

The State Bar of California

MEMBERSHIP RULES

TITLE TWO. RIGHTS AND RESPONSIBILITIES OF MEMBERS (Effective August 18, 2006)

Division 1. Member record

Rule 2.1 Roll of attorneys

The State Bar maintains, on the official membership records of the State Bar, the roll of all attorneys admitted to practice in California.¹

Rule 2.2 Public information

A member record contains public information, including the following:

- (A) last name, first name, and any middle names;
- (B) State Bar member number;
- (C) date and place of birth;
- (D) address and telephone number;
- (E) e-mail address;
- (F) date of admission in California;
- (G) places and dates of admission in other jurisdictions before admission in California;
- (H) membership status;
- (I) date of any transfer from one membership status to another;
- (J) date and period of any discipline; and
- (K) any other information as directed by the Supreme Court or otherwise required by law.

Rule 2.3 Duty to update member record

- (A) A member must inform the State Bar of a change of address, telephone number, or e-mail address no later than 30 days after making the change. The member must report a change of address or telephone number online or using the State Bar Address Change Form.² The member must make a change of e-mail address online.
- (B) A member must inform the State Bar of a change of name no later than 30 days after making the change. The member must report the change using the State Bar Name Change Form.³

¹ California Rule of Court, Rule 950.5, states that "The State Bar shall maintain, as part of the official membership records of the State Bar, the Roll of Attorneys of all persons admitted to practice in this State. Such records shall include the information specified in sections 6002.1 and 6064 of the Business and Professions Code and other information as directed by the Court."

² See http://calbar.ca.gov/state/calbar/calbar_sections_generic.jsp?cid=12535&id=1017.

³ See http://calbar.ca.gov/state/calbar/calbar_sections_generic.jsp?cid=12535&id=1025.

Division 2. Annual membership fees and penalties

Rule 2.10 Definitions

- (A) “Annual membership fees” are those fees that any member must pay to maintain active or inactive membership in a calendar year. These fees may include additional assessments and costs prescribed by law.⁴
- (B) “Penalties” are the surcharges assessed any member who fails to pay annual membership fees on time.

Rule 2.11 Due date

A member must pay the annual membership fees set forth in the Schedule of Charges and Deadlines each calendar year no later than February 1.

Rule 2.12 New members

A new member must be enrolled as active and pay initial fees within 30 days of the invoice date for the fees as follows:

- (A) full annual membership fees if admitted between January 1 and May 31;
- (B) half the annual membership fees if admitted between June 1 and November 30;
- (C) the administrative fee for admission set forth in the Schedule of Charges and Deadlines if admitted in December.

Rule 2.13 Late payment penalties

Late payment of annual membership fees is subject to the penalties set forth in the Schedule of Charges and Deadlines.

Rule 2.14 No refund

Unless these rules provide otherwise, a member is not entitled to a refund of annual membership fees because of death, resignation, disbarment, transfer to inactive status, entering judicial office, or for any other reason.

Rule 2.15 Scaling

- (A) An active member who has a total gross annual individual income from all sources of less than \$40,000 may request to scale or reduce annual membership fees by 25%. The request must be submitted by the date set forth in the Schedule of Charges and Deadlines and include
 - (1) the Active Member Fee Scaling Declaration,⁵ a declaration under penalty of perjury; and

⁴ See Business & Professions Code §§ 6140.5, 6140.7.

⁵ See http://calbar.ca.gov/state/calbar/calbar_sections_generic.jsp?cid=12535&id=1027.

- (2) payment of the reduced fee.

New members admitted after May 31 do not qualify for scaling but must pay half the annual membership fees.

- (B) An employer that receives State Bar Legal Services Trust Fund grants and is a qualified legal services project or qualified support center as defined by statute⁶ may scale or reduce annual membership fees by 25% for an active member employed on a continuous full-time basis. The request must be submitted by the date set forth in the Schedule of Charges and of Deadlines and include
 - (1) the Qualified Employer Fee Scaling Declaration, a declaration under penalty of perjury that the employer is qualified and pays annual membership fees on the member's behalf; and
 - (2) payment of the reduced fee.
- (C) Members who scale are subject to audit and upon request must provide the State Bar with past federal and state income tax returns or other acceptable documentation of financial condition.
- (D) If the State Bar determines that a member is ineligible to scale, the member must pay full annual membership fees and any late payment penalties.

Rule 2.16 Waivers

- (A) In this rule, "annual membership fees" and "penalties" are construed narrowly and do not include
 - (1) disciplinary costs⁷ or monetary sanctions,⁸
 - (2) Client Security Fund disbursements and costs,⁹
 - (3) mandatory fee arbitration award penalties and costs,¹⁰
 - (4) Minimum Continuing Legal Education ("MCLE") noncompliance or reinstatement penalties,¹¹ or
 - (5) any other charges that may be added to annual membership fees for failure to comply with obligations imposed by court order, statute, or rule.

⁶ See Business & Professions Code § 6210 et seq.

⁷ See Business and Professions Code § 6086.10.

⁸ See Business and Professions Code § 6086.13.

⁹ See Business and Professions Code § 6140.5.

¹⁰ See Business and Professions Code § 6203(d)(3).

¹¹ See Business and Professions Code § 6070 and the State Bar's MCLE rules.

- (B) To be considered for the current year, a request must be submitted by February 1. Requests submitted after February 1 must be accompanied by full payment of any outstanding charges, which will be refunded if the request is granted.
- (C) The Secretary may waive up to \$1,000 in annual membership fees and related penalties for the year in which they are due, provided that the request is
 - (1) in writing;
 - (2) supported by satisfactory documentation; and
 - (3) for any of the following reasons:
 - (a) the member is prevented or greatly impaired from pursuing a livelihood for a substantial part of the membership year because of a physical or mental condition, natural disaster, or family emergency;
 - (b) the member has a total annual income from all sources of \$20,000 or less;
 - (c) the member serves full-time as a magistrate, commissioner, or referee, or in another similar capacity for a state or federal court of record;
 - (d) the member is a retired judge who accepts assignments from the Chief Justice of California to act in a judicial capacity at least 90% of the calendar year;
 - (e) the State Bar has erroneously assessed the annual membership fees or related penalties; or
 - (f) for any other reason, on a one-time-only basis, if the member has no previous record of discipline or administrative suspension.
- (D) The Secretary may waive annual membership fees and related penalties for a member serving in the Army National Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve, or the Coast Guard Reserve provided that
 - (1) the member has been ordered to report to full-time active duty for more than 30 days;
 - (2) a request for waiver is submitted in writing by the member, member's spouse, relative, law partner or associate, or legal representative and accompanied by:

- (a) a copy of the order to report for active duty, or
- (b) a copy of the order to report for active duty and a certified declaration by a JAG officer that the member has served on active duty for more than 30 days.

A member granted a waiver under this rule must notify the State Bar within 30 days upon termination of the assignment to active duty.

- (E) Annual membership fees are waived for the year in which a judicial officer leaves office and returns to membership in the State Bar.
- (F) The Secretary may waive unpaid annual membership fees and penalties accrued by former justices and judges of courts of record since their leaving office, if such members have paid current annual membership fees and related penalties. This rule sunsets December 31, 2007 unless the board extends it.
- (G) Annual membership fees are waived for inactive members who are 70 years of age on February 1.
- (H) Annual membership fees may be waived for a member who is an emeritus attorney.
- (I) The board reserves the right
 - (1) to grant requests for waivers denied by the Secretary if there is good cause; and
 - (2) to consider all other requests for waivers.
- (J) A waiver granted under this rule does not remove a court-ordered suspension for nonpayment of fees or penalties.

Division 3. Member status

Rule 2.30 Inactive membership

- (A) Any member not under suspension, who does not engage in any of the activities listed in (B) in California, may, upon written request, be enrolled as an inactive member. The Secretary may, in any case in which to do otherwise would work an injustice, and subject to any directions which may be given by the board permit retroactive enrollment of inactive members.
- (B) No member practicing law, or occupying a position in the employ of or rendering any legal service for an active member, or occupying a position wherein he or she is called upon in any capacity to give legal advice or counsel or examine the law or pass upon the legal effect of any act, document or law, shall be enrolled as an inactive member.

- (C) Notwithstanding (A) and (B) a member serving for a court or any other governmental agency as a referee, hearing officer, court commissioner, temporary judge, arbitrator, mediator or in another similar capacity is eligible for enrollment as an inactive member if he or she does not otherwise engage in any of the activities listed in (B) or hold himself or herself out as being entitled to practice law.

Rule 2.31 Change of membership status

- (A) A member may apply to change from active to inactive status or vice versa by submitting the Transfer to Active Status Form¹² or the Transfer to Inactive Status Form¹³ with the transfer fee indicated in the Schedule of Charges and Deadlines. A change to inactive by February 1 entitles the member to pay the annual fees of an inactive member. A change to inactive after that date does not entitle the member to a refund of active fees.
- (B) While suspended, a member cannot change membership status.

Rule 2.32 Inactive enrollment for failure to comply with Minimum Continuing Legal Education requirements

- (A) A member who fails to meet requirements for Minimum Continuing Legal Education (MCLE) will be enrolled as inactive.
- (B) To terminate inactive enrollment for MCLE noncompliance, a member must comply with the MCLE rules governing reinstatement.¹⁴
- (C) Annual membership fees continue to accrue at the inactive rate.

Rule 2.33 Suspension for failure to pay annual membership fees and outstanding penalties or costs

- (A) A member who fails to pay annual membership fees or any outstanding penalties or costs will be sent a final delinquency notice at the member's address of record. If the State Bar fails to receive full payment of the amount due within two months of sending the final delinquency notice, the State Bar will recommend that the Supreme Court suspend the member from the practice of law.¹⁵
- (B) Annual membership fees continue to accrue according to the member's status prior to suspension.
- (C) To terminate suspension for nonpayment, a member must pay
 - (1) all current and accrued fees, penalties, and costs; and

¹² See http://calbar.ca.gov/state/calbar/calbar_sections_generic.jsp?cid=12535&id=1028.

¹³ See http://calbar.ca.gov/state/calbar/calbar_sections_generic.jsp?cid=12535&id=1029.

¹⁴ See MCLE Rules and Regulations (http://calbar.ca.gov/calbar/pdfs/certification/MCLE_Rules_05_03.pdf), rule 13.1: Enrollment As Inactive Member: "A member failing to comply with the requirements after the 60-day period for compliance has expired shall be enrolled as an inactive member by the Board of Governors or an officer of the State Bar or his or her designee." Reinstatement is governed by MCLE Rules and Regulations § 14.

¹⁵ Business and Professions Code § 6143.

- (2) the reinstatement fee set forth in the Schedule of Charges and Deadlines.

The payment must be made in cash or in guaranteed funds by cashier's check, money order, bank certified check, or wire transfer.

- (D) The State Bar will seek by an amendment nunc pro tunc to retroactively strike the name of a member from the Supreme Court Order of Suspension for Nonpayment if the suspension resulted from State Bar error.

Rule 2.34 Suspension for failure to comply with a family or child support obligation

- (A) A member identified under the terms of Family Code § 17520 as failing to comply with a judgment or court order for child or family support will be suspended from the practice of law by the Supreme Court.¹⁶
- (B) The State Bar will send a written notice of suspension for failure to pay child or family support to the member's address of record. The suspension will be effective on the date ordered by the Supreme Court.
- (C) The State Bar will ask the Supreme Court to reinstate a member if it receives statutory notice¹⁷ that the obligation has been discharged and if the member has paid annual membership fees and any surcharge authorized by statute.¹⁸
- (D) If a reinstated member subsequently fails to comply with a judgment or court order for child or family support,¹⁹ the State Bar will request that the Supreme Court suspend the member within 30 days and will send written notice of its request to the member's address of record.
- (E) Annual membership fees continue to accrue according to the member's status prior to suspension.

Rule 2.35 Suspension for disciplinary violations

- (A) A member who is suspended by the California Supreme Court as a result of disciplinary violations must pay full annual membership fees.
- (B) Annual membership fees continue to accrue according to the member's status prior to suspension.
- (C) If a member is suspended for an entire calendar year, the member is not required to pay annual membership fees for that year. Upon expiration of the suspension, and within 30 days of the invoice, the member must pay full annual membership fees for the current year.

¹⁶ California Rules of Court, Rule 962.

¹⁷ Family Code § 17520.

¹⁸ Family Code § 17520 (n).

¹⁹ Family Code § 17520.

The State Bar of California
EMERITUS ATTORNEY RULES
(Effective August 18, 2006)

- A. The Secretary or designee shall waive, as provided in this section, the payment of the annual membership fees for any member acting exclusively as an emeritus attorney.
- B. Definitions
- (1) An “emeritus attorney” is an active member of the State Bar of California, who other than to provide free civil legal services in association with a qualified legal services provider or a lawyer referral service would be retired from and not engaged in the practice of law, and otherwise would be an inactive member; and
- (a) Has been engaged in the practice of law, has served as a judge, or has engaged in any combination of practice of law and service as a judge in California for a minimum of three out of the eight years immediately preceding the application to participate in the emeritus program, and was admitted to practice law in a jurisdiction in the United States at least ten years prior to filing his or her application for the emeritus program; and
- (b) Has been a member in good standing of the State Bar of California and has no record of public discipline for professional misconduct imposed at any time within the past 15 years by the California Supreme Court, the State Bar or any other jurisdiction in which the member is admitted and did not resign or retire from the practice of law with disciplinary charges pending; and
- (c) Neither asks for nor receives compensation of any kind for the legal services to be rendered hereunder.
- (2) A “qualified legal services provider” for the purposes of this rule is a not-for-profit legal services organization which is receiving or is eligible to receive funds from the Legal Services Trust Fund Program as either a “qualified legal services project” as defined in Business and Professions Code sections 6214 and 6214.5 or a “qualified support center” as defined in Business and Professions Code section 6215.
- (3) A “lawyer referral service” for the purposes of this rule is a lawyer referral service certified by the State Bar of California under Business and Professions Code section 6155. An emeritus attorney’s participation must be limited to the no-fee panel or pro bono clinic of the service, not the reduced fee panel or modest means program of the service.

C. Limitations

- (1) Except for the acts and services performed in association with a qualified legal services provider or a certified lawyer referral service, an emeritus attorney shall not otherwise engage in the practice of law, without payment of active membership fees.
- (2) The prohibition against compensation for the emeritus attorney contained in subdivision B(1)(c), above, shall not prevent the qualified legal services provider or certified lawyer referral service from reimbursing the emeritus attorney for actual expenses incurred while rendering services hereunder. The qualified legal services provider or certified lawyer referral service shall be entitled to receive all court-awarded attorneys' fees for any representation rendered by the emeritus attorney.

D. Waiver of Active Fees

The Secretary or designee shall waive the annual membership fees upon:

- (1) The filing of a statement by a qualified legal services provider or certified lawyer referral service stating the name of the member applying for emeritus attorney in association with that provider or services, certifying that the emeritus attorney will not be paid any compensation, and agreeing to notify the State Bar within ten days when the association of the emeritus attorney has ceased.
- (2) The filing of a sworn statement by the applicant for emeritus attorney that he or she:
 - (a) Has fulfilled the requirements of paragraphs B(1) (a) and (b) of this section;
 - (b) Has read and is familiar with the Rules of Professional Conduct and provisions of the State Bar Act (Bus & Prof. Code, §6000 et seq.) relating to the professional duties and obligations of an attorney at law and abide by the provisions thereof;
 - (c) Will neither ask for nor receive compensation of any kind for the legal services authorized hereunder;
 - (d) Has not engaged in the practice of law in the current calendar year and does not intend to practice law except in association with the legal services provider and as provider in this section;
 - (e) If the applicant is currently an inactive member, requests that he or she be enrolled as an active member and that the annual active membership fee be waived as provided in this section.

- (3) Certification by the State Bar that the applicant has been engaged in the practice of law, has served as a judge or has engage in any combination of practice of law and service as a judge in California for a minimum of three out of the last eight years, has been a member in good standing of the State Bar of California with no record of public discipline for professional misconduct imposed at any time within the past ten years by the California Supreme Court, the State Bar, or any other jurisdiction in which the member is admitted, and did not resign or retire from the practice of law with disciplinary charges pending.

E. Withdrawal of Waiver

- (1) Waiver of active membership fees pursuant to this rule shall be withdrawn upon termination of the association of the emeritus attorney with the qualified legal services provider or certified lawyer referral service, or for any good cause.
- (2) Upon withdrawal of waiver, the annual active membership fee for the current year shall become due and payable. If the waiver is withdrawn on or before June 30th of any year, active membership fee shall be the full active membership fee for the current calendar year. If the waiver is withdrawn subsequent to June 30, the active membership fee for the current year shall be one-half the full active membership fee for the current calendar year, less any inactive membership fee paid by him or her as an inactive member for such year. If the emeritus attorney upon withdrawal of the waiver does not intend to practice law, he or she may be enrolled as an inactive member upon written request and payment of the inactive fees.

F. Waiver of Eligibility Criteria for Emeritus Attorney Applicants

In the event an applicant fails to fully comply with each and every one of the requirements in these Rules, but in the opinion of the Secretary or designee, waiver would be in the best interest of the Emeritus Attorney Pro Bono Participation Program, the Secretary or designee may waive eligibility criteria. The following factors would be relevant when considering a waiver of any of the eligibility criteria: nearness to full compliance with the eligibility criteria; the need for legal services in the geographic area; the availability of pro bono lawyers in the geographic area; whether the emeritus attorney applicant has previously provided pro bono legal services through a qualified legal services

Schedule of Charges and Deadlines for 2007

Adopted by the Board of Governors
August 19, 2006

Note: Charges are base amounts that may be increased as specified by rule or otherwise authorized by law.

<i>Rule</i>	<i>Description</i>	<i>Amount</i>	<i>2007 deadline</i>
2.11	Annual membership fees for active membership	\$400.00	February 1
	Annual membership fees for inactive membership	\$125.00	February 1
2.12	(A) Admission between January 1 and May 31	\$400.00	45 days from invoice date
	(B) Admission between June 1 and November 30	\$200.00	45 days from invoice date
	(C) Administrative fee for admission in December	None	N/A
2.13	Penalties for late payment of annual fees received at the State Bar or USPS-postmarked <i>after February 1, 2007</i> .		
	(A) Active Members	\$100.00	February 1
	(B) Inactive Members	\$30.00	February 1
	(C) Admittees before May 31	\$100.00	46 days from invoice date
	(D) Admittees after June 1	\$50.00	46 days from invoice date
2.15	(A) Scaling deadline for qualified active members (25 % reduction active membership fees of \$400)	\$300.00	February 1
	(B) Scaling deadline for qualified employers (25 % reduction active membership fees of \$400)	\$300.00	February 1
2.31	(A) Transfer to active status	\$400.00	For transfer at any time
	(B) Transfer to inactive status	\$125.00	February 1
2.33	(C)(2) Reinstatement fee to terminate suspension for nonpayment	\$100.00	At time reinstatement is requested