



# The State Bar Court of California

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## RESIGNATION WITH CHARGES PENDING INSTRUCTIONS AND REQUIREMENTS

- 1. Resignation Form.** The attached form for resignation with charges pending contains the language required by rule 9.21(b), California Rules of Court. See rule 5.420, Rules of Procedure of the State Bar, for a definition of when charges are pending. To resign with charges pending, the resignation must be submitted to the State Bar Court at 845 South Figueroa Street, 3<sup>rd</sup> Floor, Los Angeles, California 90017-2515.
- 2. Acceptance of Resignation by Supreme Court upon Recommendation by State Bar Court; Authorization for Public Disclosure of Information.** The Supreme Court does not automatically accept resignations, but bases its decision upon the recommendation of the State Bar Court. The Supreme Court will normally reject a resignation unless the resigning attorney reaches an agreement with the Office of Chief Trial Counsel on a written stipulation as to facts and conclusions of law regarding the disciplinary matters and proceedings pending against the attorney at the time of the resignation. In deciding whether to recommend that a resignation be accepted, the State Bar Court considers all pending charges, proceedings and investigations involving the attorney. The Office of Chief Trial Counsel therefore requests that resigning members execute authorization for public disclosure of information concerning pending complaints, investigations and proceedings not otherwise public. In the absence of such a waiver, the Office of Chief Trial Counsel will oppose the acceptance of the resignation.
- 3. Rule 9.20 Compliance.** Resigning attorneys must comply with rule 9.20, California Rules of Court, and submit a declaration of compliance to the State Bar Court (Cal. Rules of Court, rule 9.21(a)). Use the rule 9.20 Compliance Declaration form approved by the State Bar Court Executive Committee. The rule 9.20 Compliance Declaration must be accompanied by proof of service on the Office of Probation at the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017-2515. (See Rules Proc. of State Bar, rule 5.332.). Failure to comply with Rule 9.20 is one ground for rejection of a resignation by the Supreme Court.
- 4. Applicable Statute and Rules.** Included are applicable provisions of the California Rules of Court, the Rules of Procedure of the State Bar of California and the State Bar Act, specifically, the provisions applicable to costs (Rules Proc. of State Bar, rules 5.129-5.134), resignation with disciplinary charges pending (Cal. Rules of Court; rules 9.20-9.21; Rules Proc. of State Bar; rules 5.420-5.427), reinstatement (Rules Proc. of State Bar, rules 5.440-5.446), in the State Bar (Bus. & Prof. Code, §§ 6002- 6005), unlawful practice of law (Bus. & Prof. Code, §§ 6125-6127,) and cessation of law practice (Bus. & Prof. Code, §§ 6180-6185).