

Attachment 2

Re: Redaction of a Pre-Expungement Suspension from the State Bar's Web site (Proposed Policy Statement of the Board of Governors of the State Bar of California, 9-24-08)

The State Bar is an administrative arm of the California Supreme Court with responsibility for maintaining the Roll of Attorneys and the official membership records of all persons admitted to practice law in this state. The State Bar is also responsible for making annual recommendations to the Court for expungement of a single suspension for nonpayment of dues from the membership records of members who meet the criteria set forth in Rule of Court 9.6 (b). Those criteria for expungement are as follows:

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

The Board of Governors has concluded that a suspension for nonpayment of dues of a member who, two years after the suspension, is on the path to meeting the expungement criteria may be redacted from the State Bar's web site if the suspension will be maintained on the official membership record until expunged by the Court, the suspension will be publicly available upon inquiry to the State Bar, and the suspension is reported at the web site if the member subsequently fails to meet a criterion for expungement. The Board has concluded that redaction of a suspension for nonpayment of dues under the conditions stated provides relief for deserving members without compromising public protection concerns. The Board of Governors further concludes that it would be appropriate to implement this position in a policy statement as follows:

Two years after a suspension for nonpayment of dues has ended, the State Bar may provisionally redact the suspension from the State Bar Web site, provided the member meets all criteria for expungement except that of seven-years duration. If the member subsequently fails to meet a criterion for expungement, the State Bar must report the suspension at the Web site.