

**Proposed Rule 2.16 of the Rules of the State Bar  
(Redline Version)**

**Rule 2.16 Waivers**

- (A) In this rule, “annual license fees” and “penalties” are construed narrowly and do not include
- (1) disciplinary costs<sup>1</sup> or monetary sanctions,<sup>2</sup>
  - (2) Client Security Fund disbursements and costs,<sup>3</sup>
  - (3) mandatory fee arbitration award penalties and costs,<sup>4</sup>
  - (4) Minimum Continuing Legal Education (“MCLE”) noncompliance or reinstatement penalties, or
  - (5) any other charges that may be added to annual license fees for failure to comply with obligations imposed by court order, statute, or rule.
- (B) To be considered for the current year, a request [for a waiver under this rule](#) must be submitted ~~by February 1~~[on or before the deadline for payment of annual license fees as set forth in the Schedule of Charges and Deadlines](#). Requests submitted after ~~February 1~~[the deadline for payment of annual license fees, as set forth in the Schedule of Charges and Deadlines](#), 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 license 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 licensee serves full-time as a magistrate, commissioner, or referee for a state or federal court of record;
    - (b) the licensee 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; or
    - (c) the licensee has a total gross annual household income from all sources of \$20,000 or less, in which case the waiver is 50% of annual license fees.
- (D) The Secretary may waive annual license fees and related penalties for a licensee serving in the Army National Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air

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<sup>1</sup> Business and Professions Code § 6086.10.

<sup>2</sup> Business and Professions Code § 6086.13.

<sup>3</sup> Business and Professions Code § 6140.5.

<sup>4</sup> Business and Professions Code § 6203(d)(3).

National Guard of the United States, the Air Force Reserve, or the Coast Guard Reserve provided that

- (1) the licensee has been ordered to report to full-time active duty for more than thirty days;
- (2) a request for waiver is submitted in writing by the licensee, licensee'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 licensee has served on active duty for more than thirty days.

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

- (E) Annual license fees are waived for the year in which a judicial officer leaves office and returns to active or inactive status in the State Bar.
- (F) Annual license fees are waived for licensees on inactive status who are 70 years of age or older on ~~February 1~~ the deadline for payment of annual license fees set forth in the Schedule of Charges and Deadlines.
- (G) Annual license fees may be waived for a licensee who is enrolled in the Pro Bono Practice Program.<sup>5</sup>
- (H) The board reserves the right for good cause
  - (1) to grant requests for waivers denied by the Secretary; and
  - (2) to consider all other requests for waivers.
- (I) A waiver granted under this rule does not remove a court-ordered suspension for nonpayment of fees or penalties.

*Rule 2.16 adopted effective June 17, 2006; amended effective July 20, 2007; amended effective July 17, 2009; amended effective July 22, 2011; amended effective March 2, 2012; amended effective July 20, 2012; amended effective January 25, 2019; amended effective November 14, 2019, amended effective December 1, 2024.*

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<sup>5</sup> See Rules 3.325-3.330.