

## TITLE 1. GLOBAL PROVISIONS

### DIVISION 1. WHAT THESE RULES ARE

#### Rule 1.1 Rules of the State Bar of California

These rules have been adopted by the Board of Governors of the State Bar of California and are entitled the Rules of the State Bar of California.

#### Rule 1.2 Authority

The State Bar of California is established for governmental purposes under the authority of the Constitution of the State of California at article VI, section 9. The State Bar acts as the administrative arm of the California Supreme Court in all matters related to attorney admission and discipline in California. Subject to the laws of the state, the Board of Governors of the State Bar of California may adopt rules and procedures to implement California statutes<sup>1</sup> and court rules and to govern the State Bar.

#### Rule 1.3 Scope

The rules of the State Bar of California concern

- (A) the rights and responsibilities of its members and prospective members;
- (B) its programs and services and the requirements for participating in or using them;
- (C) its governance; and
- (D) its relationships with other entities or individuals.

#### Rule 1.4 Exclusions

The rules of the State Bar do not include

- (A) Rules of the Supreme Court of California or California Rules of Court that apply to the State Bar, its members, services, or programs;
- (B) statutes or case law applicable to the State Bar, its members, services, or programs; or
- (C) policies and procedures that relate to the internal management or operations of the State Bar.

#### Rule 1.5 Contents of the Rules of the State Bar of California

The Rules of the State Bar of California include:

- (A) Title 1. Global Provisions,
- (B) Title 2. Membership Rights And Responsibilities,
- (C) Title 3. Programs and Services,
- (D) Title 4. Admissions and Educational Standards,

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<sup>1</sup> See Business & Professions Code § 6025.

- (E) Title 5. Discipline,
- (F) Title 6. Governance,
- (G) Title 7. Miscellaneous Provisions,
- (H) Appendixes to the rules, and
- (I) California Rules of Professional Conduct.

## DIVISION 2. PUBLIC COMMENT

### Rule 1.10 Public comment

- (A) Proposals for State Bar rules are circulated for public comment before a rule is adopted, amended, or repealed by the Board of Governors. The State Bar also makes available for public comment its proposals for the California Rules of Court. Proposals are circulated for ninety days, but the board may shorten the comment period to a reasonable period that may not be fewer than thirty days.
- (B) Public comment is not required
  - (1) to make changes required by law;
  - (2) to correct clerical errors; clarify grammar; improve organization; or update references or citations; or make similar editorial changes;
  - (3) to modify a proposal that has been circulated for public comment when the board deems the modification non-substantive or reasonably implicit in the proposal; or
  - (4) to add or modify an appendix to these rules.
- (C) The board may determine that an emergency requires it to adopt, amend, or suspend a rule on an interim basis without first circulating it for public comment. No interim measure may remain in effect for more than 120 days.
- (D) The adoption, amendment, or repeal of a rule becomes effective as of the date specified by the board. If it specifies no date, the date of its action is the effective date.

### Rule 1.11 Availability of public comments

Public comment provided to the board regarding a rule proposal is available upon request, subject to a reasonable charge for processing.

## DIVISION 3. READING AND APPLYING THE RULES

### Rule 1.20 Construction

The following constructions apply to all the rules unless a title or a rule indicates otherwise.

- (A) Each tense (past, present, or future) includes the others.
- (B) Each gender (masculine, feminine, or neuter) includes the others.
- (C) Each number (singular or plural) includes the other.
- (D) A rule that is invalid in part is not otherwise invalid.

- (E) A rule must be read as a whole. A word or phrase that can have more than one meaning should be interpreted in context.
- (F) Once a rule has defined a term, the definition is implicit in related rules that use the term.
- (G) If a rule refers to only one or more things of a particular class, it excludes all other members of the class.
- (H) A rule is not retrospective unless it specifically says it is.
- (I) A rule is automatically repealed when it sunsets unless it is extended by amendment.
- (J) Headings and notes are not parts of rules but may assist in the interpretation of rules.
- (K) If a rule cites the authority for the rule, the citation is part of the rule.
- (L) If a rule refers to the Schedule of Charges and Deadlines, the referenced date or amount is part of the rule.

#### Rule 1.21 Usage

As used in the rules:

- (A) “must” is mandatory;
- (B) “may” is permissive;
- (C) “may not” means not permitted to;
- (D) “will” expresses a future contingency or predicts action in the ordinary course of events, but does not signify a mandatory duty; and
- (E) “should” expresses a preference or a nonbinding recommendation.

#### Rule 1.22 Definitions

Unless otherwise indicated, the following definitions apply to these rules.

- (A) “Board of Governors” or “board” is the body established by statute to govern the State Bar.<sup>2</sup>
- (B) “Executive director” is the chief executive officer of the State Bar who is responsible for day-to-day operation of the State Bar.
- (C) “Members” are all persons admitted and licensed to practice law in California except justices and judges of courts of record during their continuance in office.<sup>3</sup>
- (D) “Secretary” is the secretary of the State Bar or his or her designee.
- (E) The “Schedule of Charges and Deadlines” is the current schedule adopted by the Board of Governors that specifies by rule number and title any amount that must be paid and the date for paying it or otherwise taking an action required to comply with a rule.
- (F) The “State Bar Act” is Chapter 4, Article 1 of the Business & Professions Code, commencing at § 6000.
- (G) “State Bar Web site” means the Web site established by the State Bar of California at <http://calbar.ca.gov>.

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<sup>2</sup> Business & Professions Code § 6010.

<sup>3</sup> Business & Professions Code § 6002.

#### Rule 1.23 Dates

The date for performing an act required by these rules is computed by excluding the first day and including the last, unless the State Bar is closed the last day. The State Bar is closed on Saturdays, Sundays, and legal holidays.

#### Rule 1.24 Forms

When a rule refers to a form, the State Bar reserves the right to reject a form that is altered in language or structure or that is not completed and submitted according to instructions.

#### Rule 1.25 Citation

A title in these rules may be cited by its number or by its number and name. Unless otherwise specified, a rule of the State Bar of California should be cited as “State Bar of California Rule” or “State Bar Rule” and the numbers of the title and rule separated by a period. For instance, this rule may be cited as either “State Bar of California Rule 1.25” or as “State Bar Rule 1.25.”