



The State Bar Court *of California*

# Proposed Changes to the Rules for the Alternative Discipline Program (ADP)

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# Alternative Discipline Program: Overview

- **What it is:** The ADP allows eligible attorneys with substance abuse or mental health issues to participate in treatment in lieu of going through standard disciplinary proceedings.
- **Eligibility requirements:**
  - The court must approve a stipulation of facts and conclusions of law agreed to by the parties.
  - The attorney must be accepted into the Lawyer Assistance Program (LAP).
  - Attorneys charged with certain types of misconduct, including misconduct involving acts of moral turpitude, dishonesty or corruption that has resulted in significant harm, are not eligible.
- **Discipline imposed:** If the attorney is accepted into the program, the court issues two alternative discipline recommendations:
  - “Low” discipline if the attorney successfully completes all program requirements
  - “High” discipline if the attorney fails to complete the program
- **Participation in Treatment:** An attorney accepted into the ADP must participate in treatment through the Lawyer Assistance Program (LAP).
- **Purpose of program.** The ADP ensures public protection while supporting lawyers in recovery so they can continue their legal careers.



# Development of the Proposed Changes

- **Ad Hoc Commission** (January 2023): The Ad Hoc Commission on the Discipline System recommended clarification of the ADP rules, particularly those addressing eligibility for attorneys whose misconduct involved moral turpitude. Pursuant to this recommendation, the Board tasked the LAP Oversight Committee with a comprehensive review of the ADP rules.
- **LAP Oversight Committee** (November 2024): The LAP Oversight Committee presented the Board with an overview of the history of the ADP and offered three options for eliminating moral turpitude as grounds for ineligibility. Its report to the Board included a staff recommendation selecting one of those options, to eliminate moral turpitude as grounds for ineligibility while retaining the remainder of the ineligibility criteria. Staff further recommended that there be minimum disciplinary sanctions set for ADP cases where the misconduct involved moral turpitude.
- **Bench-Bar Committee (BBC)** (May 2025): The Board referred the drafting of changes to the ADP rules, consistent with the staff recommendations in the LAP Oversight Committee report, to the State Bar Court's BBC. The Board also asked that the BBC draft any further changes that stakeholders believed would improve the ADP process. **The proposed changes before you today are the result of the BBC's work.**



## Key Changes

- **Eligibility Expansion:** Misconduct involving moral turpitude that results in significant harm will no longer automatically make an attorney ineligible for the ADP. The restriction on eligibility for those whose misconduct involves dishonesty or corruption will remain in place.
- **Minimum Sanctions:** In cases involving moral turpitude, the minimum recommended sanction will be actual suspension in cases where there are no compelling mitigating circumstances and a suspension, actual or stayed, in cases where there are compelling mitigating circumstances.
- **Greater Flexibility on Timing of Referral:** The changes eliminate the requirement that a referral to the ADP be made at least 45 days before the first scheduled trial date, to offer judges greater flexibility to make these referrals.
- **Clarification of Requirements for Adding Later Proceeding.** Language is added to expressly require that for an additional matter to be added to an existing ADP case, there must be an NDC filed or a referral of a criminal conviction.



# Questions?

