

CALIFORNIA RULES OF COURT
PROPOSED AMENDMENT OF RULE 950.5
(May 2006, Deletions are in Strikeout, Addition are Underlined)

RULE 950.5 Roll of attorneys admitted to practice

a) The State Bar ~~shall~~ 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 sections 6002.1 and 6064 of Business and Professions Code and other information as directed by the Supreme Court.

b) The State Bar may recommend expungement of a suspension for nonpayment of membership fees from an attorney's membership record in accordance with rules adopted by the State Bar and approved by the Supreme Court. The Supreme Court may order expungement of the suspension for nonpayment of membership fees from the membership record as the Supreme Court deems appropriate.

The State Bar of California

TITLE TWO. RIGHTS AND RESPONSIBILITIES OF MEMBERS
(Additions are Underlined, May 2006)

Division 1. Member record

Rule 2.33 Suspension for failure to pay annual membership fees and outstanding penalties or costs

- (A) A member who fails to pay annual membership fees or any outstanding penalties or costs will be sent a final delinquency notice at the member's address of record. If the State Bar fails to receive full payment of the amount due within two months of sending the final delinquency notice, the State Bar will recommend that the Supreme Court suspend the member from the practice of law.
- (B) Annual membership fees continue to accrue according to the member's status prior to suspension.
- (C) To terminate suspension for nonpayment, a member must pay
 - (1) all current and accrued fees, penalties, and costs; and
 - (2) the reinstatement fee set forth in the Schedule of Charges and Deadlines.

The payment must be made in cash or in guaranteed funds by cashier's check, money order, bank certified check, or wire transfer.

- (D) The State Bar will seek by an amendment nunc pro tunc to retroactively strike the name of a member from the Supreme Court Order of Suspension for Nonpayment if the suspension resulted from State Bar error.
- (E) The Board may recommend that the Supreme Court order expungement of a record of suspension for nonpayment of membership fees, provided that all of the following apply:
 - (1) the suspension was for 90 days or less;
 - (2) ***the suspension ended at least 10 years before the date of the Board's recommendation; and
 - (3) the member has no other record of suspension, for discipline or otherwise.

***** The Board Committee on Member Oversight is seeking comment on the appropriate length of time (5 years, 7 years, 10 years) before a suspension may be expunged.**