



The State Bar Court of California

HON. RICHARD A. HONN
PRESIDING JUDGE
HON. DENNIS SAAB
SUPERVISING HEARING JUDGE

NOTICE TO ALL PARTIES

The Board of Trustees of the State Bar of California has approved amendments to the Rules of Procedure of the State Bar of California (Rules of Procedure) which will become effective January 1, 2026. In addition, the Supreme Court has approved modifications to rule 5.137 of the Rules of Procedure, which also become effective January 1, 2026. These changes to the Rules of Procedure are in three areas:

- 1. Waiver of filing fees.** Litigants will now be permitted to apply for a waiver of the filing fee in State Bar Court cases where a filing fee is required, such as moral character appeals and reinstatement cases. New rule 5.32 allows any party who would meet the criteria for a reduction of license fees under rule 2.15 of the Rules of the State Bar (currently, having an income less than \$60,478.35) to apply for a waiver of any applicable State Bar Court filing fee. The application must be submitted on a court-approved form, available on the State Bar Court's website, and must be submitted at the same time as the underlying pleading, as a separate submission. If the court finds that the applicant meets the eligibility criteria, the court will grant the application for waiver. Rules 5.391, 5.441 and 5.461, have been amended to reflect the availability of fee waivers for some litigants.
- 2. Rule 5.137, monetary sanctions.** The baseline monetary sanctions for disbarment, actual suspension, and resignation with charges pending remain at \$5,000, \$2,500 and \$1,000, respectively, but the language providing for sanctions "up to" those amounts has been removed. The language of rule 5.137(E)(3) now states that the State Bar Court may, in its discretion, recommend a monetary sanction less than or greater than these baseline amounts. Rule 5.137(H) is added to require that when the State Bar Court recommends that an attorney be permitted to pay a sanction in installments, the recommendation must designate the amount of each installment, which will be added to the attorney's annual license fees
- 3. Alternative Discipline Program (ADP).** Changes have been made throughout the rules regarding the ADP, rules 5.380 through newly added 5.389.1. Some of the more significant changes are:
 - a. In rule 5.382(C), "moral turpitude" involving significant harm will no longer be a bar to participation in the ADP. Acts involving dishonesty or corruption and significant harm will continue to be a ground for ineligibility.

- b. In rule 5.384(B), minimum levels of discipline are set for cases involving moral turpitude and substantial harm. When there are no compelling mitigating circumstances in such cases, the minimum level of discipline must be a recommendation that includes an actual suspension. When there are compelling mitigating circumstances, the minimum level of discipline must be a recommendation that includes a stayed or actual suspension.
- c. In rule 5.381, regarding eligibility for participation, and rule 5.386, regarding incorporation of new matters into an ADP proceeding, language has been added to clarify that only matters in which a disciplinary case has been filed can be evaluated for eligibility for the ADP.
- d. In Rule 5.381(B), the deadline requiring the court to refer an attorney to ADP at least 45 days before the initial trial date has been eliminated, giving the court more flexibility in the timing of ADP referrals.
- e. New language in rule 5.382(D) states that the judge may base findings regarding the grounds of ineligibility under rule 5.382(C)(1), (3), and (4) on all stipulated facts and conclusions of law agreed to by the parties. New rule 5.389.1 states that the judge's findings pursuant to those subsections are not binding or admissible in a subsequent hearing or trial.

The newly revised, fully updated Rules of Procedure are available on the State Bar Court's website.