



## 2024 Fee Scaling Frequently Asked Questions (FAQs)

### 1. What are the criteria for fee scaling?

Any active status attorney who can demonstrate **total 2023 gross annual individual income from all sources of less than (\$60,478.35)** may qualify for a 25 percent reduction in their annual license fee.

The State Bar may conduct a random audit of scaling applications during the billing year and applicants may be required to submit tax forms and other proof of financial condition.

### 2. What is the deadline for scaling?

Payment and scaling declaration must be received by the State Bar of California no later than July 1, 2024 to qualify under the fee scaling criteria.

### 3. Do I qualify if my income from the practice of law is less than the qualifying amount?

Eligibility is based on your total 2023 gross annual individual income **from all sources** and is **not** based on income earned from the practice of law only.

### 4. Could my spouse's income affect my eligibility for fee scaling?

You must include 50 percent of any joint income (interest, dividends, business income, rent and royalties, for example) when determining your total gross annual individual income.

However, you may exclude your spouse's wages and salary in the calculation of your total gross annual individual income.

If filing jointly, during an audit you will be required to provide all supporting documents including W-2's of spouses.

### 5. How do I determine my total gross annual individual income?

Calculate your total gross annual individual income for 2023 using your 2023 W-2's, 1099's, and any other source of gross income that would be included in your 2023 federal tax return.

Gross individual income means all income from whatever source derived, including (but not limited to) the following items: wages, salaries, tips, interest, rents, social security, unemployment, disability, royalties, dividends, annuities, retirement distributions, pensions, etc. (exception: spouse's wages and salaries, as noted above).

For example, when using the 2023 Form 1040, you may refer to Total Income on Line 9 to determine if you are eligible. If you use Schedule C to calculate profit or loss from your business, then the gross income amount on line 7 would be included in your total gross annual individual income.

*Refer to the IRS Form 1040 instructions to determine what items are included in your Total Income on Line 9.*

**6. How do I determine eligibility if I have not yet received my tax documents?**

Calculate your total gross annual individual income for 2023 to the best of your ability. If you later determine that you do not qualify, contact the Division of Regulation to coordinate payment of the difference owed.

**7. How do I determine eligibility if I reside outside of the U.S.?**

Your total gross annual individual income from all sources must still convert to less than \$60,478.35 in U.S. dollars.

**8. What proof will I need to provide if requested by the State Bar?**

The State Bar of California does randomly audit the fee scaling program, and if selected, you will be required to provide the prior year 1040 tax return to support your declaration. If your documents don't support the deduction in fees, you will be responsible for the full fee, plus a late fee of \$100.

**9. Can I qualify for fee scaling if I'm on inactive status for part of 2024?**

No, you must be on active status as of February 1, 2024 to qualify for fee scaling.

**10. Do I need to sign a fee scaling declaration?**

The fee scaling declaration is available online through your [My State Bar Profile](#).

**11. Are new licensees admitted after May 31 eligible to fee scale the half-year active fees?**

No, new licensees admitted after May 31 are not eligible to fee scale the half-year active fees.

If you have any additional questions, please email [AttorneyRegulation@calbar.ca.gov](mailto:AttorneyRegulation@calbar.ca.gov)