



Supplement to Rules of Procedure of the State Bar of California

**Supplement Effective
April 1, 2025**

TITLE 5. DISCIPLINE

DIVISION 2. CASE PROCEEDINGS

Chapter 1. Commencement of Proceedings

Rule 5.28 Computing Time

- (A) **Method.** In State Bar Court proceedings, time is computed under Code of Civil Procedure §§ 12, 12a, 12b, 13, 13a, or 13b. Code of Civil Procedure § 1013(a) applies to service by United States mail or State Bar interoffice mail. When service is made electronically, by overnight mail, or by fax, the prescribed period to act or respond is extended by two calendar days. When the end of the prescribed period to act or respond, including any extension based on the manner of service, falls on a non-court day, it is extended to the next court day.
- (B) **Calendar Days and Court Days.** “Days” means calendar days when referring to the period within which an act must be performed or a specified period of notice. But “days” means court days when the period is five days or fewer and not extended by the manner of service.

Revised: April 1, 2025.

Chapter 6. Dispositions and Costs

Rule 5.127 Public and Private Reprovals

- (A) **Decisions, Opinions, or Orders Imposing a Reproval.** The State Bar Court’s decision, opinion, or order approving a stipulation may include a reproval. The decision, opinion, or order must specify whether the reproval is public or private. In the absence of a request for review, the reproval will take effect 60 days after the filing of a decision, opinion, or order. If review of the hearing department decision or order is requested pursuant to rule 5.151, the reproval will, in the absence of a request for review by the California Supreme Court, take effect 60 days after the filing of an opinion or order by the Review Department. If review by the California Supreme Court is sought pursuant to California Rule of Court 9.13, the reproval will take effect 30 days after the filing of an opinion or order by the California Supreme Court.
- (B) **Public or Private Reproval.** A public or private reproval is part of the attorney’s official State Bar attorney records, is disclosed in response to public inquiries, and is reported as a record of public discipline on the State Bar’s web page. The record of the proceeding in which the public or private reproval was imposed is also public. For a private reproval, the attorney is not obligated to pay discipline costs.

Eff. January 1, 2011. Revised: January 25, 2019; May 19, 2022; April 1, 2025.

TITLE IV. STANDARDS FOR ATTORNEY SANCTIONS FOR PROFESSIONAL MISCONDUCT

PART A. STANDARDS IN GENERAL

1.2 DEFINITIONS

- (a) “Lawyer” means a licensee of the California Supreme Court, the State Bar of California, or a person who is admitted in good standing and eligible to practice before the bar of any United States court or the highest court of the District of Columbia or any state, territory, or insular possession of the United States, or is licensed to practice law in, or is admitted in good standing and eligible to practice before the bar of the highest court of, a foreign country or any political subdivision thereof and includes any agent of the lawyer, law firm, or law corporation doing business in the state.
- (b) “Disbarment” is termination from the practice of law and from holding oneself out as entitled to practice law. The license issued by the Supreme Court or State Bar ceases and the licensee’s name is stricken from the roll of attorneys.
- (c) “Suspension” can include a period of actual suspension, stayed suspension, or both:
 - (1) “Actual suspension” is a disqualification from the practice of law and from holding oneself out as entitled to practice law, subject to probation and attached conditions. Actual suspension is generally for a period of thirty days, sixty days, ninety days, six months, one year, eighteen months, two years, three years, or until specific conditions are met. Actual suspension for two years or more requires proof, satisfactory to the State Bar Court, of rehabilitation, fitness to practice, and present learning and ability in the general law before a lawyer may be relieved of the actual suspension. The State Bar Court can require this showing in other appropriate cases as well.
 - (2) “Stayed suspension” is a stay of all or part of a suspension. Stayed suspension is generally for a period of at least one year. A suspension can be stayed only if it is consistent with the primary purposes of discipline.
- (d) “Public Reprimand” or “Private Reprimand” is a public censure or reprimand. Either may include conditions.
- (e) [This subsection not in use at this time.]
- (f) “Interim Remedies” are temporary restrictions imposed by the State Bar Court on a lawyer’s ability to practice law. They are imposed in order to protect the public, the courts, and the legal profession until such time as the issues can be resolved through formal proceedings.
- (g) “Prior record of discipline” is a previous imposition or recommendation of discipline. It includes all charges, stipulations, findings and decisions (final or not) reflecting or recommending discipline, including from another jurisdiction. It can be discipline imposed for a violation of a term of probation or a violation of a Supreme Court order requiring compliance with rule 9.20 of the California Rules of Court.

- (h) “Aggravating circumstances” are factors surrounding a lawyer’s misconduct that demonstrate that the primary purposes of discipline warrant a greater sanction than what is otherwise specified in a given Standard.
- (i) “Mitigating circumstances” are factors surrounding a lawyer’s misconduct that demonstrate that the primary purposes of discipline warrant a more lenient sanction than what is otherwise specified in a given Standard.
- (j) “Probation” is a period of time under which a lawyer is subject to State Bar supervision. Probation may include conditions that further the primary purposes of discipline.
- (k) “Conditions” are terms with which a lawyer must comply as part of a disciplinary sanction. They relate to a lawyer’s misconduct and the facts and circumstances surrounding the misconduct and serve the primary purposes of discipline.
- (l) “Tribunal” means: (i) a court, an arbitrator, an administrative law judge, or an administrative body acting in an adjudicative capacity and authorized to make a decision that can be binding on the parties involved; or (ii) a special master or other person to whom a court refers one or more issues and whose decision or recommendation can be binding on the parties if approved by the court.

Eff. January 1, 1986; Revised January 1, 2007; January 1, 2014; July 1, 2015; January 25, 2019; April 1, 2025.