

**Proposed Amendments  
to  
Business & Professions Code §6086.10, §6140.7**

**Proposal #1: Attorneys Fees.**

**“§6086.10 Payment of Cost of Disciplinary Proceedings**

“(a) Any order imposing a public reproof on a member of the State Bar shall include a direction that the member shall pay costs. In any order imposing discipline, or accepting a resignation with a disciplinary matter pending, the Supreme Court shall include a direction that the member shall pay costs.

“(b) The costs required to be imposed pursuant to this section include all of the following:

“(1) The actual expense incurred by the State Bar for the original and copies of any reporter's transcript of the State Bar proceedings, and any fee paid for the services of the reporter.

“(2) All expenses paid by the State Bar which would qualify as taxable costs recoverable in civil proceedings.

“(3) The charges determined by the State Bar to be "reasonable costs" of investigation, hearing, and review. These amounts shall serve to defray the costs, other than fees for ~~the services of attorneys or~~ experts, of the State Bar in the preparation or hearing of disciplinary proceedings, *the attorney fees of the Office of the Chief Trial Counsel* and costs incurred in the administrative processing of the disciplinary proceeding and in the administration of the client security fund.

“(c) A member may be granted relief, in whole or in part, from an order assessing costs under this section, or may be granted an extension of time to pay these costs, in the discretion of the State Bar, upon grounds of hardship, special circumstances, or other good cause.

“(d) In the event an attorney is exonerated of all charges following a formal hearing, he or she is entitled to reimbursement from the State Bar in an amount determined by the State Bar *Court* to be the reasonable *attorney fees and* expenses, other than fees for ~~attorneys or~~ experts, of preparation for the hearing.”

**Proposal 2: Require Payment of Costs For Involuntary Inactive Enrollment Proceedings.**

**“§6086.10 Payment of Cost of Disciplinary Proceedings**

“(a) Any order imposing a public reproof on a member of the State Bar shall include a direction that the member shall pay costs. In any order imposing discipline, or accepting a resignation with a disciplinary matter pending, the Supreme Court shall include a direction that the member shall pay costs.

“(b) The costs required to be imposed pursuant to this section include all of the following:

“(1) The actual expense incurred by the State Bar for the original and copies of any reporter's transcript of the State Bar proceedings, and any fee paid for the services of the reporter.

“(2) All expenses paid by the State Bar which would qualify as taxable costs recoverable in civil proceedings.

“(3) The charges determined by the State Bar to be "reasonable costs" of investigation, hearing, and review, *and the cost of any related proceeding under Section 6007 subdivision (c) and (h)*. These amounts shall serve to defray the costs, other than fees for the services of attorneys or experts, of the State Bar in the preparation or hearing of disciplinary proceedings, and costs incurred in the administrative processing of the disciplinary proceeding and in the administration of the client security fund.

“(c) A member may be granted relief, in whole or in part, from an order assessing costs under this section, or may be granted an extension of time to pay these costs, in the discretion of the State Bar, upon grounds of hardship, special circumstances, or other good cause.

“(d) In the event an attorney is exonerated of all charges following a formal hearing, he or she is entitled to reimbursement from the State Bar in an amount determined by the State Bar to be the reasonable expenses, other than fees for attorneys or experts, of preparation for the hearing.”

### **Proposal 3: Require Costs to Be Paid Sooner.**

#### **Business and Professions Code section 6140.7 *Deadline for Payment of Disciplinary Costs Added to Membership Fee***

*“Disciplinary costs assessed against a member pursuant to subdivision (a) of section 6086.10 are due and payable upon the effective date of the disciplinary order, unless the time for payment of costs is extended pursuant to subdivision (c) of section 6086.10. ~~Costs assessed against a member publicly reprimanded or suspended, where suspension is stayed and the member is not actually suspended, shall be added to and become a part of the membership fee of the member, for the next calendar year. Unless time for payment of discipline costs is extended pursuant to subdivision (c) of Section 6085.10, costs~~ Costs assessed against a member who resigns with disciplinary charges pending or by a member who is actually suspended or disbarred shall be paid as a condition of reinstatement of or return to active membership. For all other cost awards, the State Bar shall place the member on involuntary inactive status if the cost assessment is not satisfied when it becomes due.”*