

***PROPOSED AMENDMENTS TO  
RULE 51, RULES OF PROCEDURE***  
[Additions in **Bold**; Deletions in ~~Strikeout~~]

**RULE 51. PERIOD OF LIMITATIONS**

- (a) A disciplinary proceeding based solely on a complainant's allegation of a violation of the State Bar Act or Rules of Professional Conduct shall be initiated within five years from the date of the alleged violation.
- (b) For purposes of paragraph (a) of ~~this the~~ rule, a violation of the State Bar Act or the Rules of Professional Conduct is deemed to have been committed when every element of the alleged violation has occurred, except where the alleged violation is a continuing offense, in which case the violation is deemed to have been committed at the termination of the entire course of conduct.
- (c) The period set forth in paragraph (a) of ~~this the~~ rule shall be tolled during the time that any of the following exist:
  - (1) The member continues to represent the complainant, a member of the complainant's family, or the complainant's business or employer;
  - (2) The complainant is under the age of majority, is insane, or is physically or mentally incapacitated;
  - (3) Civil, criminal, or administrative investigations or proceedings arising out of substantially the same acts of circumstances that provide the basis for the alleged violations are pending with any governmental agency, court, or tribunal;
  - (4) The member conceals facts constituting the violation;
  - (5) The member fails to cooperate with the investigation of the alleged violations;
  - (6) The member makes false or misleading statements to the State Bar concerning the alleged violations;
  - (7) The disciplinary investigation or proceeding is abated **for one or more of the reasons set forth in rule 116 of these rules** ~~consistent with the Rules of Procedure of the State Bar~~;
  - (8) The member is participating in an Alternative Dispute Mediation Discipline program, Agreement in Lieu of Discipline Prosecution program, **Alternative Discipline Program** or other authorized diversion program. Upon successful completion of the program the underlying allegations will be barred pursuant to paragraph (a);

- (9) The investigation is terminated by admonition;
- (10) The complaint or investigation is pending before the **Audit and Review Unit** ~~Complainants' Grievance Panel~~. The State Bar may initiate disciplinary proceedings within two years after the conclusion of proceedings before the **Audit and Review Unit** ~~Complainants' Grievance Panel~~;
- (11) The member is suspended from the practice of law and is required to show rehabilitation pursuant to Standard 1.4(c)(ii), Standards ~~for Governing~~ Attorney Sanctions for Professional Misconduct, prior to being reinstated to active practice of law if allegations are used solely to rebut a member's claims of rehabilitation.

*[Subsections (d) through (h) remain unchanged]*