

Rules of Procedure of
The State Bar of California
Reinstatement Proceedings Excerpt

RULE 660. INITIATION OF PROCEEDING

These rules apply to proceedings for reinstatement to membership in the State Bar after resignation with or without charges pending and after disbarment. A reinstatement proceeding is initiated by the filing and service of a petition for reinstatement and payment of the required fee by the party seeking reinstatement.

Eff. January 1, 1995.
Source: New (but see TRP 551(b)).

RULE 661. REQUIREMENTS

- (a) The petition for reinstatement shall be verified by the petitioner and shall be addressed to the State Bar Court. The original and three copies shall be filed with the Clerk. The petition shall be on the form approved by the Court and completed in compliance with the instructions therein.
- (b) The petitioner shall serve a copy of the petition on the Office of Trials pursuant to the rule for service of initial pleadings (rule 60), accompanied by two (2) sets of original fingerprints on record cards furnished by the State Bar. The fingerprints shall be used and retained for the purposes prescribed in Business and Professions Code section 6054.
- (c) The petition shall not be filed by the Court unless accompanied by a proof of service establishing compliance with the service requirements of this rule. The petition shall be accompanied by a filing fee in the amount specified by the Board of Governors.

Eff. January 1, 1995.
Source: TRP 660, 661 (substantially revised); paragraph (b), see also TRP 663-664.

**RULE 662. EARLIEST TIME FOR FILING
REINSTATEMENT PETITION;
PETITION TO SHORTEN TIME**

- (a) After resignation without charges pending, a first or subsequent petition for reinstatement may be filed at any time.

- (b) Except as provided in the order of disbarment, no petition for reinstatement shall be filed within five (5) years after the effective date of the petitioner's disbarment or interim suspension following criminal conviction, or the filing date of the petitioner's resignation with charges pending, whichever occurred earliest.
- (c) No petition for reinstatement shall be filed unless and until the petitioner has provided satisfactory proof to the State Bar Court that he or she has paid all discipline costs imposed pursuant to Business and Professions Code section 6086.10(a) and all reimbursement for payments made by the Client Security Fund as a result of the petitioner's conduct, plus applicable interest and costs, pursuant to Business and Professions Code section 6140.5(c).
- (d) A subsequent petition for reinstatement following disbarment or resignation with charges pending shall not be filed earlier than two years after the effective date of an adverse decision upon a prior petition, unless a shorter period is ordered by the Court for good cause.

Eff. January 1, 1995. Revised: September 9, 1996, Implementation Suspended; August 15, 2004.
Source: TRP 662 (Substantially revised).

RULE 663. INVESTIGATION AND DISCOVERY

- (a) For one hundred twenty (120) days from the filing of the petition with the Court, the Office of the Chief Trial Counsel shall investigate the petition to determine whether the petition will be opposed. For good cause, the investigation period may be extended by the Court.
- (b) No later than twenty (20) days after the end of the investigation period, the Office of the Chief Trial Counsel shall file with the Court and serve a response to the petition which shall state, as to each of the issues set forth

in rule 665(a) and (b), whether it opposes the petition. If the petition is opposed, the Office of the Chief Trial Counsel shall set forth in its response a statement of the grounds upon which the petition is opposed.

- (c) Discovery may be conducted after the end of the investigation period pursuant to rules 180-189, provided that: (1) formal discovery shall be completed within one hundred twenty (120) days after the end of the investigation period unless such time is extended by the Court, and (2) all time limits set forth in rule 182 shall be computed from the end of the investigation period rather than from the service or due date of the responsive pleading.

Eff. January 1, 1995. Revised: July 1, 2004.
Source: TRP 664 (substantially revised).

RULE 664. NOTICE OF HEARING; PUBLICATION

The Clerk shall serve notice of the hearing on the parties. The Office of the Chief Trial Counsel may publish the fact that a petition for reinstatement has been filed with the State Bar Court identifying the petitioner and other relevant information identifying the proceeding.

Eff. January 1, 1995.
Source: TRP 665 (substantially revised).

RULE 665. BURDEN OF PROOF

- (a) In order to be eligible for reinstatement, a petitioner shall, with any petition for reinstatement, show proof of passage of a professional responsibility examination after the effective date of the petitioner's disbarment or resignation but not more than one year before the filing of the petition for reinstatement.
- (b) A decision recommending reinstatement shall be based upon clear and convincing evidence establishing each of the following: (1) rehabilitation; (2) present moral qualifications for reinstatement, and (3) present ability and learning in the general law.

- (c) A petitioner who resigned without charges pending is required to establish all of the elements set forth in paragraph (b) of this rule except rehabilitation, and may pass the professional responsibility examination required of applicants for admission.

- (d) The Court may require a petitioner who fails to make an affirmative showing of sufficient present ability and learning in the general law to demonstrate such ability and learning by passing one of the California general bar examinations required of applicants for admission, to be taken within two years thereafter. An order requiring a petitioner to take such examination shall, in and of itself, constitute sufficient qualification to take such examination within the time specified in the order upon payment of the required fee. The petitioner shall file and serve proof of passage of any required general bar examination and shall file therewith a declaration either stating that there have been no changes to the information provided in the petition for reinstatement, or stating the nature of any such changes. Within twenty (20) days of service of the declaration, or as otherwise ordered by the Court, the Office of the Chief Trial Counsel may move to reopen based on issues raised by the declaration, or on the basis of newly discovered evidence or events occurring subsequent to the hearing.

Eff. January 1, 1995. Revised: July 1, 1997.
Source: TRP 667-668 (substantially revised).

RULE 666. INAPPLICABLE RULES

The following rules shall not apply in a reinstatement proceeding:

- (a) Rules which by their terms apply only to disciplinary proceedings or to other specific proceedings, and
- (b) Rules 200-210 (default; obligation to appear at trial) and rules 215-217 (admission of certain evidence).

Eff. January 1, 1995.
Source: New (but see TRP 666).