

Rule 9.23. Enforcement of disciplinary orders and final determinations by Client Security Fund as money judgments

(a) Authority to obtain money judgments

Pursuant to Business and Professions Code section 6086.10(a), the State Bar is authorized to enforce as a money judgment any disciplinary order assessing costs. Pursuant to Business and Professions Code section 6086.13(c) and the State Bar Rules of Procedure, Rule 5.137, the State Bar is authorized to enforce as a money judgment any monetary sanctions order. Pursuant to Business and Professions Code section 6140.5(f), the State Bar is authorized to enforce as a money judgment any disciplinary order or final determination by the Client Security Fund requiring reimbursement to the State Bar Client Security Fund.

(b) Duty of clerk of the superior court

The State Bar may file with the clerk of the superior court of any county a certified copy of a final disciplinary order: (1) assessing costs along with a certified copy of the certificate of costs; (2) assessing monetary sanctions; or (3) requiring reimbursement to the Client Security Fund along with any record of interest accrued and processing costs, and a certified copy of the Notice of Payment of the Client Security Fund. The State Bar may also file with the clerk of the superior court of any county a certified copy of the Notice of Payment of the Client Security Fund requiring reimbursement to the Client Security Fund along with any record of interest accrued and processing costs. The clerk must immediately enter a money judgment in conformity with the order or the Notice of Payment.

(c) Amend, vacate or stay the enforcement of a money judgment

The State Bar has 180 days from the date a money judgment is entered by the clerk under this rule to file a motion to amend, vacate, or stay the enforcement of the money judgment in the superior court with jurisdiction. Defendant has 180 days from the date of service of notice of entry of judgment to file a motion to amend, vacate, or stay the enforcement of the money judgment in the superior court with jurisdiction. The State Bar may also file a motion to amend, vacate, or stay the enforcement of a money judgment entered under this rule at any time in the superior court with jurisdiction for the benefit of the defendant.

(d) Power of the Supreme Court

Nothing in this rule may be construed as affecting the power of the Supreme Court to alter the costs, monetary sanctions, or Client Security Fund restitution amounts owed pursuant to any Supreme Court or State Bar Court order.