
**RULES OF PRACTICE
OF THE
STATE BAR COURT**

STATE BAR OF CALIFORNIA

MARCH 1, 2020

RULES OF PRACTICE OF THE STATE BAR COURT

Adopted by the Executive Committee of the State Bar Court
pursuant to Business and Professions Code
sections 6086.5 and 6086.65, subdivision (c);
effective March 1, 2020

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RULES OF PRACTICE OF THE STATE BAR COURT

DIVISION I GENERAL PROVISIONS

CHAPTER 1 TITLE, AUTHORITY, AND DEFINITIONS

RULE 1100. TITLE AND CITATION

These rules shall be known and may be cited as the Rules of Practice of the State Bar Court (Rules of Practice).

RULE 1101. AUTHORITY FOR ADOPTION; APPLICATION

These Rules of Practice have been adopted by the Executive Committee of the State Bar Court pursuant to Business and Professions Code sections 6086.5 and 6086.65, subdivision (c), in order to facilitate and govern the conduct of proceedings within the jurisdiction of the State Bar Court. They apply to and govern all proceedings before the State Bar Court. Fair, even-handed, and consistent application of these rules by all concerned is vital to the conduct of proceedings before the State Bar Court.

Revised March 1, 2020.

RULE 1102. DEFINITIONS

Unless the context otherwise requires, the definitions stated in rule 5.4 of the Rules of Procedure of the State Bar of California (Rules of Procedure), are incorporated by reference and apply to these Rules of Practice.

Revised March 1, 2020.

CHAPTER 2
FORMAT AND FILING OF PLEADINGS

RULE 1110. FORMAT OF PLEADINGS INTENDED TO BE FILED IN THE STATE BAR COURT

- (a) **Size, pagination, etc.** All pleadings filed in the State Bar Court by any party, except exhibits, shall be typewritten or printed or be prepared by a photocopying or other duplication process that will produce clear and permanent copies equally legible to printing in type not smaller than 12 point, on white paper of standard quality not less than 13 pound weight, 8-1/2 by 11 inches in size. Only one side of the paper shall be used, and the lines on each page shall be double spaced and numbered consecutively; provided, however, that quotations and footnotes may be single spaced. All pleadings shall be firmly bound together at the top. The use of recycled paper shall conform to the requirements of the California Rules of Court. "Pleadings," as used in this rule, do not include printed court forms.
- (b) **Format of first page.** The first page of all pleadings filed by a party shall be in the following form:
- (1) In the space commencing with line 1, to the left of the center of the page, shall be set forth the office or law firm name (if any), the name(s) of the attorney(s) within the office or law firm handling the proceeding and their State Bar membership number(s), the office address (or, if none, the residence address) and telephone number of the attorney(s) for the party on whose behalf the pleading is presented, or of the party, if the party appears in propria persona. The information required by this subparagraph may be printed instead of typed on the first page of the pleading.
 - (2) The space between lines 1 and 7 to the right of the center of the page shall be left blank.
 - (3) On or below line 8, on a separate line, shall be the words "The State Bar Court," on the next line, the particular department and/or geographical area (i.e., Hearing Department – San Francisco, Hearing Department –Los Angeles, or Review Department), and, on the following lines, to the left, the caption of the particular proceeding; and to the right thereof, the case number.
 - (4) Beneath the case number described in subparagraph (3) of this rule, there shall be a title describing the nature of the particular pleading.
 - (5) In proceedings pending in the Hearing Department, immediately below the title describing the nature of the pleading, each pleading shall specify (1) the date and

time of the next event to which the pleading refers, if any (e.g., trial date, settlement conference date, date of hearing on motion) and (2) the trial date, if set.

- (c) **Original pleading.** At least one of all pleadings, which shall constitute the original of the pleading filed, shall bear handwritten original signatures (as distinguished from photocopied, typewritten, or other duplicate signatures) in all signature blanks. Where possible, all copies of pleadings should display, by photocopy, duplicate signature, or otherwise, all signatures present on the original.
- (d) **Pleading pagination.** All pages of a multiple-page pleading, including all attachments, shall be numbered consecutively.
- (e) **Number of copies filed.** An original and two copies shall be filed for all notices of disciplinary charges, responses to notices of disciplinary charges, motions to revoke probation, and responses to motions to revoke probation. An original and one copy shall be filed for all other pleadings in the Hearing Department. Filings in the Review Department shall be in the number specified in the applicable Rule(s) of Procedure.
- (f) **Hearing Department pleadings in excess of 25 pages.** Pleadings intended for filing in the Hearing Department in excess of 25 pages, including all attachments, shall be two-hole punched in the top center one-half inch from the top of the page and fastened together with a metal fastener.
- (g) **Maximum length of briefs in Hearing Department.** No pleading shall exceed 20 pages in length unless otherwise ordered by the court. The page limit shall not include exhibits, declarations, attachments, or a table of contents.
- (h) **Signature of counsel or party.** Every pleading of a party represented by counsel shall be signed by at least one counsel of record in the counsel's individual name, whose address and telephone number shall be stated on the first page of the pleading. A party who is not represented by counsel shall sign the party's pleading and state the party's address and telephone number on the first page of the pleading.

Eff. January 1, 1995. Revised July 1, 1997; January 1, 2001; January 1, 2009; March 1, 2020.

RULE 1112. REJECTION OF PLEADINGS SUBMITTED FOR FILING

- (a) Pleadings submitted for filing in any proceeding in the State Bar Court will be rejected by the Clerk for the following reasons:
 - (1) The pleading is not accompanied by a proof of service or is not accompanied by a proof of service that (A) bears an original signature; (B) sets forth the date upon which service was made; and (C) contains the exact title of the pleading(s) served.

- (2) A party to the proceeding executes the party's own proof of service, unless the pleading was served by personal service.
 - (3) The pleading presented for filing does not contain an original, handwritten signature.
 - (4) The original is not accompanied by the requisite number of copies.
 - (5) The assigned case name and/or case number is missing or incorrect and the correct case name and case number is not readily identifiable by the Clerk.
 - (6) The pleading is submitted by a respondent in a proceeding in which that respondent's default has been entered, except (A) a stipulation signed by all parties, or (B) a motion for relief from default accompanied by a proposed response.
 - (7) The pleading is for interlocutory review under rule 5.150 of the Rules of Procedure and was not served on the hearing judge who issued the order.
- (b) All other pleadings presented for filing in the State Bar Court will be filed by the Clerk. However, the fact that a pleading is accepted for filing does not mean that it does not contain some other defect that may be raised by an opposing party or the court. Lack of timeliness, defects in service, failure to comply with the Rules of Procedure, and other defects in pleadings should be raised by the parties. Such defect(s) may result in denial of the motion or other relief sought or in striking the pleading, whether or not the defect is raised by the opposing party.
- (c) If a party whose pleading has been rejected under this rule submits a corrected pleading for filing, the pleading shall be accompanied by a proof of service showing that the corrected pleading has been re-served on all parties and, if appropriate, by a motion for late filing.

Revised March 1, 2020.

RULE 1113. LAST OPPORTUNITY TO FILE MOTIONS

Unless otherwise ordered by the court, all motions, other than motions in limine and motions to continue the trial, regarding the conduct of any trial shall be filed no later than fourteen (14) calendar days before the first trial date in the matter, or the date for filing of the pretrial statement, whichever date is earlier.

Revised January 1, 2001; March 1, 2020.

**CHAPTER 3
ADMISSION PRO HAC VICE**

RULE 1121. ADMISSION PRO HAC VICE

Motions to appear in the State Bar Court as counsel pro hac vice shall conform to the requirements of rule 9.40 of the California Rules of Court, except that the filing, service, and determination of such motions shall be in accordance with the general State Bar Court motion rules.

Revised January 1, 2007.

**CHAPTER 4
TIME PENDENCY GUIDELINES**

RULE 1130. TIME PENDENCY GUIDELINES

These guidelines state desirable time pendency for all court proceedings except those which are expedited. Some particular proceedings must move through the court much faster for the protection of the public and the protection of the member who is the subject of the proceeding.

Revised March 1, 2020.

**DIVISION II
HEARING DEPARTMENT**

**CHAPTER 1
MOTIONS**

RULE 1200. RULINGS ON MOTIONS

The judge to whom a proceeding has been assigned shall ordinarily rule on any motion filed in that proceeding. In unusual or urgent circumstances, if the assigned judge is unavailable, the Supervising Judge shall assign a judge to rule on the motion.

**CHAPTER 2
CONFERENCES AND EXHIBITS**

RULE 1211. STATUS CONFERENCE ORDERS

Following any conference held pursuant to rule 5.44.1 of the Rules of Procedure, the assigned judge shall enter an order addressing, as appropriate, the items

specified in rule 5.44.1(B) of the Rules of Procedure. Such order, unless and until modified, shall govern all further proceedings. Copies of the order shall be served on all parties who have appeared in the proceeding.

Revised March 1, 2020.

RULE 1220. PRETRIAL CONFERENCES

One or more pretrial conferences may be held in any proceeding at such time as the assigned judge may order, subject to rule 5.101 of the Rules of Procedure. Unless otherwise ordered by the court, the Clerk shall serve upon all parties a written notice of the date, time, and place of the pretrial conference at least thirty (30) days prior to the conference. The conference may be held in court or by telephone or other appropriate means. The agenda for the pretrial conference shall consist of the matters covered by the Rules of Procedure and the Rules of Practice, including Division II, Chapter 2, and any other matter germane to the proceeding. Each party shall be present or represented at the pretrial conference by counsel having authority with respect to all matters on the agenda, including settlement of the proceeding.

Revised March 1, 2020.

RULE 1224. TRIAL EXHIBITS

Denied Exhibits: If an exhibit's admission is denied at trial, the exhibit shall be so marked and remain part of the official court record.

Eff. January 1, 1995. Revised July 1, 1997; January 1, 2001; January 1, 2003; March 1, 2020.

RULE 1240. NOTICE OF CONFERENCES

The Clerk shall serve upon all parties a written notice of the date, time, and place of any conference pursuant to this chapter at least ten (10) days prior to the conference unless otherwise ordered by the court.

CHAPTER 3 PRESENTATION OF EVIDENCE

RULE 1250. ORDER OF PROOF IN DISCIPLINARY PROCEEDINGS

In disciplinary proceedings, the parties shall present evidence as to culpability prior to presenting evidence as to aggravating or mitigating circumstances, except as ordered by the court. The judge shall not consider evidence as to aggravating or mitigating factors, including a respondent's prior disciplinary record, in determining culpability. However,

evidence of a respondent's other acts of misconduct, including his or her disciplinary record, may be received in the culpability phase of a hearing if this evidence is admissible pursuant to Evidence Code section 1101, subdivision (b).

Revised January 1, 2001.

**DIVISION III
REVIEW DEPARTMENT**

**CHAPTER 2
TRANSCRIPT ON REVIEW**

RULE 1311. PROOF OF TRANSCRIPT ORDER

(a) All requests for review filed pursuant to rule 5.151 of the Rules of Procedure must have attached thereto, or be accompanied by:

(1) In the case of requests for review filed by the Office of Chief Trial Counsel or any division thereof, copies of the completed transcript order form signed by the deputy trial counsel.

(2) In the case of requests for review filed by any other party, either:

(A) Copies of the completed transcript order form and of a check, together with a declaration under penalty of perjury stating that the check is in the amount requested by the Clerk for the transcript deposit and that the originals of the transcript order form and check have been delivered to the Clerk; or

(B) A motion for a reasonable extension of time to pay the transcript deposit, supported by one or more declarations under penalty of perjury stating: (i) the amount of the transcript deposit requested by the Clerk; (ii) specific facts regarding the party's assets, debts, income, expenses, and possible sources of credit, establishing the party's present inability to pay; and (iii) specific facts establishing that the requested extension of time will be sufficient to permit the party to obtain the necessary funds.

(b) Requests for review which do not comply with this requirement will not be filed by the Clerk, provided, however, that a request for review which is timely served and submitted for filing, but which is rejected by the Clerk pursuant to this rule, shall be filed, notwithstanding the

applicable time limit in rule 5.151(B) or 5.151(E) of the Rules of Procedure, if it is re-served and resubmitted for filing with the proper attachments within ten (10) days after service of the Clerk's rejection notice. The Clerk shall refer to this rule in all rejection notices mandated by this rule.

- (c) The requirement of a transcript and of payment therefor by the party requesting review will not be waived except in the case of matters designated for summary review pursuant to rule 5.157 of the Rules of Procedure.

Revised March 1, 2020.

CHAPTER 4 SUBMISSION

RULE 1333. TIME OF SUBMISSION

- (a) A proceeding pending in the Review Department is submitted when that Department has heard oral argument or has approved a waiver of oral argument, or when the time has passed for filing all briefs and papers, including any supplemental post-argument briefs permitted by that Department, whichever is latest.
- (b) Submission may be vacated only by an order stating the reasons therefor. The order shall provide for resubmission of the proceeding.