

TITLE TWO. RIGHTS AND RESPONSIBILITIES OF MEMBERS

Division 1. Member record

Rule 2.1 Roll of attorneys

The State Bar maintains, on the official membership records of the State Bar, the roll of all attorneys admitted to practice in California.¹

Rule 2.2 Public information

A member record contains public information, including the following:

- (A) last name, first name, and any middle names;
- (B) State Bar member number;
- (C) date and place of birth;
- (D) address and telephone number;
- (E) e-mail address;
- (F) date of admission in California;
- (G) places and dates of admission in other jurisdictions before admission in California;
- (H) membership status;
- (I) date of any transfer from one membership status to another;
- (J) date and period of any discipline; and
- (K) any other information as directed by the Supreme Court or otherwise required by law.

Rule 2.3 Duty to update member record

- (A) A member must inform the State Bar of a change of address, telephone number, or e-mail address no later than 30 days after making the change. The member must report a change of address or telephone number online or using the State Bar Address Change Form.² The member must make a change of e-mail address online.
- (B) A member must inform the State Bar of a change of name no later than 30 days after making the change. The member must report the change using the State Bar Name Change Form.³

Division 2. Annual membership fees and penalties

Rule 2.10 Definitions

¹ California Rule of Court, Rule 950.5, states that "The State Bar shall 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 shall include the information specified in sections 6002.1 and 6064 of the Business and Professions Code and other information as directed by the Court."

² See http://calbar.ca.gov/state/calbar/calbar_sections_generic.jsp?cid=12535&id=1017.

³ See http://calbar.ca.gov/state/calbar/calbar_sections_generic.jsp?cid=12535&id=1025.

- (A) "Annual membership fees" are those fees that any member must pay to maintain active or inactive membership in a calendar year. These fees may include additional assessments and costs prescribed by law.⁴
- (B) "Penalties" are the surcharges assessed any member who fails to pay annual membership fees on time.

Rule 2.11 Due date

A member must pay the annual membership fees set forth in the Schedule of Charges and Deadlines each calendar year no later than February 1.

Rule 2.12 New members

A new member must be enrolled as active and pay initial fees within 30 days of the invoice date for the fees as follows:

- (A) full annual membership fees if admitted between January 1 and May 31;
- (B) half the annual membership fees if admitted between June 1 and November 30;
- (C) the administrative fee for admission set forth in the Schedule of Charges and Deadlines if admitted in December.

Rule 2.13 Late payment penalties

Late payment of annual membership fees is subject to the penalties set forth in the Schedule of Charges and Deadlines.

Rule 2.14 No refund

Unless these rules provide otherwise, a member is not entitled to a refund of annual membership fees because of death, resignation, disbarment, transfer to inactive status, entering judicial office, or for any other reason.

Rule 2.15 Scaling

- (A) An active member who has a total gross annual individual income from all sources of less than \$40,000 may request to scale or reduce annual membership fees by 25%. The request must be submitted by the date set forth in the Schedule of Charges and Deadlines and include
 - (1) the Active Member Fee Scaling Declaration,⁵ a declaration under penalty of perjury; and
 - (2) payment of the reduced fee.

⁴ See Business & Professions Code §§ 6140.5, 6140.7.

⁵ See http://calbar.ca.gov/state/calbar/calbar_sections_generic.jsp?cid=12535&id=1027.

New members admitted after May 31 do not qualify for scaling but must pay half the annual membership fees.

- (B) An employer that receives State Bar Legal Services Trust Fund grants and is a qualified legal services project or qualified support center as defined by statute⁶ may scale or reduce annual membership fees by 25% for an active member employed on a continuous full-time basis. The request must be submitted by the date set forth in the Schedule of Charges and of Deadlines and include
 - (1) the Qualified Employer Fee Scaling Declaration, a declaration under penalty of perjury that the employer is qualified and pays annual membership fees on the member's behalf; and
 - (2) payment of the reduced fee.
- (C) Members who scale are subject to audit and upon request must provide the State Bar with past federal and state income tax returns or other acceptable documentation of financial condition.
- (D) If the State Bar determines that a member is ineligible to scale, the member must pay full annual membership fees and any late payment penalties.

Rule 2.16 Waivers

- (A) In this rule, "annual membership fees" and "penalties" are construed narrowly and do not include
 - (1) disciplinary costs⁷ or monetary sanctions,⁸
 - (2) Client Security Fund disbursements and costs,⁹
 - (3) mandatory fee arbitration award penalties and costs,¹⁰
 - (4) Minimum Continuing Legal Education ("MCLE") noncompliance or reinstatement penalties,¹¹ or
 - (5) any other charges that may be added to annual membership fees for failure to comply with obligations imposed by court order, statute, or rule.
- (B) To be considered for the current year, a request must be submitted by February 1. Requests submitted after February 1 must be accompanied by full payment of any outstanding charges, which will be refunded if the request is granted.

⁶ See Business & Professions Code § 6210 et seq.

⁷ See Business and Professions Code § 6086.10.

⁸ See Business and Professions Code § 6086.13.

⁹ See Business and Professions Code § 6140.5.

¹⁰ See Business and Professions Code § 6203(d)(3).

¹¹ See Business and Professions Code § 6070 and the State Bar's MCLE rules.

- (C) The Secretary may waive up to \$1,000 in annual membership fees and related penalties for the year in which they are due, provided that the request is
- (1) in writing;
 - (2) supported by satisfactory documentation; and
 - (3) for any of the following reasons:
 - (a) the member is prevented or greatly impaired from pursuing a livelihood for a substantial part of the membership year because of a physical or mental condition, natural disaster, or family emergency;
 - (b) the member has a total annual income from all sources of \$20,000 or less;
 - (c) the member serves full-time as a magistrate, commissioner, or referee, or in another similar capacity for a state or federal court of record;
 - (d) the member is a retired judge who accepts assignments from the Chief Justice of California to act in a judicial capacity at least 90% of the calendar year;
 - (e) the State Bar has erroneously assessed the annual membership fees or related penalties; or
 - (f) for any other reason, on a one-time-only basis, if the member has no previous record of discipline or administrative suspension.
- (D) The Secretary may waive annual membership fees and related penalties for a member serving in the Army National Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve, or the Coast Guard Reserve provided that
- (1) the member has been ordered to report to full-time active duty for more than 30 days;
 - (2) a request for waiver is submitted in writing by the member, member's spouse, relative, law partner or associate, or legal representative and accompanied by:
 - (a) a copy of the order to report for active duty, or

- (b) a copy of the order to report for active duty and a certified declaration by a JAG officer that the member has served on active duty for more than 30 days.

A member granted a waiver under this rule must notify the State Bar within 30 days upon termination of the assignment to active duty.

- (E) Annual membership fees are waived for the year in which a judicial officer leaves office and returns to membership in the State Bar.
- (F) The Secretary may waive unpaid annual membership fees and penalties accrued by former justices and judges of courts of record since their leaving office, if such members have paid current annual membership fees and related penalties. This rule sunsets December 31, 2007 unless the board extends it.
- (G) Annual membership fees are waived for inactive members who are 70 years of age on February 1.
- (H) Annual membership fees may be waived for a member who is an emeritus attorney.
- (I) The board reserves the right
 - (1) to grant requests for waivers denied by the Secretary if there is good cause; and
 - (2) to consider all other requests for waivers.
- (J) A waiver granted under this rule does not remove a court-ordered suspension for nonpayment of fees or penalties.

Division 3. Member status

Rule 2.30 Inactive membership

Rule 2.31 Change of membership status

- (A) A member may apply to change from active to inactive status or vice versa by submitting the Transfer to Active Status Form¹² or the Transfer to Inactive Status Form¹³ with the transfer fee indicated in the Schedule of Charges and Deadlines. A change to inactive by February 1 entitles the member to pay the annual fees of an inactive member. A change to inactive after that date does not entitle the member to a refund of active fees.
- (B) While suspended, a member cannot change membership status.

¹² See http://calbar.ca.gov/state/calbar/calbar_sections_generic.jsp?cid=12535&id=1028).

¹³ See http://calbar.ca.gov/state/calbar/calbar_sections_generic.jsp?cid=12535&id=1029).

Rule 2.32 Inactive enrollment for failure to comply with Minimum Continuing Legal Education requirements

- (A) A member who fails to meet requirements for Minimum Continuing Legal Education (MCLE) will be enrolled as inactive.
- (B) To terminate inactive enrollment for MCLE noncompliance, a member must comply with the MCLE rules governing reinstatement.¹⁴
- (C) Annual membership fees continue to accrue at the inactive rate.

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.¹⁵
- (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.

Rule 2.34 Suspension for failure to comply with a family or child support obligation

- (A) A member identified under the terms of Family Code § 17520 as failing to comply with a judgment or court order for child or family support will be suspended from the practice of law by the Supreme Court.¹⁶

¹⁴ See MCLE Rules and Regulations (http://calbar.ca.gov/calbar/pdfs/certification/MCLE_Rules_05_03.pdf), rule 13.1: Enrollment As Inactive Member: "A member failing to comply with the requirements after the 60-day period for compliance has expired shall be enrolled as an inactive member by the Board of Governors or an officer of the State Bar or his or her designee." Reinstatement is governed by MCLE Rules and Regulations § 14.

¹⁵ Business and Professions Code § 6143.

¹⁶ California Rules of Court, Rule 962.

- (B) The State Bar will send a written notice of suspension for failure to pay child or family support to the member's address of record. The suspension will be effective on the date ordered by the Supreme Court.
- (C) The State Bar will ask the Supreme Court to reinstate a member if it receives statutory notice¹⁷ that the obligation has been discharged and if the member has paid annual membership fees and any surcharge authorized by statute.¹⁸
- (D) If a reinstated member subsequently fails to comply with a judgment or court order for child or family support,¹⁹ the State Bar will request that the Supreme Court suspend the member within 30 days and will send written notice of its request to the member's address of record.
- (E) Annual membership fees continue to accrue according to the member's status prior to suspension.

Rule 2.35 Suspension for disciplinary violations

- (A) A member who is suspended by the California Supreme Court as a result of disciplinary violations must pay full annual membership fees.
- (B) Annual membership fees continue to accrue according to the member's status prior to suspension.
- (C) If a member is suspended for an entire calendar year, the member is not required to pay annual membership fees for that year. Upon expiration of the suspension, and within 30 days of the invoice, the member must pay full annual membership fees for the current year.

Division 4. Minimum Continuing Legal Education

¹⁷ Family Code § 17520.

¹⁸ Family Code § 17520 (n).

¹⁹ Family Code § 17520.