case numbers and the dates of any future hearings, trials or the dates and nature of other important legal events for which clients need representation during the time period the member would be suspended absent the granting of this motion; whether in cases pending before a tribunal, the tribunal has been notified of the member's impending suspension; and whether such legal events may be rescheduled or substitute counsel is available;	(3) the nature and extent of the member's current legal practice and the titles, court case numbers, and dates of any future hearings or trials, and the dates and nature of other important legal events for which clients need representation during the time the member would be suspended if the motion is not granted; whether in cases pending before a tribunal, the tribunal has been notified of the member's impending suspension; and whether these legal events may be rescheduled or whether substitute counsel is available;
(4) For each matter that is or would be affected by the member's suspension: when the member undertook representation of the client; whether the client has been notified of this motion; and whether the client would be substantially prejudiced by denial of this motion. If feasible, the motion should be accompanied by client declarations in support thereof; and	(4) for each matter that is or would be affected by the member's suspension: when the member undertook representation of the client; whether the client has been notified of this motion; and whether the client would be substantially prejudiced by denial of this motion. If feasible, the motion should be accompanied by client declarations in support; and
(5) Whether the member has notified the Office of Trials of his or her intended motion, and if so, when, to whom and how.	(5) Whether the member has notified the Office of Trials of his or her intended motion, and if so, when, how, and to whom.

(d) A member seeking, under rule 9.10(e), California Rules of Court, to delay or temporarily stay the actual suspension from the practice of law in the State of California previously ordered by the Supreme Court should include with any motion made to the Review Department the following information as part of the member's showing of good cause for relief:	**(F) Motion to Delay or Stay Actual Suspension.** A member seeking, under California Rules of Court, rule 9.10(e) to delay or temporarily stay the actual suspension from the practice of law previously ordered by the Supreme Court must include with any motion made to the Review Department the following information as part of the member's showing of good cause:
(1) Whether the suspension resulted from a stipulation or a decision; the date the member became aware of the final order or decision of the State Bar Court recommending suspension, and the date the member became aware of the transmittal of the proposed order of suspension to the Supreme Court;	(1) whether the suspension resulted from a stipulation or a decision; the date the member became aware of the final order or decision of the State Bar Court recommending suspension, and the date the member became aware that the proposed order of suspension had been sent to the Supreme Court;
(2) What steps the member has taken to prepare for the impending suspension;	(2) what steps the member has taken to prepare for the impending suspension;
(3) The nature and extent of the member's current practice of law and the titles, Court case numbers and dates of any future hearings, trials or the dates and nature of other important legal events for which clients need representation during the time period the member would be actually suspended absent the granting of this motion; whether in cases pending before a tribunal, the tribunal has been notified of the member's impending suspension; and whether such legal events may be rescheduled or substitute counsel is available;	(3) the nature and extent of the member's current practice of law and the titles, court case numbers, and dates of any future hearings or trials, and the dates and nature of other important legal events for which clients need representation during the time the member would be suspended if the motion is not granted; whether in cases pending before a tribunal, the tribunal has been notified of the member's impending suspension; and whether these legal events may be rescheduled or whether substitute counsel is available;

(4) For each matter that is or would be affected by the member's suspension: when the member undertook representation of the client; whether the client has been notified of this motion; and whether the client would be substantially prejudiced by denial of this motion. If feasible, the motion should be accompanied by client declarations in support thereof; and	(4) for each matter that is or would be affected by the member's suspension: when the member undertook representation of the client; whether the client has been notified of this motion; and whether the client would be substantially prejudiced by denial of this motion. If feasible, the motion should be accompanied by client declarations in support; and
(5) Whether the member has notified the Office of Trials of his or her intended motion, and if so, when, to whom and how.	(5) whether the member has notified the Office of Trials of his or her intended motion, and if so, when, how, and to whom.
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Involuntary Inactive Enrollment Proceedings 10. Bus. & Prof. Code § 6007(b)(1): Insanity or Mental Incompetence	
RULE 400. NATURE OF PROCEEDING	**Rule 10.1 Nature of Proceeding**
These rules apply to proceedings which involve, or may involve, transfer of a member to inactive enrollment under Business and Professions Code section 6007(b)(1).	These rules apply to proceedings that involve, or may involve, a member's transfer to inactive enrollment under Business and Professions Code § 6007(b)(1).

10. Bus. & Prof. Code § 6007(b)(1): Insanity or Mental Incompetence	
RULE 401. INITIAL PLEADING; SERVICE	**Rule 10.2 Beginning Proceeding**
(a) A proceeding under these rules may be initiated:	**(A) Initial Pleading.** The Office of the Chief Trial Counsel or any member may make a motion to transfer a member to involuntary inactive enrollment accompanied by evidence that the member has asserted a claim of insanity or mental incompetence as specified in Business and Professions Code § 6007(b)(1). The Court may issue an order to show cause, if a member who is a party to a proceeding before the Court asserts a claim of insanity or mental incompetence as specified in § 6007(b)(1).
(1) By the Office of the Chief Trial Counsel, by filing a motion for involuntary inactive enrollment, accompanied by evidence which is alleged to establish that a member has asserted a claim of insanity or mental incompetence as specified in Business and Professions Code section 6007(b)(1), or	[intentionally left blank]
(2) By the Court, by the issuance of an order to show cause, if a member who is a party to a proceeding before the Court asserts in that proceeding a claim of insanity or mental incompetence as specified in section 6007(b)(1), or	[intentionally left blank]
(3) By a member, by filing a motion for involuntary inactive enrollment and asserting therein a claim of insanity or mental incompetence as specified in Business and Professions Code section 6007(b)(1).	[intentionally left blank]

(b) The motion or order to show cause shall be served on all parties pursuant to the rule for service of initial pleadings (rule 60).	**(B) Service.** The motion or order to show cause must be served on all parties under rule 4.7.

10. Bus. & Prof. Code § 6007(b)(1): Insanity or Mental Incompetence	
RULE 402. PROCEEDINGS ON MOTION	**Rule 10.3 Proceedings on Motion; Actions Taken by Court**
A motion under these rules shall be governed by the rules applicable to motions. Upon the filing and service of a motion under these rules, the Court may:	A motion under these rules is governed by the rules applicable to motions.
(a) Issue an order enrolling the member as an inactive member, without notice or hearing, if the evidence before the Court shows clearly and convincingly that such an order is appropriate under Business and Professions Code section 6007(b)(1); or	**(A) Motion Granted.** If the evidence received shows clearly and convincingly that the order is appropriate under Business and Professions Code § 6007(b)(1), the court may issue an order, without further notice or hearing, enrolling the member as an inactive member.
(b) Conduct further proceedings to determine whether the member should be enrolled as an inactive member; or	**(B) Motion Denied.** If the evidence received does not show clearly and convincingly that an order of involuntary inactive enrollment is authorized by § 6007(b)(1), the court may: (1) issue an order denying the motion; or (2) conduct further proceedings to determine whether the member should be enrolled as an inactive member.
(c) Issue an order denying the motion, if the evidence received does not show clearly and convincingly that an order of involuntary inactive enrollment would be authorized by section 6007(b)(1).	[intentionally left blank]

10. Bus. & Prof. Code § 6007(b)(1): Insanity or Mental Incompetence	
RULE 403. PROCEEDINGS ON ORDER TO SHOW CAUSE	**Rule 10.4 Proceedings on Order to Show Cause**
If an order to show cause is issued under these rules, the parties shall have ten (10) days from the service thereof to file and serve responses thereto, unless otherwise ordered. Upon the filing of such responses, or the expiration of the time for filing such responses, the Court may:	If a court issues an order to show cause, the parties have 10 days from the date the order is served to file and serve responses, unless otherwise ordered. The Court will act after the responses are filed or the time to file expires.
(a) Issue an order enrolling the member as an inactive member, without conducting a hearing, if the evidence before the Court shows clearly and convincingly that such an order is appropriate under Business and Professions Code section 6007(b)(1); or	**(A) Order for Inactive Enrollment.** If the evidence received shows clearly and convincingly that the order is appropriate under Business and Professions Code § 6007(b)(1), the Court may issue an order, without a hearing, enrolling the member as an inactive member.
(b) Conduct further proceedings to determine whether the member should be enrolled as an inactive member; or	**(B) Refusal of Request for Order.** If the evidence received does not show clearly and convincingly that an order of involuntary inactive enrollment would be authorized by § 6007(b)(1), the Court may: (1) decline to order the member's involuntary inactive enrollment; or (2) conduct further proceedings to determine whether the member should be enrolled as an inactive member.
(c) Issue an order declining to order the member's involuntary inactive enrollment, if the evidence before the Court does not show clearly and convincingly that an order of involuntary inactive enrollment would be authorized by section 6007(b)(1).	[intentionally left blank]

10. Bus. & Prof. Code § 6007(b)(1): Insanity or Mental Incompetence	
RULE 404. REPRESENTATION BY COUNSEL	**Rule 10.5 Representation by Counsel**
(a) If further proceedings are conducted under rules 402(b) or 403(b) and the member is not represented by counsel, the Court may appoint counsel without expense to the member. Appointed counsel shall be compensated by order of the Court for reasonable expenses and for reasonable fees for matters before the Court or for seeking review from the California Supreme Court of a decision of the Review Department ordering or upholding an order of inactive enrollment, at an hourly rate fixed by the Executive Committee. The reasonableness of counsel's fee and expenses shall be determined by the Court.	**(A) Appointment of Counsel.** If further proceedings are conducted under rules 10.3(B)(2) or 10.4(B)(2) and the member is not represented by counsel, the Court may appoint counsel without cost to the member. By court order, appointed counsel will be compensated for reasonable expenses and fees for work done on matters before the Court or for seeking review from the California Supreme Court of a Review Department decision ordering or upholding an order of inactive enrollment. Compensation will be at an hourly rate fixed by the Executive Committee. The Court will determine the reasonableness of counsel's fees and expenses.
(b) In cases where counsel has been appointed under this rule, the Clerk shall prepare and furnish to such counsel, free of charge upon request, copies of compact disks, audiotapes and/or transcripts of all or any part of any relevant State Bar Court proceeding involving the member.	**(B) Copies of Record.** An appointed counsel may ask the Clerk to prepare and furnish, free of charge, copies of compact disks, audiotapes, or transcripts of all or any part of any relevant State Bar Court proceeding involving the member.
(c) Failure or inability of the member to assist counsel, standing alone, shall not be a basis for abatement of the section 6007(b)(1) proceeding, continuance or motion by counsel to be relieved as attorney of record in proceedings under these rules.	**(C) Member's Failure or Inability to Assist Counsel.** The member's failure or inability to assist counsel is not in itself a reason to abate the § 6007(b)(1) proceeding, or a basis for a continuance, or grounds for a motion by counsel to be relieved as attorney of record in proceedings under these rules.

(d) Counsel appointed under this rule shall have the authority to file motions to abate or continue other pending State Bar Court proceedings involving the same member, and shall be compensated for doing so as provided in paragraph (a).	**(D) Authority to File Motions.** Appointed counsel have the authority to file motions to abate or continue other pending State Bar Court proceedings involving the same member, and will be compensated for doing so as provided in paragraph (A).
(e) Within fifteen (15) days after the services of an order of a hearing judge awarding fees and/or costs under this rule, the counsel to whom the award is made may file a petition under rule 300 for review of the hearing judge's determination as to the amount to be awarded. The action of the Review Department on the petition shall be the final decision of the State Bar as to the amount to be awarded.	**(E) Review of Award.** The counsel for whom the Court orders an award of costs or fees or both may file a petition under rule 9.1 for review of the hearing judge's determination of the award's amount within 15 days after the order is served. The action of the Review Department on the petition is the State Bar's final decision on the award's amount.

10. Bus. & Prof. Code § 6007(b)(1): Insanity or Mental Incompetence	
RULE 405. EFFECTIVE DATE	**Rule 10.6 Effective Date**
An order of involuntary inactive enrollment pursuant to Business and Professions Code section 6007(b)(1) shall be effective upon personal service or three (3) days after service by mail, whichever is earlier, unless the Court for good cause orders it to become effective at an earlier or later date.	An order of involuntary inactive enrollment under Business and Professions Code § 6007(b)(1) takes effect on the earlier of personal service or three days after service by mail, unless the Court for good cause orders it to take effect on another date.

10. Bus. & Prof. Code § 6007(b)(1): Insanity or Mental Incompetence	
RULE 406. REVIEW	**Rule 10.7 Review**
An order granting or denying involuntary inactive enrollment pursuant to Business and Professions Code section 6007(b)(1) shall be reviewable pursuant to rule 300.	An order granting or denying involuntary inactive enrollment under Business and Professions Code § 6007(b)(1) is reviewable under rule 9.1.

10. Bus. & Prof. Code § 6007(b)(1): Insanity or Mental Incompetence	
RULE 407. INAPPLICABLE RULES	**Rule 10.8 Inapplicable Rules**
The following rules shall not apply to proceedings on a motion or order to show cause pursuant to Business and Professions Code section 6007(b)(1):	The following rules do not apply to proceedings on a motion or order to show cause under Business and Professions Code § 6007(b)(1):
(a) Rules which by their terms apply only to disciplinary proceedings or to other specific proceedings, and	**(A) General.** Rules that by their terms apply only to disciplinary proceedings or to other specific proceedings, and
(b) Rules 180-189 (discovery); rules 200-210 (default; obligation to appear at trial); rules 215-217 (admission of certain evidence); and rules 301-308 (review).	**(B) Specific.** Rules 6.6–6.12 (discovery); rules 7.1–7.8 (default; obligation to appear at trial); rules 7.13–7.15 (admission of certain evidence); and rules 9.2–9.8 (review).

Involuntary Inactive Enrollment Proceedings 11. Bus. & Prof. Code § 6007(b)(2): Assumption of Jurisdiction Over Law Practice	
RULE 410. NATURE OF PROCEEDING	**Rule 11.1 Nature of Proceeding**
These rules apply to proceedings which involve, or may involve, transfer of a member to inactive enrollment under Business and Professions Code section 6007(b)(2).	These rules apply to proceedings that involve, or may involve, a member's transfer to inactive enrollment under Business and Professions Code § 6007(b)(2).

11. Bus. & Prof. Code § 6007(b)(2): Assumption of Jurisdiction Over Law Practice	
RULE 411. INITIAL PLEADING; SERVICE	**Rule 11.2 Beginning Proceeding**
(a) A proceeding under these rules shall be initiated by the Office of the Chief Trial Counsel, by filing a motion for involuntary inactive enrollment, accompanied by evidence which is alleged to establish that a superior court has issued an order assuming jurisdiction over a member's law practice under Business and Professions Code section 6180 or 6190.	**(A) Initial Pleading.** The Office of the Chief Trial Counsel must file a motion for involuntary inactive enrollment, supported by evidence that a superior court has issued an order assuming jurisdiction over a member's law practice under Business and Professions Code § 6180 or 6190.
(b) The motion shall be served on the member pursuant to the rule for service of initial pleadings (rule 60).	**(B) Service.** The motion must be served on the member under rule 4.7.

11. Bus. & Prof. Code § 6007(b)(2): Assumption of Jurisdiction Over Law Practice	
RULE 412. PROCEEDINGS ON MOTION	**Rule 11.3 Proceedings on Motion**
Upon the filing and service of a motion in a proceeding under these rules, the Court may:	A motion under these rules is governed by the rules applicable to motions.
(a) Issue an order enrolling the member as an inactive member, without notice or hearing, and subject to any appropriate exceptions specified in the court order assuming jurisdiction over the member's law practice, if the evidence before the Court shows clearly and convincingly that such an order is appropriate under Business and Professions Code section 6007(b)(2); or	**(A) Motion Granted.** If the evidence received shows clearly and convincingly that the order is appropriate under Business and Professions Code § 6007(b)(2), the Court may issue an order, without further notice or hearing, enrolling the member as an inactive member, and subject to any appropriate exceptions specified in the court order assuming jurisdiction over the member's law practice.
(b) Conduct further proceedings to determine whether the member should be enrolled as an inactive member, in which the issues shall be limited to determining whether clear and convincing evidence establishes that a superior court has issued an order assuming jurisdiction over a member's law practice under Business and Professions Code section 6180 or 6190, whether such order remains in effect, and whether such order provides for any exceptions; or	**(B) Motion Denied.** If the evidence received does not show clearly and convincingly that an order of involuntary inactive enrollment is authorized by § 6007(b)(2), the court may: (1) issue an order denying the motion; or (2) conduct further proceedings to determine whether the member should be enrolled as an inactive member. The issues in any further proceedings are limited to determining whether clear and convincing evidence shows that a superior court has issued an order assuming jurisdiction over a member's law practice under Business and Professions Code § 6180 or 6190, and if so, whether such order remains in effect and provides for any exceptions.
(c) Issue an order denying the motion, if the evidence received does not show clearly and convincingly that an order of involuntary in active enrollment would be authorized by section 6007(b)(2).	[intentionally left blank]

11. Bus. & Prof. Code § 6007(b)(2): Assumption of Jurisdiction Over Law Practice	
RULE 413. ORDER OF INVOLUNTARY INACTIVE ENROLLMENT	**Rule 11.4 Order of Involuntary Inactive Enrollment**
In ruling on a motion under these rules, the Court shall not impose interim remedies pursuant to Business and Professions Code section 6007(h) in lieu of inactive enrollment, but shall make such exceptions to the order of inactive enrollment as are necessary to effectuate any exceptions in the order of the superior court.	The Court may not impose interim remedies under Business and Professions Code § 6007(h) in lieu of inactive enrollment in ruling on a motion under these rules. But when necessary to effectuate any exceptions in a superior court's order, the Court may make exceptions to the order of inactive enrollment.

11. Bus. & Prof. Code § 6007(b)(2): Assumption of Jurisdiction Over Law Practice	
RULE 414. EFFECTIVE DATE	**Rule 11.5 Effective Date**
An order of involuntary inactive enrollment pursuant to Business and Professions Code section 6007(b)(2) shall be effective upon personal service or three (3) days after service by mail, whichever is earlier, unless the Court for good cause orders it to become effective at an earlier or later date.	An order of involuntary inactive enrollment under Business and Professions Code § 6007(b)(2) takes effect on the earlier of personal service or three days after service by mail, unless the Court for good cause orders it to take effect on another date.

11. Bus. & Prof. Code § 6007(b)(2): Assumption of Jurisdiction Over Law Practice	
RULE 415. REVIEW	**Rule 11.6 Review**
An order granting or denying a motion for involuntary inactive enrollment pursuant to Business and Professions Code section 6007(b)(2) shall be reviewable pursuant to rule 300.	An order granting or denying a motion for involuntary inactive enrollment under Business and Professions Code § 6007(b)(2) is reviewable under rule 9.1.

11. Bus. & Prof. Code § 6007(b)(2): Assumption of Jurisdiction Over Law Practice	
RULE 416. INAPPLICABLE RULES	**Rule 11.7 Inapplicable Rules**
The following rules shall not apply to proceedings on a motion pursuant to Business and Professions Code section 6007(b)(2):	The following rules do not apply to proceedings on a motion under Business and Professions Code § 6007(b)(2):
(a) Rules which by their terms apply only to disciplinary proceedings or to other specific proceedings, and	**(A) General.** Rules that by their terms apply only to disciplinary proceedings or to other specific proceedings, and
(b) Rules 180-189 (discovery); rules 200-210 (default; obligation to appear at trial); rules 215-217 (admission of certain evidence); and rules 301-308 (review).	**(B) Specific.** Rules 6.6–6.12 (discovery); rules 7.1–7.8 (default; obligation to appear at trial); rules 7.13–7.15 (admission of certain evidence); and rules 9.2–9.8 (review).

12. Bus. & Prof. Code § 6007(b)(3): Mental Infirmity, Illness, or Habitual Use of Intoxicants	
RULE 420. NATURE OF PROCEEDING	**Rule 12.1 Nature of Proceeding**
These rules apply to proceedings which involve, or may involve, transfer of a member to inactive enrollment under Business and Professions Code section 6007(b)(3).	These rules apply to proceedings that involve, or may involve, a member's transfer to inactive enrollment under Business and Professions Code § 6007(b)(3).

12. Bus. & Prof. Code § 6007(b)(3): Mental Infirmity, Illness, or Habitual Use of Intoxicants	
RULE 421. INITIATION OF PROCEEDING	**Rule 12.2 Beginning Proceeding**
(a) A proceeding under these rules shall not be initiated except by notice to show cause is sued by the Court after a determination of probable cause. The determination of probable cause is administrative in character and no notice or hearing is required.	**(A) Probable Cause Required.** To begin a proceeding, the Court must determine that there is probable cause and issue a notice to show cause. Because the determination is administrative in character, no notice or hearing is required.
(b)	**(B) Motion to Show Cause.**
(1) The Court may determine on its own motion, without notice or hearing, that probable cause exists to issue a notice to show cause under this rule.	(1) The Court may determine on its own motion, without notice or hearing, that probable cause exists to issue a notice to show cause; or
(2) Any party may file a motion for the issuance of a notice to show cause under this rule. The motion shall be served on all opposing parties pursuant to the rule for service of initial pleadings (rule 60). No response to the motion shall be filed unless ordered by the Court.	(2) Any party may file a motion asking the Court to issue a notice to show cause. The motion must be served on all opposing parties under rule 4.7. Unless ordered by the court, no response to the motion may be filed.
(c) A hearing to determine whether a notice to show cause shall issue may be ordered when, in the opinion of the Court, it will materially contribute to the determination of whether probable cause exists. All such hearings shall be informal and the rules of evidence shall not apply. The absence of such a hearing shall not invalidate or otherwise prejudice any subsequent proceeding.	**(C) Probable Cause Hearing.** The Court may order a hearing to determine whether a notice to show cause should issue if, in the Court's opinion, it will materially contribute to determining whether probable cause exists. All hearings will be informal. Later proceedings will not be invalidated or otherwise prejudiced if a hearing is not held.
(d) Upon the issuance of a notice to show cause under this rule:	**(D) Notice to Show Cause.** When a notice to show cause is issued under this rule:

(1) If the member is not represented by counsel, the Court shall promptly appoint counsel pursuant to rule 422.	(1) the Court will promptly appoint counsel under rule 12.3 if the member is not represented by counsel;
(2) The Clerk shall promptly serve the notice to show cause upon all parties pursuant to the rule for service of initial pleadings (rule 60).	(2) the Clerk will promptly serve the notice to show cause on all parties under rule 4.7;
(3) Each party shall file and serve a response to the notice to show cause within twenty (20) days from the later of:	(3) each party will file and serve a response to the notice to show cause within 20 days from the later of:
(A) the service of the notice to show cause, or	(a) the date that the notice to show cause is served, or
(B) if counsel is appointed, the service of the order appointing counsel.	(b) the date that the order appointing counsel is served (if counsel is appointed).
(e) Except as provided under rule 106, the judge who conducts the probable cause hearing shall not be disqualified from conducting the hearing on the merits.	**(E) Judicial Disqualification.** Except as provided under rule 5.7, the judge who conducts the probable cause hearing will not be disqualified from conducting the hearing on the merits.

12. Bus. & Prof. Code § 6007(b)(3): Mental Infirmity, Illness, or Habitual Use of Intoxicants	
RULE 422. REPRESENTATION BY COUNSEL	**Rule 12.3 Representation by Counsel.**
(a) No later than the issuance of a notice to show cause why the member should not be transferred to inactive enrollment under Business and Professions Code section 6007(b) (3), the member shall be represented by counsel. If the member is not so represented, the Court shall appoint counsel without expense to the member. Appointed counsel shall be compensated by order of the Court for reasonable expenses, and for reasonable fees for matters before the Court or seeking review from the California Supreme Court of a decision of the Review Department ordering or up holding an order of inactive enrollment, at an hourly rate fixed by the Executive Committee. The reasonableness of counsel's fees and expenses shall be determined by the Court.	**(A) Appointment of Counsel.** A member must be represented by counsel by the issuance date of the notice to show cause. If the member is not represented, the Court must appoint counsel without cost to the member. By court order, appointed counsel will be compensated for reasonable expenses and fees for work done on matters before the Court or for seeking review from the California Supreme Court of a Review Department decision ordering or upholding an order of inactive enrollment. Compensation will be at an hourly rate fixed by the Executive Committee. The Court will determine the reasonableness of counsel's fees and expenses.
(b) In cases where counsel has been appointed under this rule, the Clerk shall prepare and furnish to such counsel free of charge, upon request, copies of tapes and/or transcripts of all or any part of any relevant State Bar Court proceeding involving the member, including any hearing held under rule 421(c).	**(B) Copies of Record.** An appointed counsel may ask the Clerk to prepare and furnish, free of charge, copies of tapes or transcripts of all or any part of any relevant State Bar Court proceeding involving the member, including any hearing held under rule 12.2(C)
(c) Failure or inability of the member to assist counsel, standing alone, shall not be a basis for abatement of the section 6007(b)(3) proceeding, continuance or motion by counsel to be relieved as attorney of record in proceedings under these rules.	**(C) Member's Failure or Inability to Assist Counsel.** The member's failure or inability to assist counsel is not in itself a reason to abate the § 6007(b)(3) proceeding, or a basis for a continuance, or grounds for a motion by counsel to be relieved as attorney of record in proceedings under these rules.

(d) Counsel appointed under this rule shall have the authority to file motions to abate or continue other pending State Bar Court proceedings involving the same member, and shall be compensated for so doing as provided in paragraph (a).	**(D) Authority to File Motions.** Appointed counsel have the authority to file motions to abate or continue other pending State Bar Court proceedings involving the same member, and will be compensated for doing so as provided in subsection (A).
(e) Within fifteen (15) days after the service of an order of a hearing judge awarding fees and/or costs under this rule, the counsel to whom the award is made may file a petition under rule 300 for review of the hearing judge's determination as to the amount to be awarded. The action of the Review Department on the petition shall be the final decision of the State Bar as to the amount to be awarded.	**(E) Review of Award.** The counsel for whom the Court orders an award of costs or fees or both may file a petition under rule 9.1 for review of the hearing judge's determination of the award's amount within 15 days after the order is served. The action of the Review Department on the petition is the State Bar's final decision on the award's amount.

12. Bus. & Prof. Code § 6007(b)(3): Mental Infirmity, Illness, or Habitual Use of Intoxicants	
RULE 423. FAILURE TO COMPLY WITH ORDER FOR PHYSICAL OR MENTAL EXAMINATION	**Rule 12.4 Failure to Comply with Order for Physical or Mental Examination**
(a) Failure of a member to obey an order for physical or mental examination issued pursuant to Business and Professions Code section 6053 and rule 184 of these rules may constitute probable cause for issuance of a notice to show cause under this rule.	**(A) Failure as Probable Cause.** If a member fails to obey an order for physical or mental examination issued under Business and Professions Code § 6053 and rule 6.14 of these rules, that fact may constitute probable cause to issue a notice to show cause.
(b) After issuance of a notice to show cause under these rules, if the member fails without good cause to obey an order of the Court for physical or mental examination of the member issued pursuant to Business and Professions Code section 6053 and rule 184 of these rules, that fact may be considered as evidence in determining whether the transfer of the member to inactive enrollment is warranted, but shall not by itself warrant such transfer.	**(B) Failure as Evidence.** After the Court issues a notice to show cause, if the member fails without good cause to obey an order of the Court for the member to undergo a physical or mental examination issued under Business and Professions Code § 6053 and rule 6.14 of these rules, that failure may be considered as evidence in determining whether the member should be transferred to inactive enrollment. But the failure does not by itself warrant a transfer.

12. Bus. & Prof. Code § 6007(b)(3): Mental Infirmity, Illness, or Habitual Use of Intoxicants	
RULE 424. STIPULATION FOR TRANSFER TO INACTIVE ENROLLMENT	**Rule 12.5 Stipulation for Transfer to Inactive Enrollment**
(a) The parties may stipulate to the transfer of the member to inactive enrollment. Such a stipulation must be approved by the Court and shall be binding on the parties unless the Court rejects the stipulation or, for good cause, relieves the parties from such binding effect.	**(A) Binding Effect.** Subject to the Court's approval, the parties may stipulate to a member's transfer to inactive enrollment. The stipulation will be binding on the parties unless the Court rejects it or, for good cause, relieves the parties from the binding effect.
(b) The proposed stipulation shall set forth each of the following:	**(B) Contents of Stipulation.** If no finding of probable cause has been made, the stipulation will include a waiver of the requirement for a finding of probable cause and will include the following statements:
(1) if no finding of probable cause has been made, a waiver of the requirement for a finding of probable cause in order for proceedings to be initiated under Business and Professions Code section 6007(b)(3);	(1) a statement about the condition that is the basis for the transfer to inactive enrollment;
(2) a statement of the condition which is the basis for the transfer to inactive enrollment;	(2) that the member is unable to practice law competently or without danger to the interests of the member's clients or to the public;
(3) a statement that the member is unable to practice law competently or without danger to the interests of the member's clients or to the public;	(3) that the member understands that if the stipulation is approved, the member will not be allowed to practice law until the member petitions for transfer to active enrollment, and the petition is granted; and

(4) a statement that the member understands that if the stipulation is approved, the member will be precluded from practicing law until the member petitions for transfer to active enrollment and the petition is granted; and	(4) that the member understands that transfer to inactive enrollment is grounds for the superior court to assume jurisdiction over the member's practice.
(5) a statement that the member understands that transfer to inactive enrollment constitutes grounds for assumption of jurisdiction over the member's law practice by the superior court with jurisdiction over such practice.	[intentionally left blank]
(c) The stipulation shall be signed by the member, the member's counsel of record, and the deputy trial counsel. If the member has no counsel of record, one shall be appointed under rule 422 and shall review and approve the stipulation prior to its submission to the hearing judge.	**(C) Signing the Stipulation.** The member, the member's counsel of record, and the deputy trial counsel must sign the stipulation. If the member has no counsel of record, the Court will appoint counsel under rule 12.3, who will review and approve the stipulation before it is submitted to the hearing judge.
(d) An order approving a stipulation under this rule shall specify the date upon which the inactive enrollment shall become effective. If no such date is specified, the inactive enrollment shall become effective upon personal service or three (3) days after service by mail, whichever is earlier, of the order.	**(D) Approval of Stipulation.** An order approving a stipulation will specify the effective date of the inactive enrollment. If no date is specified, the inactive enrollment takes effect on the earlier of personal service or three days after service by mail of the order.

12. Bus. & Prof. Code § 6007(b)(3): Mental Infirmity, Illness, or Habitual Use of Intoxicants	
RULE 425. HEARING ON MERITS	**Rule 12.6 Hearing on Merits**
(a) A hearing to determine whether the member should be placed on involuntary inactive enrollment shall be held as soon as practicable after the issuance of the notice to show cause. Due consideration shall be given to allowing time for the appointment of counsel, for the preparation of a defense, and for the completion of such discovery and/or physical or mental examination as may be appropriate.	**(A) Time of Hearing.** If a hearing is ordered, it will be held as soon as practicable after the notice to show cause is issued. Time will be allowed to appoint counsel, to prepare a defense, and to complete appropriate discovery or a physical or a mental examination.
(b) The Clerk shall serve notice of the hearing on the member, the member's counsel, and the deputy trial counsel no less than thirty (30) days prior to the hearing date.	**(B) Notice.** The Clerk must serve notice of the hearing on the member, the member's counsel, and the deputy trial counsel at least 30 days before the hearing date.
(c) Exhibits and testimony from the probable cause hearing shall be admissible in the hearing on the merits, so far as relevant and material to the issues, provided that:	**(C) Exhibits and Testimony.** Exhibits and testimony from the probable cause hearing will be admissible in the hearing on the merits if they are relevant and material to the issues. But:
(1) Exhibits and testimony offered under this paragraph shall be subject to objection as to any portions of such evidence that would not be admissible if offered for the first time at the hearing on the merits; and	(1) any portion of an exhibit or testimony that would be inadmissible if offered for the first time at the hearing on the merits may be objected to; and
(2) If prior testimony is offered, the party offering such testimony shall make the witness available to testify at the hearing on the merits. The prior testimony may be supplemented by additional direct testimony at the instance of either party, and shall be subject to cross-examination by the opposing party.	(2) if prior testimony is offered, the party offering the testimony must make the witness available to testify at the hearing on the merits. Either party may elicit additional direct testimony to supplement the prior testimony. The witness may be cross-examined by the opposing party.

12. Bus. & Prof. Code § 6007(b)(3): Mental Infirmity, Illness, or Habitual Use of Intoxicants	
RULE 426. DECISION	**Rule 12.7 Decision**
The decision in a proceeding under these rules shall:	[deleted]
(a) Enroll the member as an inactive member if the Court finds that it has been established by clear and convincing evidence that involuntary inactive enrollment is warranted pursuant to Business and Professions Code section 6007(b)(3), and in addition, make appropriate findings as to the member's ability to conduct or assist in the defense of disciplinary proceedings; or	**(A) Inactive Enrollment.** If the Court finds that clear and convincing evidence warrants involuntary inactive enrollment under Business and Professions Code section 6007(b)(3), it will enroll the member as an inactive member. The Court will also make appropriate findings about the member's ability to conduct or assist in defending himself or herself in any disciplinary proceedings.
(b) Dismiss the proceeding in the absence of such showing. Unless otherwise ordered for good cause, such dismissal shall be with prejudice to the commencement of a new proceeding based solely on the facts alleged in the dismissed proceeding, but without prejudice to the commencement of a new proceeding based on additional and/or different facts.	**(B) Dismissal.** If the evidence is insufficient, the Court will dismiss the proceeding. Unless otherwise ordered for good cause, the dismissal will be with prejudice to starting a new proceeding based solely on the facts alleged in the dismissed proceeding, but without prejudice to starting a new proceeding based on additional or different facts.

12. Bus. & Prof. Code § 6007(b)(3): Mental Infirmity, Illness, or Habitual Use of Intoxicants	
RULE 427. EFFECTIVE DATE	**Rule 12.8 Effective Date**
An order of involuntary inactive enrollment pursuant to Business and Professions Code section 6007(b)(3) shall be effective upon personal service or three (3) days after service by mail, whichever is earlier, unless the Court for good cause orders it to become effective at an earlier or later date.	An order of involuntary inactive enrollment under Business and Professions Code § 6007(b)(3) takes effect on the earlier of personal service or three days after service by mail, unless the Court for good cause orders it take effect on another date.

12. Bus. & Prof. Code § 6007(b)(3): Mental Infirmity, Illness, or Habitual Use of Intoxicants	
RULE 428. REVIEW	**Rule 12.9 Review**
An order granting or denying involuntary inactive enrollment pursuant to Business and Professions Code section 6007(b)(3) shall be reviewable pursuant to rule 301.	An order granting or denying involuntary inactive enrollment under Business and Professions Code § 6007(b)(3) is reviewable under rule 9.1.

12. Bus. & Prof. Code § 6007(b)(3): Mental Infirmity, Illness, or Habitual Use of Intoxicants	
RULE 429. INAPPLICABLE RULES	**Rule 12.10 Inapplicable Rules**
The following rules shall not apply in a proceeding pursuant to Business and Professions Code section 6007(b)(3):	The following rules do not apply in a proceeding under Business and Professions Code § 6007(b)(3).
(a) Rules which by their terms apply only to disciplinary proceedings or to other specific proceedings, and	**(A) General.** Rules that by their terms apply only to disciplinary proceedings or to other specific proceedings, and
(b) Rules 200-210 (default; obligation to appear at trial), and rules 215-217 (admission of certain evidence).	**(B) Specific.** Rules 7.1–7.8 (default; obligation to appear at trial), and rules 7.13–7.15 (admission of certain evidence).

Involuntary Inactive Enrollment Proceedings 13. Bus. & Prof. Code § 6007(b): Transfer to Active from Inactive Enrollment	
RULE 440. PETITION FOR TRANSFER TO ACTIVE ENROLLMENT	**Rule 13.1 Petition for Transfer to Active Enrollment**
A member who has been transferred to inactive enrollment pursuant to Business and Professions Code section 6007(b) may petition to terminate such enrollment, with or without interim remedies. The petition shall be verified, and shall state the facts alleged to warrant the relief requested and such other information, if any, as was required by the order transferring the member to inactive enrollment. The petition shall be addressed to the Hearing Department and shall be filed with the Clerk and served on the Office of the Chief Trial Counsel pursuant to the rule for service of initial pleadings (rule 60).	A member who was transferred to inactive enrollment under Business and Professions Code § 6007(b) may petition to terminate the inactive order, with or without interim remedies. The petition must be verified, and must state the facts alleged to warrant the termination of the order. The petition must be addressed to the Hearing Department, filed with the Clerk, and served on the Office of the Chief Trial Counsel under rule 4.7.

13. Bus. & Prof. Code § 6007(b): Transfer to Active from Inactive Enrollment	
RULE 441. MEDICAL AND HOSPITAL RECORDS	**Rule 13.2 Medical and Hospital Records**
The petition shall have attached thereto written authorizations by the member to enable the State Bar to examine and copy any and all medical, hospital and related records relevant to the member's original mental infirmity, illness or addiction and the member's present condition.	The member must authorize the State Bar to examine and copy medical, hospital, and related records relevant to the member's original mental infirmity, illness, or addiction, and related to the member's present condition. The authorizations must be written and attached to the petition.

13. Bus. & Prof. Code § 6007(b): Transfer to Active from Inactive Enrollment	
RULE 442. TRANSFER TO ACTIVE ENROLLMENT BY STIPULATION	**Rule 13.3 Stipulation for Transfer to Active Enrollment**
(a) The parties may stipulate to the transfer of the member to active enrollment. Such a stipulation shall not be effective unless and until approved by a hearing judge, and shall be binding on the parties unless the hearing judge rejects the stipulation or, for good cause, relieves the parties from such binding effect.	**(A) Binding Effect.** Subject to the Court's approval, the parties may stipulate to a member's transfer to active enrollment. The stipulation will be binding on the parties unless the Court rejects it or, for good cause, relieves the parties from the binding effect.
(b) The stipulation shall set forth each of the following:	**(B) Contents of Stipulation.** The stipulation must include the following statements:
(1) a statement that the condition which was the basis for the transfer to inactive enrollment no longer exists;	(1) the condition that was the basis for the transfer to inactive enrollment no longer exists;
(2) a statement that the member is now able to practice law competently and without danger to the interests of the member's clients or to the public; and	(2) the member is now able to practice law competently and without danger to the interests of the member's clients or to the public; and
(3) a statement that the member understands that the member will continue to be precluded from practicing law until the Court has approved the stipulation.	(3) the member understands that the member will not be allowed to practice law until the Court approves the stipulation.
(c) The stipulation shall be signed by the member, the member's counsel of record, if any, and the deputy trial counsel on behalf of the State Bar.	**(C) Signing the Stipulation.** The member, the member's counsel of record (if any), and the deputy trial counsel on behalf of the State Bar must sign the stipulation.

13. Bus. & Prof. Code § 6007(b): Transfer to Active from Inactive Enrollment	
RULE 443. HEARING ON PETITION	**Rule 13.4 Hearing on Petition**
(a) If the member seeks a hearing on the petition, the petition shall include a request for a hearing. Whether or not the member has requested a hearing, the deputy trial counsel may request a hearing; such request shall be filed within twenty (20) days after service of the petition;	**(A) Requesting Hearing.** If the member seeks a hearing on the petition, the petition must include a request for a hearing. Whether or not the member has requested a hearing, the deputy trial counsel may request a hearing; such request must be filed within 20 days after service of the petition.
(b) A hearing may be ordered when it will materially contribute to the determination by the Court whether a basis for the member's involuntary inactive enrollment no longer exists.	**(B) Order for Hearing.** The Court may order a hearing if it will materially contribute to the Court's determining whether a basis for the member's involuntary inactive enrollment still exists. The hearing will be held as soon as practicable.
(c) If ordered, the hearing shall be held as soon as practicable.	[intentionally left blank]
(d) The Clerk shall serve notice of the hearing on the member, the member's counsel, if any, and the deputy trial counsel no less than twenty (20) days prior to the hearing date, subject to continuance for good cause shown.	**(C) Notice.** The Clerk must serve notice of the hearing on the member, the member's counsel (if any), and the deputy trial counsel at least 20 days before the hearing date, unless a continuance is granted for good cause shown.

13. Bus. & Prof. Code § 6007(b): Transfer to Active from Inactive Enrollment	
RULE 444. DECISION	**Rule 13.5 Decision**
The decision shall be effective upon service unless otherwise ordered by the Court. The decision:	The decision is effective when served unless otherwise ordered by the Court.
(a) May grant the petition and terminate the inactive enrollment if the Court finds by clear and convincing evidence that there is no longer a basis for the member's involuntary inactive enrollment; or	**(A) Petition Granted.** If the Court finds by clear and convincing evidence that there is no longer a basis for the member's involuntary inactive enrollment, it may grant the petition and terminate the order of inactive enrollment.
(b) May impose interim remedies in lieu of inactive enrollment if the Court finds by clear and convincing evidence that the member's condition is such that the interim remedies to be imposed will be sufficient to protect the member's clients and the public; or	**(B) Interim Remedies.** If the Court finds by clear and convincing evidence that the change in the member's condition makes interim remedies sufficient to protect the member's clients and the public, it may impose interim remedies in lieu of inactive enrollment.
(c) May deny the petition.	**(C) Petition Denied.** If the Court finds inadequate change in the member's condition, it may deny the petition.

13. Bus. & Prof. Code § 6007(b): Transfer to Active from Inactive Enrollment	
RULE 445. TRANSFER TO ACTIVE STATUS	**Rule 13.6 Transfer to Active Status**
A member's transfer to active enrollment does not operate to relieve the member of any suspension imposed on the member for any reason, or of any other independent restriction that may exist regarding the member's right to practice law.	A member's transfer to active enrollment does not revoke any suspension imposed on the member for any reason, or override any other independent restriction that may exist regarding the member's right to practice law.

13. Bus. & Prof. Code § 6007(b): Transfer to Active from Inactive Enrollment	
RULE 446. REVIEW	**Rule 13.7 Review**
An order granting or denying a petition under these rules shall be reviewable pursuant to rule 300.	An order granting or denying a petition under these rules is reviewable under rule 9.1.

13. Bus. & Prof. Code § 6007(b): Transfer to Active from Inactive Enrollment	
RULE 447. INAPPLICABLE RULES	**Rule 13.8 Inapplicable Rules**
The following rules shall not apply in a proceeding for transfer to active enrollment under these rules:	The following rules do not apply in a proceeding for transfer to active enrollment.
(a) Rules which by their terms apply only to disciplinary proceedings or to other specific proceedings, and	**(A) General.** Rules that by their terms apply only to disciplinary proceedings or to other specific proceedings, and
(b) Rules 200-210 (default; obligation to appear at trial); rules 215-217 (admission of certain evidence); and rules 301-308 (review).	**(B) Specific.** Rules 7.1–7.8 (default; obligation to appear at trial); rules 7.13–7.15 (admission of certain evidence); and rules 9.2–9.8 (review).

Involuntary Inactive Enrollment Proceedings 14. Bus. & Prof. Code § 6007(c)(1): Failure to Maintain Address of Record	
RULE 450. NATURE OF PROCEEDING	**Rule 14.1 Nature of Proceeding**
These rules apply to proceedings pursuant to Business and Professions Code section 6007(c)(1), authorizing the involuntary transfer of a member to inactive enrollment upon a finding that the member has not complied with Business and Professions Code section 6002.1 and cannot be located after reasonable investigation.	These rules apply to proceedings under Business and Professions Code § 6007(c)(1) authorizing the involuntary transfer of a member to inactive enrollment upon a finding that the member has not complied with Business and Professions Code § 6002.1 and cannot be located after reasonable investigation.

14. Bus. & Prof. Code § 6007(c)(1): Failure to Maintain Address of Record	
RULE 451. ISSUES	**Rule 14.2 Issues**
The issues in a proceeding under Business and Professions Code section 6002.1 shall be limited to whether the member has complied with section 6002.1 and whether the member can be located after reasonable investigation.	The issues in a proceeding under these rules are limited to whether the member has complied with § 6002.1 and whether the member can be located after reasonable investigation.

14. Bus. & Prof. Code § 6007(c)(1): Failure to Maintain Address of Record	
RULE 452. APPLICATION FOR INVOLUNTARY INACTIVE ENROLLMENT	**Rule 14.3 Application for Involuntary Inactive Enrollment**
To initiate a proceeding under these rules, the Office of the Chief Trial Counsel shall file with the Clerk a verified application with supporting documents. The application shall set forth with particularity facts showing that the member has failed to comply with section 6002.1 and that the member cannot be located after reasonable investigation. The application shall be served pursuant to the rule for service of initial pleadings (rule 60).	To begin a proceeding, the Office of the Chief Trial Counsel will file with the Clerk a verified application with supporting documents. The application must state with particularity facts showing that the member has failed to comply with section 6002.1 and that the member cannot be located after reasonable investigation. The application must be served under rule 4.7.

14. Bus. & Prof. Code § 6007(c)(1): Failure to Maintain Address of Record	
RULE 453. HEARING	**Rule 14.4 Hearing**
No hearing is required, but the Court may hold a hearing on an expedited basis if requested by the Office of the Chief Trial Counsel or if the Court determines that a hearing will materially contribute to the consideration of the application.	A hearing is not required. The Court may hold a hearing on an expedited basis if the Office of the Chief Trial Counsel asks for a hearing or if the Court determines that a hearing will materially contribute to its consideration of the application.

14. Bus. & Prof. Code § 6007(c)(1): Failure to Maintain Address of Record	
RULE 454. ORDER	**Rule 14.5 Order to Transfer to Inactive Enrollment**
Following a finding that a member has failed to comply with section 6002.1 and that the member cannot be located after reasonable investigation, involuntary inactive enrollment shall be ordered, effective immediately, unless otherwise ordered by the Court.	If the Court finds that a member has failed to comply with section 6002.1 and cannot be located after reasonable investigation, it will order that the member be transferred to involuntary inactive enrollment, effective immediately, unless otherwise ordered by the Court.

14. Bus. & Prof. Code § 6007(c)(1): Failure to Maintain Address of Record	
RULE 455. REVIEW	**Rule 14.6 Review**
An order denying an application under these rules shall be reviewable pursuant to rule 300.	An order denying an application under these rules is reviewable under rule 9.1.

14. Bus. & Prof. Code § 6007(c)(1): Failure to Maintain Address of Record	
RULE 456. INAPPLICABLE RULES	**Rule 14.7 Inapplicable Rules**
The following rules shall not apply in a proceeding under these rules:	The following rules do not apply in a proceeding under Business and Professions Code § 6007(c)(1):
(a) Rules which by their terms apply only to disciplinary proceedings or to other specific proceedings, and	**(A) General.** Rules that by their terms apply only to disciplinary proceedings or to other specific proceedings, and
(b) Rules 180-189 (discovery); rules 200-210 (default; obligation to appear at trial); rules 215-217 (admission of certain evidence); and rules 301-308 (review).	**(B) Specific.** Rules 6.6–6.12 (discovery); rules 7.1–7.8 (default; obligation to appear at trial); rules 7.13–7.15 (admission of certain evidence); and rules 9.2–9.8 (review).

Involuntary Inactive Enrollment Proceedings 15. Bus. & Prof. Code § 6007(c)(1)–(3): Threat of Harm	
RULE 460. NATURE OF PROCEEDING	**Rule 15.1 Nature of Proceeding**
(a) These rules apply to proceedings pursuant to Business and Professions Code sections 6007(c)(1) through 6007(c)(3) authorizing the transfer of a member to involuntary inactive enrollment upon a finding pursuant to Business and Professions Code section 6007(c)(2) that the member's conduct poses a substantial threat of harm to the member's clients or to the public (hereafter "proceedings pursuant to Business and Professions Code section 6007(c)(2)")	These rules apply to proceedings under Business and Professions Code §§ 6007(c)(1) through 6007(c)(3), which authorize the transfer of a member to involuntary inactive enrollment upon a finding that the member's conduct poses a substantial threat of harm to the member's clients or to the public. The proceeding must be expedited.
(b) A proceeding under these rules shall be expedited.	[intentionally left blank]

15. Bus. & Prof. Code § 6007(c)(1)–(3): Threat of Harm	
RULE 461. APPLICATION FOR INVOLUNTARY ENROLLMENT	**Rule 15.2 Application for Involuntary Enrollment**
(a) To initiate a proceeding under these rules, the Office of the Chief Trial Counsel shall file with the Clerk a verified application with supporting documents.	**(A) Beginning Proceeding.** The Office of the Chief Trial Counsel must file with the Clerk a verified application with supporting documents.
(1) The application shall set forth with particularity facts showing that the member's conduct poses a substantial threat of harm to the member's clients or to the public as set forth in Business and Professions Code section 6007(c).	**(B) Stating Facts.** The application must state with particularity facts showing that the member's conduct poses a substantial threat of harm to the member's clients or to the public as required under Business and Professions Code § 6007(c)(2)(A)-(C). It should be supported by declarations, transcripts, or requests for judicial notice.
(2) The Office of the Chief Trial Counsel may request a hearing in its application.	**(C) Alleging Violations.** If any transactions or occurrences relied on in the application are also part of any investigation matters or pending disciplinary proceedings, then those must be identified by case number and complaining witness name (if any). Otherwise, the application itself must cite the statutes, rules, or court orders allegedly violated, or that warrant involuntary inactive enrollment. It must also state the particular acts or omissions that constitute the alleged violation or violations, or that form the basis for warranting involuntary inactive enrollment.

(3) The application shall identify, by case number and complaining witness name, if any, any investigation matters and pending disciplinary proceedings which involve the same transactions or occurrences that are relied on in the application. If any of the transactions or occurrences relied on in support of the application have not been made the subject of a notice of disciplinary charges filed prior to or simultaneously with the application, the application itself shall cite the statutes, rules or court orders alleged to have been violated, or to warrant the action proposed, and the particular acts or missions, or other acts, constituting the alleged violation or violations, or the basis for the action proposed.	**(D) Notice to Member; Member's Request for Hearing.** The application must contain a notice to the member, in prominent type, stating that the member must file a verified response to the application and request a hearing as provided in rule 15.3; otherwise, the right to a hearing will be waived.
(b) The application shall contain a notice to the member, in prominent type, stating that the member must file a verified response to the application and request a hearing as provided in rule 462, or the right to a hearing will be waived.	**(E) Chief Trial Counsel's Request for Hearing.** The Office of the Chief Trial Counsel may request a hearing in its application.
(c) The Clerk shall set the hearing on an expedited basis, and notify the deputy trial counsel of the hearing date.	**(1) Notice of Hearing.** If a hearing is requested, the Clerk will set the hearing on an expedited basis, and notify the deputy trial counsel of the hearing date.
(d) Within three (3) court days after filing the application, the deputy trial counsel shall serve on the member, pursuant to the rule for service of initial pleadings (rule 60), a copy of the application with supporting documents, together with a notice of the hearing date.	**(2) Service of Application**. Within three court days after the application is filed, the deputy trial counsel will serve on the member, under rule 4.7, a copy of the application with supporting documents, together with a notice of the hearing date.

15. Bus. & Prof. Code § 6007(c)(1)–(3): Threat of Harm	
RULE 462. MEMBER'S RESPONSE TO APPLICATION; WITHIN TEN DAYS TO PROTECT RIGHT TO HEARING	**Rule 15.3 Member's Response to Application and Right to Hearing**
The member against whom an application or order to show cause under these rules is directed shall have ten (10) days from the date of service of the application or order to show cause to file with the Clerk a verified response and a request that the hearing which has been set pursuant to rule 461 be held. Failure by the member to file a verified response and request a hearing will constitute a waiver of the right to a hearing.	The member who is the subject of an application or order to show cause has 1- days from service of the order or the application to file with the Clerk a verified response and request for a hearing. If the member does not file a verified response and request a hearing, the member waives the right to a hearing.

15. Bus. & Prof. Code § 6007(c)(1)–(3): Threat of Harm	
RULE 463. STIPULATION TO INVOLUNTARY INACTIVE ENROLLMENT	**Rule 15.4 Stipulation to Involuntary Inactive Enrollment**
The member may stipulate to an involuntary inactive enrollment. Any stipulation to an involuntary inactive enrollment shall include the factual basis therefor. Such a stipulation shall be reviewed by the Court. The stipulation shall be effective upon service of the order approving the stipulation, unless a different effective date is specified in the order.	The member may stipulate to a transfer to involuntary inactive enrollment. The stipulation must include the factual basis for the involuntary inactive enrollment. If the Court approves the stipulation, it will order the member's transfer. The stipulation becomes effective when the order is served, unless the Court's order specifies a different effective date.

15. Bus. & Prof. Code § 6007(c)(1)–(3): Threat of Harm	
RULE 464. EXPEDITED HEARING	**Rule 15.5 Expedited Hearing**
The Court shall conduct the hearing if timely requested by any party or if the Court determines that the hearing will materially contribute to the consideration of the application. The hearing shall be expedited and completed as soon as practicable, and shall not be interrupted or continued except for good cause	The Court will conduct the hearing if timely requested by any party or if the Court determines that the hearing will materially contribute to its consideration of the application. The hearing will be expedited and completed as soon as practicable and may not be interrupted or continued except for good cause.

15. Bus. & Prof. Code § 6007(c)(1)–(3): Threat of Harm	
RULE 465. EVIDENCE	**Rule 15.6 Evidence**
(a) Evidence received at a hearing under Business and Professions Code section 6007(c)(2) shall be by declaration, request for judicial notice, and transcripts, without testimony or cross examination, except for good cause shown. To the extent the evidence to be offered at the hearing was not previously attached to and served with either the State Bar's application pursuant to rule 461 or the member's response pursuant to rule 462, such proposed evidence shall be filed with the Court and served upon the opposing party no later than three (3) court days before the first day set for hearing. When the proposed evidence is filed less than five (5) court days before the hearing, the filing party shall file and serve a copy on the other party in a manner to assure actual receipt by the other party no later than two (2) calendar days before the hearing.	**(A) Types of Evidence.** At a hearing, evidence will be received by declaration, request for judicial notice, and transcripts. Declarations on information and belief are hearsay and generally insufficient as evidence. Conclusions of law in a declaration are not evidence. No testimony or cross-examination will be allowed, unless a party shows good cause.
	(B) Submitting Evidence. Evidence to be offered at the hearing should be attached to and served with either the State Bar's application under rule 15.2 or the member's response under rule 15.3. Any additional proposed evidence must be filed with the Court and served on the opposing party at least three court days before the hearing. If the proposed evidence is filed within five court days before the hearing, the filing party must ensure that the other party actually receives copies at least two calendar days before the hearing.

(b) A party seeking permission to introduce oral testimony, except for oral evidence in rebuttal to oral testimony presented by the other party, shall file and serve, no later than three (3) court days before the first day set for hearing, a written statement setting forth the substance of the proposed testimony, the names and addresses of witnesses, and a reasonable time estimate for the testimony. When the statement is filed less than five (5) court days before the hearing, the filing party shall file and serve a copy on the other party in a manner to assure actual receipt by the other party no later than two (2) calendar days before the hearing.	**(C) Oral Testimony.** If a party wants to offer oral testimony (except in rebuttal to oral testimony presented by the other party), then, at least three court days before the hearing, the party must file and serve a written statement containing the substance of the proposed testimony, the names and addresses of witnesses, and a reasonable time estimate for the testimony. If the statement is filed within five court days before the hearing, the filing party must ensure that the other party actually receives copies at least two calendar days before the hearing.
(c) When a contested hearing is held, declarations in support of the application are not introduced into evidence merely by filing. Their admissibility must be ruled on by the judge at the hearing. Objections and motions to strike material in declarations shall be ruled on by the judge at the time of the hearing.	**(D) Hearing; Admissibility of Evidence.** At a contested hearing, the hearing judge will rule on whether the declarations in support of the application are admissible as evidence, and will also rule on objections and motions to strike material in the declarations.
(d) When an application under Business and Professions Code section 6007(c)(2) is supported by declaration, transcripts, or request for judicial notice, and a hearing is not held, it must clearly appear from specific facts shown in the application that the member's conduct poses a substantial threat of harm to the member's clients or to the public. Declarations and deposition transcripts must contain probative facts and show the source of the declarant's in formation, so that the Court can weigh the evidence. Declarations on information and belief are hearsay and generally insufficient by themselves to support a finding for in voluntary enrollment; conclusions of law in a declaration are not evidence.	**(E) No Hearing Held.** If no hearing is held, the Court will consider and weigh only the evidence in and attached to the application.

15. Bus. & Prof. Code § 6007(c)(1)–(3): Threat of Harm	
RULE 466. DECISION; DENIAL WITHOUT PREJUDICE	**Rule 15.7 Decision; Denial Without Prejudice**
(a) The Court shall render a decision including findings of fact which shall be filed no later than ten (10) court days after the date set for hearing, if no hearing is held, or no later than ten (10) court days after it is submitted after the hearing, if the hearing is held.	**(A) Time of Decision.** If no hearing is held, the Court will issue an order submitting the matter and must file its decision within 10 court days after submission. If a hearing is held, the Court must file its decision within 10 court days after the hearing ends.
(b) The decision shall be effective upon personal service or three (3) days after service by mail, whichever is earlier, unless otherwise ordered by the Court, and shall include findings of fact as to whether:	**(B) Findings of Fact.** The Court's decision must include findings of fact about whether:
(1) the member was given notice of the proceeding pursuant to rule 461; and	(1) the member was given notice of the proceeding under rule 15.2;
(2) each of the factors prescribed by Business and Professions Code section 6007(c) (2) has been established by clear and convincing evidence, and a conclusion as to whether the member's conduct poses a substantial threat of harm to the member's clients or the public.	(2) each factor required by Business and Professions Code § 6007(c) (2) has been established by clear and convincing evidence; and
	(3) the member's conduct poses a substantial threat of harm to the member's clients or the public.

(c) The decision may order that the member be enrolled as an inactive member pursuant to Business and Professions Code section 6007(c)(2), or may order that interim remedies be imposed pursuant to Business and Professions Code section 6007(h).	**(C) Remedies Ordered.** The decision may order that the member be enrolled as an inactive member under Business and Professions Code § 6007(c)(2), or may order that interim remedies be imposed under Business and Professions Code § 6007(h).
(d) Any denial of an application under these rules shall be without prejudice to a subsequent application based upon additional facts. A subsequent application based upon additional facts may incorporate the facts alleged in the prior application(s).	**(D) Effective Date.** The decision takes effect on the earlier of personal service or three days after service by mail, unless otherwise ordered by the Court.
	(E) Application Denied. If an application is denied without prejudice, a new application based on additional facts may be filed and may incorporate the facts alleged in prior applications.

15. Bus. & Prof. Code § 6007(c)(1)–(3): Threat of Harm	
RULE 467. REVIEW	**Rule 15.8 Review**
Review of a decision in a proceeding under Business and Professions Code section 6007(c)(2) may only be sought on the grounds of error of law or abuse of discretion, and pursuant to rule 300.	A decision in a proceeding under Business and Professions Code § 6007(c)(2) is reviewable for errors of law or abuse of discretion under rule 9.1.

15. Bus. & Prof. Code § 6007(c)(1)–(3): Threat of Harm	
RULE 468. INAPPLICABLE RULES	**Rule 15.9 Inapplicable Rules**
The following rules shall not apply in proceedings pursuant to Business and Professions Code section 6007(c)(2):	The following rules do not apply in proceedings under Business and Professions Code § 6007(c)(2):
(a) Rules which by their terms apply only to disciplinary proceedings or to other specific proceedings, and	**(A) General.** Rules that by their terms apply only to disciplinary proceedings or to other specific proceedings, and
(b) Rules 150-156 (subpoenas); rules 180-189 (discovery); rules 200-210 (default; obligation to appear at trial); and rules 301-308 (review).	**(B) Specific.** Rules 6.1–6.5 (subpoenas); rules 6.6–6.12 (discovery); rules 7.1–7.8 (default; obligation to appear at trial); and rules 9.2–9.8 (review).

15. Bus. & Prof. Code § 6007(c)(1)–(3): Threat of Harm	
RULE 480. INITIATION OF DISCIPLINARY PROCEEDING AFTER INVOLUNTARY INACTIVE ENROLLMENT GRANTED	**Rule 15.10 Beginning Disciplinary Proceeding after Involuntary Inactive Enrollment Granted**
(a) These rules apply to disciplinary proceedings involving the underlying matters on which a Business and Professions Code section 6007(c)(2) application was based, except where the application for involuntary inactive enrollment is based on a recommendation of disbarment which was filed prior to the application. These proceedings shall be expedited.	**(A) Applicability of Rules.** These rules apply to disciplinary proceedings involving the matters on which a Business and Professions Code § 6007(c)(2) application was based. These proceedings will be expedited.
(b) Service of the notice of disciplinary charges, the response thereto, the Court's decision, any motion for reconsideration and the response thereto, any request for review, the parties' briefs on review and the decision of the Review Department shall be made by personal briefs on review and the decision of the Review Department shall be made by personal delivery or overnight mail. Service by overnight mail shall extend the prescribed period of notice and/or any right or duty to do an act or make a response within a specified period after service of such document by one (1) day.	**(B) Service.** The notice of disciplinary charges, the response to the charges, the Court's decision, any motion for reconsideration and any response to it, any request for review, the parties' briefs on review, and the decision of the Review Department must be served by personal delivery or by overnight mail. If served by overnight mail, the prescribed period for notice will be extended by one day for any right or duty to do an act, or to respond after the document is served.

15. Bus. & Prof. Code § 6007(c)(1)–(4): Threat of Harm	
RULE 481. ALLEGATIONS IN NOTICE OF DISCIPLINARY CHARGES	**Rule 15.11 Allegations in Notice of Disciplinary Charges**
A notice of disciplinary charges filed after the filing of a related application for involuntary inactive enrollment under Business and Professions Code section 6007(c)(2) shall indicate which counts of the notice of disciplinary charges refer to the factual allegations in the application for inactive enrollment.	When an application for involuntary inactive enrollment under Business and Professions Code § 6007(c)(2) has been filed before the related disciplinary charges are filed, the notice of disciplinary charges must state which counts of the notice refer to the factual allegations in the application for inactive enrollment.

15. Bus. & Prof. Code § 6007(c)(1)–(3): Threat of Harm	
RULE 482. EXPEDITED DISCIPLINARY PROCEEDINGS	**Rule 15.12 Expedited Disciplinary Proceedings**
Where an order of involuntary inactive enrollment has been issued, and unless the time limitations set forth in this rule are freely and knowingly waived by the respondent as determined by the Court:	**(A) Notice of Disciplinary Charges.** When the Court has issued an order of involuntary inactive enrollment, unless the Court determines that time limits have been waived by the member, the notice of disciplinary charges must be filed within 45 days after the effective date of the involuntary inactive enrollment. After giving notice to the member, the Office of the Chief Trial Counsel may move for up to 30 more days to file the notice of disciplinary charges. The Court may grant the motion on a showing of good cause.
(a) The notice of disciplinary charges shall be filed no later than forty-five (45) days following the effective date of the involuntary inactive enrollment, provided that the Office of the Chief Trial Counsel may, upon noticed motion, be granted up to an additional thirty (30) days to file the notice of disciplinary charges upon a showing of good cause;	[intentionally left blank]
(b) Notwithstanding rule 182(b), formal discovery shall commence immediately upon the filing of the notice of disciplinary charges;	**(B) Formal Discovery.** Formal discovery will begin as soon as the notice of disciplinary charges is filed and must be completed as provided in rule 6.6.
(c) Notwithstanding rule 181(a), formal discovery shall be completed within ninety (90) days following the service of the notice of disciplinary charges;	**(C) Hearing Decision.** The hearing judge's decision on the notice of disciplinary charges must be filed within six months of the effective date of the in voluntary inactive enrollment.

(d) The hearing judge's decision on the merits of the underlying matter shall be filed within six (6) months of the effective date of the in voluntary inactive enrollment;	[intentionally left blank]
(e) The Review Department decision shall be filed within five (5) months of the filing of the request for review; and	**(D) Decision on Review.** The Review Department decision must be filed within five months after the request for review is filed.
(f) Subject to the provisions of rule 483, the time from the effective date of the involuntary in active enrollment to the time of filing the decision of the Review Department shall, in no event, exceed a period of one (1) year.	[intentionally left blank]

15. Bus. & Prof. Code § 6007(c)(1)–(3): Threat of Harm	
RULE 483. UNDUE DELAY	**Rule 15.13 Undue Delay**
A motion for transfer to active enrollment shall be granted upon proof of failure to adhere to any of the requirements set forth in rule 482 unless the Court finds that the respondent or respondent's counsel caused the delay or that in the interest of public protection or for other good cause shown, such delay was justified. Any party may request a hearing on the motion. The Court shall have discretion to order a hearing if no hearing is requested. The reasons for denial of transfer shall be set forth in writing. An order granting transfer to active enrollment does not operate to relieve the member of any suspension imposed on the member for any reason, or of any other, independent restriction that may exist regarding the member's right to practice law.	**(A) Motion for Transfer to Active Enrollment.** If any requirement in rule 15.12 is not satisfied, the Court must grant a motion for transfer to active enrollment unless the Court finds that the member or the member's counsel caused the delay or that the delay was justified for good cause, such as the interest of public protection.
	(B) Hearing. Any party may request a hearing on the motion; if none is requested, the Court has the discretion to order a hearing.
	(C) Decision on Motion. If the Court denies the motion, it will state its reasons in writing. If the Court grants the motion, the Court's order will not relieve the member of any suspension imposed on the member for any reason, or of any other independent restriction that may exist regarding the member's right to practice law.

15. Bus. & Prof. Code § 6007(c)(1)–(3): Threat of Harm	
RULE 484. REVIEW OF ORDER ON MOTION FOR TRANSFER TO ACTIVE ENROLLMENT	**Rule 15.14 Review of Order on Motion for Transfer to Active Enrollment**
An order granting or denying a motion for transfer to active enrollment under rule 483 shall be reviewable pursuant to rule 300.	An order granting or denying a motion for transfer to active enrollment under rule 15.13 is reviewable under rule 9.1.

Involuntary Inactive Enrollment Proceedings 16. Bus. & Prof. Code § 6007(c)(2): Transfer from Inactive to Active Enrollment	
RULE 490. PETITION	**Rule 16.1 Petition**
(a) A member who has been transferred to inactive enrollment under Business and Professions Code section 6007(c)(2) may petition for transfer to active enrollment, with or without interim remedies. The petition shall be verified, shall state the facts alleged to warrant the relief requested, and shall contain such other information, if any, as was required by the order transferring the member to inactive enrollment. The petition shall be addressed to the Hearing Department and shall be filed with the Clerk and served on the Office of the Chief Trial Counsel pursuant to the rule for service of initial pleadings (rule 60). Any denial of a petition under this rule shall be without prejudice to a petition based upon additional facts. A subsequent petition based upon additional facts may incorporate the facts alleged in the prior petition(s).	**(A) Eligibility.** A member who has been transferred to inactive enrollment under Business and Professions Code § 6007(c)(2) may petition for transfer to active enrollment, with or without interim remedies.
	(B) Requirements. The petition must be verified, state the facts alleged to warrant the relief requested, and contain any other information required by the order transferring the member to inactive enrollment. The petition must be addressed to the Hearing Department, filed with the Clerk, and served under rule 4.7 on the Office of the Chief Trial Counsel.
(b) The Court shall vacate an order of inactive enrollment made pursuant to Business and Professions Code section 6007(c)(4) in the event that the recommendation for disbarment is subsequently changed, either on reconsideration or review, to a recommendation for lesser discipline.	[intentionally left blank]

16. Bus. & Prof. Code § 6007(c)(2): Transfer from Inactive to Active Enrollment	
RULE 491. STIPULATIONS	**Rule 16.2 Stipulations**
The parties may stipulate to the transfer of a member to active enrollment upon a showing that the member's conduct warrants the relief requested. A stipulation under this rule shall include statements of fact sufficient to warrant the stipulated relief and may include expert testimony. The stipulation shall be reviewed by the Court, which retains the discretion to reject the stipulation in the interests of justice.	The parties may stipulate to the member's transfer to active enrollment if it is shown that the member's conduct warrants the transfer. The stipulation must state sufficient facts to support the transfer; expert testimony is permitted. The Court, in its discretion, may reject the stipulation in the interests of justice.

16. Bus. & Prof. Code § 6007(c)(2): Transfer from Inactive to Active Enrollment	
RULE 492. DECISION; DENIAL WITHOUT PREJUDICE	**Rule 16.3 Decision; Denial Without Prejudice**
(a) The Court shall render a decision on the petition, including findings of fact, which shall be filed no later than ten (10) court days after the date set for hearing, if no hearing is held, or no later than ten (10) court days after the conclusion of the hearing, if a hearing is held.	**(A) Time for Decision.** If no hearing is held, the Court must file its decision, including findings of fact, within 10 court days after the matter is submitted. If a hearing is held, the Court must file its decision, including findings of fact, within 10 court days after the hearing ends.
(b) The decision shall be effective upon service, unless otherwise ordered by the Court, and shall include findings of fact as to whether it has been established by clear and convincing evidence that the circumstances which warranted the original involuntary inactive enrollment no longer exist, and a conclusion of law as to whether the relief granted will create a substantial threat of harm to the member's clients or the public.	**(B) Contents of Decision; Effective Date.** The written decision must include findings of fact about whether clear and convincing evidence established that the circumstances warranting the original involuntary inactive enrollment no longer exist and a conclusion of law about whether transferring the member to active enrollment will create a substantial threat of harm to the member's clients or the public. The decision takes effect on service, unless otherwise ordered by the Court.
(c) Any denial of a petition under these rules shall be without prejudice to a subsequent petition based upon additional facts. A subsequent petition based upon additional facts may incorporate the facts alleged in the prior petition(s).	**(C) Denial of Petition.** Denial is without prejudice. A new petition based on additional facts may be filed and may incorporate the facts alleged in prior petitions.

16. Bus. & Prof. Code § 6007(c)(2): Transfer from Inactive to Active Enrollment	
RULE 493. LIMITATIONS ON EFFECT OF TRANSFER	**Rule 16.4 Limitations on Effect of Transfer**
A decision, or an order approving a stipulation, which orders the member's transfer to active enrollment does not operate to relieve the member of any suspension imposed on the member for any reason, or of any other independent restriction that may exist regarding the member's right to practice law.	If the Court grants the petition or issues an order approving a stipulation, the Court's decision or order will not relieve the member of any suspension imposed on the member for any reason, or of any other independent restriction that may exist regarding the member's right to practice law.

16. Bus. & Prof. Code § 6007(c)(2): Transfer from Inactive to Active Enrollment	
RULE 494. REVIEW	**Rule 16.5 Review**
Review of a decision in a proceeding under these rules may only be sought on the grounds of error of law or abuse of discretion, and pursuant to rule 300.	A decision in a proceeding under these rules is reviewable only for errors of law or abuse of discretion under rule 9.1.

16. Bus. & Prof. Code § 6007(c)(2): Transfer from Inactive to Active Enrollment	
RULE 495. INAPPLICABLE RULES	**Rule 16.6 Inapplicable Rules**
The following rules shall not apply in a proceeding for transfer to active enrollment under these rules:	The following rules do not apply in a proceeding for transfer to active enrollment:
(a) Rules which by their terms apply only to disciplinary proceedings or to other specific proceedings, and	**(A) General.** Rules that by their terms apply only to disciplinary proceedings or to other specific proceedings, and
(b) Rules 200-210 (default; obligation to appear at trial); rules 215-217 (admission of certain evidence); and rules 301-308 (review).	**(B) Specific.** Rules 7.1–7.8 (default; obligation to appear at trial); rules 7.13–7.15 (admission of certain evidence); and rules 9.2–9.8 (review).

Involuntary Inactive Enrollment Proceedings 17. Bus. & Prof. Code § 6007(e): Failure to File a Response in a Disciplinary Proceeding; Termination	
RULE 500. CONDITIONS FOR INVOLUNTARY INACTIVE ENROLLMENT	**Rule 17.1 Conditions for Involuntary Inactive Enrollment**
Pursuant to Business and Professions Code section 6007(e), upon entry of the respondent's default, the Court shall order the involuntary inactive enrollment of a respondent in a disciplinary proceeding if the Court determines that the conditions in section 6007(e)(1) have been met. The Clerk shall serve the order by first class mail addressed to the respondent at the address required to be maintained on State Bar records pursuant to Business and Professions Code section 6002.1. If the member is a person not required by Business and Professions Code section 6002.1 to maintain an address on the official membership records of the State Bar, the member may be served by first class mail pursuant to the rule for service of subsequent pleadings (rule 61). The transfer to inactive enrollment shall be effective upon personal service or three (3) days after service by mail, whichever is earlier, of the order, unless otherwise ordered by the Court.	**(A) Member's Default.** Under Business and Professions Code § 6007(e), if the member defaults and the Court determines that the conditions in section 6007(e)(1) have been met, then on entry of the member's default, the Court will order the member's transfer to involuntary inactive enrollment in a disciplinary proceeding.
	(B) Service. The Clerk will serve the order by first-class mail addressed to the respondent at the address required to be maintained on State Bar records under Business and Professions Code § 6002.1. If the member is exempt from § 6002.1, the member may be served by first-class mail under rule 4.8.
	(C) Effective Date. The transfer to inactive enrollment takes effect on the earlier of personal service or three days after service by mail of the order, unless otherwise ordered by the Court.

17. Bus. & Prof. Code § 6007(e): Failure to File a Response in a Disciplinary Proceeding; Termination	
RULE 501. TERMINATION OF INVOLUNTARY INACTIVE ENROLLMENT	**Rule 17.2 Termination of Involuntary Inactive Enrollment**
(a) The Court shall order the termination of the respondent's inactive enrollment under Business and Professions Code section 6007(e) when the respondent meets the conditions in section 6007(e)(2). The Clerk shall serve the order by first class mail addressed to the respondent at the address required to be maintained on State Bar records pursuant to section 6002.1. If the member is a person not required by Business and Professions Code section 6002.1 to maintain an address on the official membership records of the State Bar, the member may be served by first class mail pursuant to the rule for service of subsequent pleadings (rule 61). The termination of inactive enrollment shall be effective upon service of the order.	**(A) Conditions.** The Court must terminate the respondent's inactive enrollment under Business and Professions Code § 6007(e) when the respondent meets the conditions in section 6007(e)(2).
	(B) Service of Termination Order. The Clerk will serve the order by first-class mail addressed to the respondent at the address required to be maintained on State Bar records under § 6002.1. If the member is exempt from § 6002.1, the member may be served by first-class mail under rule 4.8.

	(C) Effective Date. The termination of inactive enrollment takes effect on service of the order. But if a respondent's involuntary inactive enrollment under Business and Professions Code § 6007(e) is still in effect when the final order on the merits in the underlying disciplinary proceeding takes effect, the involuntary inactive enrollment will terminate on the final order's effective date.
(b) If a respondent's involuntary inactive enrollment pursuant to Business and Professions Code section 6007(e) is still in effect on the effective date of the final order on the merits in the underlying disciplinary proceeding, the involuntary inactive enrollment shall terminate as of such effective date.	[intentionally left blank]
(c) The termination of a respondent's inactive enrollment under this rule does not operate to relieve the respondent of any suspension imposed on the respondent for any reason, or of any other, independent restriction that may exist regarding the respondent's right to practice law.	**(D) No Relief from Other Discipline.** Termination of a respondent's inactive enrollment under this rule will not relieve the member of any suspension imposed on the member for any reason, or of any other independent restriction that may exist regarding the member's right to practice law.

17. Bus. & Prof. Code § 6007(e): Failure to File a Response in a Disciplinary Proceeding; Termination	
RULE 502. NO HEARING REQUIRED	**Rule 17.3 No Hearing Required**
The inactive enrollment and any transfer to active enrollment are administrative. No hearing is required.	No hearing is required because a member's inactive enrollment and any transfer to active enrollment are administrative matters.

17. Bus. & Prof. Code § 6007(e): Failure to File a Response in a Disciplinary Proceeding; Termination	
RULE 503. APPLICABLE RULES	**Rule 17.4 Applicable Rules**
Involuntary inactive enrollment pursuant to Business and Professions Code section 6007(e) is governed solely by rules 500-503, and rule 300 (interlocutory review). The underlying disciplinary proceeding in which an order of inactive enrollment under Business and Professions Code section 6007(e) is filed shall continue to be governed by all rules applicable in such proceeding.	Involuntary inactive enrollment under Business and Professions Code § 6007(e) is governed solely by rules 7.1–7.6, .17.1–17.3, and 9.1 (interlocutory review). The underlying disciplinary proceeding in which an order of inactive enrollment under Business and Professions Code § 6007(e) is filed is governed by all rules applicable to that proceeding.

17. Bus. & Prof. Code § 6007(e): Failure to File a Response in a Disciplinary Proceeding; Termination	
RULE 504. RETROACTIVITY	
The amendments to Business and Professions Code section 6007(e), which became effective on January 1, 1997, shall apply to all disciplinary matters in which the notice of disciplinary charges was filed after that date.	[deleted]

18. Involuntary Inactive Enrollment Proceedings under Bus. & Prof. Code § 6007(h): Interim Remedies	
RULE 510. INTERIM REMEDIES AS ALTERNATIVE TO INVOLUNTARY INACTIVE ENROLLMENT	**Rule 18.1 Interim Remedies as Alternative to Involuntary Inactive Enrollment**
In a proceeding for involuntary inactive enrollment brought under Business and Professions Code section 6007(b)(3) or 6007(c)(2):	In a proceeding for involuntary inactive enrollment brought under Business and Professions Code § 6007(b)(3) or 6007(c)(2),the Court may impose certain interim remedies.
(a) Either party may move the Court to order interim remedies as alternative relief. The motion shall set forth the nature of the interim remedies requested. The proceeding shall be governed by the applicable rules for involuntary inactive enrollment proceedings.	**(A) Motion for Interim Remedies.** Either party may move the Court to order interim remedies as alternative relief. The motion must state the nature of the interim remedies requested. The applicable rules for involuntary inactive enrollment proceedings govern.
(a)[sic] The parties may stipulate to interim remedies in lieu of inactive enrollment, provided that any such stipulation shall specify the interim remedies to be ordered and the factual basis therefor, and must be approved by the Court.	**(B) Stipulation for Interim Remedies.** The parties may stipulate to interim remedies instead of inactive enrollment, if the stipulation states the factual basis for interim remedies and specifies the remedies to be ordered. The Court must approve the stipulation.
(b) The Court may order interim remedies in lieu of involuntary inactive enrollment on the Court's own motion or on motion of any party.	**(C) Order for Interim Remedies.** The Court may order interim remedies on the motion of any party or on its own motion.
(d) Interim remedies shall not be ordered when involuntary inactive enrollment is warranted.	**(D) Denial of Motion.** When involuntary inactive enrollment is warranted, the Court will not order interim remedies.

18. Involuntary Inactive Enrollment Proceedings under Bus. & Prof. Code § 6007(h): Interim Remedies	
RULE 511. PROCEEDINGS SEEKING INTERIM REMEDIES ONLY	**Rule 18.2 Proceedings Seeking Interim Remedies Only**
A proceeding may be brought to seek interim remedies pursuant to Business and Professions Code section 6007(h), without seeking the member's involuntary inactive enrollment. Such a proceeding shall be governed by these rules and shall be expedited.	A proceeding to seek interim remedies may be brought under Business and Professions Code § 6007(h) without seeking the member's involuntary inactive enrollment. The proceeding is governed by these rules and is expedited.

18. Involuntary Inactive Enrollment Proceedings under Bus. & Prof. Code § 6007(h): Interim Remedies	
RULE 512. APPLICATION FOR INTERIM REMEDIES	**Rule 18.3 Application for Interim Remedies**
To initiate a proceeding seeking interim remedies without requesting involuntary inactive enrollment, the party initiating the proceeding shall file with the Clerk a verified application with supporting documents. The application shall set forth with particularity the factual and legal basis for the relief sought, shall specify the nature of the interim remedies requested, and shall state whether a hearing is requested. The application shall be served on the opposing party pursuant to the rule for service of initial pleadings (rule 60).	To start a proceeding seeking interim remedies without requesting involuntary inactive enrollment, the initiating party must file with the Clerk a verified application with supporting documents. The application must state with particularity the factual and legal basis for the relief sought, specify the nature of the interim remedies requested, and state whether a hearing is requested. The application must be served on the opposing party under rule 4.7.

18. Involuntary Inactive Enrollment Proceedings under Bus. & Prof. Code § 6007(h): Interim Remedies	
RULE 513. APPLICATION BASED SOLELY ON ALLEGATIONS PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(b)(3)	**Rule 18.4 Application Based Solely on Allegations under Business And Professions Code § 6007(B)(3)**
If an application seeking interim remedies is based solely on allegations pursuant to Business and Professions Code section 6007(b)(3):	If an application seeking interim remedies is based solely on allegations under Business and Professions Code § 6007(b)(3), the following rules apply.
(a) The proceeding shall be non-public unless otherwise ordered by the Court for good cause.	**(A) Non-Public.** The proceeding will not be public unless otherwise ordered by the Court for good cause.
(b) The Court may appoint counsel to represent the member, if the Court deems it necessary to do so in order to protect the member's rights. Counsel appointed under this rule shall have the same authority as and shall be compensated in the same manner as counsel appointed to represent a member in a proceeding under Business and Professions Code section 6007(b)(3), and the member's failure or inability to assist such counsel, standing alone, shall not be a basis for abatement, continuance, or motion by counsel to be relieved as attorney of record.	**(B) Appointment of Counsel.** The Court may appoint counsel to represent the member, if the Court deems it necessary to protect the member's rights. The appointed counsel will be compensated in the same manner and have the same authority as counsel appointed to represent a member in a proceeding under Business and Professions Code § 6007(b)(3). By itself, the member's failure or inability to assist counsel is not a reason to abate the proceeding, or a basis for a continuance, or grounds for a motion by counsel to be relieved as attorney of record in a § 6007(h) proceeding.
(c) A physical or mental examination of the member may be ordered for good cause pursuant to Business and Professions Code section 6053 and rule 184 of these rules, and if such an examination is ordered, failure by the member to obey such order may be considered as evidence in determining whether interim remedies are warranted.	**(C) Examination.** For good cause the Court may order a physical or mental examination of the member under Business and Professions Code § 6053 and rule 6.14. If the member fails to obey the order, that failure may be considered as evidence in determining whether interim remedies are warranted.

18. Involuntary Inactive Enrollment Proceedings under Bus. & Prof. Code § 6007(h): Interim Remedies	
RULE 514. RESPONSE	**Rule 18.5 Response**
The opposing party shall file and serve a verified response within ten (10) days from the service of the application. The response shall state whether a hearing is requested. Failure to file a response shall constitute a waiver of hearing and, unless otherwise ordered by the Court for good cause, shall preclude the party from appearing in the proceeding.	The opposing party must file and serve a verified response within 10 days after the application is served. The response must state whether a hearing is requested. If no response is filed, the opposing party waives a hearing and, unless otherwise ordered by the Court for good cause, is precluded from appearing in the proceeding.

18. Involuntary Inactive Enrollment Proceedings under Bus. & Prof. Code § 6007(h): Interim Remedies	
RULE 515. STIPULATION	**Rule 18.6 Stipulation**
The parties may stipulate to interim remedies, provided that any such stipulation shall specify the interim remedies to be ordered and the factual basis therefor, and must be approved by the Court and by the member's counsel, if any. The stipulated interim remedies shall be effective upon personal service or three (3) days after service by mail, whichever is earlier, of the order approving the stipulation, unless otherwise provided in the stipulation.	The parties may stipulate to interim remedies, but the stipulation must state the factual basis for interim remedies and must specify the remedies to be ordered. The Court and the member's counsel (if any) must approve the stipulation. The stipulated interim remedies take effect on the earlier of personal service or three days after service by mail of the order approving the stipulation, unless otherwise provided in the stipulation.

18. Involuntary Inactive Enrollment Proceedings under Bus. & Prof. Code § 6007(h): Interim Remedies	
RULE 516. HEARING	**Rule 18.7 Hearing**
If a hearing was requested by either party or if the Court determines that a hearing will materially contribute to its consideration of the application, a hearing shall be set on an expedited basis. If a hearing is held, the hearing shall be conducted pursuant to rule 465, unless the application seeking interim remedies is based solely on allegations pursuant to Business and Professions Code section 6007(b)(3), in which case the hearing shall be conducted pursuant to rule 425.	If either party requested a hearing or if the Court determines that a hearing will materially contribute to its consideration of the application, a hearing will be set on an expedited basis and conducted under rule 15.6. But if the application seeking interim remedies is based solely on allegations under Business and Professions Code § 6007(b)(3), it will be conducted under rule 12.6.

18. Involuntary Inactive Enrollment Proceedings under Bus. & Prof. Code § 6007(h): Interim Remedies	
RULE 517. BURDEN OF PROOF	**Rule 18.8 Burden of Proof**
The party seeking interim remedies shall have the burden of establishing by clear and convincing evidence that the member cannot practice law in the absence of the requested remedies without a substantial threat of harm to the interests of the member's clients or the public, or that interim remedies are otherwise justified under the circumstances.	The party seeking interim remedies has the burden to establish by clear and convincing evidence the requested remedies are necessary because the member cannot practice law without a substantial threat of harm to the interests of the member's clients or the public, or that interim remedies are otherwise justified under the circumstances.

18. Involuntary Inactive Enrollment Proceedings under Bus. & Prof. Code § 6007(h): Interim Remedies	
RULE 518. DECISION	**Rule 18.9 Decision**
(a) The Court shall file a decision, including findings of fact showing the basis for ordering interim remedies or for the denial of the application, no later than ten (10) court days after the due date for filing the response, if no hearing is held, or no later than ten (10) court days after submission of the matter at the hearing.	**(A) Findings of Fact.** The Court's decision must include findings of fact showing the basis for ordering interim remedies or for denying the application. If no hearing is held, the Court must file its decision within 10 court days after the response due date. If a hearing is held, the Court must file its decision within 10 court days after the hearing concludes.
(b) The decision shall be effective upon personal service or three (3) days after service by mail, whichever is earlier, unless otherwise ordered by the Court.	**(B) Effective Date.** The decision takes effect on the earlier of personal service or three days after service by mail, unless otherwise ordered by the Court.

18. Involuntary Inactive Enrollment Proceedings under Bus. & Prof. Code § 6007(h): Interim Remedies	
RULE 519. REVIEW	**Rule 18.10 Review**
Review of a decision in a proceeding seeking interim remedies may only be sought on the grounds of error of law or abuse of discretion, and pursuant to rule 300.	A decision in a proceeding seeking interim remedies is reviewable only for errors of law or abuse of discretion under rule 9.1.

18. Involuntary Inactive Enrollment Proceedings under Bus. & Prof. Code § 6007(h): Interim Remedies	
RULE 520. INAPPLICABLE RULES	**Rule 18.11 Inapplicable Rules**
The following rules shall not apply in a proceeding seeking interim remedies:	The following rules do not apply in a proceeding seeking interim remedies:
(a) Rules which by their terms apply only to disciplinary proceedings or to other specific proceedings, and	**(A) General.** Rules that by their terms apply only to disciplinary proceedings or to other specific proceedings, and
(b) Rules 200-210 (default; obligation to appear at trial); rules 215-217 (admission of certain evidence); and rules 301-308 (review).	**(B) Specific.** Rules 7.1–7.8 (default; obligation to appear at trial); rules 7.13–7.15 (admission of certain evidence); and rules 9.2–9.8 (review).

19. Involuntary Inactive Enrollment Proceedings: Change or Termination of Interim Remedies	
RULE 530. SCOPE	**Rule 19.1 Scope**
These rules govern motions to modify or terminate interim remedies ordered pursuant to Business and Professions Code section 6007(h).	These rules govern motions to modify or terminate interim remedies ordered under Business and Professions Code § 6007(h).

19. Involuntary Inactive Enrollment Proceedings: Change or Termination of Interim Remedies	
RULE 531. FILING AND SERVICE OF MOTION	**Rule 19.2 Filing and Service of Motion**
A motion to modify or terminate interim remedies shall state the nature of the relief requested and the factual and legal basis therefor, and shall state whether a hearing is requested. The party filing the motion shall serve it pursuant to the rule for service of initial pleadings (rule 60).	A motion to modify or terminate interim remedies must state the nature of the relief requested, the factual and legal basis for it, and whether a hearing is requested. The party filing the motion must serve it under rule 4.7.

19. Involuntary Inactive Enrollment Proceedings: Change or Termination of Interim Remedies	
RULE 532. RESPONSE	**Rule 19.3 Response**
The party served with a motion under these rules shall file and serve a verified response within ten (10) days from the service of the petition. The response shall state whether a hearing is requested. Failure to file a response shall constitute a waiver of hearing and, unless otherwise ordered by the Court for good cause, shall preclude the party from appearing in opposition to the motion.	The party served with a motion under these rules must file and serve a verified response within 10 days after the petition is served. The response must state whether a hearing is requested. If no response is filed, the opposing party waives a hearing and, unless otherwise ordered by the Court for good cause, is precluded from appearing in the proceeding.

19. Involuntary Inactive Enrollment Proceedings: Change or Termination of Interim Remedies	
RULE 533. STIPULATION	**Rule 19.4 Stipulation**
The parties may stipulate to the modification or termination of interim remedies, provided that any such stipulation shall specify any interim remedies to be ordered and the factual basis for the stipulated relief, and must be approved by the Court and by the member's counsel, if any. The stipulated relief shall be effective ten (10) days from service of the order approving the stipulation, unless otherwise provided in the stipulation.	The parties may stipulate to modifying or terminating interim remedies, but the stipulation must state the factual basis for any specific interim remedies to be ordered. The Court and the member's counsel (if any) must approve the stipulation. The stipulated interim remedies take effect 10 days after service of the order approving the stipulation, unless otherwise provided in the stipulation.

19. Involuntary Inactive Enrollment Proceedings: Change or Termination of Interim Remedies	
RULE 534. HEARING	**Rule 19.5 Hearing**
If a hearing was requested by either party or if the Court determines that a hearing will materially contribute to its consideration of the motion, a hearing shall be set on an expedited basis.	If either party requested a hearing or if the Court determines that a hearing will materially contribute to its consideration of the motion, a hearing will be set on an expedited basis

19. Involuntary Inactive Enrollment Proceedings: Change or Termination of Interim Remedies	
RULE 535. BURDEN OF PROOF	**Rule 19.6 Burden of Proof**
The party seeking modification or termination of interim remedies shall have the burden of establishing by clear and convincing evidence that the requested relief is justified under the circumstances.	The party seeking to modify or terminate interim remedies has the burden to establish by clear and convincing evidence that the requested relief is justified under the circumstances.

19. Involuntary Inactive Enrollment Proceedings: Change or Termination of Interim Remedies	
RULE 536. DECISION	**Rule 19.7 Decision**
(a) The Court shall file a decision, including findings of fact showing the basis for the relief granted or for the denial of the requested relief, no later than ten (10) court days after the filing of the response, if no hearing is held, or no later than ten (10) court days after submission of the matter at the hearing.	**(A) Findings of Fact.** The Court's decision must include findings of fact showing the basis for the relief granted or for denying the requested relief. If no hearing is held, the Court must file its decision within 10 court days after the response is filed. If a hearing is held, the Court must file its decision within 10 court days after the hearing concludes.
(b) The decision shall be effective upon personal service or three (3) days after service by mail, whichever is earlier, unless otherwise ordered by the Court.	**(B) Effective Date.** The decision takes effect on the earlier of personal service or three days after service by mail, unless otherwise ordered by the Court.

19. Involuntary Inactive Enrollment Proceedings: Change or Termination of Interim Remedies	
RULE 537. REVIEW	**Rule 19.8 Review**
Review of a decision on a motion under these rules may only be sought on the grounds of error of law or abuse of discretion, and pursuant to rule 300.	A decision on a motion under these rules is reviewable only for error of law or abuse of discretion under rule 9.1.

19. Involuntary Inactive Enrollment Proceedings: Change or Termination of Interim Remedies	
RULE 538. INAPPLICABLE RULES	**Rule 19.9 Inapplicable Rules**
The following rules shall not apply in proceedings on a motion to modify or terminate interim remedies:	The following rules do not apply in proceedings on a motion to modify or terminate interim remedies:
(a) Rules which by their terms apply only to disciplinary proceedings or to other specific proceedings, and	**(A) General.** Rules that by their terms apply only to disciplinary proceedings or to other specific proceedings, and
(b) Rules 200-210 (default; obligation to appear at trial); rules 215-217 (admission of certain evidence); and rules 301-308 (review).	**(B) Specific.** Rules 7.1–7.8 (default; obligation to appear at trial); rules 7.13–7.15 (admission of certain evidence); and rules 9.2–9.8 (review).

20. Probation Proceedings: Probation Modification and Early Termination Proceedings	
RULE 550. MOTIONS FOR MODIFICATION OR EARLY TERMINATION OF PROBATION	**Rule 20.1 Motions for Modification or Early Termination of Probation**
(a) Either the respondent or the Office of Probation may move for early termination of probation no earlier than six (6) months after the effective date of the order imposing probation; a motion for modification of probation may be made at any time. A motion for modification or early termination of probation shall state facts which show that the request is consistent with the protection of the public; the successful rehabilitation of the respondent, including the degree of compliance with the conditions of probation; and the maintenance of the integrity of the legal profession. When considering motions for modification or early termination, the State Bar Court shall balance the interests of the respondent and the public and determine whether modification or termination of probation serves the objectives of probation.	**(A) Timing of Motion.** If at least six months have passed since the effective date of the order imposing probation, either the respondent or the Office of Probation may move to terminate probation early. A motion to modify probation may be made at any time. .
	(B) Considerations; Requirements. The State Bar Court must balance the interests of the respondent and the public and determine whether modifying or terminating probation serves the objectives of probation. A motion to modify or terminate probation early must state facts showing that the request is consistent with:
	(1) protecting the public;
	(2) the respondent's successful rehabilitation; and

	(3) maintaining the integrity of the legal profession.
(b) Unless expressly authorized by the Supreme Court, no motion or stipulation will be considered by the State Bar Court to modify an actual or stayed period of suspension whether it is a condition of probation or not.	**(C) Modification of Suspension.** Unless expressly authorized by the Supreme Court, the State Bar Court will not consider a motion or stipulation to modify an actual or stayed period of suspension, whether it's a condition of probation or not.
(c) The motion must set forth clearly the specific relief requested and be accompanied by one or more declarations setting forth with particularity facts showing:	**(D) Specific Relief.** The motion must clearly state the specific relief requested and be accompanied by one or more declarations.
(1) that the requested relief is warranted; and	[intentionally left blank]
(2) that granting the request will be fully consistent with the objectives of probation as provided in this rule.	[intentionally left blank]
(d) A response to the motion shall be filed within thirty (30) days following service of the motion. A party may file and serve a written request for a hearing at the time of filing the motion or within ten (10) days following service of the response. Failure to request a hearing shall constitute a waiver of hearing.	**(E) Response.** A response to the motion must be filed within 30 days after the motion is served.

(e) The party filing the motion shall serve it in compliance with the rule for service of initial pleadings (rule 60), except that service upon the State Bar pursuant to rule 60(c) shall be made upon the Office of Probation at 1149 S. Hill Street, Los Angeles, CA 90015-2299.	**(F) Hearing.** (1) A party may file and serve a written request for a hearing when filing the motion or within 10 days after serving the response. Failure to request a hearing is a waiver of hearing. (2) The Court will hold a hearing if timely requested by either party and it determines that a hearing will materially contribute to the Court's consideration of the motion. The hearing will be set on an expedited basis.
(f) The Court shall hold a hearing if timely requested by either party or if the Court determines that a hearing will materially contribute to the Court's consideration of the motion. The hearing shall be set on an expedited basis.	**(G) Service**. The party filing the motion must serve it under rule 4.7. Service on the State Bar under rule 4.7(E) must be made on the Office of Probation at 1149 S. Hill Street, Los Angeles, CA 90015-2299. (1)

20. Probation Proceedings: Probation Modification and Early Termination Proceedings	
RULE 551. STIPULATION TO MODIFICATION OR CORRECTION OF CONDITIONS OR EARLY TERMINATION OF PROBATION	**Rule 20.2 Stipulation to Modification or Early Termination of Probation**
The parties may stipulate to a modification or correction of conditions of probation, as permitted by rule 9.10(c) of the California Rules of Court, or to early termination of probation. The stipulation must state specific facts demonstrating that the requested relief is appropriate and serves the objectives of probation. The stipulation shall be reviewed by the Court, which retains the discretion to reject the stipulation in the interest of justice.	The parties may stipulate to modifying the conditions of probation, as permitted by rule 9.10(c) of the California Rules of Court, or to terminating probation early. The stipulation must state specific facts demonstrating that the requested relief is appropriate and serves the objectives of probation. The Court must approve the stipulation and has the discretion to reject the stipulation in the interest of justice.

20. Probation Proceedings: Probation Modification and Early Termination Proceedings	
RULE 552. BURDEN OF PROOF; DISCOVERY; EVIDENCE	**Rule 20.3 Burden of Proof; Discovery; Evidence**
(a) The burden of proof on a motion for modification or early termination of probation shall be by clear and convincing evidence.	**(A) Supporting Evidence.** Clear and convincing evidence is required to support a motion to modify or terminate probation early.
(b) Unless the Court orders otherwise, discovery shall not be afforded, except that the Office of Probation may take the respondent's deposition promptly after filing of the motion, provided that the taking of such deposition shall not extend any time limit provided under these rules unless ordered by the Court for good cause.	**(B) Discovery.** The Court will allow discovery only if good cause is shown.
(c) If no hearing is held, the declarations offered in support of and in response to the motion shall be received in evidence, subject to the Court's ruling on any written objections thereto filed and served by a party within ten (10) days after the filing of the response to the motion.	**(C) Objections to Motion**. Written objections to the declarations offered in support of and in response to the motion must be filed and served by a party within 10 days after the response is filed. If no hearing is held, the Court will receive the declarations in evidence, subject to its rulings on any objections.
(d) If a hearing is held:	**(D) Hearing.** If a hearing is held, the submitted declarations will be admitted in evidence, subject to appropriate objection, as the direct testimony of the respective declarants.
(1) The declarations submitted in support of and in response to the motion shall be admitted in evidence, subject to appropriate objection, as the direct testimony of the respective declarants, and	**(E) Cross-Examination.** If an opposing party is served a declaration, and files and serves within five days after service a request to cross-examine the declarant, the party that filed the declaration must produce the declarant for cross examination at the hearing.

(2) The party which filed a declaration shall produce the declarant for cross examination at the hearing if an opposing party so requests in a writing filed and served no later than five (5) days after the service of the declaration in question.	[intentionally left blank]

20. Probation Proceedings: Probation Modification and Early Termination Proceedings	
RULE 553. RULING ON MOTION; REVIEW	**Rule 20.4 Ruling on Motion**
(a) The Court shall issue a written order stating its ruling on the motion and the reasons therefor.	The Court will issue a written order stating its ruling on the motion and its reasons.
(1) A ruling granting a motion for correction, modification or early termination of probation ordered by the State Bar Court as a condition of a reproval, or approving a stipulation or granting a motion to correct or modify probation terms as to which the State Bar Court has delegated authority under rule 9.10(c) of the California Rules of Court, or denying any motion or rejecting any stipulation, shall be in the form of an order.	[intentionally left blank]
(2) A ruling granting a motion for early termination of probation ordered by the Supreme Court, or granting a motion for modification of probation as to which the State Bar Court does not have delegated authority under rule 9.10(c) of the California Rules of Court, shall be in the form of a recommendation to the Supreme Court.	[intentionally left blank]
(b) A ruling by a hearing judge on a motion under these rules shall be reviewable only pursuant to rule 300.	[intentionally left blank]

20. Probation Proceedings: Probation Modification and Early Termination Proceedings	
RULE 553. RULING ON MOTION; REVIEW	**Rule 20.5 Form of Ruling.**
(a) The Court shall issue a written order stating its ruling on the motion and the reasons therefor.	**(A) Order.** The Court's ruling will be an order when:
(1) A ruling granting a motion for correction, modification or early termination of probation ordered by the State Bar Court as a condition of a reproval, or approving a stipulation or granting a motion to correct or modify probation terms as to which the State Bar Court has delegated authority under rule 9.10(c) of the California Rules of Court, or denying any motion or rejecting any stipulation, shall be in the form of an order.	(1) granting a motion to correct, modify, or terminate early a probation ordered by the State Bar Court as a condition of reproval; (2) approving a stipulation or granting a motion to correct or modify probation terms for which the State Bar Court has delegated authority under rule 9.10(c) of the California Rules of Court; (3) rejecting any stipulation; or (4) denying any motion.
(2) A ruling granting a motion for early termination of probation ordered by the Supreme Court, or granting a motion for modification of probation as to which the State Bar Court does not have delegated authority under rule 9.10(c) of the California Rules of Court, shall be in the form of a recommendation to the Supreme Court.	**(B) Recommendation.** The Court's ruling will be a recommendation when: (1) granting a motion to terminate early a probation ordered by the Supreme Court; or (2) granting a motion to modify probation terms for which the State Bar Court does not have delegated authority under rule 9.10(c) of the California Rules of Court.

20. Probation Proceedings: Probation Modification and Early Termination Proceedings	
RULE 553. RULING ON MOTION; REVIEW	**Rule 20.6 Review**
(a) The Court shall issue a written order stating its ruling on the motion and the reasons therefor.	A ruling by a hearing judge on a motion under these rules is reviewable only under rule 9.1.

20. Probation Proceedings: Probation Modification and Early Termination Proceedings	
RULE 554. INAPPLICABLE RULES	**Rule 20.7 Inapplicable Rules.**
The following rules shall not apply in proceedings on a motion for modification or early termination of probation:	The following rules do not apply in proceedings on a motion to modify or terminate probation early:
(a) Rules which by their terms apply only to disciplinary proceedings or to other specific proceedings, and	**(A) General.** Rules that by their terms apply only to disciplinary proceedings or to other specific proceedings, and
(b) Rules 200-210 (default; obligation to appear at trial); rules 215-217 (admission of certain evidence); and rules 301-308 (review).	**(B) Specific.** Rules 7.1–7.8 (default; obligation to appear at trial); rules 7.13–7.15 (admission of certain evidence); and rules 9.2–9.8 (review).

21. Probation Revocation Proceedings	
RULE 560. PROBATION REVOCATION PROCEEDINGS	**Rule 21.1 Probation Revocation Proceedings**
Upon reasonable cause to believe that a condition or conditions of probation have been violated, the Office of Probation may charge the probation violation in a probation revocation proceeding governed by these rules. Alternatively, the Office of the Chief Trial Counsel may charge the probation violation in an original disciplinary proceeding, based on the respondent's violation of Business and Professions Code section 6068(k), governed by the rules for disciplinary proceedings generally.	If the Office of Probation has reasonable cause to believe that a member has violated a condition of probation, it may charge the probation violation in a probation revocation proceeding governed by these rules. Alternatively, the Office of the Chief Trial Counsel may charge the probation violation in an original disciplinary proceeding, based on the respondent's violation of Business and Professions Code § 6068(k), governed by the rules for disciplinary proceedings generally.

21. Probation Revocation Proceedings	
RULE 561. BURDEN OF PROOF IN PROBATION REVOCATION PROCEEDINGS; EXPEDITED PROCEEDING	**Rule 21.2 Burden of Proof in Probation Revocation Proceedings; Expedited Proceeding**
The burden of proof in probation revocation proceedings shall be by preponderance of the evidence and the proceedings shall be expedited.	A preponderance of the evidence is required in probation revocation proceedings, and the proceedings will be expedited.

21. Probation Revocation Proceedings	
RULE 562. DISCIPLINE RECOMMENDED IN PROBATION REVOCATION PROCEEDINGS	**Rule 21.3 Discipline Recommended in Probation Revocation Proceedings**
In probation revocation proceedings, any actual suspension recommended shall not exceed the entire period of stayed suspension. The order may recommend that all or part of the actual suspension imposed as a result of the probation revocation be stayed, and that a new period of probation be imposed, which may be of a different duration and/or under different conditions than the original probation.	The Court may recommend imposing an actual suspension equal to or less than the period of stayed suspension. It may also recommend staying all or part of the actual suspension and imposing a new period of probation, which may be of a different duration or under different conditions than the original probation or both.

21. Probation Revocation Proceedings	
RULE 562.5 NO CONSOLIDATION OF PROBATION REVOCATION PROCEEDINGS	**Rule 21.4 Consolidation of Probation Revocation Proceedings**
A probation revocation proceeding may not be consolidated for decision with any other proceeding, except another probation revocation proceeding alleging a separate violation or violations of the same Supreme Court order.	A probation revocation proceeding may be consolidated with another probation revocation proceeding alleging a separate violation or violations of the same Supreme Court order. Otherwise, it may not be consolidated for decision with any other proceeding.

21. Probation Revocation Proceedings	
RULE 563. CONDUCT OF PROBATION REVOCATION PROCEEDINGS	**Rule 21.5 Conduct of Probation Revocation Proceedings**
Probation revocation proceedings shall be conducted as follows:	Probation revocation proceedings will be conducted as follows:
(a) The proceeding shall be initiated by the filing of a motion to revoke probation, which shall be accompanied by one or more declarations setting forth all facts relied on in support of the motion. If a hearing on the motion is requested, the motion shall so state. Failure to request a hearing shall waive any right to a hearing. The motion and all supporting pleadings and evidence, including declarations and a copy of an approved response form, shall be served on the respondent pursuant to the rule for service of initial pleadings (rule 60).	**(A) Motion**. The proceeding begins by filing a motion to revoke probation, accompanied by one or more declarations stating all the facts relied on in support of the motion. If a hearing is not requested in the motion, a hearing is waived. The motion and all supporting pleadings and evidence, including declarations and a copy of an approved response form, must be served on the respondent under rule 4.7.
(b) The respondent shall file a response to the motion.	**(B) Response.** The response, including any opposition, must be filed and served within 20 days of the service of the motion. All facts relied on in the response must be stated in one or more accompanying declarations. If a hearing is not requested in the response, the right to request a hearing is waived, regardless of a request for hearing in the motion. The response must state whether the respondent wants to cross-examine the declarants at the hearing.
(1) Such response, including any opposition, shall be filed and served within twenty (20) days of the service of the motion. All facts relied on in the response or opposition shall be set forth in one or more accompanying declarations.	[intentionally left blank]

(2) If the respondent desires a hearing on the motion, the response shall so state, regard less of whether the motion requested a hearing. If the respondent desires to cross examine the declarants at the hearing, the response shall so state.	[intentionally left blank]
(3) Failure to file a response requesting a hearing shall constitute waiver by the respondent of any right to request a hearing, and failure to file any response shall constitute an admission of the factual allegations contained in the motion and supporting documents.	**(C) Admissions.** If no response is filed, the factual allegations contained in the motion and supporting documents will be treated as admissions.
(c) No discovery shall be conducted except by leave of the Court upon good cause shown.	**(D) Discovery.** The Court will allow discovery only if good cause is shown.
(d) The Court shall hold a hearing if timely requested by any party or if the Court determines that a hearing will materially contribute to the consideration of the motion. If a hearing is held:	**(E) Hearing.** The Court will hold a hearing if timely requested by any party or if the Court determines that a hearing will materially contribute to its consideration of the motion.
(1) The hearing shall be set on an expedited basis.	[intentionally left blank]

(2) At the hearing, the declarations submitted in support of the motion shall be admitted in evidence, subject to appropriate objection, as the direct testimony of the respective declarants, provided that if the respondent filed a timely response to the motion in which the respondent expressly requested a hearing and the opportunity to cross-examine the declarants, counsel for the Office of Probation shall produce the declarants at the hearing, and the respondent shall have the right to cross examine the declarants.	**(F) Declarations in Support of Motion.** Subject to appropriate objection, the Court will admit in evidence, the declarations submitted in support of the motion as the direct testimony of the respective declarants. If the respondent filed a timely response to the motion and expressly requested a hearing and the opportunity to cross-examine the declarants, counsel for the Office of Probation will produce the declarants at the hearing.
	(G) Declarations in Response. If the respondent filed declarations in response to the motion, then, subject to appropriate objection, the Court will admit in evidence the declarations as the direct testimony of the respective declarants only if :
	(1) the respondent produces the declarant at the hearing for cross-examination, or
	(2) counsel for the Office of Probation waives the right to cross-examine the declarant.
(3) If the respondent filed declarations in response to the motion, such declarations shall be admitted in evidence as the direct testimony of the respective declarants subject to appropriate objection, only if (A) the respondent produces the declarant at the hearing for cross-examination, or (B) counsel for the Office of Probation waives the right to cross-examine the declarant.	[intentionally left blank]

(e) If no hearing is held, the declarations and exhibits submitted in support of and in opposition to the motion shall be received in evidence, subject to the Court's ruling on any appropriate objections thereto asserted by the respondent in the response to the motion or by the Office of Probation in a writing filed and served not more than ten (10) court days after the service of the response to the motion.	**(H) No Hearing**. If no hearing is held, the Court will receive in evidence declarations and exhibits submitted in support of and in opposition to the motion. The admissibility of this evidence is subject to the Court's ruling on any appropriate objections asserted by the respondent in the response to the motion or by the Office of Probation in a writing filed and served within five court days after the response is served.
(f) In probation revocation proceedings, the Court shall issue a written order stating its reasons for the recommended action.	**(I) Order.** The Court will issue a written order stating its reasons for the recommended action.

21. Probation Revocation Proceedings	
RULE 564. INVOLUNTARY INACTIVE ENROLLMENT IN PROBATION MATTERS	**Rule 21.6 Involuntary Inactive Enrollment in Probation Matters**
In a probation revocation proceeding, or in an original disciplinary proceeding for violation of Business and Professions Code section 6068(k), the Court may order the involuntary inactive enrollment of the respondent upon a finding that each of the elements of Business and Professions Code section 6007(d) has occurred. The order shall be effective upon service, unless otherwise ordered by the judge. The involuntary inactive enrollment shall terminate upon the occurrence of the conditions in Business and Professions Code section 6007(d)(2).	In a probation revocation proceeding, or in an original disciplinary proceeding for violating Business and Professions Code § 6068(k), if the Court finds that each element of Business and Professions Code § 6007(d) has occurred, the Court may order the respondent transferred to involuntary inactive enrollment. The order takes effect three days after service, unless otherwise ordered by the judge. The involuntary inactive enrollment terminates when the conditions in Business and Professions Code § 6007(d)(2) occur.

21. Probation Revocation Proceedings	
RULE 565. REVIEW	**Rule 21.7 Review**
A ruling on a motion to revoke probation shall be reviewable on an expedited basis under rule 301.	A ruling on a motion to revoke probation is reviewable on an expedited basis under rule 9.2.

21. Probation Revocation Proceedings	
RULE 566. INAPPLICABLE RULES	**Rule 21.8 Applicable Rules**
(a) The following rules shall not apply in probation revocation proceedings:	**(A) Inapplicable.** The following rules do not apply in probation revocation proceedings:
(1) Rules which by their terms apply only to other specific proceedings, and	(1) rules that by their terms apply only to other specific proceedings, and
(2) Rule 101 (notice of disciplinary charges); rule 103 (response to notice of disciplinary charges); rules 200-209 (default); and rule 213 (State Bar's burden of proof).	(2) rule 5.2 (notice of disciplinary charges); rule 5.4 (response to notice of disciplinary charges); rules 7.1–7.7 (default); and rule 7.11 (State Bar's burden of proof).
(b) Rules 180-189 (discovery) shall apply in probation revocation proceedings only if and to the extent that discovery is permitted by the Court.	**(B) Conditionally Applicable.** The following rules apply in probation revocation proceedings in certain circumstances:
(c) Rule 210 (obligation to appear at trial) shall apply in probation revocation proceedings only if a hearing is held.	(1) rule 6.6 (discovery) only if and to the extent that the Court permits discovery;
(d) Rule 214 (rules of evidence) shall apply in probation revocation proceedings only subject to the provisions of rule 563.	(2) rule 7.8 (obligation to appear at trial) only if a hearing is held; and
	(3) rule 7.12 (rules of evidence) subject to the provisions of rule 21.5.

22. Rule 9.20 Proceedings	
RULE 580. DEFINITIONS; NATURE OF PROCEEDING	**Rule 22.1 Nature of Proceeding**
(a) As used in these rules, "rule 9.20" refers to rule 9.20 of the California Rules of Court, and "rule 9.20 order" means an order requiring a respondent to comply with rule 9.20 of the California Rules of Court.	A rule 9.20 proceeding is one in which the respondent is charged with failing to comply with rule 9.20 of the California Rules of Court as ordered by the Supreme Court. These rules apply to rule 9.20 proceedings.
(b) These rules apply to rule 9.20 proceedings, that is, proceedings in which the respondent is charged with having failed to comply with a rule 9.20 order within the time allowed by the rule 9.20 order for compliance.	[intentionally left blank]
(c) As used in these rules, "declaration of compliance" means a declaration executed by a respondent in compliance or attempted compliance with a rule 9.20 order.	[intentionally left blank]

22. Rule 9.20 Proceedings	
RULE 580. DEFINITIONS; NATURE OF PROCEEDING	**Rule 22.2 Definitions.**
(a) As used in these rules, "rule 9.20" refers to rule 9.20 of the California Rules of Court, and "rule 9.20 order" means an order requiring a respondent to comply with rule 9.20 of the California Rules of Court.	**(A) Rule 9.20.** As used in these rules, "rule 9.20" refers to rule 9.20 of the California Rules of Court, and "rule 9.20 order" means an order requiring a respondent to comply with rule 9.20 of the California Rules of Court.
(b) These rules apply to rule 9.20 proceedings, that is, proceedings in which the respondent is charged with having failed to comply with a rule 9.20 order within the time allowed by the rule 9.20 order for compliance.	**(B) "Declaration of Compliance" Defined.** A declaration signed by a respondent to comply or attempt to comply with a rule 9.20 order.
(c) As used in these rules, "declaration of compliance" means a declaration executed by a respondent in compliance or attempted compliance with a rule 9.20 order.	[intentionally left blank]

22. Rule 9.20 Proceedings	
RULE 581. SERVICE AND FILING OF DECLARATIONS OF COMPLIANCE	**Rule 22.3 Filing and Service of Declarations of Compliance**
(a) All declarations of compliance shall be accompanied by proof of service on the Office of Probation.	**(A) Proof of Service.** All declarations of compliance must be accompanied by proof of service on the Office of Probation.
(b) All declarations of compliance shall be filed by the Clerk of the State Bar Court, regardless of their form or the date of their submission.	**(B) Mandatory Filing.** The Clerk of the State Bar Court must file all declarations of compliance, regardless of their form or the date submitted.
(c) A declaration of compliance received by the Clerk of the State Bar Court which is not accompanied by proof of service on the Office of Probation shall be filed, and the Clerk shall serve it on the Office of Probation.	**(C) No Proof of Service.** If the Clerk of the State Bar Court receives a declaration that is not accompanied by proof of service on the Office of Probation, the Clerk will file the declaration and serve it on the Office of Probation.

22. Rule 9.20 Proceedings	
RULE 582. TIME FOR FILING PROCEEDING BASED ON UNTIMELY OR FORMALLY DEFECTIVE DECLARATION	**Rule 22.4 Time for Filing Proceeding Based on Untimely or Formally Defective Declaration**
Any notice of disciplinary charges which alleges that a declaration of compliance was untimely filed or was defective in form must be filed within ninety (90) days after the service of such declaration of compliance on the Office of Probation, unless a later filing is permitted by the Court for good cause shown. This time limit does not apply to a notice of disciplinary charges alleging a substantive defect in a declaration of compliance, or alleging failure to file any declaration of compliance. For purposes of this rule, any failure of a declaration of compliance to aver in substance that the respondent fully complied with the requirements of rule 9.20(a) shall be considered a defect in substance and not a defect in form covered by this rule.	**(A) Untimely or Defective Filing.** Any notice of disciplinary charges alleging that a declaration of compliance was untimely filed or was defective in form must be filed within 90 days after the declaration is served on the Office of Probation, unless the Court permits a later filing for good cause shown.
	(B) Time Limit Inapplicable. This time limit does not apply to a notice of disciplinary charges alleging a substantive defect in a declaration of compliance or alleging failure to file any declaration of compliance.
	(C) Defects in Substance. For purposes of this rule, if a declaration of compliance fails to state that the respondent fully complied with the requirements of rule 9.20(a), the failure is a defect in substance and not a defect in form covered by this rule.

22. Rule 9.20 Proceedings	
RULE 583. INITIAL PLEADING	**Rule 22.5 Notice of Disciplinary Charges; Initial Pleading**
The initial pleading in a rule 9.20 proceeding is a notice of disciplinary charges pursuant to rule 9.20 filed and served by the Office of the Chief Trial Counsel following the alleged failure of a respondent to comply with a rule 9.20 order. A copy of the rule 9.20 order shall be attached as an exhibit to the notice of disciplinary charges. The notice of disciplinary charges shall comply with rule 101(b).	After a respondent allegedly fails to comply with a rule 9.20 order, the Office of the Chief Trial Counsel may file and serve a notice of disciplinary charges under rule 9.20. A copy of the order must be attached as an exhibit to the notice, which must comply with rule 5.2(B). The notice is also the initial pleading in a rule 9.20 proceeding.

22. Rule 9.20 Proceedings	
RULE 584. RESPONSE TO NOTICE OF DISCIPLINARY CHARGES	**Rule 22.6 Response to Notice of Disciplinary Charges**
The respondent shall file and serve a verified response to the notice of disciplinary charges as provided in rule 103.	The respondent must file and serve a verified response to the notice of disciplinary charges as provided in rule 5.4.

22. Rule 9.20 Proceedings	
RULE 585. RECORD	**Rule 22.7 Record**
The State Bar Court record includes all court orders and documents on file with the Clerk of the Supreme Court and/ or the Clerk of the State Bar Court in the proceeding, including the rule 9.20 order and all documents submitted to the Clerk of the Supreme Court or the Clerk of the State Bar Court by the respondent in compliance or attempted compliance therewith or in response thereto, whether or not introduced in evidence.	The State Bar Court record includes all court orders and documents on file with the Clerk of the State Bar Court in the proceeding. The record must contain the rule 9.20 order and all documents submitted by the respondent to comply or attempt to comply with or respond to the order, whether or not introduced in evidence.

22. Rule 9.20 Proceedings	
RULE 586. EXPEDITED PROCEEDING; LIMITED DISCOVERY	**Rule 22.8 Expedited Proceeding; Limited Discovery**
(a) A proceeding charging a failure to comply with a rule 9.20 order shall be expedited.	**(A) Expedition.** A proceeding charging a failure to comply with a rule 9.20 order will be expedited.
(b) After the due date for filing the response, the Office of the Chief Trial Counsel may conduct discovery without leave of court as to the following limited issues:	**(B) Discovery By Chief Trial Counsel.** After the due date for filing the response, the Office of the Chief Trial Counsel may conduct discovery without leave of court only for the following limited issues:
(1) For all pending matters at the time the rule 9.20 order was filed: the names, addresses and telephone numbers of clients; the case numbers and names of any litigation filed in a court, and the names of the courts in which pending litigation was filed; and the names, addresses and telephone numbers of opposing counsel in pending litigation; and	(1) For all matters that were pending when the rule 9.20 order was filed, Counsel may discover: (a) the names, addresses and telephone numbers of clients; (b) the case numbers and names of any litigation filed in a court, and the names of the courts in which pending litigation was filed; and (c) the names, addresses and telephone numbers of opposing counsel in pending litigation; and
(2) The documents by which notice was provided as required by rule 9.20 to clients, courts, and opposing counsel.	(2) The documents used to provide notice as required by rule 9.20 to clients, courts, and opposing counsel.
(c) No other discovery shall be conducted by any party except by leave of the Court for good cause shown.	**(C) Other Discovery**. Neither party may conduct any other discovery unless the Court allows it for good cause shown.
	(D) Applicable Rules. Unless specific to another proceeding by their terms, all other rules apply.

22. Rule 9.20 Proceedings	
RULE 587. APPLICABLE RULES	**Moved to 22.8(D)**
(a) Rules which by their terms apply only to other specific proceedings shall not apply in rule 9.20 proceedings.	[intentionally left blank]
(b) All other rules shall apply, except that rules180-189 (discovery) shall apply in rule 9.20 proceedings only to the extent that discovery is permitted by rule 586(b) or by the Court pursuant to rule 586(c).	[intentionally left blank]

23. Conviction Proceedings	
D. CONVICTION PROCEEDINGS	**Rule 23.1 Nature of Proceedings**
(a) These rules apply to proceedings, that result from a member's criminal conviction and are held pursuant to Business and Professions Code sections 6101 and 6102,California Rules of Court, rule 9.10. and these Rules of Procedure of the State Bar.	These rules apply to proceedings that result from a member's criminal conviction and are held under Business and Professions Code §§ 6101 and 6102, California Rules of Court, rule 9.10, and these Rules of Procedure of the State Bar.
(b) Conviction proceedings are initiated in the Review Department of the State Bar Court by the Office of the Chief Trial Counsel's filing of a certified copy of the record of conviction. If the conviction is not final as defined in California Rule of Court, rule 9.10(a), at the time of the initial filing, the Office of the Chief Trial Counsel shall thereafter file a supplemental record of conviction that contains a certified copy of evidence showing that the conviction has become final. Any record of conviction filed under this subsection shall be served on the respondent pursuant to rule 60.	[intentionally left blank]

23. Conviction Proceedings	
D. CONVICTION PROCEEDINGS	**Rule 23.2 Beginning Proceedings**
(b) Conviction proceedings are initiated in the Review Department of the State Bar Court by the Office of the Chief Trial Counsel's filing of a certified copy of the record of conviction. If the conviction is not final as defined in California Rule of Court, rule 9.10(a), at the time of the initial filing, the Office of the Chief Trial Counsel shall thereafter file a supplemental record of conviction that contains a certified copy of evidence showing that the conviction has become final. Any record of conviction filed under this subsection shall be served on the respondent pursuant to rule 60.	Conviction proceedings are initiated in the Review Department of the State Bar Court when the Office of the Chief Trial Counsel files a certified copy of the record of conviction. If the conviction is not final as defined in California Rules of Court, rule 9.10(a), but becomes final later, the Office of the Chief Trial Counsel must file a supplemental record of conviction containing sufficient proof that the conviction is final. Any record of conviction filed must be served on the member under rule 4.7.

23. Conviction Proceedings	
RULE 601. INTERIM SUSPENSION; RELIEF	**Rule 23.3 Interim Suspension**
(a) The Review Department shall examine the record of conviction and if it appears therefrom that any ground for suspension set forth in Business and Professions Code section 6102(a) is present, the Review Department may interimly suspend the respondent pending final disposition of the conviction proceeding or further order of the Review Department.	**(A) Review Department Examination**. The Review Department will examine the record of conviction. If any ground for suspension set forth in Business and Professions Code § 6102(a) is present, the Review Department may interimly suspend the member until a further order of the Review Department or until final disposition of the conviction proceeding.
(b) Within 10 days of service of the initial record of conviction either party may file a brief which may include evidence from the record of the proceedings resulting in the conviction, including a transcript of any testimony, addressing whether grounds for interim suspension under Business and Professions Code section 6102(a) are present. The opposing party shall have 10 days from the date of service of the brief to file and serve a written response.	**(B) Filing and Responding to Briefs**. Within 10 days after the initial record of conviction is served, either party may file a brief addressing whether grounds for interim suspension under Business and Professions Code § 6102(a) are present. The brief may include evidence from the record of the proceedings resulting in the conviction, including a transcript of any testimony. The opposing party has 10 days after the brief is served to file and serve a written response.
(c) In cases involving misdemeanor convictions, the Review Department, on its own or on motion of any party, may direct the Hearing Department to conduct a hearing for the sole purpose of resolving factual issues as to whether there is probable cause to believe that the conviction involved moral turpitude and to make a recommendation whether interim suspension should be imposed. Proceedings pursuant to this paragraph shall be conducted as follows:	**(C) Misdemeanor Conviction and Moral Turpitude.** In cases involving misdemeanor convictions, the Review Department, on its own or on motion of any party, may direct the Hearing Department to conduct a hearing for the sole purpose of resolving factual issues as to whether there is probable cause to believe that the conviction involved moral turpitude, and if found, to make a recommendation whether interim suspension should be imposed. Proceedings pursuant to this subsection will be conducted as follows:

(1) No discovery shall be conducted except by leave of the court for good cause shown.	(1) The Court may allow discovery only if good cause is shown;
(2) Within 30 days after the referral order, each party must file and serve: (i) a list of all witnesses to be called at the hearing, except for impeachment or rebuttal; and (ii) copies of all exhibits to be offered.	(2) Within 30 days after the referral order, each party must file and serve:
(3) A hearing shall be held within 45 days of service of the referral order. The court shall file and submit its report to the Review Department no more than 15 days after the conclusion of the hearing.	(a) a list of all witnesses to be called at the hearing, except for impeachment or rebuttal; and
(4) Rules 200-206 shall not apply to these proceedings. If a respondent fails to appear at the hearing in person or by counsel, the hearing shall proceed unless for good cause the hearing is continued.	(b) copies of all exhibits to be offered.
(5) A recommendation under this paragraph shall be reviewable pursuant to rule 300.	(3) A hearing will be held within 45 days after the referral order is served. The court will file and submit its report to the Review Department within 15 days after the hearing concludes.
(d) At any time during the pendency of a conviction proceeding within the State Bar Court, a respondent may file a motion in the Review Department to vacate, delay the effective date of, or temporarily stay the effect of an order of interim suspension. Such motions are governed by rule 321 of these Rules.	(4) Rules 7.1–7.7 do not apply to these proceedings. If a member fails to appear at the hearing in person or by counsel, the hearing will proceed unless the court continues it for good cause.

	(5) A recommendation for interim suspension is reviewable under rule 9.1.
	(D) Motion to Vacate, or to Delay or Stay Order for Interim Suspension. At any time while a conviction proceeding is pending in the State Bar Court, a member may file a motion in the Review Department to vacate, delay the effective date of, or temporarily stay the effect of an order of interim suspension. Rule 9.13 of these rules governs the motions.

23. Conviction Proceedings	
RULE 602. SUMMARY DISBARMENT	**Rule 23.4 Summary Disbarment**
The Office of the Chief Trial Counsel may file a motion seeking the summary disbarment of a respondent pursuant to Business and Professions Code section 6102(c). The motion shall be filed concurrently with the filing of the record of conviction showing that the conviction is final. The respondent shall have 10 days from the date of service of the motion to file a written response.	The Office of the Chief Trial Counsel may file a motion for the member's summary disbarment under Business and Professions Code § 6102(c). The motion must be filed concurrently with the record of conviction showing that the conviction is final. The member's written response must be filed within 10 days after the motion is served.

23. Conviction Proceedings	
RULE 603. FINAL CONVICTIONS	**Rule 23.5 Final Convictions**
(a) After a conviction that is not subject to summary disbarment becomes final, the Review Department shall refer the case to the Hearing Department to conduct a hearing and file a decision regarding the issue(s) set forth in the order of reference.	**(A) Convictions Not Subject to Summary Disbarment**. After a conviction that is not subject to summary disbarment is final, the Review Department will refer the case to the Hearing Department to hear the case and decide the issues in the order of referral.
(b) At any time prior to a conviction becoming final, a respondent may file a notice waiving finality of the conviction and requesting that the Review Department refer the case to the Hearing Department for a hearing and decision as set forth in subsection (a) of this rule.	**(B) Waiver of Finality**. At any time before a conviction becomes final, a member may file a notice waiving finality and asking the Review Department to refer the case to the Hearing Department to hear and decide the case.

23. Conviction Proceedings	
RULE 604. HEARING DEPARTMENT PROCEEDINGS	**Rule 23.6 Hearing Department Proceedings**
(a) Upon referral of a conviction proceeding to the Hearing Department pursuant to rule 603, the Clerk shall serve and file a notice of hearing on conviction. Service shall be made pursuant to rule 60. A copy of the order of reference shall be attached as an exhibit to the notice of hearing on conviction. The notice of hearing on conviction shall include the following notice:	**(A) Referred Proceeding; Notice.** When a conviction proceeding is referred under rule 23.5, the Clerk will file and serve under rule 4.7 a notice of hearing on conviction. A copy of the order of reference must be attached to the notice as an exhibit. The notice must include the following language in capital letters:

IF YOU FAIL TO FILE AN ANSWER TO THIS NOTICE WITHIN THE TIME ALLOWED BY THE RULES OF PROCEDURE OF THE STATE BAR, INCLUDING EXTENSIONS, OR IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL: (1) YOUR DEFAULT SHALL BE ENTERED; (2) YOU SHALL BE ENROLLED AS AN INVOLUNTARY INACTIVE MEMBER OF THE STATE BAR AND WILL NOT BE PERMITTED TO PRACTICE LAW UNLESS THE DEFAULT IS SET ASIDE ON MOTION TIMELY MADE UNDER THE RULES OF PROCEDURE OF THE STATE BAR; (3) YOU SHALL NOT BE PERMITTED TO PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOUR DEFAULT IS SET ASIDE; (4) THE FACTUAL ALLEGATIONS SET FORTH IN THE OFFICE OF THE CHIEF TRIAL COUNSEL'S STATEMENT OF FACTS AND CIRCUMSTANCES SURROUNDING THE CONVICTION, FILED PURSUANT TO RULE 604(c), SHALL BE DEEMED ADMITTED; AND (5) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.	**"IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL:** **(1) YOUR DEFAULT WILL BE ENTERED;** **(2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW;** **(3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION AND THE DEFAULT IS SET ASIDE; AND** **(4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE. SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE YOUR DEFAULT, IT WILL BE DEEMED AS CONSENT BY YOU FOR THIS COURT TO ENTER AN ORDER RECOMMENDING YOUR DISBARMENT WITHOUT FURTHER HEARING OR PROCEEDING. SEE RULE 7 ET SEQ., RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA."**
THE RULES OF PROCEDURE OF THE STATE BAR REQUIRE YOU TO FILE YOUR WRITTEN RESPONSE TO THIS NOTICE WITHIN TWENTY DAYS AFTER SERVICE.	**Under the rules of procedure of the State Bar, you must file your written response to this notice within 20 days after this notice is served.**

IF YOUR DEFAULT IS ENTERED AND THE DISCIPLINE IMPOSED BY THE SUPREME COURT IN THIS PROCEEDING INCLUDES A PERIOD OF ACTUAL SUSPENSION, YOU WILL REMAIN SUSPENDED FROM THE PRACTICE OF LAW FOR AT LEAST THE PERIOD OF TIME SPECIFIED BY THE SUPREME COURT. IN ADDITION, THE ACTUAL SUSPENSION WILL CONTINUE UNTIL YOU HAVE REQUESTED, AND THE STATE BAR COURT HAS GRANTED, A MOTION FOR TERMINATION OF THE ACTUAL SUSPENSION. AS A CONDITION FOR TERMINATING THE ACTUAL SUSPENSION, THE STATE BAR COURT MAY PLACE YOU ON PROBATION AND REQUIRE YOU TO COMPLY WITH SUCH CONDITIONS OF PROBATION AS THE STATE BAR COURT DEEMS APPROPRIATE. SEE RULE 205, RULES OF PROCEDURE OF THE STATE BAR.	[intentionally left blank]
(b) The respondent in a conviction proceeding shall file and serve a response to the notice of hearing on conviction within 20 days after service thereof, subject to any extension of time granted by order of the Court. The response shall state respondent's position on the issues stated in the order of reference and shall contain an address for service on the respondent in the proceeding.	**(B) Response to Notice.** The respondent must file and serve a response to the notice within 20 days after it is served, unless the Court grants an extension. The response must state the respondent's position on the issues stated in the order of referral and must contain an address for service on the respondent.
(c) If the respondent fails to file a response to the notice of hearing on conviction or fails to appear at trial, the default procedures set forth in rules 200-206 shall apply, except that:	**(C) Applicable Rules If No Response Filed.** If the respondent does not file a response to the notice or fails to appear at trial, the default procedures in rules 7.1–7.7 apply, with the following exceptions:

(1) References in these rules to "notice of disciplinary charges" shall be deemed to be references to "notice of hearing on conviction" and the wording of the notices required by the rules shall be modified accordingly. References to factual allegations having been "deemed admitted" shall be deemed to be references to the factual allegations set forth in the Office of the Chief Trial Counsel's statement of facts and circumstances surrounding the conviction filed pursuant to subsection (c)(3) of this rule.	(1) References in those rules to "notice of disciplinary charges" will be treated as references to "notice of hearing on conviction" and the wording of the notices required by the rules will be modified accordingly. References to factual allegations deemed admitted will be treated as references to the factual allegations set forth in the Office of the Chief Trial Counsel's statement of facts and circumstances surrounding the conviction filed under subsection (C)(3) of this rule.
(2) Reference in rule 200(a)(3) to "if culpability is found" shall be deemed to read "if moral turpitude or other misconduct warranting discipline is found."	[intentionally left blank]
(3) In addition to the items specified in rule 200(a), the motion for entry of default shall recite the facts and circumstances surrounding the conviction that the Office of the Chief Trial Counsel contends it has clear and convincing evidence to prove the issue(s) stated in the order of referral.	(2) In addition to the items specified in rule 7.1, the motion for entry of default must recite the facts and circumstances surrounding the conviction that the Office of the Chief Trial Counsel contends it has clear and convincing evidence to prove.
(4) Upon entry of the respondent's default, the factual allegations set forth in the Office of the Chief Trial Counsel's statement of facts and circumstances surrounding the conviction, filed pursuant to subsection (c)(3) of this rule, shall be deemed admitted unless otherwise ordered by the court based on contrary evidence, and no further proof shall be required to establish the truth of such facts.	(3) Upon entry of the member's default, the factual allegations in the Office of the Chief Trial Counsel's statement of facts and circumstances surrounding the conviction will be treated as admitted by the member, unless the Court orders otherwise based on contrary evidence. No further proof will be required to establish the truth of those facts.

(d)_[sic] The State Bar Court record includes all court orders and documents on file with the Clerk of the State Bar Court in the proceeding, whether or not introduced in evidence. The evidence introduced may include that permitted by Business and Professions Code section 6102(g).	**(D) State Bar Court Record.** The State Bar Court record includes all court orders and documents on file with the Clerk of the State Bar Court in the proceeding, whether or not introduced in evidence. The evidence may include that permitted by Business and Professions Code § 6102(g).

23. Conviction Proceedings	
RULE 605. APPLICABLE RULES	**Rule 23.7 Applicable Rules.**
Rules which by their terms apply only to other specific proceedings shall not apply in conviction proceedings. All other rules shall apply, except that rules 200-206 (default) shall apply as modified by these conviction proceedings rules.	All rules of procedure apply except the following:
	(A) General. Rules that by their terms apply only to other specific proceedings do not apply in conviction proceedings; and
	(B) Conditional. Rules 7.1–7.7 (default) apply as modified by these conviction proceedings rules.

24. Proceedings Based on Professional Misconduct in Another Jurisdiction	
RULE 620. SCOPE AND NATURE OF PROCEEDING	**Rule 24.1 Scope and Nature of Proceeding**
(a) These rules apply to proceedings pursuant to Business and Professions Code section 6049.1(b).	These rules apply to proceedings under Business and Professions Code § 6049.1(b). A proceeding under these rules will be expedited.
(b) A proceeding under these rules shall be expedited.	[intentionally left blank]

24. Proceedings Based on Professional Misconduct in Another Jurisdiction	
RULE 621. HOW COMMENCED; NOTICE OF DISCIPLINARY CHARGES; RESPONSE	**Rule 24.2 How Commenced; Notice of Disciplinary Charges; Response**
(a) A proceeding under these rules shall commence with the filing and service on the respondent of a notice of disciplinary charges.	**(A) Beginning Proceeding.** A proceeding begins when a notice of disciplinary charges is filed and served on the respondent.
(b) A notice of disciplinary charges issued under these rules may recite, as its only basis, and shall attach thereto and incorporate therein a certified copy of the findings and final order of the other jurisdiction imposing discipline on the respondent with sufficient detail to permit identification of such foreign disciplinary proceeding. The notice of disciplinary charges shall also cite the California statutes or rules alleged to have been violated or to warrant the action proposed and shall have attached thereto a copy of the statutes, rules or court orders of the foreign jurisdiction found to have been violated by the respondent.	**(B) Notice.** A notice of disciplinary charges issued under these rules may state that its only basis is the findings and final order of the other jurisdiction that imposed discipline on the respondent. The notice must give sufficient detail to permit identification of the foreign disciplinary proceeding. The notice of disciplinary charges must also cite the California statutes or rules allegedly violated or that warrant the proposed action. The notice must have attachments:
	(1) a certified copy of the foreign jurisdiction's findings and final order; and
	(2) a copy of the statutes, rules, or court orders of the foreign jurisdiction found to have been violated by the respondent.

(c) Within twenty (20) days of service of the notice of disciplinary charges, the respondent shall file with the Clerk and serve on the Office of the Chief Trial Counsel a response limited to the issues set forth in Business and Professions Code section 6049.1(b)(1)-(3).	**(C) Response.** Within 20 days after the notice of disciplinary charges is served, the respondent must file with the Clerk and serve on the Office of the Chief Trial Counsel a response limited to the issues set forth in Business and Professions Code § 6049.1(b)(1)–(3).

24. Proceedings Based on Professional Misconduct in Another Jurisdiction	
RULE 623. NO FORMAL DISCOVERY EXCEPT FOR GOOD CAUSE SHOWN	**Rule 24.3 No Formal Discovery Except for Good Cause Shown**
In proceedings under these rules, formal discovery shall not be conducted unless the Court so orders upon a showing of good cause and then only upon the terms and conditions ordered.	The Court may allow formal discovery on a showing of good cause and then only on the terms and conditions ordered.

24. Proceedings Based on Professional Misconduct in Another Jurisdiction	
RULE 624. RECORD	**Rule 24.4 Record**
A certified copy of any portion of the record of disciplinary proceedings of another jurisdiction conducted as specified in Business and Professions Code section 6049.1(a) is admissible in evidence in a proceeding under these rules.	A certified copy of any portion of the record of another jurisdiction's disciplinary proceedings, conducted as specified in Business and Professions Code § 6049.1(a,) is admissible in evidence.

24. Proceedings Based on Professional Misconduct in Another Jurisdiction	
RULE 625. APPLICABLE RULES	**Rule 24.5 Applicable Rules.**
(a) Rules which by their terms apply only to other specific proceedings shall not apply in proceedings pursuant to Business and Professions Code section 6049.1(b).	**(A) Inapplicable.** Rules that by their terms apply only to other specific proceedings do not apply in proceedings under Business and Professions Code section 6049.1(b).
(b) All other rules shall apply, except that:	**(B) Conditionally Applicable.** The following rules apply only in certain circumstances:
(1) Rules 101 (notice of disciplinary charges) and 103 (response to notice of disciplinary charges) shall apply subject to the provisions of rule 621; and	(1) rules 5.2 (notice of disciplinary charges) and 5.4 (response to notice of disciplinary charges) apply subject to the provisions of rule 24.2; and
(2) Rules 180-189 (discovery) shall apply only if and to the extent that discovery is permitted by the Court.	(2) rules 6.10–6.19 (discovery) apply only if and to the extent that the Court permits discovery.
	(C) Other. All other rules apply.

25. Proceedings to Demonstrate Rehabilitation, Present Fitness, and Learning and Ability in the Law According to Standard 1.4(c)(ii)	
RULE 630. SCOPE AND EXPEDITED NATURE OF PROCEEDING	**Rule 25.1 Scope and Expedited Nature of Proceeding**
(a) These rules apply to proceedings conducted pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, in which a petitioner seeks to be relieved from actual suspension pursuant to a disciplinary order which requires, as a condition to resuming practice, that the petitioner demonstrate, to the satisfaction of the Court, the petitioner's rehabilitation, present fitness to practice and/or present learning and ability in the general law.	**(A) Scope.** These rules apply when a petitioner seeks relief from actual suspension under a disciplinary order that requires compliance with standard 1.4(c)(ii), Standards for Professional Misconduct.
(b) Proceedings under these rules shall be expedited. Service of the petition and all pleadings, decisions and other documents shall be made by personal delivery or by overnight mail.	**(B) Expedition; Service.** Proceedings under these rules will be expedited. The petition and all pleadings, decisions and other documents must be served by personal delivery or by overnight mail.

25. Proceedings to Demonstrate Rehabilitation, Present Fitness, and Learning and Ability in the Law According to Standard 1.4(c)(ii)	
RULE 631. PETITION FOR RELIEF FROM ACTUAL SUSPENSION	**Rule 25. 2 Petition for Relief from Actual Suspension.**
(a) A petition for relief from actual suspension shall be verified by the petitioner and shall state with particularity the facts alleged to demonstrate the petitioner's rehabilitation, present fitness to practice, and present learning and ability in the general law.	**(A) Verification; Statements.** The petitioner must verify the petition for relief and state with particularity the facts alleged to demonstrate the petitioner's rehabilitation, present fitness to practice, and present learning and ability in the general law.
(b) The petition shall be accompanied by declaration(s), exhibit(s), and/or request(s) for judicial notice establishing from specific facts that the petitioner is rehabilitated, is presently fit to practice law and has present learning and ability in the general law.	**(B) Attachments.** The petition must be supported by declarations, exhibits, or requests for judicial notice to establish the alleged facts.
(c) The petitioner shall serve a copy of the verified petition and supporting documents upon the Office of the Chief Trial Counsel in the manner required by the rule for service of initial pleadings (rule 60), except that personal delivery or overnight mail shall be used. No filing fee shall be charged for filing the petition.	**(C) Filing and Service.** No filing fee will be charged to file the petition. The petitioner must serve a copy of the verified petition and supporting documents on the Office of the Chief Trial Counsel by personal delivery or overnight mail.

25. Proceedings to Demonstrate Rehabilitation, Present Fitness, and Learning and Ability in the Law According to Standard 1.4(c)(ii)	
RULE 632. EARLIEST TIME FOR FILING	**Rule 25.3 Earliest Time for Filing**
The petition may be filed no earlier than six (6) months prior to the earliest date that the petitioner's actual suspension can be terminated, and no earlier than six (6) months following the finality of an adverse decision upon a prior petition, unless a shorter period is ordered by the Court for good cause.	The earliest a petition may be filed is six months before the actual suspension may be terminated. If a prior petition was denied, a subsequent petition may be filed six months after the order is final, unless the Court orders a shorter period for good cause.

25. Proceedings to Demonstrate Rehabilitation, Present Fitness, and Learning and Ability in the Law According to Standard 1.4(c)(ii)	
RULE 633. RESPONSE; REQUEST FOR HEARING	**Rule 25.4 Response; Request for Hearing**
(a) Within forty-five (45) days after service of the petition, the Office of the Chief Trial Counsel shall file and serve a response, which may be accompanied by declaration(s), exhibit(s), and request(s) for judicial notice.	**(A) Timing of Response.** Within 45 days after the petition is served, the Office of the Chief Trial Counsel must file and serve a response, which may be accompanied by declarations, exhibits, and requests for judicial notice.
(b) The response shall either:	**(B) Position Taken.** The response will either:
(1) oppose the petition;	(1) oppose the petition;
(2) state that the Office of the Chief Trial Counsel does not oppose the petition; or	(2) state that the Office of the Chief Trial Counsel does not oppose the petition; or
(3) state that the Office of the Chief Trial Counsel does not possess sufficient facts to determine whether or not it opposes the petition.	(3) state that the Office of the Chief Trial Counsel does not possess sufficient facts to determine whether or not it opposes the petition.
(c) If the Office of the Chief Trial Counsel opposes the petition or states that it does not possess sufficient facts to determine whether or not it opposes the petition, a hearing on the petition shall be set within thirty-five (35) days of service of the response. No less than fifteen (15) days notice of the hearing date must be given.	**(C) Hearing.** A hearing will be set within 35 days after the response is served, and 15 days notice will be given, under the following circumstances:
	(1) the Office of the Chief Trial Counsel opposes the petition or states that it does not possess sufficient facts to determine whether or not it opposes the petition;

	(2) any party requests a hearing; or
	(3) the Court is considering denying the petition.
(d) If the response of the Office of the Chief Trial Counsel states that it does not oppose the petition, and no party requests a hearing, the Court may consider and grant the petition without a hearing. If any party requests a hearing, or in the event that the Court is considering denying the petition, the matter shall be set for hearing within thirty-five (35) days of service of the response. No less than fifteen (15) days notice of the hearing date must be given.	**(D) No Hearing.** If the Office of the Chief Trial Counsel's response states that it does not oppose the petition, the Court may consider and grant the petition without a hearing.
(e) The petitioner may elect to withdraw the petition without prejudice at any time prior to the submission of the matter.	**(E) Withdrawal of Petition.** The petitioner may elect to withdraw the petition without prejudice at any time before the matter is submitted.

25. Proceedings to Demonstrate Rehabilitation, Present Fitness, and Learning and Ability in the Law According to Standard 1.4(c)(ii)	
RULE 634. BURDEN OF PROOF	**Rule 25.5 Burden of Proof**
The petitioner shall have the burden of proving by a preponderance of the evidence that the petitioner has demonstrated satisfaction of the conditions of standard 1.4(c)(ii) pursuant to the disciplinary order that imposed the requirement of compliance with standard 1.4(c)(ii).	The petitioner has the burden of proving by a preponderance of the evidence that the petitioner has satisfied the conditions of standard 1.4(c)(ii).

25. Proceedings to Demonstrate Rehabilitation, Present Fitness, and Learning and Ability in the Law According to Standard 1.4(c)(ii)	
RULE 635. DISCOVERY	**Rule 25.6 Discovery**
There shall be no discovery in proceedings conducted pursuant to these rules except to the extent and upon the terms and conditions permitted by order of the Court upon a showing of good cause, except that the Office of the Chief Trial Counsel may take the petitioner's deposition promptly after the filing of the petition, provided that the taking of such deposition shall not extend any time limit provided under these rules unless ordered by the Court for good cause. A petitioner for reinstatement who resides outside of the State of California shall appear at his or her own expense in California for his or her deposition, upon thirty (30) days written notice of the time and place of the deposition.	**(A) Deposition.** The Office of the Chief Trial Counsel may take the petitioner's deposition promptly after the petition is filed. Unless the Court orders an extension for good cause, the timing of the deposition will not extend any time limits required under these rules. A petitioner for reinstatement who does not reside in California must be given 30 days' written notice of the time and place of the deposition, and must appear for it in California at his or her own expense.
	(B) Other Discovery. No other discovery will be allowed unless ordered by the Court for good cause. The Court's order will set forth the permitted extent and conditions for additional discovery.

25. Proceedings to Demonstrate Rehabilitation, Present Fitness, and Learning and Ability in the Law According to Standard 1.4(c)(ii)	
RULE 636. DOCUMENTARY EVIDENCE	**Rule 25.7 Documentary Evidence**
Except upon Court order for good cause, no party may submit documentary evidence aside from that filed with the application or the response. A request to submit additional documentary evidence shall be made in writing, shall have attached a copy of the proposed documentary evidence, and shall be filed and served no less than ten (10) days prior to the hearing.	Except on Court order for good cause, no party may submit documentary evidence other than that filed with the application or the response. A request to submit additional documentary evidence must be written, have a copy of the proposed documentary evidence attached, and be filed and served at least 10 days before the hearing.

25. Proceedings to Demonstrate Rehabilitation, Present Fitness, and Learning and Ability in the Law According to Standard 1.4(c)(ii)	
RULE 637. TESTIMONIAL EVIDENCE	**Rule 25.8 Testimonial Evidence**
(a) The petitioner may testify at the hearing. Any party may present oral testimony to rebut oral testimony presented by an opposing party. Other oral testimony shall not be permitted except upon order of the Court for good cause shown.	**(A) Petitioner; Rebuttal.** The petitioner may testify at the hearing. Any party may present oral testimony to rebut oral testimony presented by the opposing party
(b) A party seeking permission to introduce oral testimony other than rebuttal shall file a written statement setting forth a summary of the proposed testimony and stating the reasons why such testimony could not be presented by declaration. Such written statement shall be filed and served not less than ten (10) days prior to the hearing.	**(B) Other Oral Testimony.** Other oral testimony is not permitted unless ordered by the Court for good cause shown. A party who wants to present oral testimony for purposes other than rebuttal must file a written statement summarizing the proposed testimony and stating the reasons why the testimony cannot be presented by declaration. The statement must be filed and served at least 10 days before the hearing.

25. Proceedings to Demonstrate Rehabilitation, Present Fitness, and Learning and Ability in the Law According to Standard 1.4(c)(ii)	
RULE 638. DECISION	**Rule 25.9 Decision**
Unless the time is waived by the petitioner or additional time is otherwise justified by the circumstances, the Court shall file its decision no more than fifteen (15) days after the conclusion of the hearing. If no hearing was held, the Court shall file its decision no more than fifteen (15) days after the filing of the Office of the Chief Trial Counsel's response, or from the date such response was due, if none was filed. The decision granting or denying the petition must contain findings of fact and conclusions of law.	Unless the petitioner waives the time or additional time is otherwise justified by the circumstances, the Court will file its decision within 15 days after the hearing ends. If no hearing is held, the Court will file its decision within 15 days after the Office of the Chief Trial Counsel files its response, or if none was filed, within 15 days from the date the response was due. The decision granting or denying the petition must contain findings of fact and conclusions of law.

25. Proceedings to Demonstrate Rehabilitation, Present Fitness, and Learning and Ability in the Law According to Standard 1.4(c)(ii)	
RULE 639. REVIEW	**Rule 25.10 Review**
A decision under these rules shall be review-able pursuant to rule 300. The decision of the Review Department shall be filed within thirty (30) days following submission of the matter.	A decision is reviewable under rule 9.1. The Review Department's decision must be filed within 30 days after the matter is submitted.

25. Proceedings to Demonstrate Rehabilitation, Present Fitness, and Learning and Ability in the Law According to Standard 1.4(c)(ii)	
RULE 640. TERMINATION OF ACTUAL SUSPENSION	**Rule 25.11 Termination of Actual Suspension**
The petitioner shall remain on actual suspension while the petition is pending before the Court. If the petition is granted, the petitioner shall remain on actual suspension until the expiration of the period of actual suspension set forth in the disciplinary order which imposed the requirement of compliance with standard 1.4(c)(ii), and until the petitioner satisfies any other requirements for the termination of actual suspension pursuant to such disciplinary order.	While the petition is pending before the Court, the petitioner will remain on actual suspension. If the petition is granted, the petitioner will remain on actual suspension until the actual suspension period expires, and until the petitioner satisfies any other requirements for terminating actual suspension under the disciplinary order.

25. Proceedings to Demonstrate Rehabilitation, Present Fitness, and Learning and Ability in the Law According to Standard 1.4(c)(ii)	
RULE 641. APPLICABLE RULES	**Rule 25.12 Applicable Rules**
(a) The following rules shall not apply to proceedings on a petition for relief from actual suspension pursuant to standard 1.4(c)(ii):	**(A) Inapplicable Rules.** The following rules do not apply to proceedings on a petition for relief from actual suspension under standard 1.4(c)(ii):
(1) Rules which by their terms apply only to disciplinary proceedings or to other specific proceedings, and	(1) rules that by their terms apply only to disciplinary proceedings or to other specific proceedings, and
(2) Rules 200-210 (default; obligation to appear at trial) and rules 301-308 (review).	(2) rules 7.1–7.8 (default; obligation to appear at trial) and rules 9.2–9.8 (review).
(b) All other rules shall apply, except that:	**(B) Conditionally Applicable.** All other rules apply, except that:
(1) Rules 60 (service of initial pleading) and 61 (service of subsequent pleadings) shall apply subject to the provisions of rule 630(b), and	(1) Rules 4.7 (service of initial pleading) and 4.8 (service of subsequent pleadings) apply subject to the provisions of rule 25.1(B), and
(2) Rules 180-189 (discovery) shall apply only if and to the extent that discovery is permitted by the Court.	(2) Rules 6.6–6.19 (discovery) apply only if and to the extent that the Court permits discovery.

26. Resignation Proceedings	
RULE 650. RESIGNATION WITH CHARGES PENDING	**Rule 26.1 Resignation with Charges Pending**
Resignations with charges pending are governed by rule 9.21, California Rules of Court, and shall be in the form required by rule 9.21 (b). Charges are pending when the member is the subject of an investigation by the Office of Investigations, or a disciplinary proceeding under these rules, or when the member is the subject of a criminal charge or investigation, or has been convicted of a felony or misdemeanor.	California Rules of Court, rule 9.21 governs resignations with charges pending. A resignation must be in the form required by rule 9.21 (b). Charges are pending when the member is the subject of an investigation by the Office of Investigations or a disciplinary proceeding under these rules, or when the member is the subject of a criminal charge or investigation, or has been convicted of a felony or misdemeanor.

26. Resignation Proceedings	
RULE 651. PERPETUATION OF EVIDENCE	**Rule 26.2 Perpetuation of Evidence**
When a resignation pursuant to rule 9.21, California Rules of Court is filed with the State Bar Court, or as provided by an order of abatement, the Office of the Chief Trial Counsel may perpetuate testimony and/or documentary evidence (hereafter collectively "evidence") pertaining to the conduct of the member which is pertinent to any future inquiry into the member's conduct or qualification to practice law.	When a resignation is filed with the State Bar Court, the Office of the Chief Trial Counsel may perpetuate testimony and documentary evidence about the member's conduct that is pertinent to any future inquiry into the member's conduct or qualification to practice law.

26. Resignation Proceedings	
RULE 652. NOTICE OF INTENT TO PERPETUATE EVIDENCE	**Rule 26.3 Notice of Intent to Perpetuate Evidence**
Within thirty (30) days after the filing of the member's resignation with charges pending, the Office of the Chief Trial Counsel shall file and serve a notice of intent to perpetuate evidence which shall set forth an estimate of the time required to complete perpetuation, or a statement that perpetuation is not required.	Within 30 days after the member's resignation with charges pending is filed, the Office of the Chief Trial Counsel may file and serve a notice of intent to perpetuate evidence. The notice must contain an estimate of the time required to complete perpetuation.

26. Resignation Proceedings	
RULE 653. PERPETUATION PROCEDURE	**Rule 26.4 Perpetuation Procedure**
(a) Upon the filing of a notice of intent to perpetuate, the Office of the Chief Trial Counsel may commence perpetuation of evidence.	**(A) Beginning.** After filing a notice of intent to perpetuate, the Office of the Chief Trial Counsel may begin perpetuating the evidence.
(b) Perpetuation of evidence shall be accomplished by depositions or stipulations as to facts. The member may not take the deposition of any person except by order of the Court for good cause shown. Good cause is established when a witness is a person whose testimony should be taken in the interest of justice and when such action is consistent with the limited purpose of perpetuation.	**(B) Perpetuation Process.** Evidence is perpetuated by obtaining depositions or stipulations as to facts. The member may not take any witness's deposition except by order of the Court for good cause shown. Good cause is established when a witness is a person whose testimony should be taken in the interest of justice and when such action is consistent with the limited purpose of perpetuation.
(c) Upon the filing of a motion arising in the course of perpetuation, a hearing judge shall be assigned to rule on the motion. In addition to ruling on such motion, the hearing judge may set status conferences and/or require status reports in order to monitor the progress of the perpetuation.	**(C) Motions; Status Reports.** When a motion arising in the course of perpetuation is filed, a hearing judge will be assigned to rule on the motion. In addition to ruling on the motion, the hearing judge may set status conferences or require status reports to monitor the progress of the perpetuation.

26. Resignation Proceedings	
RULE 654. REPORT OF COMPLETION	**Rule 26.5 Report of Completion**
Upon completion of perpetuation, the Office of the Chief Trial Counsel shall file and serve on the member a notice that perpetuation has been completed. Upon request, the member may obtain a copy of the evidence perpetuated from the Office of the Chief Trial Counsel at the member's expense.	When perpetuation is complete, the Office of the Chief Trial Counsel must file and serve on the member a notice that perpetuation is complete. On request and at the member's expense, the member may obtain a copy of the evidence perpetuated from the Office of the Chief Trial Counsel.

26. Resignation Proceedings	
RULE 655. USE OF PERPETUATED EVIDENCE	**Rule 26.6 Use of Perpetuated Evidence**
Subject to the provisions of rule 214, the evidence perpetuated may be admitted in evidence in any future proceeding pertaining to the member's conduct or qualifications to practice law, except that the Office of the Chief Trial Counsel may introduce deposition testimony as permitted under Code of Civil Procedure section 2025(u)(3) without making a showing that any of the factors therein is present.	Subject to rule 7.12, the evidence perpetuated may be admitted in evidence in any future proceeding pertaining to the member's conduct or qualifications to practice law. But the Office of the Chief Trial Counsel may introduce deposition testimony as permitted under Code of Civil Procedure § 2025.620(c) without showing that any enumerated factor is present.

26. Resignation Proceedings	
RULE 656. INAPPLICABLE RULES	**Rule 26.7 Inapplicable Rules**
(a) The following rules shall not apply in proceedings on resignations with charges pending and perpetuation of evidence:	The following rules do not apply in proceedings on resignations with charges pending and perpetuation of evidence:
(1) Rules which by their terms apply only to disciplinary proceedings or to other specific proceedings, and	(1) rules that by their terms apply only to disciplinary proceedings or to other specific proceedings, and
(2) Rule 60 (service of initial pleadings); rule 102 (motions which extend time to file response); rules 116-118 (abatement); rules 200-210 (default; obligation to appear at trial); rules 211-224 (pretrial, trial, evidence, decision, post-trial motions); rules 250-271 (dispositions); and rules 301-308 (review).	(2) rule 4.7 (service of initial pleadings); rule 5.3 (motions which extend time to file response); rules 5.11–5.13 (abatement); rules 7.1–7.8 (default; obligation to appear at trial); rules 7.9–7.22 (pretrial, trial, evidence, decision, posttrial motions); rules 8.1–8.8 (dispositions); and rules 9.2–9.8 (review).
(b) Rules 150-156 (subpoenas) and 180-189 (discovery) shall apply only for the purpose of perpetuation of evidence pursuant to rule 653.	[intentionally left blank]

26. Resignation Proceedings	
RULE 658. CONSIDERATION AND TRANSMITTAL OF RESIGNATIONS WITH DISCIPLINARY CHARGES PENDING	**Rule 26.8 Procedure for Consideration and Transmittal of Resignations with Disciplinary Charges Pending**
(a) The written resignation of a member against whom disciplinary charges are pending shall be submitted to the Clerk of the State Bar Court in Los Angeles. The Clerk shall file the resignation if it is dated, bears the original signature of the member and is in the form required by rule 9.21(b) of the California Rules of Court. Upon the filing of the resignation, the Clerk shall serve a copy of the resignation upon the Office of the Chief Trial Counsel.	**(A) Filing and Serving Resignation.** The written resignation of a member against whom disciplinary charges are pending must be submitted to the Clerk of the State Bar Court in Los Angeles. The Clerk will file the resignation if it is dated, bears the member's signature, and is in the form required by California Rules of Court, rule 9.21(b). When the resignation is filed, the Clerk will serve a copy on the Office of the Chief Trial Counsel.

(b) Within sixty (60) days from the date upon which the member's resignation is filed, the member and the Office of the Chief Trial Counsel shall enter into a written stipulation as to facts and conclusions of law regarding any disciplinary complaints, investigations or proceedings that are pending against the member at the time his or her resignation was filed with the Clerk of the State Bar Court. If the member and the Office of the Chief Trial Counsel have not entered into such stipulation, the Office of the Chief Trial Counsel shall report that fact and the reasons therefor to the Review Department within the aforementioned 60-day period. Such report shall be served upon the member pursuant to rule 61. Within sixty (60) days of the date upon which the member's resignation is filed, the Office of the Chief Trial Counsel shall also file with the Review Department and serve upon the member pursuant to rule 61, a report setting forth the extent, if any, to which any of the factors enumerated in rule 9.21(d) of the California Rules of Court are present and whether, in light of the application of those factors, the member's resignation should be accepted.	**(B) Stipulation Regarding Pending Investigations, Complaints or Proceedings.** Within 60 days from the date the resignation is filed, the member and the Office of the Chief Trial Counsel must enter into a written stipulation as to facts and conclusions of law regarding any disciplinary complaints, investigations or proceedings that are pending against the member at the time his or her resignation was filed. If the member and the Office of the Chief Trial Counsel have not entered into such stipulation, the Office of the Chief Trial Counsel must report that fact and the reasons therefor to the Review Department in its report under subsection (C). **(C) Report by the Office of the Chief Trial** Counsel. Within 60 days from the date the resignation is filed, the Office of the Chief Trial Counsel must file with the Review Department and serve upon the member pursuant to rule 4.7, a report setting forth the extent, if any, to which any of the factors enumerated in rule 9.21(d) of the California Rules of Court are present and whether, in light of the application of those factors, the member's resignation should be accepted.
(c) Within thirty (30) days of service of the Office of the Chief Trial Counsel's report regarding the acceptance of the member's resignation, the member may file with the Review Department a response to the Office of the Chief Trial Counsel's report and shall serve such response on the Office of the Chief Trial Counsel.	**(D) Response to Report.** Within 30 days of service of the Office of the Chief Trial Counsel's report, the member may file a response with the Review Department and must serve it on the Office of the Chief Trial Counsel.

(d) Within thirty (30) days of the filing of the member's response to the report of the Office of the Chief Trial Counsel's report or the expiration of the period for filing such response, which occurs first, the Review Department shall file an order or decision pursuant to rule 9.21(c) of the California Rules of Court recommending, in light of the factors enumerated in rule 9.21(d) of that rule, whether the member's resignation should be accepted by the Supreme Court and the reasons for the Review Department's recommendation.	**(3) Decision or Order.** Within 30 days of the filing of the member's response to the report of the Office of the Chief Trial Counsel's report or the expiration of the period for filing such response, which occurs first, the Review Department will file an order or decision pursuant to rule 9.21(c) of the California Rules of Court recommending, in light of the factors enumerated in rule 9.21(d), whether the member's resignation should be accepted by the Supreme Court and the reasons for the Review Department's recommendation.
(e) Within fifteen (15) days of the filing of the Review Department's order regarding the member's resignation, the Clerk of the State Bar Court shall transmit the member's resignation to the Clerk of the Supreme Court, together with the Review Department's order or decision regarding acceptance or rejection of the resignation.	**(4) Transmittal of Resignation.** Within 15 days of the filing of the Review Department's order regarding the member's resignation, the Clerk of the State Bar Court shall transmit the member's resignation to the Clerk of the Supreme Court, together with the Review Department's order or decision regarding acceptance or rejection of the resignation.

27. Reinstatement Proceedings	
RULE 660. INITIATION OF PROCEEDING	**Rule 27.1 Beginning Proceeding**
These rules apply to proceedings for reinstatement to membership in the State Bar after resignation with or without charges pending and after disbarment. A reinstatement proceeding is initiated by the filing and service of a petition for reinstatement and payment of the required fee by the party seeking reinstatement.	**(A) Applicability of Rules.** These rules apply to proceedings for reinstatement to membership in the State Bar after resignation with or without charges pending and after disbarment.
	(B) Petition. The party seeking reinstatement begins the reinstatement proceeding by filing and serving a petition for reinstatement and paying the required fee.

27. Reinstatement Proceedings	
RULE 661. REQUIREMENTS	**Rule 27.2 Filing Requirements**
(a) The petition for reinstatement shall be verified by the petitioner and shall be addressed to the State Bar Court. The original and three copies shall be filed with the Clerk. The petition shall be on the form approved by the Court and completed in compliance with the instructions therein.	**(A) Filing Petition and Disclosure Statement**. A petitioner must complete and verify a petition and disclosure statement on the forms approved by the Court and in compliance with the instructions therein. The original and three copies of the petition must be filed with the Clerk of the State Bar Court. The disclosure statement is not filed with the Court but must be served on the Office of the Chief Trial Counsel.
(b) The petitioner shall serve a copy of the petition on the Office of Trials pursuant to the rule for service of initial pleadings (rule 60), accompanied by two (2) sets of original fingerprints on record cards furnished by the State Bar. The fingerprints shall be used and retained for the purposes prescribed in Business and Professions Code section 6054.	**(B) Pre-Filing Requirements and Proof.** Prior to filing the petition, the petitioner must satisfy the following requirements and must attach proof of compliance to the petition: **(1) Fingerprints Submitted**. Under Business and Professions Code section 6054, petitioner must have submitted electronically to the California Department of Justice, or if the petitioner resides outside the state, two sets of original fingerprints on record cards furnished by the State Bar must have been submitted to the Office of Trials;
	(2) Discipline Costs Paid and CSF Payments Reimbursed. Petitioner must have paid all discipline costs imposed under Business and Professions Code section 6086.10(a) and reimbursed for all payments made by the Client Security Fund as a result of the petitioner's conduct, plus applicable interest and costs, under Business and Professions Code section 6140.5(c).

	(3) Passage of the Attorneys' Examination. **(a) Resigned with Charges Pending or Disbarred.** Petitioners who resigned with charges pending or who were disbarred must establish that they have taken and passed the Attorneys' Examination by the Committee of Bar Examiners within three years prior to the filing of the petition for reinstatement. **(b) Resigned without Charges Pending.** Petitioners who resigned without charges pending more than five years before filing the petition for reinstatement must establish that they have taken and passed the Attorneys' Examination administered by the Committee of Bar Examiners within five years prior to the filing of the application for readmission or reinstatement.
(c) The petition shall not be filed by the Court unless accompanied by a proof of service establishing compliance with the service requirements of this rule. The petition shall be accompanied by a filing fee of $1,600, which shall be given to the Office of the Chief Trial Counsel to defray incurred costs.	**(C) Filing Fee.** The petition must include a filing fee of $1,600, which will be given to the Office of the Chief Trial Counsel to defray incurred costs. The Clerk will reject the petition for filing if the fee is not included. **(D) Service.** The petition and disclosure statement must be served on the Office of the Chief Trial Counsel under rule 4.7.
	(E) Dismissal. Failure to comply with any of the requirements of this rule will be grounds to dismiss the petition.

27. Reinstatement Proceedings	
RULE 662. EARLIEST TIME FOR FILING REINSTATEMENT PETITION; PETITION TO SHORTEN TIME	**Rule 27.3 Earliest Time for Filing Reinstatement Petition**
(a) After resignation without charges pending, a first or subsequent petition for reinstatement may be filed at any time.	**(A) Filing after Resignation without Charges Pending.** After resignation without charges pending, a first or subsequent petition for reinstatement may be filed at any time.
(b) Except as provided in the order of disbarment, no petition for reinstatement shall be filed within five (5) years after the effective date of the petitioner's disbarment, interim suspension following a disbarment recommendation, or interim suspension following criminal conviction, or the filing date of the petitioner's resignation with charges pending, whichever occurred earliest.	**(B) Filing after Resignation with Charges or Disbarment.** Except as provided in the order of disbarment, no petition for reinstatement will be filed within five years after the effective date of the petitioner's disbarment, interim suspension following a disbarment recommendation, or interim suspension following criminal conviction, or the filing date of the petitioner's resignation with charges pending, whichever occurred earliest. No petitioner who has been disbarred by the Supreme Court on two previous occasions may apply for reinstatement.

(c) No petition for reinstatement shall be filed unless and until the petitioner has provided satisfactory proof to the State Bar Court that he or she has paid all discipline costs imposed pursuant to Business and Professions Code section 6086.10(a) and all reimbursement for payments made by the Client Security Fund as a result of the petitioner's conduct, plus applicable interest and costs, pursuant to Business and Professions Code section 6140.5(c). (d) A subsequent petition for reinstatement following disbarment or resignation with charges pending shall not be filed earlier than two years after the effective date of an adverse decision upon a prior petition, unless a shorter period is ordered by the Court for good cause.	**(C) Subsequent Petitions.** If a petitioner received an adverse decision on a prior petition following disbarment or resignation with charges pending, a subsequent petition cannot be filed for two years after the effective date of the adverse decision, unless a shorter period is ordered by the Court for good cause.

27. Reinstatement Proceedings	
RULE 663. INVESTIGATION AND DISCOVERY	**Rule 27.4 Investigation and Discovery**
(a) For one hundred twenty (120) days from the filing of the petition with the Court, the Office of the Chief Trial Counsel shall investigate the petition to determine whether the petition will be opposed. For good cause, the investigation period may be extended by the Court.	**(A) Investigation.** For 120 days after the petition is filed with the Court, the Office of the Chief Trial Counsel will investigate the petition to determine whether to oppose it. For good cause, the Court may extend the investigation period.
(b) No later than twenty (20) days after the end of the investigation period, the Office of the Chief Trial Counsel shall file with the Court and serve a response to the petition which shall state, as to each of the issues set forth in rule 665(a) and (b), whether it opposes the petition. If the petition is opposed, the Office of the Chief Trial Counsel shall set forth in its response a statement of the grounds upon which the petition is opposed.	**(B) Response to Petition.** Within 20 days after the investigation period ends, the Office of the Chief Trial Counsel will file and serve a response to the petition stating, for each issue set forth in rule 27.5(A) and (B), whether it opposes the petition. If it opposes the petition, the Office of the Chief Trial Counsel will state in its response its grounds for opposition.
(c) Discovery may be conducted after the end of the investigation period pursuant to rules 180-189, provided that: (1) formal discovery shall be completed within one hundred twenty (120) days after the end of the investigation period unless such time is extended by the Court, and (2) all time limits set forth in rule 182 shall be computed from the end of the investigation period rather than from the service or due date of the responsive pleading.	**(C) Discovery.** Except as set forth in subsection (D), after the investigation ends, discovery may be conducted under rule 6.6. Requests for discovery must be made within 15 days after service of the Office of the Chief Trial Counsel's response.

(d) A petitioner for reinstatement who resides outside of the State of California shall appear in California at his or her own expense for his or her deposition, upon thirty days written notice of the time and place of the deposition.	**(D) Petitioner's Deposition.** The Office of the Chief Trial Counsel may take the petitioner's deposition. It must be held no later than 45 days after the date the response is due under subsection (B). A petitioner for reinstatement who resides outside California must appear in California at his or her own expense for his or her deposition, on 30 days' written notice of the time and place of the deposition.

27. Reinstatement Proceedings	
RULE 664. NOTICE OF HEARING; PUBLICATION	**Rule 27.5 Notice of Hearing; Publication**
The Clerk shall serve notice of the hearing on the parties. The Office of the Chief Trial Counsel may publish the fact that a petition for reinstatement has been filed with the State Bar Court identifying the petitioner and other relevant information identifying the proceeding.	The Clerk will serve notice of the hearing on the parties. The Office of the Chief Trial Counsel may publish the fact that a petition for reinstatement has been filed with the State Bar Court, the petitioner's identity, and other relevant information identifying the proceeding.

27. Reinstatement Proceedings	
RULE 665. BURDEN OF PROOF	**Rule 27.6 Burden of Proof**
(a) In order to be eligible for reinstatement, a petitioner shall, with any petition for reinstatement, show proof of passage of a professional responsibility examination after the effective date of the petitioner's disbarment or resignation but not more than one year before the filing of the petition for reinstatement.	**(A) Reinstatement after Resignation with Charges Pending or Disbarment.** Petitioners for reinstatement must: (1) Pass a professional responsibility examination within one year prior to filing the petition; (2) Establish their rehabilitation; (3) Establish present moral qualifications for reinstatement; and (4) Establish present ability and learning in the general law by providing proof that they have taken and passed the Attorneys' Examination by the Committee of Bar Examiners within three years prior to the filing of the petition.
(b) A decision recommending reinstatement shall be based upon clear and convincing evidence establishing each of the following: (1) rehabilitation; (2) present moral qualifications for reinstatement, and (3) present ability and learning in the general law.	**(B) Reinstatement after Resignation without Charges Pending.** Petitioners for reinstatement must: (1) Pass a professional responsibility examination within one year prior to filing the petition; (2) Establish their present moral qualifications for reinstatement; and (3) Establish present ability and learning in the general law. If the petitioner resigned without charges pending more than five years before filing the petition, the petitioner must establish present ability and learning in the general law by providing proof that he or she has taken and passed the Attorneys' Examination administered by the Committee of Bar Examiners within five years prior to the filing of the petition.

(c) A petitioner who resigned without charges pending is required to establish all of the elements set forth in paragraph (b) of this rule except rehabilitation, and may pass the professional responsibility examination required of applicants for admission.	[intentionally left blank]
(d) The Court may require a petitioner who fails to make an affirmative showing of sufficient present ability and learning in the general law to demonstrate such ability and learning by passing one of the California general bar examinations required of applicants for admission, to be taken within two years thereafter. An order requiring a petitioner to take such examination shall, in and of itself, constitute sufficient qualification to take such examination within the time specified in the order upon payment of the required fee. The petitioner shall file and serve proof of passage of any required general bar examination and shall file therewith a declaration either stating that there have been no changes to the information provided in the petition for reinstatement, or stating the nature of any such changes. Within twenty (20) days of service of the declaration, or as otherwise ordered by the Court, the Office of the Chief Trial Counsel may move to reopen based on issues raised by the declaration, or on the basis of newly discovered evidence or events occurring subsequent to the hearing.	[intentionally left blank]

27. Reinstatement Proceedings	
RULE 666. INAPPLICABLE RULES	**Rule 27.7 Inapplicable Rules.**
The following rules shall not apply in a reinstatement proceeding:	The following rules do not apply in a reinstatement proceeding:
(a) Rules which by their terms apply only to disciplinary proceedings or to other specific proceedings, and	**(A) General.** Rules that by their terms apply only to disciplinary proceedings or to other specific proceedings, and
(b) Rules 200-210 (default; obligation to appear at trial) and rules 215-217 (admission of certain evidence).	**(B) Specific.** Rules 7.1–7.8 (default; obligation to appear at trial) and rules 7.13–7.15 (admission of certain evidence).

28. Moral Character Proceedings	
RULE 680. SCOPE	**Rule 28.1 Scope**
These rules apply to proceedings and hearings before the State Bar Court to determine whether an applicant for admission to the practice of law in California possesses good moral character within the meaning of Business and Professions Code section 6060(b) and rule X of the Rules Regulating Admission to Practice Law in California. The hearings before the State Bar Court are de novo and are not limited to matters considered by the Committee of Bar Examiners.	These rules apply to proceedings and hearings before the State Bar Court to determine whether an applicant for admission to the practice of law in California possesses good moral character within the meaning of Business and Professions Code § 6060(b) and Chapter 4, Moral Character Determination, under Title 4, Admissions and Educational Standards. The hearings before the State Bar Court are de novo and are not limited to matters considered by the Committee of Bar Examiners.

28. Moral Character Proceedings	
RULE 681. COMMENCEMENT OF PROCEEDING; TIME FOR FILING	**Rule 28.2 Beginning Proceeding; Time for Filing**
Any applicant who receives an adverse moral character determination by the Committee of Bar Examiners concerning the applicant's moral character pursuant to rule X of the Rules Regulating Admission to Practice Law in California may file an application for initiation of a moral character proceeding and hearing. The application and supporting documents shall be filed within sixty (60) days of service of the notice of adverse moral character determination by the Committee of Bar Examiners and shall be accompanied by a copy of the notice of adverse moral character determination, the applicable filing fee, and proof of service upon the Committee of Bar Examiners and the Office of the Chief Trial Counsel. Service of the application and supporting documents shall be made pursuant to the rule for service of initial pleadings (rule 60).	If the Committee of Bar Examiners makes an adverse moral character determination, the applicant may file an application for a moral character proceeding and hearing. Within 60 days after the notice of adverse moral character determination is served, the application and supporting documents must be served under rule 4.7 and filed, accompanied by a copy of the notice of adverse moral character determination, the applicable filing fee, and proof of service upon the Committee of Bar Examiners and the Office of the Chief Trial Counsel.

28. Moral Character Proceedings	
RULE 682. TIME PERIOD FOR COMPLETING INVESTIGATION; RESPONSE TO APPLICATION	**Rule 28.3 Time to Complete Investigation; Response to Application**
(a) For one hundred twenty (120) days from the filing of the application, the Office of the Chief Trial Counsel shall conduct an independent investigation of the applicant's moral character. For good cause, the investigation period may be extended by the Court.	**(A) Investigation.** For 120 days after the application is filed, the Office of the Chief Trial Counsel will conduct an independent investigation of the applicant's moral character. For good cause, the Court may extend the investigation period.
(b) No later than ten (10) days after the end of the investigation period, the Office of the Chief Trial Counsel shall file with the Court and serve a response to the application. The response shall include a statement of the grounds, if any, upon which the application is opposed.	**(B) Response.** Within 10 days after the investigation period ends, the Office of the Chief Trial Counsel will file with the Court and serve a response to the application. If the application is opposed, the response will state the grounds for opposition.

28. Moral Character Proceedings	
RULE 683. TIME PERIOD FOR COMPLETING DISCOVERY	**Rule 28.4 Discovery**
(a) The parties may conduct discovery following the filing of the Office of the Chief Trial Counsel's response to the application. Formal discovery shall be completed within one hundred twenty (120) days after service of the Office of the Chief Trial Counsel's response to the application unless, for good cause, the discovery period is shortened or extended by the Court on its own motion or on the motion of any party.	**(A) Discovery.** Except as set forth in subsection (D), after the investigation ends, discovery may be conducted under rule 6.6. Requests for discovery must be made within 15 days after service of the Office of the Chief Trial Counsel's response.
(b) Discovery requests must be served so as to allow each responding party sufficient time to respond within the discovery period.	**(B) Applicant's Deposition.** The Office of the Chief Trial Counsel may take the applicant's deposition. It must be held no later than 45 days after the date the response is due under rule 28.3(B). An applicant who resides outside California must appear in California at his or her own expense for his or her deposition, on 30 days' written notice of the time and place of the deposition.

28. Moral Character Proceedings	
RULE 684. ABATEMENT OF PROCEEDING	**Rule 28.5 Abatement of Proceeding**
(a) Upon motion by any party, or upon the Court's motion after notice to the parties, the Court may order a proceeding under these rules abated for such time and upon such terms as it deems proper. Abatement of a proceeding stays the proceeding in the State Bar Court and tolls all time limitations in the State Bar Court proceeding, except that upon motion, and for good cause shown, the Court may order perpetuation of evidence. Abatement of a proceeding under this rule does not toll or extend the time limitation set forth in rule IX of the Rules Regulating Admission to Practice Law in California. Abatement under this rule is not intended as a substitute for the program of abeyance agreements administered by the Committee of Bar Examiners under the Rules Regulating Admission to Practice Law in California nor shall a proceeding be abated or continued to allow a party to undertake and/or pass the California Bar Examination before determining the merits of the proceeding. Other forms of relief, such as continuances of trial and the withdrawal of an application, are preferred to abatement under this rule and shall be granted in lieu of abatement unless the Court determines that no other remedy is adequate to address the issues raised by the party seeking abatement.	**(A) Motion to Abate.** Upon motion by any party, or upon the Court's motion after notice to the parties, the Court may order a proceeding under these rules abated for a time and on terms it deems proper.

	(B) Staying and Tolling Effects. Abatement stays the proceeding and tolls all time limitations in the State Bar Court. But upon motion, and for good cause shown, the Court may order perpetuation of evidence. Abatement of a proceeding under this rule does not toll or extend the time limitation in rule 4.17 under Title 4, Admissions and Educational Standards.
	(C) Abeyance. Abatement under this rule is not intended as a substitute for the program of abeyance agreements administered by the Committee of Bar Examiners under Title 4, Admissions and Educational Standards.
	(D) Abatement Alternatives. Before determining the merits of the proceeding, a proceeding cannot be abated or continued to allow a party to undertake or pass the California Bar Examination. Other forms of relief, such as continuing the trial and withdrawing an application, are preferred to abatement under this rule and will be granted instead of abatement unless the Court determines that no other remedy is adequate to address the issues raised by the party seeking abatement.
(b) In determining a motion pursuant to this rule, the Court may consider any relevant factor, including the following:	**(E) Consideration of Motion.** In considering a motion under this rule, the Court may consider any relevant factor, including the following:
(1) any prejudice to a party which may result if the proceeding is abated;	(1) any prejudice to a party that may result if the proceeding is abated;
(2) any prejudice to a party which may result if the proceeding is not abated;	(2) any prejudice to a party that may result if the proceeding is not abated;

(3) the extent to which the proceeding before it would probably be delayed by awaiting the outcome of a related proceeding;	(3) the delay in the proceeding before it that would result from waiting for the outcome of a related proceeding;
(4) the extent to which the proceeding before it would probably be expedited or aided, as to the determination of a material issue, by awaiting evidence to be adduced in a related proceeding or by awaiting the outcome of a related proceeding;	(4) the probability that the proceeding before it would be expedited or aided in determining a material issue by waiting for evidence to be adduced in a related proceeding or by awaiting the outcome of a related proceeding;
(5) the extent to which evidence may be unavailable in the State Bar Court proceeding because of any delay occasioned by withholding further action; and	(5) the extent to which evidence may be unavailable in the State Bar Court proceeding because of any delay occasioned by withholding further action; and
(6) the extent to which parties, witnesses or documents may be unavailable or unable to participate in the State Bar Court proceeding for reasons beyond the parties' control.	(6) the extent to which parties, witnesses or documents may be unavailable or unable to participate in the State Bar Court proceeding for reasons beyond the parties' control.
(c) For purposes of this rule, a "related proceeding" is any civil, criminal, administrative, or licensing proceeding involving conduct by the applicant which is or is likely to be an issue in the proceeding before the Court.	**(F) "Related Proceeding" Defined.** For purposes of this rule, a "related proceeding" is any civil, criminal, administrative, or licensing proceeding involving the applicant's conduct that is or is likely to be an issue in the proceeding before the Court.
(d) Review of a hearing judge's ruling on a motion under this rule may be sought pursuant to rule 300.	**(G) Review.** Review of a hearing judge's ruling on a motion under this rule may be sought under rule 9.1.

28. Moral Character Proceedings	
RULE 686. EFFECT OF STATE BAR COURT DECISION	**Rule 28.6 Effect of State Bar Court Decision**
The decision of the hearing judge, or the decision of the Review Department if review is requested, shall be the final State Bar Court decision in the proceeding, and, unless a petition for review by the California Supreme Court is granted, shall be binding upon the applicant, the Office of the Chief Trial Counsel, and the Committee of Bar Examiners.	The decision of the hearing judge, or (if review is requested) the decision of the Review Department, is the final State Bar Court decision in the proceeding. Unless the California Supreme Court grants a petition for review, the decision is binding on the applicant, the Office of the Chief Trial Counsel, and the Committee of Bar Examiners.

28. Moral Character Proceedings	
RULE 687. INAPPLICABLE RULES	**Rule 28.7 Inapplicable Rules**
The following rules shall not apply in a moral character proceeding:	The following rules do not apply in a moral character proceeding:
(a) Rules which by their terms apply only to disciplinary proceedings or to other specific proceedings, and	**(A) General.** Rules that by their terms apply only to disciplinary proceedings or to other specific proceedings, and
(b) Rules 116-118 (abatement); rules 181 and 182(b) (time for completing and serving discovery); rules 200-210 (default; obligation to appear at trial); and rules 215-217 (admission of certain evidence).	**(B) Specific.** Rules 5.11–5.13 (abatement); rules 7.1–7.8 (default; obligation to appear at trial); and rules 7.13–7.15 (admission of certain evidence).

29. Fee Arbitration Award Enforcement Proceedings	
RULE 700. NATURE OF PROCEEDING; DEFINITIONS	**Rule 29.1 Nature of Proceeding; Definitions**
(a) These rules apply to proceedings for the enforcement of fee arbitration awards pursuant to Business and Professions Code section 6203 (d).	**(A) Scope.** These rules apply to proceedings to enforce fee arbitration awards under Business and Professions Code § 6203 (d).
(b) For purposes of rules 700-711, the following definitions supplement those of Title I, rule 2:	**(B) Supplemental Definitions.** For purposes of rules 29.1–29.12, the following definitions supplement those of rule 3.2:
(1) "Arbitration award" means an award issued in a fee arbitration proceeding pursuant to Business and Professions Code section 6203 in which a member was ordered to pay a refund to a client and the award is binding or has become binding by operation of law or has become a judgment either after confirmation under Business and Professions Code section 6203(c) or after trial after arbitration under section 6204.	(1) "Arbitration award" means an award made in a fee arbitration under Business and Professions Code § 6203 in which a member was ordered to pay a refund to a client. The award is binding or has become binding either by operation of law after confirmation under Business and Professions Code § 6203(c) or by a judgment in a post-arbitration trial under § 6204.
(2) "Award debtor" means a member ordered to pay a refund to a client pursuant to an arbitration award.	(2) "Award debtor" means a member who must pay a refund to a client under an arbitration award.
(3) "Client" means a client or former client of a member to whom the member has been ordered to pay a refund pursuant to an arbitration award.	(3) "Client" means a client or former client of a member to whom the member must pay a refund under an arbitration award.
(4) "Inactive enrollment motion" means a motion to place an award debtor on involuntary inactive enrollment pursuant to Business and Professions Code section 6203 (d).	(4) "Inactive enrollment motion" means a motion to place an award debtor on involuntary inactive enrollment under Business and Professions Code §6203 (d).

(5) "Presiding Arbitrator" means the person responsible for supervising arbitrators hearing State Bar mandatory fee arbitration cases pursuant to Business and Professions Code sections 6200 et seq., or his or her designee.	(5) "Presiding Arbitrator," or his or her designee, means the person responsible for supervising arbitrators hearing State Bar mandatory fee arbitrations under Business and Professions Code §§ 6200 et seq.

29. Fee Arbitration Award Enforcement Proceedings	
RULE 701. INITIAL PLEADING; SERVICE	**Rule 29.2 Initial Pleading; Service**
(a) A proceeding under this chapter shall be commenced by the filing by the Presiding Arbitrator of an inactive enrollment motion. The inactive enrollment motion shall be accompanied by a certified copy of the arbitration award and by such declarations and exhibits as are necessary to establish that the statutory requirements for involuntary inactive enrollment pursuant to Business and Professions Code section 6203 (d) are met. The inactive enrollment motion shall contain the following notice in bold-face type: "NOTICE: If you fail to file a timely response to this motion requesting a hearing, you will waive your right to a hearing regarding your involuntary inactive enrollment."	**(A) Beginning Proceeding.** A proceeding under this chapter begins when the Presiding Arbitrator files an inactive enrollment motion. The motion must be accompanied by a certified copy of the arbitration award and by declarations and exhibits necessary to establish the statutory requirements for involuntary inactive enrollment under Business and Professions Code § 6203 (d). The motion must contain the following language in bold-face type: "**NOTICE: If you do not file a timely response to this motion and request a hearing, you will waive your right to a hearing regarding your involuntary inactive enrollment.**"
(b) The Presiding Arbitrator shall serve the in active enrollment motion and supporting documents on the award debtor pursuant to rule 60 (service of initial pleading).	**(B) Service of Motion.** The Presiding Arbitrator must serve the inactive enrollment motion and supporting documents on the award debtor under rule 4.7.
(c) Service of subsequent pleadings on the award debtor shall be made pursuant to rule 61 (service of subsequent pleadings). The award debtor shall serve the Presiding Arbitrator pursuant to rule 61 at the address shown on the inactive enrollment motion.	**(C) Service of Later Pleadings** Later pleadings must be served on the award debtor under rule 4.8. The award debtor must serve the Presiding Arbitrator under rule 4.8 at the address shown on the inactive enrollment motion.

29. Fee Arbitration Award Enforcement Proceedings	
RULE 702. RESPONSE; FAILURE TO FILE RESPONSE; AMENDMENT OR SUPPLEMENT TO INITIAL PLEADING	**Rule 29.3 Response; Failure to File Response; Amending or Supplementing Initial Pleading**
(a) Any response by the award debtor to the inactive enrollment motion shall be filed and served within ten (10) days of service of the inactive enrollment motion. The response shall be supported by one or more declarations, and exhibits, if any, setting forth the factual basis for the award debtor's contentions in response to the motion.	**(A) Debtor's Response to Motion.** The award debtor must file and serve a response to the inactive enrollment motion within 10 days after the inactive enrollment motion is served. The response must be supported by declarations and exhibits, if any, setting forth the factual basis for the award debtor's contentions about the motion.
(b) If the award debtor does not file and serve a response to the inactive enrollment motion, and if it appears to the Court from the motion and supporting documents that the statutory requirements for involuntary inactive enrollment are satisfied, the Court shall forthwith file an order placing the award debtor on involuntary inactive enrollment. Unless otherwise ordered, the order shall be effective five (5) days after its service.	**(B) No Response.** If the award debtor does not respond to the inactive enrollment motion, and if it appears to the Court from the motion and supporting documents that the statutory requirements for involuntary inactive enrollment are satisfied, the Court must order the award debtor to be placed on involuntary inactive enrollment. Unless otherwise ordered, the order takes effect five days after it is served.
(c) If a response is filed, or if the Court denies the motion notwithstanding the lack of any response, the Presiding Arbitrator may file an amendment or supplement to the inactive enrollment motion within five (5) court days from service of the response or of the Court's order denying the motion.	**(C) Amending or Supplementing Motion.** If the award debtor files a response or if the Court denies the motion despite no response, the Presiding Arbitrator may file an amendment or supplement to the inactive enrollment motion within five court days after the response or the Court's order denying the motion is served.

29. Fee Arbitration Award Enforcement Proceedings	
RULE 703. WITHDRAWAL OF MOTION	**Rule 29.4 Withdrawal of Motion**
If the award debtor files a response to the inactive enrollment motion stating (a) that the arbitration award has been paid in full, or (b) that the award debtor is willing to agree to and comply with a payment plan satisfactory to the client or the Presiding Arbitrator, the Presiding Arbitrator may withdraw the inactive enrollment motion.	The Presiding Arbitrator may withdraw the inactive enrollment motion if the award debtor files a response to the inactive enrollment motion stating that the arbitration award has been paid in full, or that the award debtor is willing to agree to and comply with a payment plan satisfactory to the client or the Presiding Arbitrator.

29. Fee Arbitration Award Enforcement Proceedings	
RULE 704. REQUEST FOR HEARING; WAIVER OF HEARING	**Rule 29.5 Request for Hearing; Waiver of Hearing**
If the award debtor files a timely response to the inactive enrollment motion requesting a hearing, a hearing shall be set by the Court on not less than twenty (20) days notice. Failure of the award debtor to file a timely response requesting a hearing shall constitute a waiver of the right to a hearing.	If the award debtor files a timely response to the inactive enrollment motion and requests a hearing, the Court will set a hearing and give at least 20 days' notice. If the award debtor does not file a timely response and request a hearing, the award debtor waives the right to a hearing.

29. Fee Arbitration Award Enforcement Proceedings	
RULE 705. BURDEN OF PROOF	**Rule 29.6 Burden of Proof**
In proceedings on an inactive enrollment motion under these rules:	In proceedings on an inactive enrollment motion under these rules:
(a) The Presiding Arbitrator shall have the burden to show by clear and convincing evidence either (1) that the award debtor has failed to comply with the arbitration award and has not proposed a payment plan acceptable to the client or the State Bar, or (2) that the award debtor agreed to a payment plan and has failed to make one or more payments required by such payment plan, and	**(A) Presiding Arbitrator**. The Presiding Arbitrator has the burden to show by clear and convincing evidence that either:
	(1) the award debtor has failed to comply with the arbitration award and has not proposed a payment plan acceptable to the client or the State Bar, or
	(2) the award debtor agreed to a payment plan and has failed to make one or more payments required by the payment plan.
(b) The award debtor shall have the burden to show by clear and convincing evidence: (1) that he or she is not personally responsible for making or ensuring payment of the arbitration award; (2) that he or she is unable to pay the arbitration award or the payments due under a previously agreed-upon payment plan; or (3) that he or she has proposed, and agrees to comply with, a payment plan which the State Bar unreasonably rejected as unsatisfactory.	**(B) Award Debtor.** The award debtor has the burden to show by clear and convincing evidence that he or she:

	(1) is not personally responsible for making or ensuring payment of the arbitration award;
	(2) is unable to pay the arbitration award or the payments due under a previously agreed payment plan; or
	(3) has proposed, and agrees to comply with, a payment plan that the State Bar unreasonably rejected as unsatisfactory.

29. Fee Arbitration Award Enforcement Proceedings	
RULE 706. DISCOVERY.	**Rule 29.7 Discovery**
There shall be no discovery in a proceeding under these rules except to the extent permitted by the Court for good cause.	For good cause, the Court may permit limited discovery. Otherwise, there is no discovery in a proceeding under these rules.

29. Fee Arbitration Award Enforcement Proceedings	
RULE 707. HEARING PROCEDURE; EVIDENCE	**Rule 29.8 Hearing Procedure; Evidence**
If a hearing is held:	[intentionally left blank]
(a) The issues shall be limited to whether the award debtor:	**(A) Issues.** In a hearing, the issues are limited to whether the award debtor:
(1) Has failed to comply with the arbitration award or with any previously agreed-upon payment plan;	(1) has failed to comply with the arbitration award or with any previously agreed payment plan;
(2) Has proposed a payment plan acceptable to the client or the State Bar, or which the State Bar unreasonably rejected as unsatisfactory;	(2) has proposed a payment plan acceptable to the client or the State Bar;
	(3) has proposed a payment plan that the State Bar unreasonably rejected as unsatisfactory;
(3) Is personally responsible for making or ensuring payment of the arbitration award, and/or	(4) is personally responsible for making or ensuring payment of the arbitration award; or
(4) Is unable to pay the arbitration award or any payments due under a previously agreed-upon payment plan.	(5) is unable to pay the arbitration award or any payments due under a previously agreed payment plan.
(b) The declarations submitted in support of and in response to the inactive enrollment motion shall be admitted in evidence, subject to appropriate objection, as the direct testimony of the respective declarants.	**(B) Declarations.** Subject to appropriate objection, the Court will admit in evidence the declarations submitted in support of and in response to the inactive enrollment motion as the direct testimony of the respective declarants.

(c) The party which filed a declaration shall produce the declarant for cross-examination at the hearing if an opposing party so requests in a pleading filed and served no later than ten (10) days prior to the hearing, or, if the declaration was filed pursuant to rule 702(c), no more than three (3) court days from service of the declaration.	**(C) Cross-Examination.** In a pleading, an opposing party may ask that a declarant be produced for cross-examination at the hearing. If the request is filed and served at least 10 days before the hearing, or, if the declaration was filed under rule 29.3(C), within three court days after the declaration was served, then the party that filed the declaration must produce the declarant as requested.

29. Fee Arbitration Award Enforcement Proceedings	
RULE 708. RULING ON MOTION; COSTS	**Rule 29.9 Ruling on Motion; Costs**
(a) The Court shall issue a written order on the inactive enrollment motion, stating its reasons therefor, and making findings on any disputed factual issues.	**(A) Contents of Order.** The Court will issue a written order on the inactive enrollment motion, stating its reasons for its decision and making findings on any disputed factual issues.
(b) If the order grants the motion, then:	**(B) Motion Granted.** If the order grants the motion, then:
(1) Unless otherwise ordered, the order shall be effective five (5) days after service, and	(1) unless otherwise ordered, the order takes effect five days after it is served, and
(2) Upon submission by the Presiding Arbitrator of a bill of costs, the Court shall award reasonable costs to the State Bar pursuant to Business and Professions code section 6203(d)(3). For the purpose of this rule, "reasonable costs" shall include all expenses paid by the State Bar which would qualify as taxable costs recoverable in civil proceedings, plus the amount which the Discipline Committee shall from time to time determine to be the reasonable administrative costs to the State Bar and the Court of processing inactive enrollment motions under these rules. Relief from costs may be sought pursuant to rule 282.	(2) when the Presiding Arbitrator submits a bill of costs, the Court will award reasonable costs to the State Bar under Business and Professions Code § 6203(d)(3).

	(C) Definition of "Reasonable Costs." For the purpose of this rule, "reasonable costs" include all expenses paid by the State Bar that would qualify as taxable costs recoverable in civil proceedings, plus the amount that the Discipline Committee from time to time determines to be the reasonable administrative costs to the State Bar and the Court of processing inactive enrollment motions under these rules. Relief from costs may be sought under rule 8.11.
(c) If the Court finds that the State Bar unreasonably declined to approve a payment plan proposed by the award debtor, the Court may deny the motion and order the award debtor to comply with a payment plan satisfactory to the Court.	**(D) Unreasonably Rejected Payment Plan.** If the Court finds that the State Bar unreasonably rejected a payment plan proposed by the award debtor, the Court may deny the motion and order the award debtor to comply with a payment plan satisfactory to the Court.

29. Fee Arbitration Award Enforcement Proceedings	
RULE 709. REVIEW	**Rule 29.10 Review**
(a) A ruling by a hearing judge on an inactive enrollment motion under these rules shall be subject to review under rule 300.	**(A) Ruling on Motion.** A ruling by a hearing judge on an inactive enrollment motion under these rules is reviewable under rule 9.1.
(b) An order granting an inactive enrollment motion will not be stayed pending review unless ordered by the Court pursuant to rule 300(h).	**(B) Stay of Order.** An order granting an inactive enrollment motion will not be stayed pending review unless ordered by the Court under rule 9.1.

29. Fee Arbitration Award Enforcement Proceedings	
RULE 710. TERMINATION OF INACTIVE ENROLLMENT	**Rule 29.11 Termination of Inactive Enrollment**
When the award debtor has paid the arbitration award in full, as well as any costs and/or penalties assessed as a result of the award debtor's failure to comply, the award debtor may move to terminate an involuntary inactive enrollment ordered under these rules. The motion shall be accompanied by one or more declarations and by proof establishing such payment and shall be served on the Presiding Arbitrator, who shall have ten (10) court days from such service to respond. Upon the filing of the Presiding Arbitrator's response or the expiration of the time to file the response, the Court shall promptly issue an order on the motion. If the Court finds that the arbitration award and any costs and/or penalties have been paid, it shall terminate forthwith any involuntary inactive enrollment ordered under this chapter.	**(A) Eligibility.** When the award debtor has paid in full the arbitration award plus any costs and penalties assessed because of the award debtor's failure to comply, the award debtor may move to terminate an involuntary inactive enrollment ordered under these rules.
	(B) Motion; Response. The motion must be accompanied by one or more declarations and by proof of payment. It must be served on the Presiding Arbitrator, who has 10 court days after service to respond.
	(C) Order. When the Presiding Arbitrator files the response or the time to file the response expires, the Court will promptly issue an order on the motion. If the Court finds that the arbitration award and any costs and penalties have been paid, it will terminate any involuntary inactive enrollment ordered under this chapter.

29. Fee Arbitration Award Enforcement Proceedings	
RULE 711. INAPPLICABLE RULES	**Rule 29.12 Inapplicable Rules**
The following rules shall not apply in a proceeding on an inactive enrollment motion under these rules:	The following rules do not apply in a proceeding on an inactive enrollment motion under these rules:
(a) Rules which by their terms apply only to disciplinary proceedings or to other specific proceedings, and	**(A) General.** Rules that by their terms apply only to disciplinary proceedings or to other specific proceedings.
(b) Rules 104(a) and 104(c) (amendment of initial pleading); rule 116 (abatement); rules 150-189 (subpoenas and discovery); rules 200-212 (default; obligation to appear at trial; pretrial; notice of trial); rules 215-217 (admission of certain evidence); rules 301-308 (review). (2) The documents by which notice was provided as required by rule 9.20 to clients, courts, and opposing counsel.	**(B) Specific.** Rules 5.5(A), (C), and (D) (amendment of initial pleading); rule 5.11 (abatement); rules 6.1–6.19 (subpoenas and discovery); rules 7.1–7.10 (default; obligation to appear at trial; pretrial; notice of trial); rules 7.13–7.15 (admission of certain evidence); rules 9.2–9.8 (review).

30. Alternative Discipline Program	
RULE 800. PURPOSE OF PROGRAM; AUTHORITY	**Rule 30.1 Purpose of Program; Authority**
Consistent with the intent of the Legislature expressed in Business and Professions Code Section 6230, et seq., these rules apply to proceedings before the State Bar Court in which a respondent is identified as having a substance abuse or mental health issue and is seeking to participate in or has been accepted to participate in the State Bar Court's Alternative Discipline Program ("Program").	These rules apply to proceedings before the State Bar Court in which a respondent is identified as having a substance abuse or mental health issue and is seeking to participate in or has been accepted to participate in the State Bar Court's Alternative Discipline Program ("Program").

30. Alternative Discipline Program	
RULE 801. ELIGIBILITY TO APPLY FOR PARTICIPATION IN PROGRAM	**Rule 30.2 Eligibility to Apply for Participation in Program**
(a) At any time following the commencement of a proceeding in the State Bar Court, at the request of either the respondent or the Office of the Chief Trial Counsel or on the court's own motion, a respondent may be referred to a judge who has been designated by the Presiding Judge as a Program Judge to determine the respondent's eligibility for participation in the Program, provided that no such referral shall be made less than 45 days prior to the first scheduled trial date in the proceeding.	**(A) Before Proceeding Begins.** Before a proceeding in the State Bar Court begins, a judge assigned to conduct an Early Neutral Evaluation Conference under rule 4.12 may refer a respondent to a Program Judge to determine the respondent's eligibility to participate in the Program. Additionally, either the Office of the Chief Trial Counsel or the respondent may ask the Court to make a referral to a Program Judge for an evaluation.
(b) Prior to the commencement of a proceeding in the State Bar Court, a judge assigned to conduct an Early Neutral Evaluation Conference pursuant to rule 75 may refer a respondent to a Program Judge to determine the respondent's eligibility for participation in the Program. Additionally, either the Office of the Chief Trial Counsel or the respondent may request the Court to make a referral to a Program Judge for such evaluation.	**(B) After Proceeding Begins.** At any time after a proceeding in the State Bar Court begins, at the request of either the respondent or the Office of the Chief Trial Counsel or on the court's own motion, a respondent may be referred to a judge whom the Presiding Judge has designated a Program Judge to determine the respondent's eligibility to participate in the Program. A referral must be made at least 45 days before the first scheduled trial date in the proceeding.

30. Alternative Discipline Program	
RULE 802. ACCEPTANCE FOR PARTICIPATION IN PROGRAM	**Rule 30.3 Acceptance for Participation in Program**
(a) Except as limited by subsections (b) and (c), acceptance of a respondent for participation in the Program shall be at the discretion of the Program Judge and shall be contingent upon (1) the respondent's acceptance into the State Bar's Lawyer Assistance Program; (2) the Court's approval of a stipulation as to facts and conclusions of law executed by the parties; (3) evidence that there is a nexus between the respondent's substance abuse or mental health issue and the misconduct; and (4) such additional conditions as the Program Judge may impose.	**(A) Conditions for Participation.** Except as limited by subsections (B) and (C), the Program Judge has the discretion to accept a respondent for participation in the Program. Participation is contingent on:
	(1) the respondent's acceptance into the State Bar's Lawyer Assistance Program;
	(2) the Court's approval of a stipulation of facts and conclusions of law signed by the parties;
	(3) evidence that the respondent's substance abuse or mental health issue causally contributed to the misconduct; and
	(4) any additional conditions that the Program Judge may impose.

(b) If the stipulation as to facts and conclusions of law executed by the parties is not submitted to the Program Judge for approval within 120 days of the date the respondent was referred to the Program for a determination of eligibility, the Program Judge may return the proceeding to the assigned judge for processing as a standard discipline proceeding.	**(B) Stipulation Not Submitted.** If the parties do not sign and submit a stipulation of facts and conclusions of law to the Program Judge for approval within 120 days after the date the respondent was referred to the Program to determine eligibility, the Program Judge may return the proceeding for processing as a standard discipline proceeding.
(c) A respondent shall not be accepted for participation in the Program if:	**(C) Grounds for Ineligibility.** A respondent will not be accepted to participate in the Program if:
(1) the stipulation as to facts and conclusions of law, including factors in aggravation, executed by the respondent and the Office of the Chief Trial Counsel demonstrates that the respondent's disbarment is warranted, irrespective of mitigating circumstances;	(1) the stipulation of facts and conclusions of law, including aggravating factors, signed by the respondent and the Office of the Chief Trial Counsel shows that the respondent's disbarment is warranted, despite mitigating circumstances;
(2) the respondent has been convicted of a criminal offense that subjects him or her to summary disbarment pursuant to Business and Professions Code section 6102, subdivision (c);	(2) the respondent has been convicted of a criminal offense that subjects him or her to summary disbarment under Business and Professions Code § 6102 (c);
(3) the respondent's current misconduct involves acts of moral turpitude, dishonesty or corruption that has resulted in significant harm to one or more clients or to the administration of justice;	(3) the respondent's current misconduct involves acts of moral turpitude, dishonesty, or corruption that has resulted in significant harm to one or more clients or to the administration of justice;

(4) there is a finding, based on expert testimony, that (a) the respondent will not substantially benefit from treatment for his or her substance abuse or mental health problem; or (b) the substance abuse or mental health problem cannot be so overcome or controlled to the extent that it is unlikely to cause further misconduct.	(4) there is a finding, based on expert testimony, that:
	(a) the respondent will not substantially benefit from treatment for his or her substance abuse or mental health problem; or
	(b) the substance abuse or mental health problem cannot be overcome or controlled to the extent that it is unlikely to cause further misconduct; or
(5) the respondent has previously participated in the Program and has either successfully completed the Program or has been terminated from the Program.	(5) the respondent has previously participated in the Program and has either successfully completed the Program or been terminated from the Program.
(d) As used herein, the term "nexus" means clear and convincing evidence that the substance abuse or mental health issue causally contributed to the respondent's misconduct.	[deleted]

(e) Unless otherwise agreed by the parties, in the event the respondent is not accepted into the Program or declines to sign the written agreement regarding the terms and conditions of his or her participation in the Program, any stipulation as to facts and conclusions of law signed by the parties in the pending disciplinary proceeding and entered into as a condition for participation in the Program shall be rejected and shall not be binding upon either the respondent or the Office of the Chief Trial Counsel.	**(D) Effect of Nonacceptance.** Unless otherwise agreed by the parties, if the respondent is not accepted into the Program or refuses to sign the written agreement of the terms and conditions for participating in the Program, then any stipulation of facts and conclusions of law signed by the parties in the pending disciplinary proceeding and entered into as a condition for participating in the Program will be rejected and will not be binding on either the respondent or the Office of the Chief Trial Counsel.

30. Alternative Discipline Program	
RULE 802.5. DISQUALIFICATION OF ADP JUDGE IN STANDARD PROCEEDING	**Rule 30.4 Disqualification of ADP Judge in Standard Proceeding**
In the event the respondent is not accepted for participation in the Program or the respondent declines to sign the written agreement regarding the terms and conditions of his or her participation in the Program and the proceeding is returned for processing as a standard discipline proceeding, the Program Judge shall not serve as the assigned judge in the proceeding unless (a) the parties agree on the record; or (b) the Program Judge has neither received a stipulation as to facts and conclusions of law executed by the parties nor received confidential evaluation, treatment or nexus information relating to the respondent.	**(A) Standard Discipline Proceeding.** If the respondent is not admitted into the Program and the proceeding is returned for processing as a standard disciplinary proceeding, the Program Judge may not serve as the assigned judge in the proceeding.
	(B) Exception to Disqualification. The Program Judge may be assigned the standard disciplinary proceeding if:
	(1) the parties agree on the record; or
	(2) the Program Judge has neither received a stipulation to the facts and conclusions of law signed by the parties nor received confidential evaluation, treatment, or nexus information about the respondent.
	(C) Definition of "Nexus." As used here, the term "nexus" means clear and convincing evidence that the substance abuse or mental health issue causally contributed to the respondent's misconduct.

30. Alternative Discipline Program	
RULE 803. DISPOSITION; DEFERRAL OF IMPOSITION	**Rule 30.5 Disposition; Deferral of Imposition**
(a) If a respondent seeking to participate in the Program has entered into a stipulation as to facts and conclusions of law in the pending disciplinary proceeding and has agreed to or has fulfilled all of the other conditions for the respondent's participation in the Program, the Program Judge shall provide the respondent with a written statement regarding (1) the disposition that will be implemented or recommended to the Supreme Court in the event that the respondent successfully completes the Program; and (2) the disposition that will be implemented or recommended to the Supreme Court, based upon the stipulated facts and conclusions of law, if the respondent does not successfully complete the Program. Depending upon the extent and severity of the respondent's stipulated misconduct, including the degree of harm suffered by his or her client(s), the disposition implemented or recommended following successful completion of the Program may range as low as the dismissal of the charges or proceeding and, as a result of termination from the Program, may range as high as disbarment.	**(A) Statement of Disposition.** If a respondent seeking to participate in the Program has stipulated to the facts and conclusions of law in the pending disciplinary proceeding and has agreed to or has fulfilled all other conditions for participating in the Program, the Program Judge will give the respondent a written statement regarding: (1) the disposition that will be implemented or recommended to the Supreme Court if the respondent successfully completes the Program; and (2) the disposition that will be implemented or recommended to the Supreme Court if the respondent does not complete the Program.
	(B) Range of Dispositions. If respondent successfully completes the Program, the disposition may be as low as dismissal of the charges or proceeding. If respondent does not complete the Program, it may be as high as disbarment. The extent and severity of the respondent's stipulated misconduct, including the degree of harm suffered by his or her clients, are factors in determining the disposition implemented or recommended.

	(C) Victim's Statement. Any person who has been harmed by the stipulated conduct of the respondent may submit a written statement setting forth the nature and extent of the harm caused by the respondent's conduct. The Program Judge must consider the victims' written statements in determining the degree of harm suffered by the respondent's client(s) and in determining the appropriate dispositions to be implemented or recommended in the proceeding.
(b) If the respondent is accepted for participation in the Program, the stipulation as to facts and conclusions of law shall be filed but the proposed disposition shall not be implemented or transmitted as a recommendation to the Supreme Court until the respondent either successfully completes the Program or is terminated from the Program.	**(D) Delay in Implementation and Recommendation.** If the respondent is accepted to participate in the Program, the stipulation of facts and conclusions of law will be filed and public but the proposed disposition will not be implemented or transmitted to the Supreme Court until the respondent either successfully completes the Program or is terminated from the Program.
(c) If the respondent is accepted for participation in the Program, and the proposed disposition that will be recommended to the Supreme Court in the event that the respondent successfully completes the Program involves a period of actual suspension of 90 days or more, there is a presumption that the respondent should be placed on inactive enrollment for the protection of the public or of the respondent's clients. In such cases, the Program Judge must immediately place the respondent on inactive status unless the Program Judge finds, in writing, that such inactive enrollment is not necessary for the protection of the public or of respondent's clients.	**(E) Placement on Inactive Status.** Unless the Program Judge finds, in writing, that inactive enrollment is not necessary for the protection of the public or of respondent's clients, the Program Judge must immediately place the respondent on inactive status if: (1) the respondent is accepted to participate in the Program, and (2) upon the respondent's successful completion of the Program, the disposition recommended to the Supreme Court will include an actual suspension of at least 90 days.

30. Alternative Discipline Program	
RULE 804. TERM OF PARTICIPATION IN PROGRAM	**Rule 30.6 Term of Participation in Program**
In order to successfully complete the Program, a respondent must participate in the Program for a term of 36 months from the date of acceptance in the Program, provided that, with earned incentives as specified in the written agreement signed by the respondent, the Court may shorten the Program term to a period of not less than 18 months. No respondent may successfully complete the Program without the certification of the Lawyers Assistance Program that he or she has been substance-free for a period of at least one year, or in the case of a respondent with mental health issues, without a recommendation from a mental health professional that is satisfactory to the Program Judge.	**(A) Minimum Time.** To successfully complete the Program, a respondent must participate in the Program for 36 months from the date of acceptance to the Program. But if the respondent earns the incentives specified in the written agreement signed by the respondent, the Court may shorten the Program term to as little as 18 months.
	(B) Certification. No respondent may successfully complete the Program unless the Lawyers Assistance Program certifies that he or she has been substance-free for at least one year, or in the case of a respondent with mental health issues, a mental health professional's recommendation that is satisfactory to the Program Judge.

30. Alternative Discipline Program	
RULE 804.5 IMPACT OF SUBSEQUENT PROCEEDINGS ON ADP PARTICIPATION	**Rule 30.7 Effect of Later Proceedings on ADP Participation**
(a) An inquiry, investigation or proceeding against the respondent in which the alleged misconduct occurred subsequent to the respondent's admittance to the Program, may not be incorporated into the ADP proceeding without the stipulation of the parties and the approval of the Program Judge. The respondent's culpability of subsequent acts of misconduct, if proved by clear and convincing evidence, may constitute grounds for the respondent's termination from the Program.	**(A) Misconduct after Admittance to Program.** An inquiry, investigation, or proceeding against the respondent in which the alleged misconduct occurred after the respondent's admittance to the Program may not be incorporated into the ADP proceeding without the stipulation of the parties and the approval of the Program Judge. The respondent's culpability for later acts of misconduct, if proved by clear and convincing evidence, may constitute grounds to terminate the respondent from the Program.
(b) An inquiry, investigation or proceeding against the respondent in which the alleged misconduct occurred prior to the respondent's admittance to the Program may be incorporated into the ADP proceeding, provided that: (1) the parties execute a stipulation as to facts and conclusions of law with respect to such additional acts of misconduct; and (2) the respondent accepts any modifications to the alternative levels of disposition and conditions of participation recommended by the Program Judge.	**(B) Misconduct before Admittance to Program.** An inquiry, investigation or proceeding against the respondent in which the alleged misconduct occurred before the respondent's admittance to the Program may be incorporated into the ADP proceeding, if: (1) the parties stipulate to the facts and conclusions of law about the additional acts of misconduct; and (2) the respondent accepts any modifications to the alternative levels of disposition and conditions of participation recommended by the Program Judge.

(c) If the parties are unable to reach agreement on a stipulation as to facts and conclusions of law pursuant to subsection (b) of this rule or if the respondent is unwilling to accept the modified alternative levels of discipline recommended by the Program Judge, the respondent shall be released from the Program and the entire proceeding shall be assigned to another judge as a standard discipline proceeding provided that: (1) the Program Judge's written statement regarding the proposed disposition or recommendation to the Supreme Court shall be vacated; and (2) the original stipulation as to facts and conclusions of law executed when the respondent entered the Program shall remain binding upon the parties.	**(C) Release from Program.** The respondent will be released from the Program if (1) the parties do not agree to stipulate to the facts and conclusions of law under subsection (B) of this rule; or (2) the respondent refuses to accept the modified alternative levels of disposition recommended by the Program Judge.
	(D) Conversion to Standard Disciplinary Proceeding. If the respondent is released under subsection (C), the entire proceeding will be assigned to another judge as a standard disciplinary proceeding and: (1) the Program Judge's written statement regarding the proposed disposition or recommendation to the Supreme Court is vacated; and (2) the original stipulation of facts and conclusions of law that the parties signed when the respondent entered the Program remains binding on the parties.

30. Alternative Discipline Program	
RULE 805. TERMINATION FROM PROGRAM	**Rule 30.8 Termination from Program**
Prior to terminating a respondent from the Program for failure to comply with Program requirements, the Court shall issue an order to show cause notifying the parties of the Court's intent to terminate the respondent from the Program and the proposed reasons for the termination. Within ten (10) days of service of the Court's order to show cause, the parties may file a response to the Court's order. If timely requested by one or both of the parties in their written response(s), the Court shall hold a hearing on the order to show cause.	Before terminating a respondent from the Program for failure to comply with Program requirements, the Court will issue an order to show cause notifying the parties of the Court's intent to terminate the respondent from the Program and the proposed reasons for the termination. Within 10 days after the order to show cause is served, the parties may file a response. If timely requested by one or both of the parties in a written response, the Court will hold a hearing on the order.

30. Alternative Discipline Program	
RULE 806. CONFIDENTIALITY	**Rule 30.9 Confidentiality**
(a) The fact that a respondent is currently in the Program and any pleadings or order filed in the proceeding shall be public.	**(A) Program; Pleadings; Order.** The fact that a respondent is currently in the Program and any pleadings or orders filed in the proceeding, including the stipulation as to facts and conclusions of law, will be public.
(b) All information concerning the nature and extent of the respondent's treatment is absolutely confidential and shall not be disclosed to the public absent an express written waiver by the respondent.	**(B) Treatment.** All information about the nature and extent of the respondent's treatment is absolutely confidential and may not be disclosed to the public unless the respondent waives confidentiality in writing.
(c) Documents that are submitted to the Court, including but not limited to, the Court's written statement of proposed disposition, the respondent's nexus evidence, the briefs of the parties on the recommended disposition and reports from the Lawyer Assistance Program regarding the respondent's compliance with Lawyer Assistance Program requirements, shall not be public unless and until they are ordered filed by the Court upon the respondent's successful completion of the Program or the respondent's termination from the Program. At the conclusion of the proceeding, all documents not ordered filed by the Court shall be sealed pursuant to rule 23.	**(C) Documents Submitted to Court.** Documents that are submitted to the Court, including but not limited to, the Court's written statement of proposed disposition, the respondent's nexus evidence, the parties' briefs on the recommended disposition, and reports from the Lawyer Assistance Program about the respondent's compliance with Lawyer Assistance Program requirements, will not be public unless the Court orders the documents filed when the respondent successfully completes the Program or the respondent is terminated from the Program. When the proceeding concludes, all documents that the Court did not order to be filed will be sealed under rule 3.9.

(d) Notwithstanding the provisions of subdivision (c) above, the Court may provide the Office of Probation and/or the Client Security Fund with such documents as may be necessary to enable the Office of Probation to monitor the respondent's compliance with LAP and Program requirements and to enable the Client Security Fund to process any claim for reimbursement made against the Fund.	**(D) Permitted Disclosure.** Despite subsection (C), the Court may provide the Office of Probation and the Client Security Fund with documents necessary to help the Office of Probation monitor the respondent's compliance with the Lawyer Assistance Program and this Program requirements and to help the Client Security Fund process any claim for reimbursement made against the Fund.

30. Alternative-Discipline Program	
RULE 807. REVIEW	**Rule 30.10 Review**
(a) The following decisions and orders of the Program Judge may be reviewed by the State Bar Court Review Department:	**(A) Decisions and Orders.** The following decisions and orders of the Program Judge may be reviewed by the Review Department:
(1) The decision of the Program Judge to admit the respondent to the Program or to deny the respondent admittance to the Program. The issues that may be raised upon such review may include, but are not limited to: (i) whether the respondent meets the eligibility requirements for admittance to the Program, and (ii) the appropriate disposition or recommendation as to the level of discipline.	(1) The Program Judge's decision to grant or deny the respondent admittance to the Program. The issues that may be raised on review may include, but are not limited to: (i) whether the respondent meets the eligibility requirements for admittance to the Program, and (ii) the appropriate disposition or recommendation for the level of discipline.
(2) The decision of the Program Judge to terminate a respondent from the Program or to deny the State Bar's motion to terminate the respondent from the Program.	(2) The Program Judge's decision to terminate a respondent from the Program or to deny the State Bar's motion to terminate the respondent from the Program.
(b) Procedure. The procedure for seeking review of a decision or order of the Program Judge set forth in subsection (a) of this rule shall be as provided for in rule 300, except for:	**(B) Procedure.** The procedure in rule 9.1 applies, except that:
(1) Standard of Review. In proceedings under this rule, the Review Department must independently review the record and may adopt findings, conclusions and a decision or recommendation at variance with those of the Program Judge.	(1) the Review Department will independently review the record and may adopt findings, conclusions, and a decision or recommendation different from those of the Program Judge;

(2) Decision. The Review Department shall file its opinion or order within sixty (60) days of taking the matter under submission. The Review Department shall decide matters before it under this rule in bank. Two (2) judges of the Review Department shall constitute a quorum. A majority vote of the judges of the Review Department present and voting shall be sufficient to take any action or arrive at any decision under this rule.	(2) the Review Department will decide matters before it under this rule en banc, but two judges of the Review Department will constitute a quorum; and
	(3) the Review Department will file its opinion or order within 60 days after the matter is submitted.

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