

RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA
RULES 108 AND 201
and
STANDARDS FOR ATTORNEY SANCTIONS FOR PROFESSIONAL MISCONDUCT
STANDARDS 2.2(b), 2.7, 2.8 and 2.9
(Adopted by the Board of Governors, November 3, 2000)

RULE 108. CONSOLIDATION.

- (a) Consolidation may be ordered upon motion of any party, on stipulation of the parties or on the Court's own motion with notice to the parties and an opportunity to be heard. Except where good cause is shown, motions to consolidate shall be filed within thirty (30) days of the filing of the notice of disciplinary charges or other initial pleading in the most recent of the proceedings sought to be consolidated. Proceedings may be consolidated if no substantial rights of any party will be prejudiced and if consolidation will not **cause undue delay of either matter** ~~require the continuance of any previously scheduled trial date.~~ Proceedings involving different members but common questions of fact may be consolidated for all purposes or for the purpose of joint hearing or joint trial.
- (b) Proceedings in the Hearing Department shall not be consolidated with proceedings in the Review Department. The Presiding Judge may order that a proceeding in the Review Department be remanded to the Hearing Department for a ruling as to whether consolidation is appropriate.
- (c) If the proceedings which a party seeks to consolidate are pending in different venues, a motion for transfer of venue must be granted prior to the filing of a motion to consolidate.
- ~~(d) The amendments to paragraph (a) shall apply to all consolidations in which the notice of disciplinary charges or other initial pleading in the most recent proceeding sought to be consolidated is filed on or after February 1, 1999.~~

RULE 201 PROCEDURES FOR RESPONDENT'S FAILURE TO APPEAR AS PARTY AT TRIAL; ENTRY OF DEFAULT

- (a) If a respondent fails to appear at trial in person or by counsel, the trial shall proceed unless for good cause the trial is continued.
- (b) If a respondent fails to appear as a party at the trial when that respondent's default had not previously been entered in the proceeding, then the Court shall order the Clerk to enter that

respondent's default, if:

- (1) The notice of disciplinary charges was served on the respondent as required by the rule for service of initial pleadings (rule 60);
 - (2) Notice of trial was mailed, postage paid, to the respondent's counsel of record, or if none, at the respondent's address maintained pursuant to Business and Professions Code section 6002.1, or if none of the foregoing applies, at an address at which the respondent may be served pursuant to the rule for service of subsequent pleadings (rule 61); and
 - (3) The respondent has not appeared at trial.
- (c) Promptly upon entry of default under this rule, the Court shall order the Clerk to file and serve upon all parties a notice of entry of default. The notice shall include the following in prominent type:
- [Warning language omitted here as unnecessary]*
- (d) **Proceedings, including the testimony of witnesses, the receipt of evidence and the argument of deputy trial counsel, may proceed immediately after the Court has ordered the Clerk to enter the respondent's default and before the default is actually entered.**

STANDARD 2.2 OFFENSES INVOLVING ENTRUSTED FUNDS OR PROPERTY.

[Standard 2.2(a) remains unchanged.]

- (a) Culpability of a member of commingling of entrusted funds or property with personal property or the commission of another violation or rule ~~4-100 8-104~~, Rules of Professional Conduct, none of which offenses result in the wilful misappropriation of entrusted funds or property shall result in at least a three-month actual suspension from the practice of law, irrespective of mitigating circumstances.

STANDARD 2.7 OFFENSES INVOLVING AN AGREEMENT TO ENTER INTO, CHARGE OR COLLECT AN UNCONSCIONABLE FEE FOR LEGAL SERVICES (RULE 4-200 ~~2-107~~, RULES OF PROFESSIONAL CONDUCT).

Culpability of a member of a wilful violation of that portion of rule ~~4-200 2-107~~, Rules of Professional Conduct re entering into an agreement for, charging or collecting an unconscionable fee for legal services shall result in at least a six-month actual suspension from the practice of law, irrespective of mitigating circumstances.

STANDARD 2.8 OFFENSES INVOLVING VIOLATION OF RULE ~~3-300 5-101~~, RULES OF PROFESSIONAL CONDUCT RE BUSINESS TRANSACTIONS WITH A CLIENT.

Culpability of a member of a wilful violation of rule ~~3-300 5-101~~, Rules of Professional Conduct, shall result in suspension unless the extent of the member's misconduct and the harm to the client are minimal, in which case the degree of discipline shall be reproof.

STANDARD 2.9 OFFENSES INVOLVING A WILFUL VIOLATION OF RULE ~~1-110 9-101~~, RULES OF PROFESSIONAL CONDUCT.

Culpability of a member of a wilful violation of rule ~~1-110 9-101~~, Rules of Professional Conduct, shall result in suspension.