

Rule 9.10. Authority of the State Bar Court

(a) Conviction proceedings

The State Bar Court exercises statutory powers under Business and Professions Code sections 6101 and 6102 with respect to the discipline of attorneys convicted of crimes. (See Bus. & Prof. Code §6087.) For purposes of this rule, a judgment of conviction is deemed final when the availability of appeal has been exhausted and the time for filing a petition for certiorari in the United States Supreme Court on direct review of the judgment of conviction has elapsed and no petition has been filed, or if filed the petition has been denied or the judgment of conviction has been affirmed. The State Bar Court must impose or recommend discipline in conviction matters as in other disciplinary proceedings. The power conferred upon the State Bar Court by this rule includes the power to place attorneys on interim suspension under subdivisions (a) and (b) of section 6102, and the power to vacate, delay the effective date of, and temporarily stay the effect of such orders.

(Subd (a) amended effective January 1, 2007.)

(b) Professional responsibility examination

The State Bar Court may:

- (1) Extend the time within which a licensee of the State Bar must take and pass a professional responsibility examination;
- (2) Suspend a licensee for failing to take and pass such examination; and
- (3) Vacate licensee's suspension for failing to take and pass such examination.

(Subd (b) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(c) Probation

The State Bar Court for good cause, may:

- (1) Approve stipulations between the licensee and the Chief Trial Counsel, the licensee and the State Bar Office responsible for monitoring disciplinary conditions, or both, for modification of the terms of a licensee's probation; and
- (2) Make corrections and minor modifications to the terms of a licensee's disciplinary probation.

The order of the State Bar Court must be filed promptly with the Clerk of the Supreme Court.

(Subd (c) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(d) Rule 9.20 compliance

The State Bar Court for good cause, may extend the time within which a licensee must comply with the provisions of rule 9.20 of the California Rules of Court.

(Subd (d) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(e) Commencement of suspension

The State Bar Court for good cause, may delay temporarily the effective date of, or temporarily stay the effect of, an order for a licensee's disciplinary suspension from practice.

(Subd (e) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(f) Readmission and reinstatement

Applications for readmission or reinstatement must, in the first instance, be filed and heard by the State Bar Court, except that no applicant who has been disbarred by the Supreme Court on two previous occasions may apply for readmission or reinstatement. Applicants for readmission or reinstatement must:

- (1) Pass a professional responsibility examination;
- (2) Establish their rehabilitation and present moral qualifications for readmission; and
- (3) Establish present ability and learning in the general law. Applicants who resigned without charges pending more than five years before filing an application for reinstatement or readmission must establish present ability and learning in the general law by providing proof, at the time of filing the application, that they have taken and passed the Attorneys' Examination administered by the Committee of Bar Examiners pursuant to the authority delegated to it by the Board of Trustees within five years prior to the filing of the application for readmission or reinstatement. Applicants who resigned with charges pending or who were disbarred must establish present ability and learning in the general law by providing proof, at the time of filing the application for readmission or reinstatement, that they have taken and passed the Attorneys' Examination by State Bar within three years prior to the filing of the application for readmission or reinstatement.

(Subd (f) amended effective January 1, 2019; previously amended effective January 1, 2007, and January 1, 2010.)

(g) Inherent power of Supreme Court

Nothing in these rules may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the lawyer discipline and admissions system.

(Subd (g) amended effective January 1, 2007.)

Rule 9.10 amended effective January 1, 2010; adopted as rule 951 effective December 1, 1990; previously amended by the Supreme Court effective April 1, 1996, and January 1, 2007.