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

STATE BAR OF CALIFORNIA

JULY 21, 2025

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 July 21, 2025

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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, equal, 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; November 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.

RULE 1103. OFFICIAL COURT RECORD

The State Bar Court permits electronic submission of documents. All documents filed in paper form may be scanned and entered into the court's electronic record. The electronic record, along with any documents or exhibits filed and/or maintained by the court in paper or other tangible form, constitute the official record of the State Bar Court.

Effective November 1, 2020. Revised July 31, 2023; July 21, 2025.

RULE 1104. REQUESTS FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES

- (a) Except as modified by this rule, California Rules of Court, rule 1.100 applies to requests for accommodations directed to the State Bar Court.
- (b) **Requests for accommodations.**
 - (1) All written requests for accommodations should be on Form MC-410, approved for use by the Judicial Council of California, or be made in person, by U.S. mail, by email, or orally, as the court may allow. If the requester does not utilize Form MC-410, the requester should provide his/her name and address, the case number, the date the accommodation is needed, the reason an accommodation is necessary, and the type of accommodation.
 - (A) Requests for physical facility accommodations, or for the provision of auxiliary aides and services, including equipment, devices, materials in alternative formats, and qualified interpreters or readers should be made to the designated State Bar Court ADA Coordinator in the appropriate venue, as listed at <http://www.statebarcourt.ca.gov/ADA-Accommodations>.
 - (B) Requests for accommodations of a procedural nature, including, but not limited to, extensions of time or appearances by telephone, should be made to the courtroom clerk where the proceeding will take place, or orally to the judge who will preside over the proceeding.
- (c) **Review procedure.**
 - (1) If the determination to grant or deny a request for accommodation is made by a State Bar Court ADA Coordinator, an applicant or any participant in the proceeding may submit a written request for review of that determination to the Hearing Judge assigned to the case for a Hearing Department matter, or the Presiding Judge for a Review Department matter. The request for review must be submitted within 15 days of the date the determination to grant or deny an accommodation request was delivered in person or sent to the applicant or participant.
 - (2) If the determination to grant or deny a request for accommodation is made by the Hearing Judge assigned to the case for a Hearing Department matter, an applicant or any participant in the proceeding may file a petition for interlocutory review pursuant to rule 5.150 of the Rules of Procedure. If the determination is made by the Presiding Judge in a Review Department matter, the applicant or any participant may seek review of that decision by filing a motion for reconsideration in the Review Department pursuant to rule 5.158 of the Rules of Procedure. The petition for interlocutory review or request for reconsideration must be filed within 15 days of the date the determination to grant or deny an accommodation request was delivered in person or sent to the applicant or participant by U.S. mail or by email. The petition for interlocutory review must be served on the Hearing Judge who issued the order

pursuant to rule 5.150(D) of the Rules of Procedure and served on any participants in the proceeding who were notified by the court of the determination to grant or deny the request for accommodation.

Effective November 1, 2020.

RULE 1105. PROHIBITION ON COMMUNICATIONS WITH STATE BAR COURT JUDGES

Consistent with and subject to the exceptions in the California Code of Judicial Ethics and the California Rules of Professional Conduct relating to ex parte communications, no attorney or party to an action may, either with or without prior notice to the opposing counsel or opposing party, contact any judge or court staff directly in any manner (e.g., telephone, email, or in-person) concerning a case pending before the court or a matter relating to a case pending before the court.

Effective November 1, 2020.

RULE 1106. QUALIFICATIONS OF APPOINTED COUNSEL IN STATE BAR COURT PROCEEDINGS

- (a) **Purpose.** The State Bar Court maintains a panel of counsel who desire to receive appointments to represent attorneys in State Bar Court matters pursuant to rules 5.68, 5.174, 5.192, or 5.258 of the Rules of Procedure. This rule sets forth the minimum qualifications for such counsel. An attorney on the appointed counsel panel is not entitled to appointment as counsel simply because the attorney meets these minimum qualifications. Nothing in this rule is intended to limit the discretion of the State Bar Court to appoint counsel it deems appropriate and who meets the qualifications below.
- (b) **Qualifications.** An attorney seeking appointment as counsel must satisfy the following minimum qualifications and experience:
 - (1) *California legal experience.* The attorney must demonstrate that he or she:
 - (A) Is an active licensee of the State Bar of California and is eligible to practice law;
 - (B) Has been admitted to practice law in California for at least five years at the time of appointment; and
 - (C) Has no prior record of attorney discipline, is not currently subject to State Bar disciplinary probation, and has no currently pending attorney disciplinary investigations or proceedings in California or any other state, territory, or court in which the attorney is licensed or admitted.
 - (2) *Knowledge.* The attorney must have sufficient knowledge of and experience with the State Bar Act, the California Rules of Professional Conduct, the Rules of Procedure of the State Bar of California, and the Rules of Practice of the State Bar Court.

- (3) *Skills.* The attorney must have demonstrated proficiency in issue identification, research, analysis, writing, investigation, and advocacy. To enable an assessment of the attorney's skills, he/she must submit:
 - (A) A resume;
 - (B) One writing sample written by the attorney and presenting analysis of complex legal issues. If the attorney has previously served as counsel in an attorney disciplinary proceeding, the writing sample should be from a filing in such a proceeding; and
 - (C) A recommendation from an attorney familiar with the attorney's qualifications and performance.
- (4) *Pending Disciplinary Investigations or Current Disciplinary Probation.* The attorney must confirm that he/she has no knowledge of any currently pending attorney disciplinary investigations or proceedings, and is not currently subject to attorney disciplinary probation, in California or any other state, territory, or court in which the attorney is licensed, admitted, or otherwise engaged in the practice of law.
- (5) *Professional Liability Insurance.*
 - (A) An attorney must inform the State Bar Court whether he/she maintains professional liability insurance and, if so, provide a copy of the policy to the Clerk. An attorney must inform the State Bar Court if he/she no longer maintains professional liability insurance while on the panel.
 - (B) If the attorney obtains professional liability insurance after he/she is added to the panel or during the attorney's appointment as counsel, the attorney must inform the State Bar Court and provide a copy of the policy to the Clerk.
- (c) **Removal of Appointed Counsel.** The State Bar Court retains full discretion to remove an attorney from the panel for any reason. Grounds for removal may include, but are not limited to, failure to appear for court appearances; failure to follow the Rules of Procedure, these Rules of Practice, or other applicable law; failure to demonstrate a minimum level of proficiency in legal work deemed appropriate by judges of the State Bar Court; submission of unreasonable claims for compensation; or being unavailable. Professional discipline of an attorney will result in removal of that attorney from the panel.

Effective November 1, 2020. Revised July 31, 2023.

RULE 1107. COMPENSATION FOR APPOINTED COUNSEL AND APPOINTED MEDICAL PROFESSIONALS IN STATE BAR COURT PROCEEDINGS

- (a) **Requests for compensation by appointed counsel and appointed medical professionals.** Requests for compensation may be made ex parte and must be submitted on the applicable State Bar Court form, available at <http://www.statebarcourt.ca.gov/Forms>. Detailed and itemized bills for the claimed services and expenses must be attached to the form.

- (b) **Timing of requests for compensation by appointed counsel.** Requests for compensation for work performed in the State Bar Court may be made at two separate stages of the proceeding: (1) for services performed from the date of appointment through the filing of the Hearing Judge's decision; and (2) for services performed following the filing of the Hearing Judge's decision to finality of the proceeding in the State Bar Court. Requests for compensation for work performed in seeking review from the California Supreme Court may be made following the finality of the proceeding in the Supreme Court.

Effective November 1, 2020.

CHAPTER 2

FORMAT AND FILING OF PLEADINGS

RULE 1110. FORMAT OF PLEADINGS SUBMITTED IN PAPER FORM AND 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, must 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 must be used, and the lines on each page must be double spaced and numbered consecutively. Quotations and footnotes may be single spaced. All pleadings must be firmly bound together at the top. "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 must be in the following form:
- (1) In the space commencing with line 1, to the left of the center of the page, must 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 license number(s), the office address (or, if none, the residence address), email 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 must be left blank.
 - (3) On or below line 8, on a separate line, must 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 must 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 must 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, must bear handwritten original signatures or an electronic signature, as defined in rule 5.4(30) of the Rules of Procedure, 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, must be numbered consecutively.
- (e) **Number of paper copies filed.** An original and two copies must be filed for all pleadings in the Hearing Department. Filings in the Review Department must 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, must 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 pleadings and attachments in Hearing Department.** No pleading may exceed 20 pages in length unless otherwise ordered by the court. The page limit does not include exhibits, declarations, attachments, or a table of contents. The total number of pages of all exhibits, declarations, and attachments to a pleading may not exceed 50 pages.
- (1) **Exceptions to page limits.** The page limits set forth in this rule do not apply to the initial pleading filed in a proceeding, a stipulation submitted pursuant to rules 5.54, 5.55, 5.56, or 5.57 of the Rules of Procedure, a petition for disbarment after default filed pursuant to rule 5.85 of the Rules of Procedure, a motion to revoke probation filed pursuant to rule 5.314 of the Rules of Procedure, a response to a motion for relief from suspension filed pursuant to rule 5.403 of the Rules of Procedure, to an amended version of any of these pleadings, or to the exhibits, declarations, and attachments to any of these pleadings.
- (2) **Requests to exceed page limits.** A party may request a higher page limit for a pleading or for any exhibits, declarations, or attachments by submitting the pleading with its exhibits, declarations, and attachments to the court and concurrently filing a request stating the reason(s) why the document(s) cannot conform to the standard page limit. The court will receive the pleading with its exhibits, declarations, and attachments without filing them. The request and the pleading with its exhibits, declarations, and attachments must be served on all parties. The court may grant the request for good cause and will determine the page limit to apply. If the request is granted to file the full number of pages submitted, the pleading with its exhibits, declarations, and attachments shall be deemed filed on the day it was received by the court, and the

court shall specify in its order the deadline for filing any response or reply to the pleading as otherwise permitted under these rules and the Rules of Procedure. If the request is denied, or if the pleading as submitted exceeds the page limit determined by the court, the pleading will be rejected.

- (h) **Maximum length of attachments in Review Department.** The total number of pages of all exhibits, declarations, and attachments to a pleading filed in the Review Department may not exceed 10 pages unless otherwise ordered by the court. Documents and other materials contained in the record on review, other than those contained in an appendix or supplemental appendix submitted as required under rule 5.150 of the Rules of Procedure, may not be attached to a pleading without prior court approval. The page limit for exhibits, declarations, and attachments is in addition to the limits on the lengths of briefs to be filed in the Review Department set forth in rules 5.152, 5.153, and 5.157 of the Rules of Procedure.
 - (1) **Exceptions to page limits:** The page limits set forth in this rule do not apply to the attachments to a memorandum in support of summary review filed pursuant to rule 5.157(F) of the Rules of Procedure, pleadings filed by the Office of Chief Trial Counsel pursuant to rule 5.341 of the Rules of Procedure, briefs filed pursuant to rule 5.342(B) of the Rules of Procedure, or to a report filed by the Office of Chief Trial Counsel in response to a resignation submitted with charges pending pursuant to rule 5.427(C) of the Rules of Procedure.
 - (2) **Requests to exceed page limits.** A party may request a higher page limit for the exhibits, declarations, and attachments by submitting the pleading with its exhibits, declarations, and attachments to the court and concurrently filing a request stating the reason(s) why the document(s) cannot conform to the 10-page limit. The court will mark the pleading with its exhibits, declarations, and attachments as received without filing them. The request and the pleading with its exhibits, declarations, and attachments must be served on all parties. The Presiding Judge may grant the request for good cause and will determine the page limit to apply. If the request is granted to file the full number of pages submitted, the pleading with its exhibits, declarations, and attachments shall be deemed filed on the day it was received by the court, and the court shall specify in its order the deadline for filing any response or reply to the pleading as otherwise permitted under these rules and the Rules of Procedure. If the request is denied, or if the pleading as submitted exceeds the page limit determined by the court, the pleading will be rejected.
- (i) **Contents and Length of Appendix in Review Department.** The total number of pages of an appendix required to be filed with a petition pursuant to rule 5.150(C) of the Rules of Procedure may not exceed 150 pages unless otherwise ordered by the court. The total number of pages of a supplemental appendix filed with a response to a petition pursuant to rule 5.150(G) may not exceed 50 pages unless otherwise ordered by the court. The appendix shall contain only those materials required to be included pursuant to rule 5.150(C)(2), and a supplemental appendix shall contain only those materials that are part

of the Hearing Department record pertaining to the challenged order or decision and omitted from the appendix.

A party may request a higher page limit, permission to include other materials in the appendix or supplemental appendix, or both, by submitting the appendix or supplemental appendix and concurrently filing a request with the court stating the reason(s) why the appendix or supplemental appendix cannot conform to the applicable page limit or the reason(s) for inclusion of the additional materials. The court will mark the appendix or supplemental appendix as received without filing it. The request and the appendix or supplemental appendix must be served on all parties. The Presiding Judge may grant the request for good cause and will determine the page limit to apply and what additional materials, if any, may be included. If the request is granted to file the full number of pages submitted, the appendix or supplemental appendix shall be deemed filed on the day it was received by the court. If the request is denied, or if the appendix or supplemental appendix as submitted exceeds the page limit determined by the court, the appendix or supplemental appendix will be rejected.

- (j) **Submission in Volumes.** If a pleading is exempt from the page limits set forth in these rules and the Rules of Procedure, or if the court has granted permission to exceed the otherwise applicable page limits and the pleading with its exhibits, declarations, and attachments exceeds a total of 500 pages, the documents must be submitted in volumes of no more than 500 pages. The first volume must include a master table of contents stating the contents of each volume. The documents must be paginated consecutively across all volumes in the submission. Each volume must have a cover stating the name of the case, the case number, the title of the pleading with which the volume is submitted, the volume number and total number of volumes submitted, and the inclusive page numbers of that volume. If the documents are submitted in electronic form pursuant to rule 1111, the title of each PDF must include the volume number for that PDF. This requirement applies to all documents submitted in the Hearing Department or the Review Department including appendices and supplemental appendices submitted pursuant to rule 5.150 of the Rules of Procedure.
- (k) **Signature of counsel or party.** Every pleading of a party represented by counsel must be signed by at least one counsel of record in the counsel's individual name, whose address, telephone number, and email address must be stated on the first page of the pleading. A party who is not represented by counsel must sign the party's pleading and state the party's address, telephone number, and email address on the first page of the pleading.
- (l) **Media files.** Media files such as audio or video must be submitted on an electronic medium such as a flash drive, DVD, or compact disc (CD). If an original electronic media file is converted to a required format for submission, the submitting party must retain the original.

Effective January 1, 1995. Revised July 1, 1997; January 1, 2001; January 1, 2009; March 1, 2020; November 1, 2020; July 31, 2023; December 2, 2024; July 21, 2025.

RULE 1111. FORMAT OF PLEADINGS SUBMITTED IN ELECTRONIC FORM AND INTENDED TO BE FILED IN THE STATE BAR COURT

- (a) Pleadings may be submitted in electronic form by electronic submission pursuant to rule 5.4(31) of the Rules of Procedure for filing in the State Bar Court, and this rule applies to pleadings that are so submitted.
- (b) The State Bar Court does not accept pleadings submitted by electronic notification as set forth in rule 5.4(27) of the Rules of Procedure (i.e., by providing a hyperlink at which the served document may be viewed and downloaded) or attached to an electronic submission as a Zip (compressed) file. If the submitting party is unable to meet the requirements of this rule, the submitting party may submit a pleading in paper form pursuant to rule 1110.
- (c) Pleadings submitted in electronic form must be in text-searchable PDF (portable document format), have an effective resolution of at least 300 dpi, and not be secured or password protected. The printing of pleadings must not result in the loss of text, format, or appearance. If the submitting party possesses only a paper copy of a pleading, it may be scanned to convert it to a searchable PDF format. It is the submitting party's responsibility to ensure that any pleading that is filed is complete and readable.
- (d) Pleadings submitted in electronic form must comply with the content and form requirements of rule 1110, with the exception of those provisions dealing exclusively with requirements for paper pleadings.
- (e) **Electronic bookmarks.** Pleadings submitted in electronic form must include electronic bookmarks to each section heading and subheading in the text (as listed in the table of contents) and to the first page of any component of the pleading, including any table of contents, table of authorities, declaration, proof of service, tab, exhibit, or attachment. Each electronic bookmark to a tab, exhibit, or attachment must include the letter or number and a description of the tab, exhibit, or attachment.
- (f) **Media files and photographs.** Pursuant to rule 1110(l), media files such as audio or video must be submitted on an electronic medium such as a flash drive, DVD, or compact disc (CD), and must not be submitted as an electronic attachment to an electronic submission. If submitted electronically, photographs must be filed in PDF format and conform to the other requirements of this rule. If an original electronic media file or photograph is converted to a required format for submission, the filer must retain the original.
- (g) **Size.** An electronic submission must not exceed a total file size of 25 MB. If a pleading submitted in electronic form exceeds the size limitation, a party must submit the pleading in paper form pursuant to rule 1110. This rule does not change the page limitations set forth in rule 1110 for pleadings, exhibits, declarations, and attachments submitted to the Hearing Department and for exhibits, declarations, and attachments submitted to the Review Department, or those set forth in the Rules of Procedure for pleadings submitted to the Review Department. A pleading must be submitted as a single attachment to an electronic submission.

- (h) An email will be sent to the email address provided by the submitting party stating that the pleading(s) submitted by electronic transmission is accepted and filed. If a pleading(s) is not accepted and filed, an email stating that the pleading(s) is rejected will be sent to the email address provided by the submitting party.

Effective November 1, 2020. Revised July 31, 2023; July 21, 2025.

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 or an electronic signature as defined in rule 5.4(30) of the Rules of Procedure; (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 or served electronically.
 - (3) The pleading presented for filing does not contain an original, handwritten signature or an electronic signature as defined in rule 5.4(30) of the Rules of Procedure.
 - (4) The original, if filed in paper form, 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, (B) a motion for relief from default accompanied by a proposed response, or (C) a motion for stay filed concurrently with a petition for interlocutory review to vacate or set aside default under rule 5.150 of the Rules of Procedure.
 - (7) The pleading is a petition for interlocutory review under rule 5.150 of the Rules of Procedure and was not served on the Hearing Judge who issued the order, or the certificate of service does not include the Hearing Judge's name.
 - (8) The pleading is submitted in electronic form pursuant to rule 1111 and is not submitted in text-searchable PDF, is secured or password protected, or does not include electronic bookmarks.
 - (9) The pleading is submitted by electronic notification pursuant to rule 5.4(27) of the Rules of Procedure (i.e., by providing a hyperlink at which the served document may be viewed and downloaded) or is submitted as a Zip (compressed) file.
 - (10) The pleading is submitted in electronic form pursuant to rule 1111 and includes a media file(s).
 - (11) The pleading is submitted in electronic form pursuant to rule 1111 and is not submitted as a single PDF attachment to an electronic submission.

- (12) The pleading or the exhibits, declarations, and attachments filed with the pleading exceed the page limits set forth in rule 1110 of these rules or in rule 5.152, 5.153 or 5.157 of the Rules of Procedure, or exceed a higher page limit granted by the court.
 - (13) The pleading includes a document with confidential information redacted and the certificate of service does not indicate that unredacted copies have been provided to all other parties and the court in sealed envelopes pursuant to rule 5.40 (D) of the Rules of Procedure.
 - (14) The submitting party has been declared a vexatious litigant, is prohibited from filing without first obtaining leave of court, and has not obtained such leave, except as provided in the pre-filing order and rule 5.19 (E) of the Rules of Procedure.
- (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, such as lack of timeliness, defects in service, failure to comply with the Rules of Procedure, and other defects in pleadings. 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; November 1, 2020; July 31, 2023; June 3, 2024; July 21, 2025.

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.

RULE 1114. REPLIES TO MOTIONS

An issue is deemed submitted to the court on the filing of the opposing party's response brief pursuant to rule 5.45(B) of the Rules of Procedure. Unless ordered by the court, no reply or supplemental brief may be filed.

Effective November 1, 2020.

RULE 1115. JUDICIAL NOTICE

A party requesting judicial notice as permitted by the Rules of Procedure must submit the Request for Judicial Notice in pleading format, must include a copy of any document(s) for which judicial notice is requested, and, if required, must include a declaration.

Effective November 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.

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 1205. 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; November 1, 2020.

RULE 1206. PREFILING SETTLEMENT CONFERENCE STATEMENTS

Pursuant to rule 5.30 of the Rules of Procedure, the Office of Chief Trial Counsel must submit a copy of the draft notice of disciplinary charges, or other written summary to the judge at least

three court days prior to the Prefiling Settlement Conference. Each party must also submit the following:

- (a) A brief statement of the case, including the party's settlement position; and
- (b) All available supporting evidence or a proffer of what such evidence would show if the party is requesting consideration of aggravating or mitigating circumstances.

Effective November 1, 2020; July 21, 2025.

RULE 1207. SETTLEMENT CONFERENCE STATEMENTS

Pursuant to rule 5.52.5 of the Rules of Procedure, each party shall lodge with the court a settlement conference statement at least five days before a scheduled settlement conference. The statement must include:

- (a) A brief statement of facts;
- (b) A brief statement of claims or defenses;
- (c) Key issues or facts in dispute;
- (d) A list of any exhibits or transcripts that are useful to settlement process. These documents should be available at the settlement conference;
- (e) A history of settlement discussions including any offers of settlement made;
- (f) Each party's current settlement position;
- (g) Any pending or anticipated motions; and
- (h) Identification of any additional discovery that may be needed to facilitate settlement.

Effective November 1, 2020.

RULE 1215. DISCOVERY

- (a) **Meet and confer.** Parties must meet and confer in person or by telephone and in good faith to thoroughly discuss (1) any issues regarding discovery; (2) the substance of any contemplated discovery motion; and (3) any potential resolution prior to filing a discovery motion.
- (b) **Discovery motions.** If either party files a discovery motion, such motion must be directed solely to substantive issues requiring resolution by the court. The moving party shall detail in a declaration submitted with its discovery motion the date, duration, participants, and communication method of the meet and confer session. In addition, the declaration shall set forth the matters raised and resolved during the session, as well as the outstanding issues and each party's final proposed resolution on each issue. Failure to strictly comply with this order will result in the striking or denial of the motion.

Effective November 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

- (a) Pursuant to rule 1139, trial exhibits cannot be electronically filed.
- (b) A party who would like to offer into evidence an electronic sound or sound-and-video recording, or any other type of digital file, must lodge the recorded or digital evidence on a flash drive, DVD, or compact disc (CD) and file a transcript of the relevant portions sought to be considered by the court as an exhibit.
- (c) The State Bar Court will not provide technical assistance to any party in the presentation, playback, review, or submission of electronic exhibits. Any equipment required to view and/or listen to electronic exhibits, including laptops, projectors, and DVD/CD players, is the responsibility of the party who presents the evidence.
- (d) Exhibits lodged for use of the court: Each party must supply to the courtroom clerk the original exhibits in compliance with rule 5.101.1(F)(1) of the Rules of Procedure. Additionally, each party must lodge one set of its proposed exhibits in paper format, unless otherwise ordered by the court, in compliance with rule 5.101.1(F)(2) of the Rules of Procedure. If a party is exchanging exhibits in electronic form with the opposing party, a courtesy copy of the electronic exhibits must be provided to the court on a USB flash drive. The USB flash drive will not be returned to the submitting party.
- (e) Exhibits lodged for the use of witnesses: A party must provide a witness with exhibits in advance of trial that are relevant to the matters for which a party calls that witness to testify about in the case. Failure to provide the witness with such exhibits in advance may result in the exclusion of the witness's testimony regarding those exhibits.
- (f) Inadmissible exhibits: If an exhibit's admission is denied at trial, the exhibit shall be so marked and remain part of the official court record.

Effective January 1, 1995. Revised July 1, 1997; January 1, 2001; January 1, 2003; March 1, 2020; November 1, 2020; July 31, 2023.

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/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.

CHAPTER 4 COMPLIANCE AND ACCOUNTABILITY PROGRAM

RULE 1260. CONSTRUCTION AND PROGRAM SPECIFICATIONS

- (a) **Construction.** The rules in this chapter govern the Compliance and Accountability Program (CAAP). Where the Hearing Department has retained jurisdiction to address issues concerning compliance with ordered disciplinary conditions, CAAP procedures may be used to address violations of court-ordered reprobation or probation conditions.
- (b) **Public Proceedings.** All CAAP proceedings are public. CAAP proceedings may be held only in cases which resulted in public discipline.
- (c) **Initiation.** If a respondent fails to comply with one or more reprobation or probation condition(s), the Office of Case Management and Supervision may file a "Request for CAAP Conference" (Request) in the underlying State Bar Court matter which imposed the reprobation or probation conditions. The Request must include a declaration setting forth the respondent's non-compliance with specified reprobation or probation condition(s) and the efforts made by the Office of Case Management and Supervision to encourage compliance. The Office of Case Management and Supervision must serve the respondent and the Office of Chief Trial Counsel with the Request pursuant to rule 5.26 of the Rules of Procedure of the State Bar.
- (d) **Response.** Respondent will have 10 days from the date of service to file a written response to the Request and serve it on the Office of Case Management and Supervision and the

Office of Chief Trial Counsel. The response must include a declaration addressing the alleged non-compliance.

- (e) **Ruling.** After filing of the response, or if no response is filed and the time to do so has expired, the court will rule on the Request on an expedited basis, generally within 10 days of the filing of the response or the expiration of the time to file a response.

If the court grants the Request, the court will order the respondent, the Office of Case Management and Supervision, and the Office of Chief Trial Counsel to appear either in person or remotely at a CAAP conference set within 15 days of the filing date of the order. The order will be served on the Office of Case Management and Supervision, respondent, and the Office of Chief Trial Counsel. Respondent must attend the conference even if represented by counsel.

- (f) **Request to Vacate Conference.** If, prior to the time set for the conference, the respondent completes the conditions identified in the Request, the Office of Case Management and Supervision may file a “Notice of Untimely Completion and Request to Vacate Conference” setting forth the fact of the completion and requesting that the CAAP conference be vacated. The Notice must be served on the respondent and the Office of Chief Trial Counsel. The Notice must be filed and served no later than three days prior to the scheduled conference. The court will rule on the request to vacate the conference no later than one day prior to the scheduled CAAP conference. The court retains discretion to grant or deny a request to vacate the conference. Unless the court vacates the CAAP conference, respondent, the Office of Case Management and Supervision, and the Office of Chief Trial Counsel must appear at the conference, even if respondent has untimely complied with reprobation or probation conditions prior to the conference.

- (g) **Conference.** At the CAAP conference, the court will address the non-compliance specified in the Request, as well as any subsequent non-compliance since the filing of the Request and any other issues regarding respondent’s reprobation or probation conditions. At the time of the CAAP conference, if a respondent has not yet completed the condition(s) which are the basis for the conference, the court may order the respondent to complete the condition(s) within a certain period. Even if respondent completes the condition(s) in the period ordered by the court, compliance with the condition(s) is still considered untimely.

The court may issue appropriate orders including, but not limited to, ordering minor modifications to the reprobation or probation conditions if appropriate pursuant to rules 5.300 et seq. of the Rules of Procedure of the State Bar and California Rules of Court, rule 9.10(c), respectively. Although the court cannot modify a disciplinary condition that has already been violated, the court may modify a prospective disciplinary condition or prospective compliance date based on evidence supporting the modification.

- (h) **Further Non-Compliance with Disciplinary Conditions.** Further non-compliance following a CAAP conference will not qualify for a subsequent CAAP conference.

Further non-compliance may be addressed by the Office of Case Management and Supervision by any appropriate means, including a referral to the Office of Chief Trial

Counsel or the filing of a probation revocation motion. However, any violation(s) of disciplinary condition(s) which formed the basis of the CAAP conference, and which are untimely completed, cannot be a basis for culpability in any subsequent disciplinary proceeding based on violation(s) of reprobation or probation conditions or the basis of a motion to revoke probation. Such violation(s), however, may be considered as an aggravating circumstance or may be referred to in a motion to revoke probation. Failure to comply with any court orders following a CAAP conference may result in subsequent disciplinary action.

- (i) **Review.** A ruling or order by a hearing judge under this rule is reviewable only under rule 5.150, but under the CAAP, the time period to seek review is expedited. Any petition seeking review must be filed within five days after the written order is served or the oral order is made on the record, whichever is later. A motion for reconsideration of the hearing judge's ruling or order must be filed within five days after the written order is served or the oral order is made on the record. If a motion for reconsideration is timely filed pursuant to this rule, the time to seek review is extended until five days after the ruling on the motion for reconsideration is served.

Effective November 4, 2024.

DIVISION III REVIEW DEPARTMENT

CHAPTER 1 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) A copy of the completed transcript order form together with a declaration under penalty of perjury stating that payment for the transcript deposit in the amount requested by the Clerk has been delivered to the Clerk and that an original of the transcript order form has 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; November 4, 2024.

CHAPTER 2 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.