

ATTACHMENT A

CALIFORNIA RULES OF COURT PROPOSED AMENDMENT OF RULE 9.6

(January 7, 2011, public comment deletions are in ~~Strikeout~~ and additions are Underlined)

Rule 9.6. Roll of attorneys admitted to practice

(a) State Bar to maintain the roll of attorneys

The State Bar must maintain, as part of the official membership records of the State Bar, the Roll of Attorneys of all persons admitted to practice in this state. Such records must include the information specified in Business and Professions Code section 6002.1 and 6064 and other information as directed by the Supreme Court.

(b) Annual State Bar recommendation for one-time expungement of suspension for nonpayment of membership fees or involuntary inactive enrollment for MCLE noncompliance

The State Bar is authorized to transmit to the Supreme Court on an annual basis the names of those members who meet all of the following criteria, along with a recommendation that their public record of suspension for nonpayment of membership fees or involuntary inactive enrollment for MCLE noncompliance be expunged:

- (1) The member has not on any previous occasion obtained an expungement under the terms of this rule;
- (2) The suspension or involuntary inactive enrollment was for 90 days or less;
- (3) The suspension or involuntary inactive enrollment ended at least seven years before the date of the submission of member's name to the Supreme Court;
- (4) The member has no other record of suspension or involuntary inactive enrollment for discipline or otherwise.

(c) Records to be maintained by State Bar

Upon order of the Supreme Court of expungement of a member's record under (b) of this rule, the State Bar will remove or delete the record of such suspension or involuntary inactive enrollment from the member's record. Notwithstanding any other provision of this rule, the State Bar must maintain such internal records as are necessary to apply the terms of (b) of this rule and to report to the Commission on Judicial Nominees Evaluation or appropriate governmental entities involved in judicial elections the member's eligibility for a judgeship under the California Constitution, article VI, section 15.

(d) Duty of disclosure by member

Expungement of a member's suspension or involuntary inactive enrollment under (b) of this rule will not relieve the member of his or her duty to disclose the suspension or involuntary inactive enrollment for purpose of determining the member's eligibility for a judgeship under the California Constitution, article VI, section 15. For all other purposes, the suspension or the involuntary inactive enrollment expunged under (b) of this rule is deemed not to have occurred and the member may answer accordingly any question relating to his or her membership record.

(e) Authorization for the Board of Governors of the State Bar to adopt rules and regulations

The Board of Governors of the State Bar is authorized to adopt such rules and regulations as it deems necessary and appropriate in order to comply with this rule.

(f) Inherent power of Supreme Court

Nothing in this rule may be construed as affecting the power of the Supreme Court to exercise its inherent power to direct the State Bar to expunge its records.