

**Proposed State Bar of California Policy on
Removal of Public Discipline and Administrative Suspensions from the Attorney Profile Page**

Removal of discipline and administrative suspension records

(a) Definitions

As used in this policy:

- (1) “Administrative suspension” is when a licensee is suspended from the practice of law due to a failure to pay annual license fees and outstanding penalties or costs, or a failure to comply with family or child support obligations, or when a licensee is administratively enrolled as inactive due to a violation of the Rules of the State Bar of California or the California Rules of Court regarding:
 - (A) The payment of annual license fees;
 - (B) Client trust account reporting;
 - (C) Minimum continuing legal education reporting;
 - (D) Finger printing requirements;
 - (E) Child support payments; or
 - (F) Rule 2.2 of the Rules of the State Bar of California.
- (2) “Attorney profile page” means the publicly accessible webpage on the State Bar’s website that displays the licensee’s information submitted for public disclosure as well as the licensee’s history of discipline and administrative suspension.
- (3) “Discipline” means any of the following sanctions imposed upon a finding of misconduct:
 - (A) Actual suspension;
 - (B) Stayed suspension;
 - (C) Public reproof;
 - (D) Private reproof; or

(E) Any interim remedies or other final discipline authorized by the Business and Professions Code.

(4) "Former licensee" is a licensee who resigned their license to practice law in this state.

(5) "Voluntary inactive" is the license status for a licensee who has voluntarily changed their license status from active to inactive and whose license is not currently suspended.

(b) One-time removal of nondisbarment discipline from Licensee's Attorney Profile Page

The State Bar is directed to remove a nondisbarment discipline record from the licensee's or former licensee's attorney profile page for a licensee or former licensee who meets all of the following criteria:

(1) The licensee or former licensee has not on any previous occasion had discipline removed from their attorney profile page;

(2) The licensee or former licensee has only one discipline;

(3) The individual's license status is active, voluntary inactive, or the individual is a former licensee;

(4) The licensee does not have any disciplinary matters pending in State Bar Court or before the Supreme Court at the time their prior discipline would otherwise be eligible for removal under paragraph (5); and

(5) At least eight years have passed from the:

(A) Effective date of a public or private reproof;

(B) Termination of probation of a term of probation with a stayed suspension, when there is no actual suspension imposed;

(C) Termination of probation or reinstatement following termination of the actual suspension, whichever is later.

If a licensee has a disciplinary matter pending in State Bar Court or before the Supreme Court as described under paragraph (4), the requirement under paragraph (4) shall only be satisfied if the pending matter is dismissed or resolved without discipline.

(c) Removal of administrative suspensions

- (1) The State Bar is directed to automatically remove the first two administrative suspensions received by a licensee or former licensee from the attorney profile page following end of the administrative suspension period for each respective administrative suspension.
- (2) If more than two administrative suspensions have been previously removed, additional administrative suspensions shall be automatically removed from the licensee's or former licensee's attorney profile page four years from the end date of each respective administrative suspension period.
- (3) Multiple administrative suspensions that occur in a sixty-calendar day period shall count as a single administrative suspension for the purpose of this policy.