

SUPREME COURT SENDS 24 DISCIPLINE CASES BACK TO THE STATE BAR

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San Francisco, June 22, 2012 – The California Supreme Court has returned 24 attorney discipline cases to the State Bar for a second look in an order that suggests the proposed discipline was too lenient. Historically, the Supreme Court approves hundreds of suspensions and disbarments every year on the recommendation of the State Bar, its administrative arm for regulating lawyer admission and professional conduct.

“The Court’s action, while unanticipated, is consistent with the efforts already underway at the State Bar to tighten the professional standards governing California attorneys,” observed State Bar Executive Director/CEO Joe Dunn. “The return of these cases gives us an opportunity to further advance this goal.”

The cases sent back for review predated new policies by current Chief Trial Counsel Jayne Kim. Early in her term as Acting CTC, Kim began requiring management approval of proposed discipline to ensure consistency, adherence to the discipline standards and maximum public protection. Previous practice did not so rigorously require this.

Bar prosecutors and the State Bar Court follow a set of standards for imposing sanctions against attorneys who are found culpable of professional misconduct. (See Title IV of the [Rules of Professional Conduct](#)).

The cases were returned with a June 21, 2012 order stating:

“The above-entitled matters are returned to the State Bar for further consideration of the recommended discipline in light of the applicable attorney discipline standards. (*In re Silverton* (2005) 36 Cal.4th 81, 89-94; see *In re Brown* (1995) 12 Cal.4th 205, 220.)”

Both cases cited in the order are cases in which the Supreme Court ordered more severe discipline than was initially recommended by the State Bar Court. In the more recent case, the Supreme Court disbarred attorney Silverton, concluding that the State Bar Court’s recommended suspension was inadequate given the primary purpose of disciplinary proceedings to protect the public, the courts, and the legal profession; maintain high professional standards by attorneys; and preserve public confidence in the legal profession.

“We take the Supreme Court’s citation of the Silverton case very seriously. It is a reminder that our State Bar discipline system must demand the highest professional standards of California attorneys,” Dunn said.

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The State Bar of California is an administrative arm of the California Supreme Court, serving the public and seeking to improve the justice system for more than 80 years. All lawyers practicing law in California must be members of the State Bar. By June 2012, membership reached 237,000.