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TITLE 3, DIVISION 5, CHAPTER 2

LEGAL SERVICES TRUST FUND

*Fees previously adopted by the Board of Trustees or mandated by statute.*

*Amended effective March 2, 2012; amended effective January 25, 2019; amended effective July 1, 2023.*

<i>Rule</i>	<i>Description</i>	<i>Amount</i>	<i>Deadline</i>
<del>3.680(E)(1)</del>	<p>Threshold amount of gross corporate expenditures, excluding in-kind donated services, requiring submission of an audited financial statement.</p> <p>-</p> <p>Deadline for applicant to submit an audited or reviewed financial statement for the fiscal year that concluded during the prior calendar year.</p>	<del>\$500,000</del>	<p>Not applicable.</p> <p>-</p> <p>-</p> <p>Promptly when available, and no later than May 1. Upon written request, an extension up to the application deadline may be granted by the State Bar staff. Upon a showing of extraordinary circumstances, the Commission may grant an extension beyond the application deadline. If no extraordinary circumstances exist, the Commission may grant an extension with conditions. Under no circumstances shall such extension be granted beyond the date upon which grant allocations are determined.</p>

[Excerpt of Appendix A]

TITLE 3, DIVISION 5, CHAPTER 2

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3.680(E)(1)	<p>Threshold amount of gross corporate expenditures, <u>excluding in-kind donated services</u>, requiring submission of an audited financial statement.</p> <p>Deadline for applicant to submit an audited or reviewed financial statement for the fiscal year that concluded during the prior calendar year.</p>	\$500,000.00 <sup>1</sup>	<p>Promptly when available, and no later than May 1. Upon written request, an extension up to the application deadline may be granted by the State Bar staff. Upon a showing of extraordinary circumstances, the Commission may grant an extension beyond the application deadline. <u>If no extraordinary conditions exist, the Commission may grant an extension with conditions.</u> Under no circumstances shall such extension be granted beyond the date upon which grant allocations are determined.</p>

<sup>1</sup> The amount listed is not a fee or a charge but rather the threshold monetary value associated in the applicable rule.

[Excerpt of Appendix B]

## **CHALLENGE TO MANDATORY LICENSE FEES**

### **Instructions and Procedures**

#### **Instructions**

1. A licensee who believes that the State Bar's annual Statement of Expenditures of Mandatory Fees includes an expenditure disallowed by *Keller v. State Bar* may object to the expenditure by completing the Challenge to Mandatory License Fees.
2. Challenges must be made individually and separately.
3. A licensee's challenge must be submitted with timely payment of the annual license fees less only the optional deductions specified on the fee statement.
4. Challenges must be mailed to Office of the Secretary, The State Bar of California, 180 Howard Street, San Francisco, California 94105, and must be received no later than the ~~February 1~~ due date for payment of the annual license fee or, for newly admitted members, no later than 30 days after the invoice date for license fees.
5. Failure to timely file a Challenge to Mandatory License Fees constitutes waiver of the right to object.

#### **Procedures**

1. Following timely receipt of a Challenge to Mandatory License Fees, all the licensee's mandatory license fee or only the portion that is challenged will be placed in escrow in an interest-bearing account. If the State Bar places less than 100 percent of a licensee's fees in escrow, the escrow amount will be independently audited.
2. The Board of Trustees must decide whether to allow the challenge and provide an additional deduction to the licensee or promptly refer the challenge to arbitration. Challenges by more than one licensee may be consolidated for arbitration.
3. After referral of a challenge to arbitration, the parties may mutually agree to an impartial arbitrator. If the parties cannot agree, or in consolidated challenges, if at least 75 percent of the challengers do not agree on an arbitrator within 30 days of the decision to arbitrate, the American Arbitration Association will appoint an arbitrator.
4. Arbitrations will be held at the San Francisco offices of the State Bar of California.
5. The issue for arbitration is whether the activity under the challenged expenditure is germane under the standard in *Keller v. State Bar* 496 U.S. 1.

6. The arbitration must be expeditious, fair and informal in nature. The arbitrator must judge the relevance and materiality of evidence offered and conformity to the rules of evidence is not necessary. The arbitrator may receive and consider evidence of witnesses by declaration or affidavit.
7. The arbitrator must issue a decision within 30 days after submission of post- arbitration briefs.

#### Public Agency Refund Procedures

1. If an award is made to individual challengers, public agencies that pay the annual license fees of their public employees will be entitled, upon timely demand, to a refund. The State Bar must maintain a list of the names and addresses of all public agencies known to the State Bar. Public agencies that make a request will be included on the list.
2. If an award is made to individual challengers, the State Bar must, within 30 days, notify all listed public agencies in writing that they are entitled to demand a refund. A refund demand must be made on a form provided by the State Bar and returned by the date specified.

Title 6. Governance

Article V. Meetings of the State Bar

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Section 1. Annual Meetings  
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~~The Annual Meeting of the State Bar shall be held between May 1st and December 1st of each year, at any place within the State of California, the exact date and place to be determined by the Board of Trustees, made at least 60 days prior to the date of such annual meetings; provided, however, that during war or other national emergency the determination of the exact date and place of the annual meeting may be made by the board at any time which is at least 20 days prior to the date of such annual meeting.~~

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~~Section 1 revised effective January 25, 2019.~~  
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Section 2. Notice of Annual Meeting  
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~~Notice of the annual meeting shall state the time and place for the holding of such meeting, and shall be given the licensees of the State Bar by publication thereof in the official publication of the State Bar at least thirty days prior to such meeting; provided, however, that during war or other national emergency such notice may be given by publication at least 15 days prior to such meeting.~~

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~~Section 2 revised effective January 25, 2019.~~  
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Section 3. Special Meetings  
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~~A. Special meetings of the State Bar may be called by the secretary as follows:~~

~~1. Upon a majority vote of the Board of Trustees present at any meeting of said board;~~

~~2. Upon written request of eight members of the Board of Trustees;~~

~~3. Upon written request of five hundred active licensees of the State Bar.~~

~~B. If the secretary shall not act upon such request within five days after receipt of the same, the special meeting may be called by any active~~

licensee of the State Bar designated by eight members of the Board of Trustees or by five hundred active licensees of the State Bar making request therefor.

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C. Special meetings may consider only such matters as are set forth in the call of the meeting; provided, however, that the Board of Trustees may call special meetings of the State Bar to consider generally all or any legislation to be introduced or pending before the Legislature, or awaiting executive approval.

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~~Section 3 revised effective January 25, 2019.~~

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~~Section 4. Notice of Special Meeting~~

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Notice of a special meeting shall state the time and place of the holding of such meeting, and shall be given to the licensees of the State Bar either by mail or by publication thereof in the official publication of the State Bar at least five days prior to such meeting. Said notice shall state generally the matters to be considered at the special meeting and shall be signed by the secretary, or in case of his or her failure to act by the person designated as provided for in section 3, of this article.

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~~Section 4 revised effective January 25, 2019.~~

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~~Section 5. Quorum~~

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Two hundred active licensees of the State Bar shall constitute a quorum at any annual or special meeting of the State Bar; provided, however, that twenty active licensees of the State Bar shall constitute a quorum at any annual meeting held during war or other national emergency if the Board of Trustees shall determine prior to such annual meeting that conditions are such that only twenty active licensees should be required for a quorum.

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~~Section 5 revised effective January 25, 2019.~~

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~~Section 6. Annual Program~~

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The Board of Trustees shall provide a suitable program for each Annual Meeting of the State Bar.

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~~Section 6 revised effective January 25, 2019.~~

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~~Section 7. Action at Annual Meeting~~

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The reports of such committees of the State Bar, as may be submitted by the

~~Board of Trustees, and all matters of interest pertaining to the administration of justice may be considered, debated, and acted upon at the annual meeting; provided, however that, except as to matters submitted by the Board of Trustees and reports of officers of the State Bar and courtesy resolutions of thanks and appreciation, or unless otherwise ordered by the board, no matter shall be considered, debated or acted upon unless a proposed resolution embodying the same has been filed with the Secretary of the State Bar at least 60 days before the date set for the opening of the meeting. Resolutions shall be in substantially the following form: Resolved that licensees of the State Bar of California in the (year) Annual Meeting assembled recommended to (or advise) the Board of Trustees that . . . ."Resolutions not filed in such form shall be revised by the secretary to conform to this rule or promptly returned by him or her to the person filing the same with a statement for the reason of the return. Notice of resolutions filed for consideration at the annual meeting shall be published by the secretary in the official publication of the State Bar not later than the last issue immediately preceding the month in which the annual meeting shall be held and the secretary shall have copies of the resolutions available at the time and place of the annual meeting for licensees in attendance.~~

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~~Section 7 revised effective January 25, 2019.~~

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#### ~~Section 8. Parliamentary Rules~~

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~~Proceedings at any meeting of the State Bar shall be governed by "Roberts' Rules of Order, Revised." Unless otherwise permitted by a majority affirmative vote, discussion from the floor upon any proposition at any business session of the annual meeting or at any special meeting of the State Bar shall be limited as follows:-~~

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~~A. The proponent may have not to exceed five minutes to open and not to exceed five minutes to close his or her argument.~~

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~~B. Any other speaker may have not to exceed five minutes, no speaker, other than the proponent, shall speak more than once, and the proponent shall not speak more than twice.~~

[Title 6, Division 1, Chapter 4]

Title 6. Governance

~~Adopted July 2007~~

Division 1. Board of Trustees

~~Chapter 4. Responsibilities of officers~~

~~Rule 6.40—President~~

~~A. The President~~

- ~~1. supervises, directs and controls the officers of the State Bar;~~
- ~~2. appoints board committees, their chairs and liaisons to State Bar committees;~~
- ~~3. appoints a Board Executive Evaluation Committee, of which the President is an ex-officio member;~~
- ~~4. manages the performance of the Executive Director in accordance with board goals and objectives;~~
- ~~5. facilitates board discussion and action on State Bar policy; and~~
- ~~6. makes public statements as appropriate regarding State Bar policy, position and work, with related reports to the board as required by law.<sup>1</sup>~~
- ~~B. Other duties of the President are as the board prescribes and as provided by law.<sup>2</sup>~~

~~Rule 6.40 adopted effective May 16, 2008.~~

~~Rule 6.41—Vice Presidents, Treasurer~~

- ~~A. A Vice President, when acting in the absence or disability of the President, has all the duties and powers of the President. A Vice President, when designated by the President, may preside at a specific meeting of the board or a portion of the meeting. Other duties of the Vice Presidents are as the board prescribes.~~



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- B. ~~The duties of the Treasurer are as the board prescribes.~~

~~Rule 6.41 adopted effective May 16, 2008.~~

~~Rule 6.42—Secretary~~

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- A. ~~The Secretary must keep at the main office of the State Bar a record of minutes of all meetings and actions of the board and board committees.~~
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- B. ~~The Secretary must give notice of all meetings of the State Bar and the board as required under these rules.~~
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- C. ~~For all board and board committee meetings, the Secretary, in consultation with the President,~~
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  - 1. ~~prepares and distributes the agenda, agenda items, committee action summaries and inventories; and~~
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  - 2. ~~sets deadlines for the distribution of agenda items.~~
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- D. ~~The Secretary must keep the State Bar seal, having the words and figures “The State Bar of California—July 29, 1927”, in safe custody at the main office of the State Bar, unless otherwise ordered by the board.~~
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- E. ~~Other duties of the Secretary are as the board prescribes.~~

~~Rule 6.42 adopted effective May 16, 2008.~~

<sup>1</sup>~~Bus. & Prof. Code § 6026. This rule is from Art. III, §1D of the Rules and Regulations.~~

<sup>2</sup>~~Bus. & Prof. Code § 6024.~~

[Title 6, Division 4, Rule 6.91]

Title 6. Governance

Adopted July 2007

Division 4. Miscellaneous

~~Rule 6.91—Offices of the State Bar of California~~

~~(A) Unless otherwise ordered by the board, the main office of the State Bar must be maintained in San Francisco and a branch office in Los Angeles.~~

~~(B) A petition, notice, or other document required by these rules to be filed with the State Bar or served on the board must be filed at the main office.~~

~~Rule 6.91 adopted effective May 16, 2008.~~

[Title 6, Division 4, Article IX]

TITLE 6. GOVERNANCE

ARTICLE IX. REFERENDUM TO ALL LICENSEES

Section 1. Referendum

~~The Board of Trustees may order any question, whether or not action thereon has been taken at the annual meeting, referred to a vote by all licensees of the State Bar. Those present at the annual meeting may, by a two-thirds vote, direct the Board of Trustees to take a referendum upon any matter presented or acted upon at such meeting. Whenever the Board of Trustees is directed to take a referendum or whenever the board directs any question referred to a vote by all licensees of the State Bar, the secretary shall prepare a questionnaire containing the matters upon which such vote is to be taken, and such questionnaire shall be submitted by the secretary to each licensee in such form that each licensee can vote thereon and return the same to the secretary.~~

~~Section 1 revised effective January 25, 2019.~~

### **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 and Monetary Sanctions 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 ~~a the~~ filing fee ~~of \$1,600~~set forth in the Schedule of Charges and Deadlines, which will be given to the Office of Chief Trial Counsel to defray incurred costs. The Clerk will reject the petition for filing if the fee is not included.

(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 a petitioner submits a new petition within 30 days of a dismissal under this rule, the petitioner will not have to pay the filing fee again. The new petition must otherwise meet all of the requirements of this rule.

Eff. January 1, 2011; Revised November 18, 2016; January 1, 2021; April 1, 2024.