

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

Rule 2.16 Waivers

- (A) In this rule, “annual license fees” and “penalties” are construed narrowly and do not include
- (1) disciplinary costs¹ or monetary sanctions,²
 - (2) Client Security Fund disbursements and costs,³
 - (3) mandatory fee arbitration award penalties and costs,⁴
 - (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 waiver under this rule must be submitted on or before the deadline for payment of annual license fees as set forth in the Schedule of Charges and Deadlines. Requests submitted after 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

¹ Business and Professions Code § 6086.10.

² Business and Professions Code § 6086.13.

³ Business and Professions Code § 6140.5.

⁴ 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 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.⁵
- (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.

⁵ See Rules 3.325-3.330.