

Rules of Procedure

Rule 5.15 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 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 5.192(B), or pursuant to the procedures for waiver of transcript costs in the Rules of Practice of the State Bar Court.

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Rule 5.32 Waiver of Filing Fees

(A) A party who would meet the criteria for a reduction of license fees pursuant to State Bar Rules, Title 2, Division 2, rule 2.15 may request a waiver of any State Bar Court filing fee by submitting an application for waiver on the court-approved form. The application must be submitted at the same time as the underlying pleading, as a separate submission.

(B) Except as otherwise required by law, no person may have access to an application for fee waiver except the court and authorized court personnel, any persons authorized by the applicant, and any persons authorized by order of the court. No person may reveal any information contained in the application except as authorized by law or order of the court. However, the fact that an application for waiver of fees has been submitted and the determination to grant or deny the application will not be confidential.

(C) If the court finds that the applicant meets the eligibility criteria for a reduction of license fees under the State Bar Rules, Title 2, Division 2, rule 2.15, the court will grant the application for waiver. The court's determination regarding eligibility is the final ruling in the State Bar Court.

(D) If the court denies the application for a waiver of the filing fee, payment is due within ten days of service of the court's order denying the application. If payment is not received within the ten days, the filing for which the fee is due will be stricken and the case dismissed without prejudice.

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Rule 5.151 Requests for Review

(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 post-trial 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 post-trial motion is served.

- (C) Post-Trial Motion After Request Filed.** If a post-trial 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 post-trial motion is served.
- (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 or an application for waiver of transcript costs has been submitted 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, timely pay the required transcript cost, or timely apply for waiver of the 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, (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, or (3) upon application, is granted a waiver of the cost.
- (E) Additional Parties' Requests for Review.** If any party files a request for review under rule 5.151, any opposing party may file a request for review within 10 days after the first party's request for review is served.
- (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 5.152 and a responsive brief under rule 5.153(A). Each may file a rebuttal brief under rule 5.153(B).
- (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.
- (H) Withdrawal of Request for Review.**

 - (1) At any time before service of notice of the time and place of oral argument, a party who requested review may withdraw the request for review.
 - (2) After the Clerk has served notice of the time and place of oral argument, a request for review may be withdrawn only by order of the Presiding Judge upon written motion by the party who sought review.
 - (3) Unless otherwise ordered by the court, a withdrawal of request for review in its entirety shall leave standing the decision of the Hearing Department as the final decision of the court.

Rule 5.391 Beginning Proceeding; Time for Filing

If the Board of Legal Specialization denies, suspends, or revokes an attorney's legal specialization certification, the attorney may file an application for a legal specialization certification proceeding and hearing. Within 30 days after notice of such denial, suspension or revocation is served, an application must be served under rule 5.25 and filed, accompanied by supporting documents, including a copy of the notice of denial, suspension or revocation, the applicable filing fee, and proof of service upon the Board of Legal Specialization and the Office of Chief Trial Counsel. The attorney may apply for waiver of the filing fee pursuant to rule 5.32.

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Rule 5.441 Filing Requirements

- (A) Filing Petition, Disclosure Statement, and Authorization and Release.** 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 Chief Trial Counsel. In addition, a petitioner must complete an authorization and release approved by the State Bar. The authorization and release is not filed with the court but must be served on the Office of Chief Trial Counsel.
- (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, the petitioner must have submitted fingerprints to the California Department of Justice via Live Scan technology, 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 Chief Trial Counsel;
 - (2) **Discipline Costs Paid.** Unless the petitioner has been granted an extension of time for payment under these rules which has not expired at the time of the filing of the petition, petitioner must have paid all discipline costs imposed under Business and Professions Code section 6086.10, subdivision (a). Proof of payment of costs or a copy of the court order extending the time to pay costs must be attached to the petition.
 - (3) **Client Security Fund Payments Reimbursed.** Petitioner must have reimbursed 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, subdivision (c).
 - (4) **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) **Filing Fee.** The petition must include the filing fee specified in the Schedule of Charges and Deadlines, Appendix A to the Rules of the State Bar, which will be given to the Office of Chief Trial Counsel to defray incurred costs. Petitioner may apply for waiver of the filing fee pursuant to rule 5.32. The Clerk will reject the petition for filing if the fee is not included and no application for waiver of the fee has been submitted.
- (D) **Service.** The petition and disclosure statement must be served on the Office of Chief Trial Counsel under rule 5.25.
- (E) **Dismissal.** Failure to comply with any of the requirements of this rule will be grounds to dismiss the petition. If the filing fee was paid or the petitioner was granted a fee waiver and the petitioner submits a new petition within 30 days of a dismissal under this rule, the petitioner will not have to pay the filing fee or apply for a waiver again. The new petition must otherwise meet all of the requirements of this rule.

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Rule 5.461 Beginning Proceeding; Time for Filing

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 5.25 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 Chief Trial Counsel. The applicant may apply for waiver of the filing fee pursuant to rule 5.32. As an alternative to service via certified mail as otherwise required by rule 5.25(E), the application and supporting documents may be electronically served upon the Committee of Bar Examiners and the Office of Chief Trial Counsel to the email addresses specified for service on these entities on the State Bar's website.

Rules of the State Bar, Title 3

Rule 3.125 Appeal of certification denial, suspension, or revocation

An applicant who is denied certification or recertification pursuant to Rule 3.120 (C)-(G) or a certified specialist whose certification is suspended or revoked pursuant to Rule 3.124(B) or (C) may file a petition for hearing in the State Bar Court in accordance with the rules of that court with the fee¹ set forth in the Schedule of Charges and Deadlines no later than thirty days after the notice of denial, suspension or revocation is served on the applicant or certified specialist. A copy of the petition must be served on the board and the Office of Chief Trial Counsel at the San Francisco office of the State Bar.

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Rules of the State Bar, Title 4

Rule 4.47 Appeal of adverse determination of moral character issued by Committee

- (A) If the Committee issues an adverse determination of moral character, an applicant may file a request for hearing on the determination with the State Bar Court in accordance with the Rules of Procedure of the State Bar on Moral Character Proceedings. The request must be filed with the fee² set forth in the Schedule of Charges and Deadlines within sixty days of the date of service of the notice of adverse determination.
- (B) A copy of the request for hearing must be served on the Office of Admissions and the Office of Chief Trial Counsel. Upon receipt of service, the Committee must promptly transmit all files related to the application to the Office of Chief Trial Counsel.

¹ An applicant may apply for waiver of the filing fee pursuant to the Rules of Procedure of the State Bar.

² An applicant may apply for waiver of the filing fee pursuant to the Rules of Procedure of the State Bar.