Rule 9.10. Authority of the State Bar Court

(a)–(e) ***

(f) Readmission and reinstatement

Applications for readmission or reinstatement must, in the first instance, be filed and heard by the State Bar Court, except that no applicant who has been disbarred by the Supreme Court on two previous occasions may apply for readmission or reinstatement. Applicants for readmission or reinstatement must:

(1)–(2) ***

(3) Establish present ability and learning in the general law. ~~The State Bar may require applicants who fail to make the affirmative showing of sufficient present learning in the general law to demonstrate such learning by passing one of the General Examinations required of applicants for admission.~~ Applicants who resigned without charges pending more than five years before filing an application for reinstatement or readmission must establish present ability and learning in the general law by providing proof, at the time of filing the application, 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. Applicants who resigned with charges pending or who were disbarred must establish present ability and learning in the general law by providing proof, at the time of filing the application for readmission or reinstatement, that they have taken and passed the Attorneys' Examination by the Committee of Bar Examiners within three years prior to the filing of the application for readmission or reinstatement.

(Subd (f) amended effective January 1, 2010; previously amended effective January 1, 2007.)

(g) ***

Rule 9.10 amended and renumbered effective January 1, 2010; adopted as rule 951 effective December 1, 1990; previously amended by the Supreme Court effective April 1, 1996, and January 1, 2007.

Rule 9.21. Resignations of members of the State Bar with disciplinary charges pending

(a) General provisions

A member of the State Bar against whom disciplinary charges are pending may tender a written resignation from membership in the State Bar and relinquishment of the right to practice law. The written resignation must be signed and dated by the member at the time it is tendered and must be tendered to the Office of the Clerk, State Bar Court, 1149 South Hill Street, Los Angeles, California 90015. The resignation must be substantially in the form specified in (b) of this rule. In submitting a resignation under this rule, a member of the State Bar agrees to be transferred to inactive membership in the State Bar effective on the filing of the resignation by the State Bar. Within 30 days after filing of the resignation, the member must perform the acts specified in rule 9.20(a)(1)–(4) and (b) and within 40 days after filing of the resignation, the member must file with the Office of the Clerk, State Bar Court, at the above address, the proof of compliance specified in rule 9.20(c). No resignation is effective unless and until it is accepted by the Supreme Court after consideration and recommendation by the ~~Board of Governors of the State Bar~~ State Bar Court.

(Subd (a) amended effective January 1, 2010; previously amended effective January 1, 2007.)

(b) Form of resignation

The member's written resignation must be in substantially the following form:

"I, *[name of member],* against whom charges are pending, hereby resign as a member of the State Bar of California and relinquish all right to practice law in the State of California. I agree that, in the event that this resignation is accepted and I later file a petition for reinstatement, the State Bar will consider in connection therewith all disciplinary matters and proceedings against me at the time this resignation is accepted, in addition to other appropriate matters, I also agree that the Supreme Court may decline to accept my resignation unless I reach agreement with the Chief Trial Counsel on a written stipulation as to facts and conclusions of law regarding the disciplinary matters and proceedings that were pending against me at the time of my resignation. I further agree that, on the filing of this resignation by the Office of the Clerk, State Bar Court, I will be transferred to inactive membership of the State Bar. On such transfer, I acknowledge that I will be

ineligible to practice law or to advertise or hold myself out as practicing or as entitled to practice law. I further agree that, within 30 days of the filing of the resignation by the Office of the Clerk, State Bar Court, I will perform the acts specified in rule 9.20(a)–(b) of the California Rules of Court, and within 40 days of the date of filing of this resignation by the Office of the Clerk, State Bar Court, I will notify that office as specified in rule 9.20(c) of the California Rules of Court."

(Subd (b) amended effective January 1, 2010; previously amended effective January 1, 2007.)

(c) Consideration of resignation by State Bar ~~Board of Governors~~ Court and Supreme Court

When the Office of the Clerk of the State Bar Court receives a member's resignation tendered in conformity with this rule, it must promptly file the resignation. The ~~Board of Governors of the~~ State Bar Court must thereafter consider the member's resignation and the stipulated facts and conclusions of law, if any, agreed upon between the member and the Chief Trial Counsel, and must recommend to the Supreme Court whether the resignation should be accepted. The State Bars Court's recommendation must be made in light of the grounds set forth in subsection (d) of this rule and, if the State Bar Court recommends acceptance of the resignation notwithstanding the existence of one or more of the grounds set forth in subsection (d), the State Bar Court's recommendation must include an explanation of the reasons for the recommendation that the resignation be accepted ~~and, if so, whether testimony should be preserved~~. The Office of the Clerk of the State Bar Court must transmit to the Clerk of the Supreme Court, three certified copies of the ~~Board's~~ State Bar Court's recommendation together with the member's resignation, when, by the terms of the ~~Board's~~ State Bar Court's recommendation, the resignation should be transmitted to the Supreme Court.

(Subd (c) amended effective January 1, 2010; previously amended effective January 1, 2007.)

(d) Grounds for rejection of resignation by the Supreme Court

The Supreme Court will make such orders concerning the member's resignation as it deems appropriate. The Supreme Court may decline to accept the resignation based on a report by the ~~Board of Governors~~ State Bar Court that:

(1)–(4) ***

(5) The Supreme Court has filed an order of disbarment as to the member; ~~or~~

(6) The State Bar Court has filed a decision or opinion recommending the member's disbarment;

(7) The member has previously resigned or has been disbarred and reinstated to the practice of law;

(8) The member and the Chief Trial Counsel have not reached agreement on a written stipulation as to facts and conclusions of law regarding the disciplinary matters and proceedings that were pending against the member at the time the resignation was tendered; or

~~(6)~~(9) ~~On such other evidence as may show that~~ Acceptance of the resignation of the member will reasonably be inconsistent with the need to protect the public, the courts, or the legal profession.

(Subd (d) amended effective January 1, 2010; previously amended and relettered effective January 1, 2007; adopted as part of subd (c) effective December 14, 1984.)

Rule 9.21 amended effective January 1, 2010; adopted as rule 960 by the Supreme Court effective December 14, 1984; previously amended and renumbered effective January 1, 2007.