

S293457

ADMINISTRATIVE ORDER 2025-11-19-01

IN THE SUPREME COURT OF CALIFORNIA

EN BANC

**REQUEST THAT THE SUPREME COURT OF CALIFORNIA REVIEW AND
ADOPT THE PROPOSED AMENDMENT TO CALIFORNIA RULES OF
COURT, RULE 9.10, AND PROPOSED NEW CALIFORNIA RULES OF COURT,
RULE 9.24**

The State Bar of California’s “Request that the Supreme Court of California Review and Adopt the Proposed Amendment to California Rules of Court, Rule 9.10, and Proposed New California Rules of Court, Rule 9.24” is granted as modified. In addition, the court, on its own motion, amends California Rules of Court, rule 9.9.5(f)(2).

The approved amendments to rules 9.9.5(f)(2) and 9.10 and new rule 9.24, as revised by the court, are set forth in the Attachment. These amendments are effective as of December 1, 2025. It is so ordered.

GUERRERO
Chief Justice

CORRIGAN
Associate Justice

LIU
Associate Justice

KRUGER
Associate Justice

GROBAN
Associate Justice

EVANS
Associate Justice

ATTACHMENT

REDLINE VERSION

Rule 9.10. Authority of the State Bar Court

(a) Conviction proceedings

The State Bar Court exercises statutory powers under Business and Professions Code sections 6101 and 6102 with respect to the discipline of attorneys convicted of crimes. (See Bus. & Prof. Code §6087.) For purposes of this rule, a judgment of conviction is deemed final when the availability of appeal has been exhausted and the time for filing a petition for certiorari in the United States Supreme Court on direct review of the judgment of conviction has elapsed and no petition has been filed, or if filed the petition has been denied or the judgment of conviction has been affirmed. The State Bar Court must impose or recommend discipline in conviction matters as in other disciplinary proceedings. The power conferred upon the State Bar Court by this rule includes the power to place attorneys on interim suspension under subdivisions (a) and (b) of section 6102, and the power to vacate, delay the effective date of, and temporarily stay the effect of such orders.

(Subd (a) amended effective January 1, 2007.)

(b) Professional responsibility examination

The State Bar Court may:

- (1) Extend the time within which a licensee of the State Bar must take and pass a professional responsibility examination;
- (2) Suspend a licensee for failing to take and pass such examination; and
- (3) Vacate a licensee's suspension for failing to take and pass such examination.

(Subd (b) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(c) Probation

The State Bar Court for good cause, may:

- (1) Approve stipulations between the licensee and the Chief Trial Counsel, the licensee and the State Bar Office responsible for monitoring disciplinary conditions, or both, for modification of the terms of a licensee's probation; and

REDLINE VERSION

- (2) Make corrections and minor modifications to the terms of a licensee's disciplinary probation.

The order of the State Bar Court must be filed promptly with the Clerk of the Supreme Court.

(Subd (c) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(d) Rule 9.20 compliance

The State Bar Court for good cause, may extend the time within which a licensee must comply with the provisions of rule 9.20 of the California Rules of Court.

(Subd (d) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(e) Commencement of suspension

The State Bar Court for good cause, may delay temporarily the effective date of, or temporarily stay the effect of, an order for a licensee's disciplinary suspension from practice.

(Subd (e) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(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) Pass a professional responsibility examination;
- (2) Establish their rehabilitation and present moral qualifications for readmission; and
- (3) Establish present ability and learning in the general law. 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

REDLINE VERSION

administered by the Committee of Bar Examiners pursuant to the authority delegated to it by the Board of Trustees 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 State Bar within three years prior to the filing of the application for readmission or reinstatement.

(Subd (f) amended effective January 1, 2019; previously amended effective January 1, 2007, and January 1, 2010.)

(g) Inherent power of Supreme Court

Nothing in these rules may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the lawyer discipline and admissions system.

(Subd (g) amended effective January 1, 2007.)

Rule 9.10 amended 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 9.10. Authority of the State Bar Court

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The State Bar Court exercises statutory powers under Business and Professions Code sections 6101 and 6102 with respect to the discipline of attorneys convicted of crimes. (See Bus. & Prof. Code § 6087.) For purposes of this rule, a judgment of conviction is deemed final when the availability of appeal has been exhausted and the time for filing a petition for certiorari in the United States Supreme Court on direct review of the judgment of conviction has elapsed and no petition has been filed, or if filed the petition has been denied or the judgment of conviction has been affirmed. The State Bar Court must impose or recommend discipline in conviction matters as in other disciplinary proceedings. The power conferred upon the State Bar Court by this rule includes the power to place attorneys on interim suspension under subdivisions (a) and (b) of section 6102, and the power to vacate, delay the effective date of, and temporarily stay the effect of such orders.

(Subd (a) amended effective January 1, 2007.)

(b) Professional responsibility examination

The State Bar Court may:

- (1) Extend the time within which a licensee of the State Bar must take and pass a professional responsibility examination;
- (2) Suspend a licensee for failing to take and pass such examination; and
- (3) Vacate a licensee's suspension for failing to take and pass such examination.

(Subd (b) amended effective January 1, 2019; previously amended effective January 1, 2007.)

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The State Bar Court for good cause, may:

- (1) Approve stipulations between the licensee and the Chief Trial Counsel, the licensee and the State Bar Office responsible for monitoring disciplinary conditions, or both, for modification of the terms of a licensee's probation; and
- (2) Make corrections and minor modifications to the terms of a licensee's disciplinary probation.

CLEAN VERSION

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(Subd (c) amended effective January 1, 2019; previously amended effective January 1, 2007.)

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The State Bar Court for good cause, may extend the time within which a licensee must comply with the provisions of rule 9.20 of the California Rules of Court.

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- (1) Pass a professional responsibility examination;
- (2) Establish their rehabilitation and present moral qualifications for readmission; and
- (3) Establish present ability and learning in the general law. 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 pursuant to the authority delegated to it by the Board of Trustees 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

CLEAN VERSION

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 State Bar within three years prior to the filing of the application for readmission or reinstatement.

(Subd (f) amended effective January 1, 2019; previously amended effective January 1, 2007, and January 1, 2010.)

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Nothing in these rules may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the lawyer discipline and admissions system.

(Subd (g) amended effective January 1, 2007.)

Rule 9.10 amended 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 9.24. Professional Responsibility Examination

(a) Professional Responsibility Examination following suspension

~~(4) Any order suspending a licensee from the practice of law, or any order in which suspension is stayed and the licensee is placed on probation, may further require the licensee. Each licensee whose conduct results in suspension from practice by order of the Supreme Court may be required, as a condition of resuming or continuing practice,~~ to demonstrate that they know, understand, and can apply the principles of legal ethics by passing a professional responsibility examination. ~~If the order of suspension is stayed and the licensee is placed on probation, the Supreme Court may require that the licensee pass a professional responsibility examination as a condition of that probation, whether or not actual suspension is also a condition thereof.~~

~~(2) Imposition of the condition described in (a)(1) of this rule is not required and is at the sole discretion of the Supreme Court.~~

(b) Inherent jurisdiction over practice of law

Nothing in this rule may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in this state.

CLEAN VERSION

Rule 9.24. Professional Responsibility Examination

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Any order suspending a licensee from the practice of law, or any order in which suspension is stayed and the licensee is placed on probation, may further require the licensee to demonstrate that they know, understand, and can apply the principles of legal ethics by passing a professional responsibility examination.

(b) Inherent jurisdiction over practice of law

Nothing in this rule may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in this state.

Rule 9.9.5 Fingerprinting of Applicants and Licensees

(a) Fingerprinting of applicants for admission or reinstatement

Applicants for admission or reinstatement to the practice of law in the State of California must, pursuant to the procedures and exceptions identified by the State Bar, be fingerprinted for the purpose of obtaining criminal offender record information regarding state and federal level convictions and arrests from the California Department of Justice and the Federal Bureau of Investigation. The State Bar's use of that information shall be limited to the official use of the State Bar in establishing the identity of the applicant and in determining the character and fitness of the applicant for admission or reinstatement, and in discovering prior and subsequent criminal arrests of an applicant, licensee, or applicant for reinstatement.

(Subd (a) adopted effective October 1, 2025.)

(b) Fingerprinting of active or inactive licensees

Each active licensee must, pursuant to the procedures and exceptions identified by the State Bar, be fingerprinted for the purpose of obtaining criminal offender record information regarding state and federal level convictions and arrests from the California Department of Justice and the Federal Bureau of Investigation. Failure to be fingerprinted, if required, may result in involuntary inactive enrollment of the licensee pursuant to Business and Professions Code section 6054, subdivision (e). An inactive licensee who has not previously submitted fingerprints under this rule must, pursuant to the procedures and exceptions identified by the State Bar, be fingerprinted prior to being placed on active status. The fingerprints submitted under this rule will be retained by the California Department of Justice for the limited purpose of subsequent arrest notification.

(Subd (b) adopted effective October 1, 2025.)

(c) Special admissions attorneys

Attorneys permitted to practice law in the State of California pursuant to rules 9.41.1, 9.44, 9.45, and 9.46 must, pursuant to the procedures and exceptions identified by the State Bar, be fingerprinted for the purpose of obtaining criminal offender record information regarding state and federal level convictions and arrests from the

REDLINE VERSION

California Department of Justice and the Federal Bureau of Investigation. These fingerprints will be retained by the California Department of Justice for the limited purpose of subsequent arrest notification. Failure to be fingerprinted, if required, may result in a State Bar determination that the attorney cease providing legal services in California.

(Subd (c) relettered and amended effective October 1, 2025; adopted as subd (e).)

(d) Subsequent arrest notification

The State Bar must maintain a contract with the California Department of Justice for subsequent arrest notification services for licensees on active status with the State Bar and special admissions attorneys permitted to practice in the State of California pursuant to rules 9.41.1, 9.44, 9.45, and 9.46.

(Subd (d) adopted effective October 1, 2025.)

(e) Information obtained by fingerprint submission; disclosure limitations

Any information obtained by the State Bar as a result of fingerprint submission under this rule must be kept confidential and used solely for State Bar licensing and regulatory purposes.

(Subd (e) relettered effective October 1, 2025; adopted as subd (g).)

(f) Fingerprint submission and processing costs

- (1) Except as described in (f)(2), all costs incurred for the processing of fingerprints for the State Bar, including print furnishing and encoding, as required by Business and Professions Code section 6054, must be borne by the applicant, licensee, or special admissions attorney.
- (2) The State Bar must develop procedures for granting waivers of the processing costs of running California Department of Justice and Federal Bureau of Investigation background checks for applicants applying under (c) of this rule and licensees with demonstrable financial hardship.

(Subd (f) relettered and amended effective October 1, 2025; adopted as subd (h).)

(g) Persons who are physically unable to be fingerprinted

- (1) If the California Department of Justice makes a determination pursuant to Penal Code section 11105.7 that any person required to be fingerprinted under this rule is presently unable to provide legible fingerprints, the person will be deemed to have complied with the fingerprinting requirements of this rule.
- (2) Persons required to be fingerprinted under this rule may also submit notification to the State Bar that they are unable to submit fingerprints due to disability, illness, accident, or other circumstances beyond their control. The State Bar must evaluate the notification and may require additional evidence. If the State Bar determines that the person is unable to submit fingerprints based on the information provided, the person will be deemed to have complied with the fingerprinting requirements of this rule.
- (3) A determination of deemed compliance under (g)(1) and (g)(2) will apply only to those persons who are unable to supply legible fingerprints due to disability, illness, accident, or other circumstances beyond their control and will not apply to persons who are unable to provide fingerprints because of actions they have taken to avoid submitting their fingerprints.

(Subd (g) relettered and amended effective October 1, 2025; adopted as subd (i).)

Rule 9.9.5 amended effective October 1, 2025; adopted effective June 1, 2018.

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CLEAN VERSION

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CLEAN VERSION

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