

# **ATTACHMENT 4**

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<b>CODE</b>	<b>DESCRIPTION</b>	<b>TOTAL COMMENTS PER CATEGORY</b>
<b>BR.</b>	The rule creates an unnecessary burden on both the attorney as well as the State Bar	548
<b>No PP</b>	The rule serves no legitimate purpose and is generally unnecessary.	512
<b>AF!</b>	The rule is redundant and unnecessary because all attorneys were already fingerprinted.  Many attorneys were also already fingerprinted for other purposes, such as for employment or other license applications/renewals.	697
<b>\$\$</b>	The rule imposes a harsh financial burden on attorneys by requiring them to pay full fingerprinting costs.  The rule will also cost the State Bar considerable money to implement, taking funds away from other valuable State Bar services.	413
<b>\$M</b>	Since re-fingerprinting is only necessary due to the State Bar's failure to act in accordance with statutory requirements, the State Bar should bear all costs of re-fingerprinting.	362
<b>Unconst.</b>	The rule violates a number of constitutional rights, including the 4th, 5th, and 14th amendments.	60
<b>PRY.</b>	The rule constitutes an invasion of privacy.	278
<b>SCY</b>	Commenters expressed concerns regarding the fact the State Bar and the government will have unfettered access to their fingerprint images and other confidential information.  Many expressed specific concern that the <i>federal</i> government would be retaining or having access to their fingerprint images.	42
<b>RR#</b>	There are already criminal reporting requirements for prosecutors, courts, and attorneys, making the SAN system unnecessary.	150
<b>Alt. opts</b>	Commenters urged staff to consider alternative means to discover criminal history information, such as yearly oath cards by attorneys.	59

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<b>OOS B.</b>	The language of the rule states that attorneys must submit fingerprint images to the DOJ via Live Scan technology, which is only available in California. Accordingly, attorneys stressed that this creates an unfair burden for out-of-state attorneys to travel to California to get fingerprinted.	81
<b>Foreign#</b>	The rule creates an undue burden on attorneys residing overseas, as they may not have access to fingerprinting locations.	25
<b>EX#</b>	Commenters suggested that the rule should apply to only select groups of attorneys, including but not limited to, attorneys who have committed wrongdoing, newly licensed attorneys, or attorneys who have been practicing for many years.	61
<b>&gt;Inactive</b>	The rule will encourage attorneys to either remain inactive or go inactive.	8
<b>Unrel.</b>	Commenters indicated that fingerprint information is not a reliable identifier.	20
<b>WN#</b>	Commenters expressed curiosity as to what prompted this proposed rule.	30
<b>OB#</b>	Commenters were concerned about the fact that State Bar will receive arrest information, which is not a reportable offense.	125
<b>IA=</b>	Commenters indicated that ALL attorneys should be required to be re-fingerprinted.	4
<b>6054#</b>	Bus. & Prof. Code 6054, as recently amended by SB 36, authorizes, but does not obligate, the State Bar to re-fingerprint active attorneys.	30
<b>EX1989</b>	Prior to January 1, 1989, the State Bar had no obligation to have applicant fingerprints be retained by the DOJ.  Accordingly, commenters felt that attorneys who applied for admission prior to this date should be exempt from the rule.	4
<b>1#</b>	It is not clear if this is a one time or an ongoing requirement.	40

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<b>Implem.</b>	Commenters expressed concern that the rule lacks clarity on process and procedures for the re-fingerprinting processes.	15
<b>Dis#</b>	Commenters expressed concern for the fact that the rule does not provide exceptions for those attorneys whose fingerprints are unreadable, who are unable to provide fingerprints, or who do not have fingerprints because of a disability.	5
<b>2.15B#</b>	A small number of commenters suggested that processing fee waivers should be extended to attorneys who have received fee scaling under State Bar Rule 2.15(B) (attorneys who work for certain qualified legal services). The commenters stressed the proposed rule would impose tremendous costs to underfunded qualified legal service providers and support programs.	4

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<p>I STRONGLY DISAGREE FOR THE FOLLOWING REASONS:1) THE PROPOSAL IF IMPLEMENTED WOULD BE UNCONSTITUTIONAL PURSUANT TO A LONG LINE OF CASES BECAUSE THE BAR'S NEED IS NOT LEGITIMATE AND LESS RESTRICTIVE ALTERNATIVES ARE AVAILABLE TO MEET THE BAR' INTEREST. ALTERNATIVELY, THE BAR COULD RANDOMLY SELECT MEMBERS TO SUBMIT A RELEASE TO RUN THEIR NAMES OR PRINTS THROUGH THE FBI DATABASE OR SCHEDULE, THE WAY THEY DO WITH THE MCLC. AND ANY REQUESTS SHOULD BE LIMITED TO SEARCHES FOR FELONY CONVICTIONS. NOTHING MORE. A BLANKET REQUEST OF ALL MEMBERS IS OVERLY BROAD, VAGUE, AND TOO AMBITIOUS FOR AN EFFECTIVE IMPLEMENTATION OF SUCH A PLAN.AND ANOTHER REASON THE PROPOSED RULE AS IT STANDS IS UNCONSTITUTIONAL IS LACKS A DUE PROCESS PROCEDURE FOR MEMBERS TO CHALLENGE EITHER THE RELEASE OF THEIR PRINTS OR ANY FACTFINDING OR CONCLUSIONS CONCERNING THE PRINTS THAT COULD AFFECT THEIR LICENSE. 2) THE BAR LACKS THE MEANS TO ESTABLISH AND IMPLEMENT EFFECTIVE POLICIES ON THE SAFEGUARDING, RETENTION, DESTRUCTION, PRIVACY, SHARING, AND MOST IMPORTANTLY CYBERSECURITY CONCERNING THE PRINTS OR ANY INFORMATION ON IT. THE BAR HAS ALREADY BEEN UNSUCCESSFUL IN DEFENDING MEMBERS' CURRENT CONFIDENTIAL AND SENSITIVE INFORMATION AGAINST SANDERS' &amp; ETC'S REQUEST FOR THE RELEASE OF RECORDS THE BAR AGREED TO NOT RELEASE. MANY OF THOSE RECORDS PRIOR TO BEING TURNED OVER TO THE BAR WERE TREATED AS HIGHLY CONFIDENTIAL AND APPARENTLY LOST THAT STATUS DURING THE SANDERS LITIGATION. THERE IS NO REASON TO THINK THE BAR WOULD BE NOT BE SIMILARLY UNSUCCESSFUL IN THE RELEASE OF THE PRINTS OR INFO ON IT IN ANY FUTURE LITIGATION. THE BAR NEEDS TO SHOW THEY HAVE THE INFRASTRUCTURE TO SUPPORT SUCH AN AMBITIOUS PROPOSAL AND TO PROTECT SUCH HIGHLY CONFIDENTIAL INFORMATION. THE BAR HAS SHOWN IT CAN'T. AND IN THESE DAYS AND TIMES, MOST STATE AND FEDERAL INSTITUTIONS HAVE SHOWN THEY ARE UNPREPARED TO HANDLE THE COLLECTION OF SUCH CONFIDENTIAL AND SENSITIVE INFORMATION. BEFORE IMPLEMENTING SUCH A RULE, HEARINGS SHOULD BE HELD TO EXAMINE THE BAR'S INFRASTRUCTURE TO SUPPORT THEIR PLAN. AND IF THE BAR INSIST ON IMPLEMENTING THIS RULE, THEN I SAY IT THE BAR SHOULD ONLY GATHER THE PRINTS FROM ACTIVE MEMBERS ONE TIME AND NOT REGULARLY, AND ONLY AFTER THE BAR SHOWS THE ESTABLISHMENT OF EFFECTIVE POLICIES ON SAFEGUARDING, RETENTION, DESTRUCTION, PRIVACY, SHARING, AND CYBERSECURITY CONCERNING THE PRINTS. GATHERING THE PRINTS REGULARLY IS TOO AMBITIOUS FOR THIS BAR GIVEN ITS TRACK RECORD WITH SANDERS. 3) AS PREVIOUSLY STATED, THE RULE IS TOO AMBITIOUS AS PROPOSED AND IT IS BURDENSOME ON THE MEMBERS WHEN IT IS LESS COSTLY FOR THE BAR ITSELF TO PROTECT ITS INTEREST. TO FORCE ALL MEMBERS TO PAY THE COSTS OF DETERMINING THE CRIMINAL HISTORY OF A FEW MEMBERS THAT THE BAR ITSELF IS APPARENTLY UNABLE TO DO WHEN THEY HAVE THE MEANS TO DO SO IS EXCEEDINGLY BURDENSOME AND OFFENSIVE TO ITS MEMBERS. THE BAR HAS A PLATOON OF INVESTIGATORS AND ACCESS TO THE FBI DATABASE. AT THE MOST, THE BAR COULD RANDOMLY SELECT MEMBERS' NAMES TO RUN THROUGH THE DATABASE OR, IF THE BAR INSISTS ON A NEED FOR THE PRINTS, THEN IT COULD</p>		<p>ALT. OPTS, UNCONST., SCY, 1#</p>
<p>As a licensed attorney, I would like to register my objection to the proposed fingerprint rule. As drafted, the rule appears to be narrower than the one described in the State Bar's email. It is limited to attorneys for whom the Bar does not currently have fingerprint images. But it is still overbroad in that the Bar would demand fingerprints from attorneys without having any articulable, individualized suspicion that the attorneys have engaged in conduct justifying the collection of their prints. It is unreasonable for a government agency to collect fingerprints, which are personal identifying information, without a very good reason, such as collecting prints incident to an arrest, or for use in a background investigation of an applicant. The fact that most licensed attorneys (myself included) provided prints when they applied for bar membership does not somehow make it reasonable to collect a fresh set of prints years, perhaps decades, later. Quite the contrary. No attorney willingly consented to later demands for fingerprints, and the fact that the Bar collected prints in the past makes it less reasonable to require a new set of prints after an attorney is licensed.I suspect that the proposed rule poses a serious Fourth Amendment search and seizure question. But I do not believe that the decision on the proposed rule should turn on technical application of Fourth Amendment precedent. What is being proposed is bad policy. It intrudes on the time and privacy of attorneys without any reason to believe that it will materially advance the public interest. Seriously, how many attorneys have committed crimes that go unnoticed because the Bar does not have access to a current set of fingerprints?And even if there were isolated instances of bad attorneys being caught by implementation of this rule, that would hardly justify its adoption. The net the Bar proposes to cast would ensnare the innocent along with the guilty. That is not what our profession is about.Separately, the requirement that attorneys pay for the costs associated with collecting the fingerprints also appears to be unreasonable. The Bar has long required attorneys to provide fingerprints when they apply to be attorneys. If the reason for resubmission of fingerprints is due to the Bar's failure to maintain existing fingerprint information, licensed attorneys, most of whom have done nothing to justify use of the prints in a further investigation, should not be required to bear the costs of obtaining a new set of prints.</p>		<p>UNCONST., NO PP, \$M</p>

COMMENTS	ATTACHMENTS	CATEGORY
<p>The Association of Discipline Defense Counsel (ADDC) opposes the SB 36's proposed revision to Business &amp; Professions Code § 6054 for the following reasons: 1. THE NEED FOR THE PROPOSED RULE HAS NOT BEEN WELL ESTABLISHED. Attorneys already have a duty to self-report convictions and indictments of felonies and convictions of misdemeanors, in writing, pursuant to Business &amp; Professions Code section 6068(o). Moreover, there is already a duty imposed on courts and prosecutors to report attorneys to the State Bar under Business &amp; Professions Code section 6101, subdivisions (b) and (c). As discipline defense counsel, with decades of collective experience as Bar prosecutors and State Bar discipline Defense Attorneys, we are unaware of any incidents where lawyers who have been convicted of crimes have gone unnoticed and unreported by the courts or prosecutors merely because there has not been a specific fingerprint database established solely for the purpose of identifying felony defendants and those individuals convicted of felonies or misdemeanors as being active licensed attorneys. 2. LAWYERS SHOULD NOT BE REQUIRED TO PAY TO FIX THE STATE BAR'S ERROR. The proposed rule requires attorneys to expend the time and expense of getting their fingerprints taken. This requirement unnecessarily penalizes attorneys, many of whom previously paid to have their fingerprints taken during their admissions' process. The State Bar explained that the need for the proposed rule came to light after it realized it had simply failed to contract with the Department of Justice ("DOJ") to require that agency to maintain those applicant fingerprints submitted when attorneys applied for admission to the Bar. As a result of the State Bar's failure to maintain those records, and notwithstanding the fact that no real need has been demonstrated, the State Bar argues that all attorney fingerprints need to be retaken and resubmitted. Even if there was a need to protect the public by maintaining a separate fingerprint database for all attorneys, attorneys should not be penalized for the State Bar's failure to maintain those fingerprints it had collected over the years. 3. ANY POTENTIAL BENEFIT OF HAVING A FINGERPRINT DATABASE FOR LAWYERS IS OUTWEIGHED BY THE SUBSTANTIAL COST. According to estimates provided by the State Bar, the average individual cost for each active member to comply with the proposed rule would be approximately \$85, or nearly \$10 million total for all licensed attorneys. That sum would be paid directly by members either out of pocket or through an increase in their membership dues. In addition, an additional approximate \$5 million would likely be needed to cover the anticipated staffing expenses necessary to process and manage the fingerprints. However, even if the State Bar agreed to cover the entire cost of implementing the proposed rule, those costs would eventually be passed on to each individual attorney through an increase in their membership dues. The ADDC does not believe this unnecessary \$15 million expense represents the best use of scarce resources, particularly when the need to create and implement such a database has not been well-established. We recognize protection of the public is and should be the State Bar's primary obligation. However, fingerprinting every licensed attorney in the state is simply unnecessary, particularly since anyone arrested within the state, such as a criminal defendant, already has been fingerprinted and those fingerprints already reside within databases maintained by the state. 4. ALTERNATIVE APPROACHES ARE ADEQUATE. Other, less expensive and less</p>		NO PP, RR#, \$M, BR., \$\$
<p>There is no good reason to re-fingerprint active attorneys who have already gone through this procedure and are in good standing. The proposed rule is not clear and appears to apply to all members, active, inactive, good standing, etc. I only agree with this rule if it is narrowed to only include members who have not been fingerprinted in the past. All attorneys must be fingerprinted before becoming active in the state of California. I do not agree with re-fingerprinting. Thank you.</p>		NO PP, AF!
<p>These comments are in opposition to the proposed California Rule of Court regarding fingerprinting of active licensed attorneys. First, setting the comment deadline for the day after Christmas during the holiday season, whether intended or not, has the effect of limiting the number of comments that would otherwise be received with such a controversial rule. Second, it is unclear whether the October 20, 2017, letter from the Chief Justice of California legally orders the State Bar to adopt a fingerprinting requirement of all active attorneys. Section 6054 of the Business and Professions Code, as amended by SB 36 (Stats. 2017, ch. 422), provides that the State Bar "may" require a member to submit or resubmit fingerprints to the Department of Justice. Section 6054, as amended, does not require fingerprinting of all active attorneys. The letter from the Chief Justice is being construed as a court order. However, this is not the manner in which the Supreme Court issues formal court orders. Furthermore, a review of the Minutes of the California Supreme reveals that no such "order" described in the letter was included in the Minutes. The letter appears more to serve the purpose of giving the State Bar political cover to approve a controversial rule requiring fingerprinting of all active attorneys. Section 6054 clearly gives the State Bar the discretion to fingerprint active attorneys, and not all active attorneys are required to be fingerprinted under the statute. The letter from the Chief Justice does not alter that conclusion. When Section 6054 of the Business and Professions Code was first added in 1986 (Stats. 1986, ch. 78), it did not include any requirement for the fingerprinting of active attorneys (it applied only to applicants for admission or reinstatement to the practice of law). Furthermore, the statute provided: "After admission or reinstatement all fingerprint records of that applicant shall be destroyed." Even before the adoption of Section 6054 in 1986, the instructions to bar applicants said that the fingerprints of successful applicants would be destroyed (the following language is taken from an application form prior to the enactment of Section 6054): "FINGERPRINTS: All applicants for admission are required to submit a set of fingerprints which is to be used solely for identification and to determine whether or not the applicant has a prior criminal record. Fingerprints will be forwarded to the California Department of Justice and/or FBI for a record check. The Committee will request that those agencies return the fingerprint cards of all applicants and that the agencies neither copy the fingerprints nor disseminate them to others or use them for any other purpose. The fingerprint cards of applicants who are successful in the bar examinations will be destroyed immediately after certification for admission. The fingerprint cards of unsuccessful applicants will be retained until such time as the applicants are successful, or for a maximum period of two years, whichever is less. (The fingerprint cards must be retained in order to avoid the necessity of having unsuccessful applicants submit another set of fingerprint cards at their expense with their applications for subsequent examinations. Upon request by an unsuccessful applicant, the Committee will return or destroy fingerprint cards previously furnished by the requesting applicant." When Section 6054 was amended in 1988 (Stats. 1988, ch. 1159 – the last time Section 6054 was amended prior to SB 36 in 2017), the statute included a provision authorizing the State Bar to fingerprint a small subset of active members pursuant to subdivision (k) or (l) of Section 6068 (attorneys subject to disciplinary proceedings). The 1988</p>		6054#

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<p>The proposed fingerprinting (or re-fingerprinting) of all California bar members is a ridiculous and completely indefensible waste of time, money and law enforcement resources in a presumed effort to identify a very small number of bar members who are (somehow) not in compliance with bar registration and disclosure requirements. The notion that every single member of the California bar should be required to submit (or re-submit) to fingerprinting for this purpose is absurd, because the bar already has extensive identifying information for its members, and there is no evidence that there is a rampant problem that needs to be corrected through costly and time-consuming fingerprinting that will only enhance the risk of identity theft for law-abiding bar members. If the bar wants to enhance its ability to police its members, it should simply increase the penalties for persons who are found not in compliance, instead of targeting the entire, presumptively compliant (and innocent) bar membership for burdensome fingerprinting that will materially inconvenience bar members and the law enforcement agencies that are tasked with collecting fingerprints. Moreover, because there is no guarantee that the submission and retention of fingerprints will be secure, the proposal will merely increase the risk of identity theft with no appreciable benefit to legitimate law enforcement or administrative ends. The State bar will suffer no consequences if fingerprint records are hacked or stolen, but its members will be seriously inconvenienced (or worse) when that prospect inevitably materializes. This threat is unfortunately not hypothetical, because as the bar leadership is presumably aware, fingerprints collected from federal officers and employees were stolen en masse several years ago in an illegal hack of OPM databases, a hack that was presumably conducted by a foreign government. In addition, if the bar feels a need to collect fingerprints for compelling reasons that are explained nowhere in this proposal, why isn't the bar imposing this burden only on members who have not previously submitted fingerprint records? Is the answer that the bar has such poor record keeping that it has no idea whose fingerprints have already been collected and whose have not? The overkill inherent in the proposal, standing alone, demonstrates that the proposal is manifestly unreasonable, and casts serious doubt on any pretense that the bar is a secure and orderly guardian of such records, or that the proposal is being advanced for a legitimate purpose. This is another poorly thought-out proposal that seems to have been concocted with a misplaced and half-baked public relations rationale, but will unnecessarily burden thousands but benefit virtually no one. It should be emphatically rejected.</p>		NO PP, BR., WN#, \$\$, ALT. OPTS, SCY, AF!
<p>I strongly object to the proposed rule requiring all active attorneys to submit fingerprints to the Department of Justice and to pay associated costs. Business and Professions Code §6054 states that the State Bar may require a member to submit fingerprints to the Department of Justice to determine whether the member has a record of criminal conviction. It authorizes but does not require the State Bar to require attorneys to be fingerprinted. However, the Supreme Court letter of October 20, 2017 obligates the State Bar to require fingerprinting. I question what authority the Supreme Court has to make fingerprinting mandatory when the statute does not. According to the November 3, 2017 report from the State Bar staff to the Board of Trustees, "[T]he rate at which attorneys are actually charged and convicted of crimes, the number of these cases that have gone unreported, and the severity of the crimes is unknown." The report further states or estimates that the annual number of arrests for half of the attorney population (95,000) is 576 and the net number of annual arrests for half of the attorney population is 344. Given the small number of actual arrests relative to the population of 189,167 active California attorneys, the proposed fingerprinting rule is overkill. The evidence supporting the proposed rule is thus lacking. The proposed rule would impose an estimated cost of \$15.51 million on attorneys on top of the already expensive cost of living in this state. It would also require the State Bar to hire between nine and 29 full-time equivalent new staff and employ additional resources in other State Bar departments, the cost of which is not stated but is likely to be high. The proposed rule is another example of Big Brother intrusion into our lives. We are already surveilled, tracked, and photographed wherever we go. Huge amounts of data are collected about us and used to market to us and for other purposes. Hackers regularly break into and steal the data. Instead of imposing this burdensome requirement on attorneys, the State Bar should demand that courts and district attorneys report criminal convictions of attorneys to it. The masses of innocent attorneys should not be made to pay the price for a few guilty ones.</p>		NO PP, PRY., SCY
<p>I disagree with the proposed fingerprinting requirement for active licensed attorneys. Do not subject the entire Bar with additional rules or requirements, and instead increase the penalties and fines for those members of the Bar that fail to disclose any convictions that fall under the proposed Rule. All too often we subject an entire population to new laws and regulations to focus the few violators. Penalize those that violate the law and fail to disclose.</p>		NO PP
<p>This rule is overbroad and unduly burdensome. Based on the data provided in the attachments, the number of attorneys not self-reporting convictions is very small -- less than 100 over a three-year period. There are over 150,000 attorneys licensed, according to the data provided. Requiring 150,000 people to be fingerprinted for the benefit of discovering fewer than .03% who fail to comply with existing procedures ensuring public safety does not seem rational. By contrast, increasing the penalties for failing to report, and spending a tiny fraction of the cost to implement the proposed rule on informational material to all attorneys informing them of these penalties, would likely have a significant impact on self-reporting and therefore fulfill the same purpose as the rule without the extraordinarily overbroad impact and tremendous expense of the proposed rule. As an individual licensed attorney in the state who has not committed any offense or been arrested, I therefore oppose the rule without modifications to address the undue burden and overbroad character.</p>		BR., NO PP, ALT. OPTS
	<a href="https://fs22.formsited.com/sbcta/files/f-57-86-12933675_AJlaaNMZ_HEW2CA.State.Bar.re-fingerprint.proposal.obj.12.17.ltr.pdf">https://fs22.formsited.com/sbcta/files/f-57-86-12933675_AJlaaNMZ_HEW2CA.State.Bar.re-fingerprint.proposal.obj.12.17.ltr.pdf</a>	6054#, \$\$, No PP, Unrel., PRY., OB#, RR#
<p>This is an unnecessary burden and cost on law-abiding, rule-following attorneys. It is unnecessary given other ways to determine attorney compliance and fitness.</p>		BR., \$\$ NO PP, ALT. OPTS

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<p>An estimated one out of three California adults has an arrest or conviction record, according to the National Employment Law Project. Gov. Brown, on October 14, 2017 signed the ban the box legislation prohibiting employers from asking a job applicant about an arrest that did not lead to a conviction or a pretrial or post-trial diversion program. (See Assembly Bill 1008 which will add a section to the California Fair Employment and Housing Act (FEHA) containing new state-wide restrictions on an employer's ability to make pre-hire and personnel decisions based on an individual's criminal history, including a significant and far reaching "ban-the-box" component.)The ban the box legislation is based upon the following concerns: Arrests do not indicate guilt.Arrests alone can lead to discrimination because certain racial or ethnic groups are subject to a higher incidence of arrest rates without convictions. (See <a href="https://www.brennancenter.org/blog/just-facts-many-americans-have-criminal-records-college-diplomas">https://www.brennancenter.org/blog/just-facts-many-americans-have-criminal-records-college-diplomas</a>) Use of arrest or conviction information can lead to unintended discrimination under the FEHA and federal EEO laws, unless there is a nexus between the job and the conviction to justify the decision not to hire or to terminate an employee. The proposed rule provides no guidelines for how the Chief Trial Counsel is to use the information received. I am not inclined to trust any institution to conduct a race-neutral analysis of the conviction/arrest given the systemic racism that exists in all aspects of our criminal justice system. As a result, I strongly oppose this re-finger printing. I would consider supporting fingerprinting if the State Bar had an open process for developing standards for closer regulation of attorneys, and included attorneys from legal aid and racial justice organizations to ensure that any unintended disparate treatment of certain races is ameliorated. For example, as with the new ban the box legislation, any decision regarding handling the arrest or conviction information should be handled on a case by case basis regardless of the DA's charging decision and ultimate outcome and weight should be given to the overall context of the member's actions and subsequent behavior. Additionally, if the goal is to catch criminal attorneys, then I would support developing a plan for changing the culture around the existing obligation of attorneys and judicial offers to report attorneys to the bar. Additionally, the State Bar could identify people who should have their license revoked by asking employers to provide to the Bar the names of all attorneys who are the subject of investigation for sexual harassment, looking for existing court records for domestic violence restraining orders against current Bar members, and asking FEHA or EEOC to provide the names of all current state bar members who have been the subject of a FEHA or EEOC investigation. Sincerely,Tulin D. Acikalin</p>		OB#, ALT. OPTS
<p>This rule only increases my business costs, and is penalizing all attorneys for the actions of some who have been arrested. A more narrowly-tailored rule should be effectuated which both targets the attorneys who have been arrested while still respecting the due process rights of and costs borne by attorneys who have not been arrested.Moreover, how often will attorneys be required to refingerprint? Every five years? Every year? Just this one time? It seems to be at the discretion of the State Bar, and if that is the case I fail to see how a randomly-implemented rule will actually track arrested attorneys in a systematic and effective way.</p>		\$\$, NO PP, 1#
<p>I STRONGLY OPPOSE any rule that puts the onus on attorneys who have already submitted fingerprints as part of our moral fitness approval to re-submit fingerprints, particularly at our own cost. The administrative costs of this to both the Bar and attorneys is an unnecessary burden with little if any justification. Furthermore, as an out-of-state member of the Bar, I cannot see how this requirement would not put a significant burden on myself, and others similarly situated, and for what? Because the Bar has "lost" the fingerprints we submitted previously, or may do so in the future? Because it did not digitize them, or those files become lost or corrupted at some point in the future? I object to the basic requirement to "keep prints on file" when the files are out of my control, and to have to bear the burden of others' record keeping. Where does the requirement end for members, each of us whom have already submitted fingerprints?It is reasonable to digitize fingerprints on file (so long as they will be stored securely offline so they will not be subject to hacking), or to update the rules for the modern age and apply those rules to new applicants, but putting the onus on current attorneys who have already filed prints is simply wrong. I hope the Bar will work to PROTECT its members rather than treat them all as potential criminals. As a member of the Bar whose livelihood is earned by business and strategic consulting with a bit of contract drafting here and there, a demand for submitting new fingerprints would make me strongly consider leaving the Bar entirely, or at least moving to inactive status.</p>		AF!, BR., OOS B., >INACTIVE
<p>More unnecessary bureaucracy. Law enforcement should already be reporting convictions to the state bar. Many older attorneys near retirement age, myself included, probably will change their status to inactive thus reducing the funds the state bar receives. It will be less of a hassle to go inactive and save money on dues, continuing education and fingerprinting charges. It would also seem that it would be necessary to fingerprint active licensed attorneys every year to stay current with and effectively monitor possible new "crimes". Thus, this rule will quickly become ineffective unless it is an annual or more frequent requirement. This proposed California Rule is a ridiculous waste of time and money. Just more bureaucracy. Reconsider enacting this rule as it will be ineffective, costly, and burdensome.</p>		NO PP, RR#, >INACTIVE, \$\$, BR.
<p>At 72, my fingerprints are no longer readable by any electronic means. (My gym has given up on requiring me to sign in with my fingerprint.Please make some provision for attorneys whose fingerprints are generally worn off.</p>		UNREL.
<p>What are international lawyers supposed to do? I work overseas with the US Govt and I don't go back to the US very often.</p>		FOREIGN#
<p>I'm totally against this proposed rule. It's would be a waste of my time and money and just penalizes many at the expense of catching a very few who don't follow the rules. Find them in another way that doesn't inconvenience and penalize everyone else!</p>		BR., \$\$, NO PP
<p>This is an unnecessary rule that could improperly draw negative attention or even arrest to members of the CA Bar who are undocumented or otherwise vulnerable to federal immigration enforcement. I strongly urge the Bar to withdraw this proposal.</p>		NO PP, SCY
<p>I think it is a bad idea and strongly disagree with the proposed rule.</p>		
<p>I am very opposed to fingerprinting of all active licensed attorneys. This is treating attorneys like criminals who must undergo fingerprinting.</p>		
<p>The State Bar has my fingerprints in connection with my application to take the July 1976 State Bar Examination. The proposed rule is unclear if the State Bar still has them. If they do, then I do not need to resubmit them. If the State Bar does not still have them, then that is the State Bar's problem and I should not have to pay any fees in resubmitting them. In addition, if the State Bar does not have my July 1976 fingerprints, then a complete explanation needs to be forthcoming from the State Bar as to why and how they are no longer available.Again, I refuse to pay for something that I have already had to pay for in 1976.</p>		AF!, \$M

COMMENTS	ATTACHMENTS	CATEGORY
<p>Dumb idea. Way too 1984 and Orwellian for my taste and anyone affected by this non-sensical rule change. There is no reasonable justification for this. All lawyers in California already get fingerprinted when applying for admission to the State Bar. It's not as if our fingerprints are suddenly going to change a few years later. Just more administrative hassle, red tape, and bureaucracy proposed by a bloated governing body to justify overly expensive State Bar dues and to spend taxpayer funds. I strongly oppose this absurd proposal.</p>		<p>PRY., AF1, BR., NO PP</p>
<p>I oppose the State Bar staff proposal for implementing changes to Section 6054. The Bar should spend more time researching alternatives that are more cost and time efficient as well as protect members from unwarranted privacy invasions and mistakes that could end a career without merit. All such checks should be triggered by an identified need to look into the history of an individual, otherwise there is too much potential for abuses of authority, mistakes, delays, etc all carrying a significant impact on the person's career. Below are specific concerns with the existing proposal (in no particular order). These aspects are critical as the proposal allows for changing the status of an attorney based solely upon an ad hoc electronic records check. DATA SAFETY: Provisions should be added to protect attorney bio-data. The proposed collection of fingerprints offers no security or safety measures for the bio-data once collected and housed at the Bar and State offices. The State Bar should be mindful of the massive data breach at the federal Office of Personnel Management, wherein employee bio-data (including electronic records of fingerprints) were obtained by 'hackers'. This breach enables others to use a person's bio-data as a form of identity theft--raising possible false background investigations. Also, limits should be placed on who runs the investigations and who has access to the results. RECORD DURATION: The record keeping history of background investigations/fingerprints should be shortened. Reference guidelines used for ECOA and FCRA considerations. SCOPE/FREQUENCY OF INVESTIGATION: Further detail should be provided on what elements of a background investigation will exist (e.g., will credit records, marriage records, etc be researched as part of a "character" check?). The State Bar should restrict the scope of the background investigations to criminal convictions, as we are a nation of "innocent until proven guilty" and an arrest could be made in error. The State Bar should also consider the role misdemeanor offenses play or if limits on the age of offense/number of years the background check considers is needed. Along this line, the State Bar will need to add provisions to address conflicts in state law with federal law: such as the current state legalization of marijuana use (medicinal and recreational) yet such use remains a federal offense. Also, how will "routine" traffic offenses be treated? There should also be restrictions on the frequency of the checks are, since, as stated earlier, checks should be tied to a trigger event. NOTICE AND APPEAL: There should be a notice provision to the person being investigated (both before and after the check). Provisions should be added for attorneys and/or applicants to question/challenge background findings as errors in data may exist. Reference existing caselaw on the use of background investigations to deny credit or employment, wherein courts explain importance of due process. OTHER SOURCES: Consideration should be given to those California licensed attorneys employed by the federal government [as attorneys]. Federal attorneys have fingerprints on file (and often security clearances as well) that are periodically updated by the US Government. The State bar should make allowances for such existing information (avoid redundancies and staff burden) as well as consider pursuing discussions with the federal government on the impact of running background investigations on federal attorneys (will Bar proposal cause 'red flag' at federal level when Bar does its check on an attorney? (for some security clearances, FBI is alerted anytime anyone runs a background check), using those fingerprints already on file,</p>		<p>ALT. OPTS, SCY, OB#, AF!</p>
<p>The members of the bar who have been admitted to practice before the discovery that the state bar had not communicated these attorney's fingerprints to the DOJ should not be responsible for now paying an additional fingerprinting fee of \$88. I am an active member of the bar admitted in 1982. I was required to submit my fingerprints prior to taking the bar exam. The state bar already has my fingerprints so why should I and other attys now be assessed the costs of the state bar's mistake. If they want me to be re-fingerprinted it should be at no additional cost to me &amp; other attys in my situation.</p>		<p>AF!</p>
<p>I don't believe I gave up my right to privacy when I became an attorney in 1984. On top of that, I am expected to pay for this unwarranted invasion of my rights.</p>		<p>PRY.</p>
<p>As a new member, I disagree with the proposed rule as phrased. New members have paid exorbitant fees and costs just to apply for admission and receive their bar cards. This new rule only adds to the financial hardship new members have already bore. It's clear from the proposed change in language that the State Bar no longer intends to bear any costs in regulating its members. For those of us whom are just starting out in our new careers, this would disrupt an already exhaustively long work week, and add to an already ridiculously high cost of admission to practice.</p>		<p>\$\$</p>
<p>How about an exception for attorneys who are notaries who already get fingerprinted every four years?</p>		<p>AF!</p>
<p>It is a significant expense for me to pay my yearly bar dues. The addition of having to pay for fingerprinting and a search is too great of an expense. I, probably like many, might not take a discount or waiver I would be entitled to. We will be left paying the full cost of the fingerprinting and search. This will most likely be very difficult and may cause many of us to not be in compliance. Those of us who work solo and who give a lot of our time to those in need of legal services have a rough road, and our organization should help us out. It is also too much work. When I became a lawyer, I was required to file fingerprints and have national Character and Fitness screening. This seems enough. I have never been arrested for anything and I don't expect to be. I am not entirely sure of the rules, but I seem to recall that if people are convicted of something, they are supposed to report that as it is. My own observation is that the people who are lawyers but who seem least qualified are not being arrested for crimes, but rather, have outrageously bad behavior caused by mental illness and/or drug or alcohol abuse. When I have reported or called about other lawyers who fit these descriptions, the bar has not taken action. I went through huge amounts of time and expense in making these reports, with tons of evidence of shocking behavior. My point here is that if someone actually cares about quality of legal services and quality of the sort of people being allowed to be lawyers in California, they should be concerned about lawyers having outrageous, shockingly bad behavior that supposedly does not violate an ethical rule per se, but definitely violates the California Professional Code. I am licensed also in another state, and the sort of shocking behaviors allowed in California lawyers that I have seen would not ever be allowed in that other state. As for me, I already gave fingerprints and went through this whole process to be admitted to the Bar. Please do not cause me extra work and expense.</p>		<p>\$\$ AF!</p>

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<p>Why on earth are the fingerprints we have already given insufficient? Why doesn't the bar regularly update our criminal background checks? Can't you establish a system to be alerted by the court system whenever a lawyer is convicted? How can you not have managed in this computer era to establish an automatic notification system to receive "potential subsequent arrest and conviction notification of criminal information" by attorneys. How will this resolve your issues or will you require us to undergo the process again in the future? Charge us for the increased costs to set up an automatic notification system of lawyer convictions. Do Not require new fingerprinting without cause. Re-fingerprinting is for repeat offending criminals or those found to need lawyer discipline. I did not lead a blameless life and work hard as a government attorney only to be told to turn around, empty my pockets and put my hands up if I want to get onto a plane. Nor do I want to be repeatedly fingerprinted when what is really needed is for the Supreme Court to strongly support Bar and Judiciary Disciplinary Counsel efforts to police the profession. Far too many lawyers enter the profession to make money first and serve justice and fairness second. In 30 years of legal practice, I have watched too many lawyers choose greed and ego over the public and client's best interests. A critical component of public protection is a willingness to provide serious consequences for bad behavior and efforts to defeat the rules of professional responsibility. Public confidence increases if we show a willingness to effectively police ourselves by providing sufficient resources to perform the work. That will strengthen the State Bar's discipline system. Attorneys need to begin acting with civility and not waste their client's money by encouraging costly aggressive behavior and obnoxious discovery procedures to force their opponents to give up on valid claims because they cannot afford to pursue legitimate redress. The abuse of power by judges who are bullies needs to be checked and effective sexual harassment policies need to be in place. <a href="https://www.huffingtonpost.com/entry/federal-court-clerk-sexual-harassment-judges_us_5a3acf5ae4b025f99e1449f8">https://www.huffingtonpost.com/entry/federal-court-clerk-sexual-harassment-judges_us_5a3acf5ae4b025f99e1449f8</a> Judges need to be reprimanded for filing to recuse themselves when they are unable to preside fairly or have conflicts of interests. Efforts to protect attorneys and the public from judicial misconduct need to be aggressively pursued. How dare the California Commission on Judicial Performance clear Judge Aaron Persky of misconduct and conclude that a 6 month sentence for three counts of felony sexual assault is within the sentencing guidelines? If Brock Turner had been a black kid in the ghetto, he'd rot in jail for a long time. The judicial systems unwillingness to protect women from aggressive male criminal behavior has left me with a bitter taste in my mouth for the last 33 years. All of these kinds of injustices will never amount to criminal convictions but they nevertheless create great financial and emotional harm to the public and the integrity-if there is any left-of the legal system.</p>		AF!, ALT. OPTS
<p>While it makes sense that Attorneys have their fingerprints on file, how many current members do not have such a record at the State Bar and DOJ at this time? It would not make sense administratively or economically to do or redo all 200,000 plus members at one time. I would suggest that any final rule do what is being done now for MCLE: split into 3 or more groups and do an actual review ahead of time of the sufficiency of current records. I dare say that most attorney members have one or more security clearances with finger print records on file with the FBI now. Perhaps an initial effort be made for very old or damaged records to sponsor a voluntary effort to submit LiveScan prints over a 1 year period that might be more easily handled. And most important would be to assure strong cyber-security measures are in place to prevent identity theft given the current hacking environment as seen by recent embarrassing events including the U.S. OPM, Equifax, and Yahoo that has left critical data exposed to the dark web.</p>		AF!, SCY
<p>This is a really dumb idea. Does the bar organizations assume that we are some kind of criminal ?</p>		
<p>As a government attorney with access to IRS information, pursuant to IRS publication 1075 and California law, I must be fingerprinted every 10 years. In addition, to volunteer at my son's public school that is a separate fingerprinting and background check. To volunteer at church I undergo another fingerprinting background check. How many times do I have to submit my fingerprints? My government employer pays for the 1075 check for now and my church covered the other, But I paid \$65.00 for the school and may now be responsible to the state bar too? Even though I was fingerprinted as part of my moral character? Why not just re-run those prints? Or at least create an exception for government attorneys with access to IRS tax information such that those background checks can suffice? At some point can't the DOJ come up with a certificate or something people could provide that demonstrates they were cleared x years ago with both FBI and local law enforcement to save cost to me and to taxpayers of having the DOJ running my background over and over?</p>		AF!
<p>To seek admission to the California State Bar, one must obtain and submit fingerprints. If an attorney is thereafter arrested and/or charged with a crime, it is their obligation to report such information to the State Bar. If an attorney fails to report, he/she may be sanctioned. Those fingerprint records should be sufficient to identify that individual for cross-referencing with Federal, State and County data bases.</p>		RR#, AF!
<p>The transmittal information states that all active attorneys will be subject to "re-fingerprint". Paragraph 1 of the proposed rule states that all active attorneys "for whom the State Bar does not currently have fingerprint images" will be required to be fingerprinted. This is ambiguous. It is not clear whether, if you have been fingerprinted, whether you will need to be re-fingerprinted or, if the State Bar has your fingerprint images, why it needs them again. While I support having fingerprints in the system -- I don't see a point to having people who's fingerprint images are in the system supply them again.</p>		
<p>The Chief Justice rightly pointed out in her October 20, 2017 letter to the Bar that, "Requiring fingerprints of all applicants and active members is a critical component of public protection and strengthens the State Bar's discipline system." At the Center for Public Interest Law (CPIL), we monitor California's major professional licensing agencies, and have vehemently argued for this requirement for many boards, including the State Bar, in order to ensure the Boards are promptly notified and can investigate any licensees that may pose a risk to the public. The benefits of required fingerprinting and criminal history verification are numerous and compelling. Fingerprinting permits positive identification of attorneys with relevant convictions, thus enabling the Bar to exercise appropriate discretion— a valuable disciplinary tool that the Bar has been lacking for the past 30 years. As attorneys, we owe a duty to the state of California to ensure that members of our profession are adhering to the law of the land. We cannot stand for a system that would deprive the public of this critically important benefit because we don't think we should have to pay for it. And it would equally harm the public if the Bar were forced to divert existing funds away from its work disciplining unethical and incompetent attorneys in order to pay for the costs of submitting existing attorneys' fingerprints to the Department of Justice. While it is extremely unfortunate that we attorneys should have to pay again to submit our fingerprints due to the Bar's own lack of compliance with the law, it is the right thing to do to protect the people of California. Bridget Fogarty Gramme Administrative Director and Supervising Attorney Center for Public Interest Law University of San Diego School of Law</p>		

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<p>We already have means in place to determine those attorneys who are or are not eligible to practice law. Adding fingerprinting does nothing more than add expense to the process of implementing and reviewing the eligibility of each attorney renewing membership. It also adds greater cost &amp; inconvenience to those renewing their bar membership every year. It does not provide any more oversight nor protections to the public and thus, does not justify the extra cost to the state bar and the attorneys who do everything to remain in good standing. Extra costs always translate into higher fees for the public when they hire counsel. Before we add more regulations, we need to determine whether the new legislation actually creates a more efficient means to determine attorneys' eligibility to practice law in California or instead creates more red tape to the process.</p>		NO PP, \$\$, BR.
<p>This proposed fingerprinting rule is nothing more than an Orwellian attempt to circumvent privacy rights merely because those of us who worked hard to become members made the unwitting mistake of doing so. I look forward to seeing Immigration and Customs Enforcement (ICE) waiting outside Live Scan Finger printing establishments waiting to pick up the members of the state bar who are not legal residents or citizens. In a further attempt to circumvent personal freedoms, now we are once again forced to pay a private entity for the mandatory privilege of fingerprinting. State bar dues are already unreasonably costly for the services that are provided and now you want more. Moreover, the State Legislature has persisted in its inability to fund the courts and now it wants members of the bar to pay what will be, at least, \$84 more annually on its due for the implementation of this program. It is wholly irresponsible for the Supreme Court to attempt to burden members of the bar with this burden, when (1) the State Bar does not have any reserve to pay for these costs and (2) the State Legislature persists with its wholly irresponsible, do more with less and less and less attitude toward our courts while expecting us members to seek and obtain justice. To make matters worse, our own Supreme Court's statistical assumptions for criminal behavior of members of the bar does not merit the spending on this program. Indeed, if the Legislature intended that all of the members of the bar participate in this program, the Legislature would have mandated it. They did not and it is not the responsibility of the Supreme Court to create its own mandate when such mandate was neither imposed on it and there is no data supporting the efficacy of unilaterally imposing such a mandate. As a corollary, even assuming arguendo that such a program resulted in more reviews of individual members behavior, the reality is that this too would have a cost. This cost, because of the irresponsible legislature, would also be passed onto members in the form of dues. None of the analysis into the costs even addresses the future costs of State Bar administrative reviews or State Bar court costs. Instead, the Supreme Court leaves us all in the dark on those cost projections. With that, even if the proposed rule is eventually adopted, it should only be adopted after a consideration of a totality of the circumstances - including the administrative costs resulting from this reporting scheme.</p>		PRY., \$\$, \$M, BR.
<p>I am a member of the State Bar of California, currently on inactive status and currently residing in Mexico. I have been a member in good standing since 1995. I am most concerned about the cost to attorneys of my age and inactive status who live outside the United States and would fall within the parameters of the proposed fingerprinting rule should they wish to become active status members again. I reviewed the Bar's estimate of costs to comply with this new proposed rule and have found those estimates wildly underestimated for people of my residency status (living outside the U.S.). The proposed estimated costs to comply do not include my round-trip costs to fly back to the U.S. and go through this fingerprinting process (assuming I would, at any point, want to go back to "active" status). Through most of my active practicing years I have been a State Bar fee-scaled attorney, working most of my life on behalf of indigents (criminal appellate panels) and non-profit organizations -- at reduced or no cost to the clients. For the past several years, I have not practiced as a lawyer at all -- even though I also, for several years, maintained my active status license so that I could represent clients should I have had a desire to do so. This new rule would seriously adversely affect me financially, should I go back to active status at any point. Besides the normal Bar fee required to go back to active status, these are the other costs that I anticipate the new proposed rule would require of me: 1. Air and ground transport costs to fly back to the U.S. from southern Mexico (I currently reside in San Cristobal de las Casas, Chiapas) so that I could have an official agency in California fingerprint me. Flying back (round trip) to the nearest reasonable-sized city (San Diego, California) would cost approximately \$500.00 to \$600.00 U.S. 2. Two nights lodging at a modest place in California while I am there to be fingerprinted, \$140.00 U.S. 3. Food for same trip, \$60.00. 4. Fingerprinting costs by an official agency in San Diego; see your own estimates. 5. Incidental costs not accounted for here, \$30.00. I estimate that according to the above reasonable figures, plus the fee to become an active member again (should I wish to do so), the "real" cost of compliance for someone in my status would be close to One Thousand Dollars. Then, there are the time costs to do this. These figures are enough, alone, to discourage me from ever becoming an active member again. Foreclosing that opportunity would be more than sad to me. I live solely at this time on a very modest Social Security monthly benefit. Thanks for considering these cost figures and for considering other people in my general situation who have made important contributions to the commonweal as a California licensed lawyer. Sincerely, Richard D. Runcie</p>		FOREIGN#
<p>I practice primarily in another state, but I have maintained my active status in California despite the costs since I left in 2003. The problems I see with this proposed rule are both procedural and philosophical. Procedurally, I haven't seen the proposal of just how I'm supposed to submit my biometric fingerprint information. I assume that I would just have to get a fingerprint card at a local law enforcement station and pay whatever their fee might be, and send it via snail mail to the California authorities. The time and expense seems hardly worth it for the benefit of being treated like a criminal, or potential criminal. The latter sentiment lines up my philosophical issue - the Bar required fingerprints for state and federal criminal checks when I applied, so my assumption has been that they have been kept in my file. A mandate to be fingerprinted to keep my license, after decades as a member of the Bar, feels insulting. Seeing this frankly has caused me to reconsider whether I wish to remain an active member, as so little of my practice remains in California. Until now, I had never seriously considered going inactive, but I believe that my dues are high enough for the 'benefit' of being able to appear in the occasional case that I should not have to feel like I'm being treated like a criminal - or worse, a 'potential criminal' - just to make it easier for the Bar to discipline an attorney who is arrested. This is a fishing expedition that, on the individual level and in the aggregate, imposes burdens that far exceed the potential benefit.</p>		OOS B., BR., \$\$, AF!
<p>Most attorneys are law-abiding citizens. To impose a new fingerprint requirement would inflict an unwarranted and undeserving burden on those of us who are of upstanding and moral character. The proposed rule would amount to a fishing expedition wherein the majority is punished in order to "catch" a handful of malefactors.</p>		BR., NO PP
<p>Makes no sense, did the fingerprints submitted change?</p>		AF!

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<p>The Bar disciplines lawyers daily for non-compliance with the law, yet the Bar has failed to comply with the law by destroying our fingerprints and now the Bar wants thousands of innocent attorneys to pay to fix an issue that we had nothing to do with. Many of us have no criminal history. Many of us when arrested, do the right thing and notify the Bar so that they are aware, as is required by the rules that govern our members. The proposed Rules seek to have the attorneys pay for something they have already provided to the Bar and had no knowledge of the destruction of by the Bar. We firmly believe that this is wholly in appropriate and unwarranted. The way we see it is that if a member of the Bar does not report to the Bar their conviction that is just one more nail in the discipline coffin for that attorney. Rather than punish all of the attorneys who have followed the law and are not on the Bar's discipline list, we should not have to one more time be subjected to the fee and the inconvenience for the Bar's screw up. If one of our members had destroyed evidence that he or she was obligated to maintain, the Bar would discipline so hard. Instead when the Bar destroys our fingerprints which it was required to maintain, the Bar does not get disciplined and the members of the staff and Board of Directors continue as business as usual. Those individuals who made the decision to destroy our fingerprints should be subjected to discipline, should have to pay to replace the fingerprints and based thereon the proposed amendment should fail. We appreciate the opportunity to comment and hope that the Court seriously considers the adverse ramifications to the members of the Bar who have never been arrested and have always complied with all the rules. It is grossly unfair, unprofessional and unreasonable to ask an attorney to fix a problem that the Bar created through no help of our own. The Bar should be required to assume the expense of re fingerprinting its members out of its existing monies rather than charge it's members.</p>		RR#, \$M, BR.
<p>This rule would not address the concerns regarding unethical lawyers in California. The issue is not with criminals who are somehow fooling fingerprint tests to get admitted to the California Bar, the problem is with people who get admitted to the bar acting illegally.</p>		NO PP
<p>Once again we all are being rounded up and treated like a criminal before the fact in the name of prudent law enforcement. This is yet another attack on liberty. You gathered my prints when I entered the bar. Creating vast cross referencing databases of innocent citizens is not the activity of a free republic. But maybe we are not anymore... What a shame.</p>		
<p>We already gave fingerprints. Just another opportunity to waste time and money on government bureaucracy and overreach.</p>		AF!, BR., \$\$
<p>I think while you are at it, you should also require DNA samples. Just because someone was not caught, doesn't mean that their DNA wasn't left behind at a crime scene involving moral terp. Being an attorney isn't our right, it's out privilege, so asking for fingerprints and DNA in order to be an active attorney isn't an infringement of our rights and should be done.</p>		
<p>Based on the wording of the proposed rule, I am assuming that it applies only to those attorneys for which the State Bar does not have fingerprints. Like my cohorts, I was fingerprinted 30 years ago as a matter of course, before the Bar Examination or before we were sworn in, as I recall. This means that the State Bar should be in possession of my prints. For this reason, I would not agree that we who were previously fingerprinted should re-submit for prints again, and pay the cost on top of that. If so, that would appear to be a fine or penalty, assuming there is no criminal or disciplinary proceeding pending. I would suggest clarification of the proposed rule to address the above. The State Bar should be able to confirm with its members who were previously fingerprinted, that it is in possession of the prints therefore there will be no need to re-submit again for prints. Alternatively, members can be provided with a link or site to confirm that the State Bar has the prints on file.</p>		AF!
<p>Thank you for the detailed information. As I understand it anyone who has been licensed for longer than three years does NOT have a fingerprint record with the Bar because you didn't keep them. That is very unfortunate and shortsighted that the Bar did not retain the fingerprint records ALL of us submitting when applying for admission. As I surmise from the provided information those old fingerprint cards or scan records were what?? -- destroyed, misplaced, lost??. Whatever, they don't exist anymore. So now we each are expected to pay our annual dues of almost \$500 plus a \$49 fee for print processing, plus the cost and time of obtaining the print sets at a cost ranging from free to \$500!! Is this a one-time thing or in ten years are you going to come after us again?! I don't have a problem with the need for fingerprinting, but I do object to implementation method and the added cost. In addition I project annual dues increases in the future from the added cost of up to 28 FTE costs for new State Bar staff which will amount to millions more ANNUALLY than the one-time costs of this fingerprinting project. Yes, \$80 to \$150 or more per person one time may not seem like a lot it is yet another example of nickel and dime fees that don't provide any benefit to 90% of licensed attorney's. If you had treated our print cards with the import they were due we wouldn't have to bear additional cost. These costs pale when compared to the added cost burden from long-term budget increases projected due to staffing which will be passed on to us through our annual dues. So I suggest you bite the bullet on the one time costs and build your budgets for the next two to three years around the absorption of these costs into our annual dues amount without increase. Thank you for your attention, Theresa A. Smith</p>		1#, \$\$, BR.
<p>Attorneys who've already submitted prints shouldn't be stuck with the full cost of resubmitting them. If the resulting Bar burden would be too great, why not at least split the costs between Bar and licensee?</p>		AF!, \$M
<p>This is an intrusive request for a lot of other peoples valuable resources in terms of money and time disproportionate to the slight possible location of redundant information, if any, and available by better means on a slight chance it would ever be useful.</p>		\$\$, BR., NO PP

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<p>I disagree. The State Bar in this state and in others (I'm also a member of the NV and AZ Bar) has been around for over 100 years without any such re-fingerprinting requirement. Its unclear why its needed now. Why? What's the point? Is there a rash of un-fingerprinted lawyers who are committing crimes but cannot be prosecuted because we cannot fingerprint them? If it is determined that an attorney probably committed a crime they can be fingerprinted per the Constitution already--like every other citizen. So I see issues with equal protection constitutionality here. This rule smacks of yet more intrusive government, Big Brother, etc. etc. Pursuant to the Patriot Act I already have to provide my social security number for things that have no bearing on terrorism or international crimes--like buying malpractice insurance for a one man law firm. (Are terrorists laundering money in the form of legal malpractice insurance? How do they get the money out--they pose as a client and hope an attorney makes a mistake?) As a society we see a government that is now inserting itself into every aspect of our lives. It erodes the public's confidence. Many citizens are beginning to see "terrorism" as just another cover for our government to attempt to track every individual person in this Country. It is, and forgive me if this seems 'hokey', but "Un American." If an attorney does something wrong, commits a crime etc., then let the process (State Bar and criminal system) deal with it. There is no compelling reason for this to be done now after 150 years of jurisprudence without it. Eric Ransavage.</p>		<p>WN#, NO PP, UNCONST., PRY.</p>
<p>The proposed rule is a violation of privacy, one's person, the 4th and 14th Amendments to the Constitution and treats all attorneys as criminals without cause. The true agenda is obviously to create an Orwellian database of each individual's biometric data. The 4th Amendment reads: "The right of the people to be secure in their PERSONS, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." The proposed rule clearly violates attorneys' right to be secure in their persons and should be rejected.</p>		<p>UNCONST.</p>
<p>The email from the office of the President of the State Bar states: "The State Bar of California plans to re-fingerprint all active attorneys ..." This is not an accurate interpretation of the proposed rule which applies only to active attorneys who have not already submitted fingerprints. The proposed Rule of Court states, in relevant part: "Each active licensed attorney of the State Bar for whom the State Bar does not currently have fingerprint images shall . . . submit fingerprint images to the Department of Justice . . ." Moreover, there is no justification for requiring attorneys whose fingerprints are on file with the State Bar to be re-fingerprinted, at their own time and expense, UNLESS the Bar has failed in its duty and legal obligation to maintain the fingerprints that were provided at the time of the attorney's application for admission. If the Bar has failed in its obligation to request criminal records from the DOJ, the cost of that failure should not be borne by active members of the Bar.</p>		<p>SM</p>
<p>December 20, 2017 To the State Bar of California COMMENTARY REGARDING PROPOSED RULE ON RETAKING ATTORNEY FINGERPRINTS I am frankly astonished by the circumstances that have brought about this proposed rule. I favor protecting the public, and have no problem with mechanisms to bring about notification to the Bar of arrests involving members. That said, I am very disappointed that for decades, the Bar operated its discipline system and only now is becoming aware that there was no subsequent arrest notification. As the Bar explains, this is due to an "error" in how it procured criminal record search services from the relevant law enforcement agencies. This is far from an error; it is gross mismanagement. Of course, the solution from the Bar's perspective -and using the Supreme Court directive as cue- it now proposes to order re-fingerprinting of active attorneys (save a few whose data was retained after the "error" was discovered) with active attorneys bearing the full cost of this exercise. Prior to the SB36 amendments, B&amp;PC Section 6054 provided ample authority for fingerprint retention. Statutorily, nothing SB36 now ordains changes that basic tenet. But the Bar makes it look like SB36 now requires this, or in the alternative, that the Supreme Court's order in implementing SB36 now requires this. Both are untrue. In other words, the Bar wrecks a car and with a straight face, asks active members to cure the damage, full freight (save for members entitled to scale fees). While it is true that the primary interest of the Bar is to protect the integrity of the profession by monitoring the active attorney population, it is no less true that, if we have no choice to dig into our pockets to fix the mismanagement of faceless administrators, the universe of those called upon to belatedly repair the damage must be expanded beyond active attorneys. Inactive members also derive a significant benefit from membership AND were members of the Bar at all relevant times. Therefore it is proper and fair to expand the pool of members that are required to fund the Bar portion of these costs to include all members, not solely active members. I am also disappointed that the Bar as an institution does not seem to make any effort to assist attorneys in securing "better than retail" costs in the fingerprint process. It simply says "you are on your own" in costing fingerprint taking. It seems that the Bar has made zero effort to attempt a favorable rate to submit fingerprints again through Livescan. The Bar also makes no effort to show us it understands just how this happened. Perhaps it has examined itself, but is not telling us. We are not told if the Department of Justice sent any pertinent correspondence, or whether over the years this was noticed and not acted upon. Perhaps the responsible individuals are no longer involved in Bar business. Their identities at this point are not material, but I do believe that the Bar has not done a sufficient "failure analysis" and shared with members it now seeks to tithes, showing what, institutionally, it has learned, and how it will take steps to prevent a colossal blunder like this—or others like it—from ever happening again. I am also fascinated to see the level of effort the Bar now expends in calculating the amount of new FTEs (and of course, budget) it will require to process the amount of "hits" it expects to get now and in the future as result of subsequent arrest notification. Why, I ask, can't these costs be passed on to involved attorneys? The Bar, instead of taking the easy way out, should explore ways to fund these FTEs from the very universe of individuals who require the service. Sincerely, Orlando Gotay, Jr. SBE #183511</p>		<p>IA=, \$M</p>
<p>Rule refers only to California DOJ. If fingerprints are on file with USDOJ or FBI, that should be sufficient. If necessary, attorney could give authorization for federal entities to share with the state. Rule does not, but should, clarify how attorney will be informed if attorney's fingerprints are on file.</p>		<p>AF!</p>
<p>I find this proposed rule to be shockingly out of line both on a moral level and on a constitutional level. Our legal system is based upon a requirement of probable cause to permit a governmental/quasi governmental investigation into the private business of the populace and upon rules protecting personal privacy. There is nothing in the materials surrounding this proposal which supports a finding that the mere status of applying for or holding a license to practice law should require a mandatory, advance, blanket waiver of those protections for all who have chosen to practice law. A much more rational approach would be to require those who control the fingerprint records of individuals charged with criminal infractions to notify the State Bar if and when any of its members become embroiled in the criminal justice system. It is completely terrifying to see that an organization tasked with licensing and policing the conduct of California's attorneys appears to be wholeheartedly embracing the Salem Witch Trial approach to its duties that is so horrifyingly blighting our federal government and many state governments at this time. I believe that I, all other California State Bar Members and applicants, and all other citizens and residents of this state and nation deserve far better treatment and performance from the Courts and State Bar of California.</p>		<p>NO PP, UNCONST.</p>

COMMENTS	ATTACHMENTS	CATEGORY
The proposed rule is a burdensome and unnecessary invasion of privacy. As admitted in the State Bar's explanation of its "proposed rule" (which in fact is already a done deal), BP Code 6054 does not REQUIRE what the State Bar "proposes." The "proposed rule" is an overreach that smacks of bureaucrats inventing new tasks for themselves to do to justify their jobs and budgets. Moreover, it is unfair, and possibly unconstitutional, to require hapless State Bar members to bear the cost of fingerprinting on top of their already-exorbitant annual dues. If this is what the State Bar spends our dues revenue on, it is time to reduce our annual dues - and State Bar staff. Shame on you all.		PRY., BR., 6054#, UNCONST.
I concur with this proposed rule and would feel more at ease knowing that any attorney I may seek in the future has complied with this requirement. It is imperative that lawyers be held accountable and responsible for their assumed professional status so there are fewer assumptions and more actual correctness in their projected professional status. This is an important step in the legal field of professionals and should be considered in many other professions. Law is a good place to start this practice to substantiate the people representing the law and legal system. In my humble public opinion this is strongly needed and recommended. The cost should partially be paid by the attorneys, but the state should also bear some of the cost in retrieval of information through other entities regarding reference information.		
If the rule is adopted, please make sure there is an easy on-line way for an attorney to check whether his or her fingerprints are already on file. I do seem to remember submitting fingerprints with my bar application in 1988, but do not know if they were subsequently scanned by the bar. Also consider if the rule is adopted seeing whether a bar member could authorize a fingerprint scan from another major federal data base, such as that kept for the Global Entry and Trusted Traveler programs, that many members may have already utilized. Thank you.		AF!
You have to get finger-printed to be a court reporter. It's even more important that attorneys are legit. I was surprised to learn that they don't have to submit finger prints. There is a lot of fraud in the world. This is a no-brainer.		
The proposal states it seeks arrest information. Only convictions should be relevant. Innocent until PROVEN GUILTY is still the basis of the justice system and should not be subverted in the case of attorneys. Further, any cost should be borne by the State Bar or the courts who think this is necessary. Innocent people should not be forced to pay for the proof of their innocence. At worst if implemented for convicted attorneys, they should bear the cost of the program not the innocent.		OB#, \$M
As a member of the bar, we had our fingerprints taken as a condition of admission. Why is it necessary to duplicate this burdening us with wasted time and expense? Is the Bar making arrangements to have this done at their expense at designated locations? I suspect not. What is next, DNA collection. Maybe to save time and money these efforts can be combined.		AF!, BR., \$\$
The proposed rule is wasteful. The resources of the bar can be better used for other purposes.		NO PP
This is an intrusive proposal, when attorneys have already been fingerprinted, have already paid for fingerprinting, and are already subject to reporting under Business & Professions Code sections 6068 and 6086.7. If the Bar deems it necessary to re-fingerprint a particular attorney, then it should be allowed to do so, at its own expense.		AF!, RR#, NO PP
I agree with the proposed rule only if attorneys are not required to bear the cost of getting fingerprinted. I was fingerprinted 6 years ago as part of the process of being admitted to practice in California. There is no reason why these cannot be used, thus eliminating the need to get fingerprinted again. If these are no longer available, then the organization responsible for them no longer being available should bear the cost. I also suspect there will be an additional fee imposed as a State Bar "processing fee," whether visible, or as part of the agreement with LiveScan. Thus, this really seems like a way to generate revenue at the expense (literally) of attorneys. If the other fingerprints still exist, then those should be used with no action required on the part of attorneys. If there are attorneys who for some reason don't have fingerprints on file, then they would need to have theirs done. This would put them on par with the other attorneys who have already done so.		\$M, AF!
Attorneys need some level of verification for benefit of the public. This is minimal. Cost does not justify perceived benefit.		NO PP
The rule as presented is not a rule. It is an outline for a plan. For example: A. There is no explanation of how attorneys can determine whether the Bar already has their fingerprints on file. B. There is no procedure for submitting finger prints; there is only a reference to "the procedure identified by the State Bar." Accordingly, the members of the State Bar have no basis for evaluating whether the procedures are or will be reasonable and cost efficient. C. Section 3 imposes on the members all costs of providing criminal history information and processing fingerprints which includes "encoding". There is no disclosure what those costs are and there is no ceiling on the costs that may be imposed on any member. Accordingly, the State Bar is asking members to accept costs that are not quantified without regard to how excessive or unreasonable the costs might turn out to be. In this regard, the members have no control over the State Bar's implementation of the procedures and no way of requiring that processing procedures be cost efficient. D. As noted by the State Bar, the statute does not mandate that the State Bar require fingerprints to be submitted or resubmitted by members; nor does the statute expressly confer upon the Supreme Court the authority to make the provision of fingerprints by members mandatory. The Supreme Court's purported requirement that fingerprints be provided by members is an attempt at rewriting the statute by making the provision of fingerprints mandatory, and as such is a legislative act that violates the separation of powers.		IMPLEM., \$\$, 6054#
Unnecessary and bordering on harassment. There is no valid reason for this requirement other than to take time and money away from validly licensed professionals who are trying to serve their clients and the community.		NO PP, BR., \$\$
This proposed rule is unnecessary, foolish and costly. There is already in place a vigorous background check on new members, and this new proposed rule adds nothing but an additional cost to attorneys. It appears to me that this proposed rule is meant to be "politically correct", as it serves no other purpose.		NO PP, RR#
California Attorneys and all other attorneys associated with Corps or out of state businesses doing business in California should all be fingerprinted when any activity touches or occurs in the state of California.		

COMMENTS	ATTACHMENTS	CATEGORY
<p>The fingerprinting and re-submission of fingerprinting does not appear to have a valid government purpose. Even though an explanation has been provided, the reasoning is not compelling or appear to result in the intended purpose. Currently, everyone who has a California driver's license or identification is required to be fingerprinted by the California Department of Motor Vehicles. Further, anyone with a passport also has provided their fingerprint which is kept as a record with the Department of Homeland Security. Further, both of these governmental agencies currently coordinate with the Department of Justice which makes this requirement redundant and a waste of government resources. If the unwritten reasoning is to catch a certain portion of the legal community who may be committing wrongdoing then why hide that as all attorneys required to submit their fingerprinting again. My final comment is that over the past several years the State Bar of California has not lived up to the expectations of the public and the attorneys. The fingerprinting requirement appears to be an illusive band aid that will create more of an inconvenience to attorneys than actually serving any valid purpose. I recommend that this proposed rule not be approved.</p>		NO PP, AF!
<p>State Bar of California:Greeting fellow members of the State Bar. I strongly disagree with the proposed rule requiring active members of the State Bar to resubmit fingerprinting to the DOJ. As an attorney with a strong belief in limited government, requiring applicants and active members to submit fingerprints to the DOJ smells of government overreach and intrusion. Simply put, the government keeping its citizens' fingerprints on file is more about maintaining control of the populace than protection of the public. While Justice Cantil-Sakauye's letter asserts that requiring fingerprints of applicants and active members are a 'critical component of public protection,' there are indeed less intrusive mechanisms in place to protect the public. Senate Bill No. 36 is a classic example of legislative overreach in the name of public protection, to which I strongly oppose. Respectfully, Gabriel J. Contreras, Esq. State Bar of California #295790</p>		PRY., ALT. OPTS
<p>There is no valid reason to segregate attorneys from any other profession, and to mandate fingerprinting. Once done, these records will be available to all levels of the Government, with no restrictions or limitations. The premise behind the new requirement is to identify criminal records of practicing attorneys? If so, there is no reason for this new policy. I am 100% certain that, if an attorney is arrested or convicted of a criminal offense, notice to the State Bar will follow immediately, and there is absolutely no need for the Bar to investigate the identity of the attorney. In light of the current outrageously high bar fees, for which the vast majority of attorneys receive no benefit (other than permission to practice law) why should attorneys be required to pay an additional fee to assist the Bar in an irrelevant and worthless venture.</p>		NO PP, RR#, \$\$
<p>This is unduly burdensome, unduly expensive, an insult to licensed attorneys, and an invasion of our privacy. I am certain that the Bar can check conviction records with names and social security numbers (which are already in our profiles) without the necessity of fingerprinting. My guess is this was pushed as a revenue generator by and the fingerprinting operatives.</p>		BR., \$\$, PRY., AF!
<p>We should be striving to make the legal profession more accessible, rather than continuing to erect costly obstacles to membership. This is especially true for those from diverse backgrounds, as well as those committed to the public interest and government work. The legal profession is already too expensive to join. Although it is important to maintain the integrity of the profession, to needlessly force those who very recently submitted finger prints when they joined the ranks of our community only adds extra financial burdens on California's attorneys.</p>		\$\$, BR.
<p>The American Association for the Advancement of Science has already established that the basis of fingerprinting is highly overrated. <a href="https://www.aaas.org/news/fingerprint-source-identity-lacks-scientific-basis-legal-certainty">https://www.aaas.org/news/fingerprint-source-identity-lacks-scientific-basis-legal-certainty</a> "There is no basis for estimating the number of individuals who might be the source of a particular latent print. Hence, a latent print examiner has no more basis for concluding that the pool of possible sources is probably limited to a single person than for concluding it is certainly limited to a single person." Not only should this rule be rejected but the bar should remove all fingerprinting requirements for new attorneys and destroy the stored fingerprint records of existing attorneys.</p>		UNREL.
<p>If I understand all the documents correctly, perhaps 190,000 lawyers will have to re-do their fingerprints, each at a cost of perhaps \$50+ each. The fact that the State Bar failed to retain my fingerprint card when I became a member of the Bar in 1980 is not my fault. I did what was required. And, on an annual basis, when I pay my dues, I believe I am asked to self-report whether there were any convictions. I thought, in accordance with the materials provided to state Bar members, that about half of those who should have self-reported, failed to self-report. So, it appeared that maybe 190,000 people would be asked to do something to catch maybe 350 or so people who should have self-reported but didn't (and these assumed figures were based on the idea that attorneys are twice as likely to be alcoholics than doctors... hmmm... I guess the alcoholic numbers were included with some idea of catching drunk drivers who hadn't reported their drunk driving convictions? Not sure how all that figured in here...or what problem is trying to be solved...)But, if the problem to be solved is whether there are attorneys who have failed to report convictions, isn't there a way to use existing information (social security numbers?) to do the cross-check with the DOJ? It just seems like this is another one of those painful, time consuming things to be added to my already too long To Do list for no apparent reason. Perhaps exempt in-house counsel, judges and law professors?</p>		NO PP, AF!, BR.
<p>I strongly disagree with the proposed rule. I was already fingerprinted when I applied for the bar and again when I took the bar. To force new attorneys who were just fingerprinted to pay to have themselves fingerprinted again is unfair.</p>		AF!, \$M
<p>It is not clear that the benefits of such a rule would outweigh the costs (financial and otherwise). Although the costs would be significant both to individual members (especially collectively) and to the State Bar itself, it is unclear to me what gains are expected and/or what current problems this may help solve. For example, what public protection and/or strengthening of the discipline system would this new requirement actually afford that is not already provided via other means? In addition, what alternative options have been explored for addressing any perceived deficiencies? If specific, existing, problems were identified, perhaps I would feel differently, but absent such data/information, I am opposed to the proposed change. Thank you.</p>		NO PP, \$\$, ALT. OPTS
<p>I do not understand the need for this rule. Unless there have been multiple occasions where someone has masqueraded as an attorney who was really not one, I think this is stupid and overkill. We see this all the time in our profession, and in government because government is largely run by attorneys. The solution to automobile accidents should not be to outlaw automobiles, nor should the cure for this problem, whatever it may be, to make every attorney in the state, at his or her own time and expense, go to the trouble of submitting fingerprints.</p>		NO PP
<p>The California Bar already has more than enough information to run updated background checks on CA attorneys. The inconvenience and humiliation of being forced to submit to fingerprinting again would substantially outweigh any marginal benefit of having new fingerprints on file. It would also be a waste of money and resources.</p>		AF!, BR., NO PP, \$\$

COMMENTS	ATTACHMENTS	CATEGORY
<p>California Attorneys, Administrative Law Judges, and Hearing Officers in State Employment ("CASE") is the exclusive representative for Bargaining Unit 2 pursuant to Government Code section 3513. CASE represents approximately 3,800 legal professionals employed by the State of California. Our members work as attorneys and administrative law judges in more than 90 State Agencies, Departments, Boards, and Commissions. Compared to other public sector attorneys, our members compensation lags behind other jurisdictions by as much as 50%. It is very difficult for the State of California to recruit and retain quality attorneys given the current pay disparities that exist with counties and cities where our members work. Accordingly, the imposition of an additional cost for fingerprinting will be significant to our members. One way to mitigate the impact of this is to include the fingerprinting fees (for both processing and furnishing) in the 2019 State Bar dues, because the State of California reimburses its employees for bar dues. The Bar's current authority to collect dues expires in 2018, and thus there will of necessity be legislation next year to reauthorize the collection of bar dues which will include the setting of those dues. Therefore, CASE requests that the legislation authorizing the Bar to collect dues for 2019 be written so as to include the fingerprinting fees as a mandatory charge and part of the dues. Moreover, CASE requests that in developing the implementation schedule for the fingerprint collection process, CASE delay any fingerprint submission deadline to December 1, 2019, so that our members can take advantage of the Bar dues reimbursement afforded by the State and still comply in a timely fashion.</p>		\$M
<p>Attorneys were already fingerprinted, in order to become licensed. This measure is both costly and a time waster. If an attorney is convicted of a misdemeanor or felony, they are duty bound to self-report to the Bar. If the CA Bar insists on passing this measure, they should front all costs involved, to include LiveScan.</p>		AF!, \$\$, BR., RR#, \$M
<p>See attachment</p>	<p><a href="https://fs22.formsfile.com/sbcta/files/f-57-86-12908832_IZF1Ato2_Correspondence_-_Letter_to_State_Bar_2.docx">https://fs22.formsfile.com/sbcta/files/f-57-86-12908832_IZF1Ato2_Correspondence_-_Letter_to_State_Bar_2.docx</a></p>	6054#, AF!, \$M
<p>I am reading conflicting information about this rule. It is unclear whether attorneys that have already been fingerprinted for the moral character application will have to be fingerprinted again at their own expense. I disagree with the rule to the extent that attorneys that have already been fingerprinted need to be fingerprinted again, and at their own expense. These attorneys should not have to go through the time and expense of being fingerprinted a second time because for whatever reason the bar association does not have their initial submission of fingerprints.</p>		AF!, \$M, BR.
<p>Lawyers used to stand for liberty and personal freedom. Now lawyers are putting in place repressive measures that treat themselves as presumed guilty and strip away freedoms. The State Bar should not promulgate and support totalitarian measures, regardless of how some judge-administrator may feel about public relations. Why stop at fingerprinting? How about eye scanning like at the airport? Tax returns? Bank account information? We have had enough of Big Brother. There is no justification for this measure, other than the ever amorphous interest in "security" and "law enforcement."</p>		PRY.
<p>The requirement that attorneys facing charges or have convicted of a crime report it to the Bar is sufficient. Adding another requirement that all attorney's fingerprint periodically is too burdensome, particularly for solo practitioners.</p>		RR#, BR.
<p>I oppose the fingerprinting requirement because it creates an unreasonably redundant requirement for the practice of law. The State Bar should already have my fingerprints on file, and if it has not retained those prints, that is not due to any action or inaction of mine. I should not be burdened with taking time and money to provide my fingerprints to the State Bar again. I submitted my fingerprints in 1991 or 1992 as part of the ethics qualification procedure all law student bar applicants went through during their second year of law school. I submitted my fingerprints to the state (possibly not the State Bar) again in 2004 when I entered employment with the Newport Beach City Attorney's Office. Now that I am retired from public service, and only rarely practice law, maintaining my Active status is less attractive, and a periodic fingerprinting requirement only makes it less so. If the State Bar wishes me to go inactive and pay lower annual dues, an additional expense and requirement is an excellent way to achieve that result.</p>		BR., AF!
<p>This creates a financial burden on attorneys statewide. Furthermore, this will not resolve an ongoing issue re: arrest records. What does the state propose? re-fingerprinting on an annual basis? that's a waste of time, money and resources. why not have attorneys attest to such fact in connection with their annual fee payment?</p>		BR., \$\$, NO PP, Alt. Opts
<p>I am an attorney employed by the California Department of Justice. Before I could take this job, I submitted my fingerprints through Live Scan, and a background check was performed. I wonder if costs could be saved here by just having the DOJ transfer a copy of my fingerprints and other pertinent information obtained during the background check to the State Bar? Same for all of the other attorneys employed by the California DOJ. If costs could be saved in this manner, I think the proposed rule should be modified to allow this transfer.</p>		AF!
<p>There is little to suggest the Federal (and possibly State) authorities will not, and much to suggest they will use fingerprint identification to maintain/supplement files on and monitor the lawful activities of attorneys they consider politically objectionable. While those authorities already have significant tools at their disposal to harass and limit the speech of political opponents, giving them this additional means is unnecessary. If you want my support, please publish the statistics and facts indicating that a significant number of criminals are illegally holding bar licenses.</p>		PRY.
<p>Government employees (federal, state, local) should be exempted from this procedure. Generally, those of us who work in the public sector are not paid as much as private sector attorneys and we cannot pass the additional costs imposed by this new requirement on to clients or our employers. So, unless exempted, most of us will have to pay the costs out of our own assets. In addition to the already substantial amount that we pay annually to be licensed in California, this cost will further deter good attorneys from engaging in public service. Further, most government employees are already vetted - criminally investigated - by the entities for which we work. So the state rule would both be duplicative of such efforts. Finally, most government employees do not represent individual clients. So public protection considerations would not be an issue. Consequently, I propose that the final rules exempt government employees who do not represent individuals (or other members of the public) and whose employers require criminal background checks as a condition of their employment.</p>		AF!

COMMENTS	ATTACHMENTS	CATEGORY
I cannot afford bar dues as it is. I cannot afford additional fingerprints. The fee waiver is not helpful with it only applying to people making \$40,000 a year, which is nothing in California, particularly major cities. Bar fees are overly burdensome, we are already in debt hundreds of thousands and few jobs available. At least please provide additional waivers on sliding scales if the fingerprints are absolutely necessary.		\$\$
As a former prosecutor who had occasion to prosecute attorneys, on Bar-related matters, I was shocked that the Bar did not maintain attorney's fingerprints. On the other hand, in my view the vast majority of the members of the Bar are law-abiding and unlikely to commit any offense more serious than a DUI. It seems to me that requiring all attorneys to submit to fingerprinting, at their own expense, is the equivalent of using a shotgun to kill a gnat. The proposal that all attorneys be fingerprinted will add unnecessary work to law enforcement recordkeepers, and render only a modest benefit to Bar and other prosecutors. In my view a better, and cheaper solution would be simply to allow the Bar to access DMV thumbprint records, and require Bar members to provide the Bar with their California Drivers License, or Identification numbers when they renew their membership. DMV has the records that the Bar needs, using those records instead of requiring full records would satisfy the Bar's needs and avoid a significant and unnecessary burden on the Bar's membership. Bruce Enos, SBN 65719		BR.
I am very concerned with the idea of needing to submit fingerprints to the State Bar, primarily due to the concern of misuse of such information. I am worried about identity theft. Some people's computers are accessed by fingerprint scan. In the future such information may be stolen from the State Bar, just how credit card information can be stolen from a store where one shops. I do not know for sure if the use of fingerprint information would serve the intended purpose of the State Bar. I would think that the State Bar may want updates of individual members' recent history if they are to be reconsidered for admission after a suspension, for instance. However, I believe that not only does the State Bar have an obligation to protect the public, it has a responsibility to protect the privacy of the attorneys who are its members.		PRY.
Once I passed the bar and got my first job as an attorney in the local district attorneys office , all applicants were fingerprinted and photographed at DOJ. It seemed perfectly reasonable to me then and it should be the law now.		AF!
This seems unnecessarily invasive. It also adds yet another requirement (along with annual fees, MCLE compliance, etc.) and cost to the practice of law.		PRY., BR.
1) Fingerprints as Primary Identification is Ludicrous and Unreliable: This rule is ridiculous. It requires that someone conduct fingerprint analysis in order to compare the prints of a person arrested with those on file with the California State Bar. As you should all be aware, such analysis has never been proved accurate and reliable in any large-scale study and depends upon the competence of the person doing the examination. This opens up the Bar to a host of issues related to due process. Also, who will pay for this fingerprint analysis? Under what circumstances would fingerprint evidence be used in lieu of more conventional information, such as name, social security number, physical address, driver's license picture? Never? Indeed, how would the bar know whose fingerprints to produce for comparison without reliance on conventional identification??? 3) Why is re-fingerprinting necessary and how it the public inadequately protected at present???4) Financial Interests of Legislators: If the Bar adopts this rule, you should be aware that we members expect the Bar to investigate and to assure us that no party, including legislators, staff, family of legislators, etc. have a financial interest in this law. That is, who will be an approved provider of fingerprinting "services"? We expect to know whether there will be a competitive bidding process for a contract, or whether the State or the Bar in any way control who may provide fingerprinting "services", AND whether any public figures or their families or business associates have a financial interest in this rule. We expect full transparency and reporting on this matter from the Bar. Please don't forget who pays you. 5) The Bar Will Lose Active Members and Money As you undoubtedly aware, many attorneys who are de facto retired maintain a license on Active status and pay you full dues. Should you make it any more onerous and expensive to maintain an Active license, many will switch to Inactive or retire their licenses finally and altogether. You will lose money. Hopefully lots.		\$\$, BR.
This is ridiculous and unnecessary. I was finger printed when admitted. There is no reason to re-fingerprint. Fingerprints do not change. That is why they are used. Next, an iris scan?? Another unneeded cost and inconvenience. Lord, save me from mindless bureaucrats!.		BR., AF!
Thank you for the opportunity to comment on the proposal. A few points:The bar admissions process is quite expensive (exceeds \$2,000), and includes fingerprinting and a background check. Annual fees are also quite high. In this context, the Bar should consider providing a more comprehensive explanation of the cost-reduction measures that it considered as part of this proposal. For example, the proposed rule would apply to active attorneys "for whom the State Bar does not currently have fingerprint images," but the Department of Justice or another state entity might already have such images. The proposal itself states that "the State Bar endeavors to ensure that the DOJ has fingerprint records of all its licensees in order to effectively regulate the profession and protect the public." Is it possible to reduce the burden of the rule by relying on fingerprint data from the DOJ other agencies? By shifting the costs of this change to attorneys, the State Bar may be shifting accountability for its earlier (potentially discretionary?) decision to not retain applicant fingerprint records. If the State Bar erred in not retaining these records, perhaps it would be appropriate to split the costs of receiving these records again. Alternatively, if the State Bar had no choice but to destroy applicant fingerprint records, it should make this clear.A smaller point: the proposed rule states that "The Supreme Court's October 20, 2017, letter obligates the State Bar to require attorney submission of fingerprints to the DOJ." But by its terms the Supreme Court's letter does not appear to create such an obligation, although it certainly counsels in favor of action by the Bar. I recommend that the final rule characterize the Court's letter more modestly, or else explain why the Supreme Court's letter creates a mandatory obligation.Thank you again for the opportunity to comment.		\$\$, AF!
Out of state attorneys should be given either more time or the option to be fingerprinted by their local law enforcement agency.		OOS B.

COMMENTS	ATTACHMENTS	CATEGORY
<p>As I read the rule, it seems to require attorneys who were never fingerprinted to get fingerprinted and submit them to the Bar. I have no problem with that. But, most of us were fingerprinted when we did our moral character application. We should not have to be re-fingerprinted, if that is what the rule requires. If we are, the Bar should bear the cost. Also, to the extent that current active attorneys who have been fingerprinted already are required to be fingerprinted again and resubmit, if the attorneys are current state employees, we should be exempt (like the MCLE requirement). State employees go through extensive background checks and many of us had to pay to get fingerprinted when we started our jobs. To the extent I may misunderstand this rule, I apologize. If it applies only to attorneys who were never fingerprinted, then I agree with the rule. If it requires all of us to bear the expense and get fingerprinted again, then I support the rule, with the above referenced modifications.</p>		AF!
<p>I don't see why you need to re-fingerprint. You already have the fingerprints. Just re-run them.</p>		AF!
<p>I fully support the proposed rule.</p>		
<p>This rule is redundant and an infringement on the privacy of all bar members. All attorneys are required to be of good moral character and to pass a moral character exam. Furthermore, all attorneys must report certain convictions to the State Bar. If these attorneys fail to, they can be subject to discipline under the current rules. Those convictions that they are required to report are ones that the State Bar has found to show a mistrust of the public trust. Therefore, there the State Bar already can ensure that only attorneys with good moral character are practicing law and public is sufficiently protected. Because of this, the rule is redundant. The idea that the State Bar wants to collect fingerprint images is terrifying. There is no need for the State Bar to engage in such an invasive collection of biological information when the benefit to the public is little but the danger to the attorney is extremely high. There is nothing to prevent the dissemination of these fingerprints to law enforcement, which can potentially be used for illegal surveillance of attorneys. Furthermore, in a world where information constantly gets electronically stolen (hacked) before a the victim even becomes aware of it, presents a very serious and real problem. This is dangerous and puts at risk biological information of attorneys in a single location, susceptible to being stolen. Lastly, this rule places a financial obligation on the attorneys. If the State wants to implement it, then they should take the financial cost of this.</p>		AF!, PRY., \$\$
<p>For those members that have paid, from their own pockets, this is an injustice to require re-fingerprinting. I paid for it once, next time let the State Bar absorb all costs if they want me to again provide to them my fingerprints!</p>		AF!, \$\$
<p>This is an imprudent idea with unnecessary costs and illusory benefits. There are already mandatory reporting requirements to the State Bar for prosecutors who actually charge a lawyer with any crime. If prosecutors are failing to obey those mandatory reporting laws, there are obvious remedies for that. (There are also mandatory reporting requirements to the State Bar for lawyers in certain criminal proceedings against them.) The State Bar should not forget the presumption of innocence. Meanwhile, to force every law-abiding lawyer to waste valuable time in having to submit fingerprints -- and to bear not only that cost but also, under the proposed rule, "[a]ll costs of providing criminal history information to and the processing of fingerprints for, the State Bar, including print furnishing and encoding" -- only adds injury to insult. And for what perceived benefit? So that the State Bar can learn the very moment when a lawyer is arrested for anything? Does the Commission on Judicial Performance have any such requirement for judges? Is there any such requirement for doctors or airplane pilots? This is another form of window dressing in an attempt to show that the State Bar is doing something for the sake of "public protection." The public doesn't feel -- and isn't actually -- protected by forcing all 190,000+ active lawyers to submit fingerprints when, statistically, there would be an infinitesimal number of lawyers who commit a crime that goes undetected by the State Bar. The State Bar should focus its resources on ensuring that the lawyers whom the public is already reporting to it for actual misconduct are prosecuted and given a proportional level of discipline. Finally, I saw it reported that the State Bar had already collected fingerprints from lawyers but somehow did not use them as required under the statute. Especially if it was through the State Bar's neglect in losing the fingerprints it already collected, it makes no sense to force lawyers to have to pay to RE-submit fingerprints. If the State Bar wants more fingerprints, it should pay for them itself. Thanks for your consideration.</p>		RR#, BR., \$\$, \$M
<p>Unless there is a significant incidence of State Bar members committing crimes under fictitious names (which I question), this new rule appears to be an unnecessary imposition on the time and money of the State Bar and its members as well as of multiple law enforcement agencies. A simple electronic records check would identify any member who had been convicted of a crime under his true name and failed to report it to the State Bar. This rule appears to be a waste of time and money. The law does not require fingerprinting. I suggest that doing nothing is far wiser generating thousands of fingerprint records at a cost of millions, all for little or no benefit.</p>		BR., \$\$
<p>I do not believe that those already admitted to the bar should have to undergo repeat fingerprinting.</p>		AF!
<p>At the time an attorney initially applies for bar admission, the attorney is required to submit his or her fingerprints. It is apparent that the Bar did not retain those records and now wishes to impose upon attorneys additional costs to resubmit fingerprints. I am certain that the vast majority of active Bar members are law abiding and that this proposed measure is intended to identify the minuscule minority that may have run afoul of the law. It is important to note that I say "may have", because it is arrest records about which the Bar desires notification, not convictions. As statistics show, persons of color are arrested in greater percentages than Caucasians. For a state that is so concerned about minority representation in the Bar that it is considering lowering the standards to pass the Bar exam, the additional fingerprint requirement seems counter-intuitive. Bar dues already are high enough without the additional cost this would impose upon members.</p>		AF!, \$\$, \$M
<p>I, and every attorney admitted to the Bar, already paid for fingerprinting and submitted those fingerprints to the Bar as a pre-requisite to admission. It is due solely to the negligence of the State Bar of California that these fingerprints were neither (a) retained; nor (b) conveyed to the Dept. of Justice. Therefore, if the State Bar wants to require nearly every member of the Bar to get re-fingerprinted, the State Bar alone should bear that cost. Secondly, those attorneys who are located outside of the United States (where fingerprinting technology may not be up to California's standards) will be burdened in having to comply with this requirement. We may have to travel (at our own expense, of course, since the Bar seems unwilling to accept financial responsibility for its own negligence) to a jurisdiction that has the appropriate fingerprinting technology. For these reasons, I am staunchly opposed to the proposed Rule.</p>		AF!, \$M

COMMENTS	ATTACHMENTS	CATEGORY
I am a CPA as well as an attorney in California SBN 80042. I am also TSA approved and use Global Entry. On top of that, I have resident rights in Mexico a VISA from Brasil and I have been fingerprinted so many times I can't remember. So I object to the idea that I should go through this process at the age of 70 with a stellar record. So knock off this stuff and treating everyone like they are criminal. This has gotten completely out of control and I seriously question the motives behind this nonsense. Explain it to me and don't give me a line of BS. What you are proposing, at least as it relates to me and others similarly situated, it is insulting. Grow some brains.		Foreign#, AF!,
Why is this proposed rule necessary? I live outside California. Has there been an uptick in the number of attorneys arrested for criminal misconduct that the State Bar has been unable to identify as practicing attorneys through information currently on file with the Bar? If not, this seems like a solution in search of a problem. Government already retains a great deal of personal information about its citizens. Gathering more, without a compelling reason that withstands a strict scrutiny analysis, is unwarranted in my view.		PRY., BR.
I see no point in this requirement. What is the purpose of this? Does it really protect the public? I don't think so. This requirement also discriminates against foreign nationals that are based abroad because Live Scan fingerprinting services are NOT available outside the US unless the person requesting it is either a US citizen or a US permanent resident. This requirement in effect forces attorneys like me to opt for inactive status because complying with it is well-nigh impossible.		Foreign#
There should be an exception for active attorneys living abroad, for whom both of the options considered in the documents (livescan technology or fingerprinting cards) may not be available. I live in a remote area, and should not be involuntarily rendered inactive only for that reason. Thank you for considering this comment.		Foreign#
I have been a California Attorney for approximately 40 years. You have all the information about me you need. This is just a bureaucratic move that is unnecessary. What will you think of next? I'm afraid to think. I'm very disturbed about this. How does, for example, the court know the person making an appearance in court is that person. We usually just show a business card. Maybe you should finger print us to be sure before each appearance. Martin Jaeger 55758		
I have been fingerprinted by Sac City Unified Schools (they paid the \$49) and again by West Sacramento Police Dept (where I paid the \$49 to be cleared as a basketball coach). My point being, there should be a provision to use what is already on record, instead of making us pay \$49 again. Not to mention this process is time consuming, and many times the LiveScan machines are on the fritz, and that consumes even more time. It is almost 2018 - why are we using fingerprints anyway? I thought retina was the way of the future. I understand the intent behind this rule, but think it needs a little work.		BR., AF!
I supplied fingerprints when I was admitted to the Bar more than 20 years ago. I don't know if the Bar retained them or not, but I do not want to have to spend the time and, more importantly, bear the expenses of being fingerprinted again.		AF!
I am an attorney, and also notary, who is required to get fingerprinted upon renewal of my notary commission. Because I'm over 65, and as usual for people that are my age or younger, their fingerprints are no longer readable on the live scan system. Therefore, the current protocol is that you're required to repeat the test multiple times, and the cost the time and expense have been a total waste. I would submit, that the time the cost and expense should be not applicable to those of a certain age whose fingerprints are routinely unreadable in the current system. Also, if one is having their fingerprints taken by one state agency in a similar time frame for a similar purpose, that should count, and it should not require a person to have the same process have to be duplicated by another state agency, but the record should be acceptable for all Governmental purposes. Henry Coopersmith		AF!
The proposed Rule should not be adopted because it is not obvious it would be either effective or economical. The greatest risk to the public at this moment is that many attorneys lack basic competence and skill. Thus, the profession and the public would be best served by a licensing and disciplinary system that promotes competent representation. It is unclear what evidence supports the premise that there is currently a risk of convicted persons or convicted attorneys becoming a part of or staying, respectively, in the profession. Furthermore, fingerprint evidence, like other evidence generated through feature-comparison methods, is not demonstrably reliable. Expanding the use of this evidence is regressive. Consequently, there is no basis for concluding the fingerprinting program will in fact be of any benefit to the public and the profession. Because there is no evidence the program will be effective, and because there is no funding provision, it appears any such cost of administering this program will exceed any modest benefit. This is a fact of significance in light of the 2016 audit. In conclusion, the Rule should not be adopted because it will be neither effective nor economical.		BR., No PP, Unrel.
The profession of law is already burdened by too many rules and this one is in my view a total invasion of privacy and unnecessary.		BR., PRY.
This is a solution in search of a problem, and is just another expense unfairly shifted onto attorneys who have committed no crimes or broken no rules. The expense for any such program should be borne entirely by the attorneys who have broken the law by not reporting their convictions to the Bar, and if there are not enough of such attorneys to support this program, then the program is obviously unneeded.		BR., \$\$
Surely attorneys who have done nothing legally or ethically wrong should not have to be reprinted. Like almost everything the Bar enacts, this is over the top and will spawn all kinds of cottage industries (for example, CLE).		EX#
I see no reason or need to re-finger counsel. It is an expense that will waste precious time and resources.		BR., \$\$
Why do people spend so much time trying to figure out how to mess with a perfectly good system? All California attorneys were investigated prior to licensure. There is no need to have continuing background checks. This is ridiculous. I handle state licensing work for a living, and can tell you that no other license type in any state requires continuing criminal background checks. Existing state bar penalties for non-reporting are a sufficient hammer to ensure compliance with required self-reporting of criminal incidents. Revocation or suspension of licensure and/or sanctions are a pretty good compliance guaranty. Honestly, though - practicing attorneys are under a microscope of scrutiny in every aspect of their daily lives, and there is absolutely no reason to increase that scrutiny, or to place inconvenience on attorneys whose lives are busy enough trying to please clients, and run their own law practices. This proposal should be shoved right into the trash can.		AF!, RR#, BR.

COMMENTS	ATTACHMENTS	CATEGORY
<p>To the Board of Trustees for the State Bar of California: I respectfully disagree with the proposed rule to fingerprint all actively practicing attorneys within the State of California. First, it appears the primary policy reason underlying the new fingerprinting rule is due to the underreporting of criminal convictions and arrests by licensed attorneys themselves. According to the "Policy Analysis" for the new rule, the self-reporting of felony convictions, for example, is surprisingly low. However, there is another equally effective method to correct this deficiency--simply mandate reporting by the District Attorney when an actively practicing attorney is named as a criminal defendant to a case. Indeed, this requirement may already exist. By making reporting of criminal convictions mandatory by the State, which is prosecuting the criminal charges to begin with, this cures any lack of reporting on behalf of the criminally indicted attorney. If underreporting is truly as bad as the "Policy Analysis" claims it to be, then take the self-reporting requirement away from those that benefit from not self-reporting (practicing attorneys), and put it in the hands of those who do benefit from self-reporting (the State). This is an equally effective alternative that is not so broad as to implicate the privacy rights, and advocacy rights, discussed below. Second, the requirement of new fingerprinting seems unnecessary. Although it is true that many professions require fingerprinting as part of being in the trade, this is already required of attorneys upon entering the practice of law in California. This means the new fingerprinting requirement is redundant. Also, this new fingerprinting requirement reeks of invasion of privacy. Biological information, like fingerprints, are the new frontier for identity theft. Giving up my fingerprints to the State gives me no guarantee that the information will be kept safe, not stolen, nor used improperly. Finally, this new fingerprinting requirement seems to be more about the State tracking people than the State protecting people. If this was really about making sure the people of California were protected from the "bad" lawyers in California, then the reporting requirement described above would achieve this goal equally as well. However, this rule is broader than that. It requires the fingerprints of every practicing attorney, regardless of criminal connection. This crosses the line from innocent until proven guilty, to guilty unless proven otherwise. Also, one must consider how this will allow the State to track "criminal" attorneys. Civil disobedience is one of the most important practices of living in a democracy. It is a way for the people to tell the powerful that the rules imposed are not done with the consent of the governed. Yet, civil disobedience is a crime. As a crime, this new fingerprinting rule would make it far easier for the State to track those attorneys that may engage in activities the State deems "disruptive," even if all they have been charged with is "disobedience." Lawyers are the last line of defense when it comes to protecting the fundamental rights of our people. Making it easier to track all attorneys, regardless of criminal connections, seems like a step in the direction of keeping tabs on those with which the State "disagrees." Therefore, I disagree with the proposed rule for fingerprinting. Sincerely, Robert A. Mata, Esq.</p>		RR#, AFI, PRY.,
<p>I am unaware of any reasons for this proposed new rule. Are there imposter members of the State Bar who are not who they claim to be? If so, how did they become members of the State Bar in the first place. Aren't there more efficient methods to address this problem, if the problem actually exists? Are there members of the State Bar who have assumed the identity of other members of the State Bar? Presumably the member whose identity has been stolen would be the most effective to police this. Are there unlicensed individuals who represent themselves as members of the State Bar that would be apprehended through a fingerprinting protocol? It would seem that there are more obvious methods to track down these people. Is the State Bar concerned that the fingerprints of some members of the State Bar have changed since they became licensed by the State Bar? I doubt that has happened and I am not particularly interested in spending my time and money to prove to the State Bar that my fingerprints haven't changed since 1974 when I became a member of the State Bar. Has any member of the State Bar ever been admitted/licensed without having submitted his/her fingerprints to the State Bar prior to admission? In short, I cannot see any reason why I should be required to spend my time and money to replicate what I did in 1974. Moreover, I can't envision how any other member of the State Bar would have any facts or circumstances to be any different.</p>		AFI
<p>This requirement places a burden on members of the bar who are not resident in California. Might there be an exception, or very long timeframe for compliance, in order to accommodate non-residents such as myself?</p>		BR., OOS B.
<p>There has been no showing of a need for this draconian, expensive, waste of time. It is yet another example of window dressing by a chief judge who wants to advance his political career by looking good. There are many better methods to protect the public, such as using the databases of law enforcement and if there is a match, then contacting attorneys potentially affected. But, rather than be sensible, the bar is casting a wide net that results in a waste of time for most law-abiding attorneys - myself included. I resent this deeply. The entire shift of the California State Bar has been away from its mission. This is very sad. The bar is more interested in politics than in the delivery of quality legal services to as many people as possible at as low a cost as possible as ethically as possible.</p>		No PP
<p>I strongly oppose this rule as frankly it is pointless. Most active attorneys had their fingerprints taken when they took the bar exam - which in my case is over 30 years ago. So the bar would not have any current information about me unless they did a fingerprint search every year for the last 30 years. It just seems like one more way the Bar Association has found to cost us money and inconvenience us. Fera Mostow</p>		AFI, \$\$
<p>With all the criminals and child molesters running loose, why would you pick on attorneys, most of whom have already been fingerprinted and have those fingerprints on file with the DOJ? And making the attorneys pay for something so unwarranted? A silly proposition with little or no practical value.</p>		AFI, No PP
<p>This proposed rule is an invasion of privacy and overreaches, as it mandates reporting of arrests, rather than convictions. An attorney's arrest record should not be of any concern unless the arrest leads to a conviction of a crime of moral turpitude. The amount of resources that will go into gathering the data and sifting through it is overly costly and wasteful. Moreover, this rule is a waste of attorneys' time and financial resources, as crimes that must be reported already are reported by prosecutors. Accordingly, it is a waste of time and money to have attorneys fingerprinted when the same information that can be learned already will be reported by the appropriate agencies.</p>		PRY., No PP

COMMENTS	ATTACHMENTS	CATEGORY
<p>I'm offended that the California Supreme Court and the Bar are assuming that all practicing members might have committed some crime or misconduct and so all should be forced to submit to re-fingerprinting. I've committed no crimes or misconduct. I'm an innocent person, an ethical attorney, and I understand the California Supreme Court's ultimate authority over the practice of law in California. But there should at least be some sort or probable cause before imposing this requirement on an attorney. We all were found to have positive moral character before being admitted, and the vast majority of us have continued to act ethically and morally since admission. For example, if an attorney has practiced for a significant amount of time without client complaints or ethical violations, I think it would be safe to assume that attorney would continue along that path. While I would like to see the entire rule stricken, there should at least be an exemption for attorneys who have practiced without complaint for more than 10 or 15 years. I'm also irritated that this cost is to be placed directly on the members when it is obviously the result of legal and clerical errors by State Bar staff. To put it another way, the members have already been paying the Bar to contract with the DOJ for maintenance of the fingerprint records and the provision of SAN reports. The cost of all or a portion of this re-fingerprinting project should be diverted from existing Bar budget items. It was only in 2016 that the California State Auditor released its scathing report on the Bar's financial practices, so assuming the Bar has righted its financial ship, there's likely some money available for this project. But now, because of the failures of Bar staff, the proposed Rule will force members to pay twice for a fundamental and critical function of the Bar. That seems patently unfair.</p>		EX#, \$\$, \$M
<p>The cost associated with this proposed Rule is not acceptable to lower income licensed, or inactive attorneys especially given the ever increasing Bar Dues.</p>		\$\$
<p>This is an unnecessary extra step to burden attorneys who are already busy enough! We are already under a duty to report to the bar certain arrests and convictions. There is no legitimate purpose for this. It is merely to waste time and get money for an additional fingerprinting fee.</p>		BR., No PP, RR#
<p>The State Bar failed to retain the fingerprint records of its attorneys. The costs any duplication of fingerprinting should be borne by the State Bar. Further, an attorney should be compensated for going through the inconvenience to go to a fingerprinting place.</p>		\$M
<p>It is burdensome, expensive, and unnecessary.</p>		BR., \$\$, RR#
<p>The proposal appears to be unnecessary and cost-burdensome. (1) Many members have already submitted fingerprints to the Ca. State Bar upon initial membership activation. (2) The public benefit seems vastly outweighed by the cost to resubmit prints, particularly for those members who reside outside of CA. In other words, will recollecting bar member fingerprints (considering its attendant cost) solve or ameliorate a significant threat to the public?</p>		AF!, No PP, OOS B.
<p>I don't see the value of this as a compelling state interest but rather as one more intrusion into my privacy. I have been a member in good standing of the CA Bar since 1980 and am also a retired Navy JAG Officer. I am semi-retired at age 66 and do not want to spend the time and money complying with this new mandate. This idea should be defeated or at the very least applied only to members below 15 or 20 years in the Bar if it is really necessary. Why should I be compelled to provide finger prints at this stage of my life like a common criminal? Please use your common sense here. Aren't there bigger problems in our criminal justice system to address?</p>		PRY., BR., \$\$, EX#, AF!
<p>What can I say, it's demeaning. We submitted fingerprints when we applied to the Bar. If we do this, Judges must also comply and we should require all staff members working at the State Bar to comply. What is next, implanted chips?</p>		AF!
<p>The error in not retaining the original finger print records was the Bar's, not any individual attorney or group. But the cost is being required of attorney's. This is inconsistent logically. This may subject the bar to class action, increasing litigation costs. Perhaps it would be better to cover the cost and phase it in over time to not blow up the budget? I think the rule is unclear for reporting. Detentions are not arrests. Also charges can be filed pending an arrest. Also arrests which don't lead to charges should not be reported for the simple reason that if a DA decided there was lack of evidence, the Bar should not waste resources taking a second look. The reporting rule should be limited to Convictions (obviously), Charges filed and pending (unless expunged).</p>		\$M, OB#
<p>The question of who is to pay for the resubmission of fingerprints is vague. The earlier version required the State Bar to pay. This is just another impingement on our privacy.</p>		PRY., \$M
<p>While section 6054 authorizes the State Bar to require submission or resubmission of attorney fingerprints to the DOJ, it does not obligate the State Bar to do so. I firmly disagree with the notion that "requiring fingerprints of all applicants and active members is a critical component of public protection and strengthens the State Bar's discipline system." I understand the need to review an applicant for admission to the Bar, but I do not agree that all active members should be required to submit a copy of their fingerprints. Particularly in light of the repeated hacks of governmental and private databases, we should not subject all active members to this requirement. I object to this requirement.</p>		PRY., No PP, 6054#, SCY
<p>This is an unreasonable imposition on existing State Bar members in good standing. If a member commits a crime, the DOJ can report it to the Bar as it always has. I am not opposed to imposing a fingerprinting requirement on new members of the Bar or on those attorneys who have been disciplined.</p>		BR., Alt. opts
<p>If you pay for it!!!!!! Whgat are our dues for anyway?? You are not our friend or support us, you support the "others"!</p>		\$M
<p>Fingerprinting attorneys is an entirely unnecessary and wasteful cost. Your background check will reveal problems with law enforcement. Requiring a fingerprint is an insult to people who have worked hard to go through law school and pass the Bar to practice their profession. It has not logical basis. The costs are unnecessary and should not be borne by the individual. This is a rule in search of a reason.</p>		BR., \$\$
<p>Given that the statute does not require re-submission and DOJ background checks for current bar members, doing so seems like an extra financial and logistical burden for both members and the state bar. Nothing in the description of the proposed rule talks about the need for this step, and none has been documented to my knowledge. Without a need, this seems like a fishing expedition. It will make a lot of work for the bar regarding folks who are or were arrested for everything including trespassing while protesting, minor disputes, DUI etc. Rather than take this step, the bar could consider imposing a mandatory reporting duty for members who are arrested or convicted to provide information on the circumstances within 30 days of the arrest/conviction, which the bar could then use to determine if they implicate character aspects relevant to bar membership. In any event the statue provides the bar the authority to require finger printing where there is some reason to believe there is something to be investigated -- akin to the constitution's requirement for probable cause to obtain a warrant. That standard has served our nation for 200+ years and it should be sufficient for the state bar's needs in 2018. Thank you for the opportunity to submit comments.</p>		No PP, \$\$, BR.

COMMENTS	ATTACHMENTS	CATEGORY
There is no public purpose or protection interest to be served by this rule. It is merely yet another administrative burden to the practice of law in California. The cost is not the issue. The issue is the time suck involved in complying with this inane requirement. Where will attorneys need to go to obtain these fingerprints? Will it only be possible to do it during business hours (when we are trying to work)?		No PP, BR.
Unnecessary and burdensome, especially for attorney to bear costs of fingerprinting.		BR., \$\$
If the State Bar wants to bear the fees associated with fingerprinting, then fine. They should also make the fingerprint results known to the licensed attorney. Moreover, the LiveScan procedure can be delayed and if it results in a delay of issuance of the licensing, that is going to be a major problem outside of the control of the attorney. Instead, why not have attorneys who have a history of criminal activity then have to submit their LiveScan for a probationary period (i.e. 3 - 5 years). Criminal records are public information. The State Bar can find criminal records relatively easily.		\$M, EX#
I feel this is being used solely to raise money as all costs are born by the attorney. All attorneys have to be fingerprinted for our background check...our fingerprints don't change. There is no reason for this and it is a waste of time, resources, and for us sole proprietors, a waste of money for something that we've already done, and sometimes done more than once if we are also pro tem judges. Contrary to popular opinion, not all attorneys are rich and every little bit that we can use to pay towards our taxes or our small businesses helps us.		\$\$, AF!
I am a Nevada-based attorney that for the last 12 years, has also held an active California license. I am also a panel member of the Nevada State Bar's Northern Nevada Disciplinary Panel. I am very familiar with how our state bar regulates attorneys in Nevada. Much like California, we have robust vetting tools when an individual applies for membership and reasonable oversight of members once they are admitted. Fingerprinting after admission would add little value to a system that already works very well. Although I am not heavily involved in the California state bar, I imagine it is very similar to the Nevada state bar with one big exception - California has a large number of out-of-state attorneys that hold active California licenses in case the need to practice in the state comes up. I have spoken with quite a few colleagues in Reno who are Nevada based attorneys that also hold an active license in California. If California makes this a mandatory requirement, you will cause a large number of out-of-state attorneys to go inactive (including myself) because you will be making it even more difficult and expensive to hold an out-of-state license. California is notorious for having 3 regulations when zero would be plenty . . . I hope California state bar does not follow suit.If you do this, you will drive away membership, membership revenue, and only add more costs to administering the state bar. The state bar will lose membership, both now and in the future, in exchange for little to no benefit. The system works great the way it is. I highly suggest this idea is scrapped.		BR., OOS B., >Inactive, \$\$
I agree with the proposed rule only if said rule is modified. As an attorney licensed within the past 5 years I find it a bit ridiculous that the State Bar would require my electronic fingerprints a second time. The proposed rule as written indicates that the Bar would only be seeking fingerprints from active attorneys who do not have fingerprints on file. The public comment section of the CalBars website on the proposed rule indicates that the Bar will be seeking electronic fingerprints of all active attorneys. I believe that this request is over broad and unduly burdensome on attorneys recently licensed to practice. While I understand the point in having these fingerprints and can appreciate that technological limitations prevent digitizing fingerprints stored on physical media, it makes no sense that the California Bar does not have my fingerprints. The only reason the Bar Association would not have this information is because it failed to have systems in place when I first submitted those fingerprints. This oversight and inability to properly plan or implement effective infrastructure is not the fault of practicing attorneys and the costs of correcting this error should not be borne by them. I likewise do not believe or agree with the proposed rules statement that the purpose in forcing all active attorneys to submit fingerprints is to strengthen the public's trust in the legal profession. The public already trusts the legal profession, as evidenced by the news media coverage of California Attorneys efforts to protect DACA recipients and families affected by an improper presidential travel ban. Recent surveys conducted by multiple national polling agencies likewise confirm that public trust in the judicial branch has remained strong - especially in comparison to the public trust in either the legislative or executive branches. To conclude, I do not believe that all active attorneys should be required to submit fingerprints; I believe more consideration should be given to the category of fingerprints CalBar believes is necessary to perform its duties; and I do not believe that the CalBar's purpose in requesting these fingerprints is legitimate.		AF!, \$M
As an attorney in practice going on 48 years I find the measure insulting, and without a public purpose other than to inconvenience lawyers and further undermine public confidence in lawyers. The proposed rule is stupid.		No PP, BR.
I disagree with the proposed fingerprinting rule. Basically, I complied with the fingerprinting rule when I applied to enter the Bar. If the Bar no longer has my fingerprints I must first know what happened to them. If they were misplaced by the Bar, then the cost for resubmission must be borne by the State. If mandated by the State for resubmission of my fingerprints, the cost must be borne by the State or I will not submit to being fingerprinted again for this purpose.		AF!, \$M
This is a good idea.		
If someone is arrested, he/she is finger printed. These should be able to be checked with the finger prints on record for licensed attorneys. This appears to be an unnecessary and redundant process.If passed, the Rules must be broad enough to reasonably allow compliance by attorneys living outside of California. Thank you.		No PP, OOS B.
While I don't disagree that more frequent fingerprinting of attorneys "is a critical component of public protection and strengthens the State Bar's discipline system," I don't agree that we attorneys should have to pay for the fingerprinting. The powers that be have determined that public protection outweighs adding an additional burden to attorneys and impinging on their privacy. Fine. But the attorneys should not be required to pay for it. Annual dues are enough already and it would seem unfair to pass this additional financial burden on to attorneys, especially when attorneys are not the one who are asking for it. Thank you for taking the time to consider my concerns.		\$M
Members that reside out of state should be given the ability to submit fingerprints from their local law enforcement agency or they should be given 2 years to comply.		OOS B.

COMMENTS	ATTACHMENTS	CATEGORY
<p>Every attorney must pay for a complete background check. They must submit their fingerprints to be ran through the DOJ and FBI. The state bar takes at least six months to determine if this person has the moral character to be an attorney. If the person does have good moral character, then they are admitted. I feel keeping fingerprints on active attorneys is Orwellian. There is also a presumption of good moral character. There were admitted into the state bar after a throughout background check. I think this would destroy the presumption of good moral character. Attorneys that end up disciplined or disbarred can't run. Their disbarment and/or discipline becomes a matter of public record. Basically, requiring fingerprints on active attorneys seems unnecessary.</p>		<p>PRY., BR.</p>
<p>I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.</p>		<p>RR#, BR., OB#</p>
<p>We already have too many rules we need to follow. As a solo / small firm practitioner I am overwhelmed with costs and others like me will now have additional costs associated with running a practice. There should be / must be an easier way to weed out a few bad apples than mandate that all attorneys submit to this procedure. I was already fingerprinted before I was admitted. Yet, if the State Bar did not keep my records I would have to be fingerprinted again, again at my own cost. After paying my staff salaries, my rent and other expenses, some months there's nothing left for me ... We are to be treated as offenders before we even offended! Perhaps if the rule is modified that the attorney be required to submit to fingerprinting only after these's sufficient evidence that they committed a serious criminal act or were already convicted of a crime. In addition, sooner or later this database will be stolen by some hacker (just like the recent Equifax hack and many others) and then there would be even bigger problems for everyone. Thank you! Deian V. Kazachki</p>		<p>BR., PRY., NO PP, \$\$, EX#, SCY, AF!</p>
<p>Why would is this necessary all of the sudden? Has there been a recent issue of Attorneys having reportable convictions that have not been reported and slipped by the CA state bar for a long time? Seems like an extra hassle and extra cost for attorneys that are not necessary that will create potential unnecessary issues for Attorneys if/when the CA state bar website is hacked.</p>		<p>BR., PRY.</p>
<p>I was already fingerprinted as part of the CA bar admission process, at my own expense. I refuse to pay for fingerprinting again because of the CA Bar's error in failing to make proper arrangement with the DOJ to preserve the fingerprints I already provided.</p>		<p>AF!, \$M</p>
<p>We are the ONLY profession of which I am aware that monitors and polices its members like the State Bar. Worse than the military and law enforcement. At least they don't have every mistake or faux pas they make published in the media causing immense humiliation. The State Bar choke chain creates anxiety in the most honest and reasonable attorneys. The bar is actually stifling and makes me a nervous wreck in everything I do, as it is. It needs to stop. Let us be! Use the money to help with financial need based legal programs instead of further monitoring and assessing us. Thank you.</p>		<p>PRY.</p>
<p>This seems like an improper and wasteful burden. Active attorneys already have a duty to report convictions and arrests. Attorneys admitted in more than one jurisdiction have also submitted fingerprints again and again. The state bar and the supreme court of california have failed to provide any reason for doing this, no explanation of what happened to fingerprints last time we sent them in, and what problem it is that is attempting to be resolved. If the state bar has lost or destroyed all these records, why should we pay for such conduct?</p>		<p>BR., \$\$, RR#, No PP, \$M</p>
<p>I am a solo practitioner, limited to criminal defense, working in the Central San Joaquin Valley. You couldn't make me feel more like a criminal. Times gone by lawyers were respected as officers of the Court. Now we are assumed to be lying and/or hiding the fact of a criminal conviction, or are not who we are supposed to be. I think the "inform us on your honor" method in current use was/is enough. Perhaps my bar number of 57641 dates me back to the stone age, but hey, I hope that current admitees are at least trying to be honorable men and women. The legislature is apparently intent on inserting themselves increasingly into micro-management of the profession denigrating our honor and putting a smear on the individuals and the profession. I am appalled at this soon-to-be law, and I hope that the State Bar rejects it as a matter of pride. I am, Yours in Defense, W. Logan</p>		
<p>The only reason I see this rule being implemented is for financial reasons, for example: monetary gains. I do a lot of pro bono work. I would rather give my money to a worthy cause.</p>		<p>\$\$</p>
<p>It is unclear how an attorney is to know whether he or she has submitted fingerprints already as required or not. It is also unclear from the wording whether an attorney who is already licensed and has submitted fingerprints has to resubmit the fingerprint again. Is the State Bar going to notify attorneys that they need to submit fingerprints or resubmit fingerprints. what a waste of time if one has already submitted fingerprints. Are attorneys who are out-of-state going to be able to use that states law enforcement agency to make the fingerprints and then submit them to the state of California. Or is the attorney going to have to make an expensive trip to California to have his fingerprints taken by a law enforcement agency in California</p>		

COMMENTS	ATTACHMENTS	CATEGORY
<p>1. Attorneys employed by the GOVERNMENT should be EXEMPT. State and federal employees already have to undergo background checks, including fingerprinting. It is unnecessary to require attorneys currently employed in such limited positions to undergo re-fingerprinting. 2. The California State Bar should require SELF-REPORTING of crimes of misdemeanors, with enhanced administrative penalties for those who fail to do so and are discovered. That puts a heightened burden on the FEW attorneys who become wrongdoers, as opposed to EVERY licensed attorney.3. Current attorneys who have NO HISTORY of practice-related misconduct should be "grandparented" in, and should be EXEMPT from the re-fingerprinting requirement. All NEW attorneys and those who have a HISTORY of misconduct related to the practice of law arguably should be re-fingerprinted.4. Attorneys who ALREADY had their fingerprints taken and submitted to the State Bar of California should NOT be required to be RE-fingerprinted. That is superfluous and onerous. If an attorney was PREVIOUSLY fingerprinted by the California bar, they should NOT be required to be fingerprinted again. Scan those fingerprints into the system, or hire a firm to convert the images and pay that firm one time. That imposes less total cost compared to requiring every attorney to pay to be fingerprinted and wasting the time of law enforcement officers, including law enforcement officers outside of the state of California. This simply invites RE-RE-fingerprinting, and re-re-re-fingerprinting, etc.5. As an alternative to fingerprinting, the state of California, or a coalition of states, could establish a database to report crimes based on bar members' names and SOCIAL SECURITY NUMBERS. That would be more efficient compared to a patchwork of fingerprints. 6. Fingerprinting to match individuals is increasingly under attack under DAUBERT and the Rules of Evidence as UNSOUND to establish reliability. The reliability of fingerprints is in decline, and should not be the basis of a new identification system. Social security numbers are unique and could instead be used to identify attorneys. All attorneys could be required to re-submit social security numbers or taxpayer IDs.7. This proposal should be adopted only if all CALIFORNIA STATE BAR employees, California STATE and MUNICIPAL employees, and California state and municipal POLITICIANS also have to get re-fingerprinted at THEIR EXPENSE.8. BAR FEES should be REDUCED the year after the rule is adopted by the average COST of getting re-fingerprinted. That would make this a cost-neutral requirement for attorneys who are already paying some of the highest fees in the nation, if not the highest fees.9. The State Bar of California should take another two years to STUDY this proposal.10. Organic, plant-based, SUSTAINABLE ink should be required and supplied by the State Bar of California for all re-fingerprinting to every attorney who is required to be re-fingerprinted. Too many inks that are used in fingerprinting are PETROLEUM-based and unnecessarily contribute to GLOBAL WARMING. Sustainable ink should be supplied at the expense of the State Bar for the sake of the environment. Thank you for your time and consideration.-Darren Lisitzadarrenlisitza@hotmail.com213-479-2860</p>		RR#, AF!, BR., \$M, EX#
<p>Besides being a licensed attorney I have served as a Notary Public for the past three decades. As an attorney I understand the fingerprints provided 37 years ago are outdated and the techniques have vastly improved. However, as a Notary Public I am required to submit new fingerprints to DOJ every four years when renewing my Commission. My most recent time was this past June, 2017. Many attorneys serve as Notaries and have the same requirements.A method should be designed to have those fingerprinted for the Notary Commission to be counted as being current with their fingerprints for State Bar purposes.</p>		No PP, AF!
<p>Attorneys already have an obligation to "self-report" instances in which they have broken the law. This additional burden and the cost associated with the fingerprinting process is not necessary. The CA Bar and Government agencies should establish internal reporting mechanisms so that any crime/misdemeanor that goes unreported by an attorney automatically shows up on the Bar's system.</p>		RR#, BR.
<p>I agree with the proposed rule that licensed attorneys for whom the Bar does not have fingerprints on file be required to submit fingerprints. I see no point in requiring attorneys whose fingerprints are on file to resubmit them.The State Bar should be required to notify any attorney individually who would be required to submit fingerprints.</p>		
<p>Only if the President of the United States of American has his fingerprints taken.</p>		
<p>While I agree with the premise of fingerprinting attorneys, I do not find the need to fingerprint all active attorneys. There are thousands of active attorneys who were recently admitted to the California Bar (myself included) who have recently undergone fingerprinting for Character and Fitness. To my knowledge, these fingerprints are on file with the California Bar who is free to run them at any time with any governmental database. I agree with the proposed rule only if it is changed to only require attorneys who either do not have fingerprints on file with the California Bar to be fingerprinted. I understand the financial difficulties that this may impose on the California Bar, so I propose an alternative rule where active attorneys who were sworn in before a certain date must have their fingerprints taken.</p>		AF!, EX#
<p>This rule imposes extra burden on attorneys currently practicing law in the State of California. In addition, there is security issue as many organizations' websites have been hacked into and personal identities have been stolen. If the State Bar of California's website security is compromised, the fingerprint data could be stolen and made part of public domain. My effort to guard my personal fingerprints to date have been successful, but if the fingerprints given to State Bar be compromised, then all of my previous efforts become useless.</p>		BR., PRY.
<p>This is a gross invasion of privacy.</p>		PRY.
<p>I am a licensed CA attorney, SBN 83840. I question the rationale for this sudden change. What concerns about attorneys who have been Bar members for decades have suddenly appeared to justify this new requirement? Is there an epidemic of attorney crime that has gone undetected, with adverse consequences for consumers?Being forced to submit fingerprints for no reason is a significant invasion of privacy that should not be countenanced absent a clear and obvious benefit.I do not have any arrest or criminal record that I know of. I also oppose this rule because of the financial cost. Living in a high cost area, it will probably cost about \$100 for fingerprinting plus processing. That's far more than the cost of MCLE. It is yet another example of the State Bar's desire to raise the cost of a law license by imposing more burdens on the individual attorney.The one ameliorating feature of the proposal is the clause that requires the Bar to pay the \$49 processing fees, although not the fingerprinting costs, for those of us who plan to take advantage of fee scaling this time around.</p>		No PP, PRY., \$\$

COMMENTS	ATTACHMENTS	CATEGORY
I agree that all attorneys should be required to have their fingerprints on file with the Bar. However, I do not believe it is fair to require attorneys that already submitted fingerprints to the Bar as part of the initial background check to be admitted to the Bar to "re-submit" another copy of the same fingerprints. This would be redundant, waste judicial and public resources, and serve no public safety purpose because fingerprints are already on file for these attorneys. For example, I submitted fingerprints in connection with my initial California Bar Application in 2006 and should not be required to pay for another set so I can "re-submit" them to the Bar again. I would like the rule modified so that attorneys like myself who already paid for and submitted fingerprints to the Bar with their initial application are not required to be re-fingerprinted and to re-submit the same fingerprints again next year. Respectfully, Daniel K. LeRoux CAB #244421		AF!
This is a waste of money, time and resources. I was fingerprinted through live-scan before being admitted to the bar. Why would you re-fingerprint ALL attorneys including those who have already gone through this technologically advanced process? Are so many lawyers running around robbing stores that you're worried you haven't caught some of us? Maybe you should worry more about the lack of female, Hispanic, black, or Asian partners at the major law firms and less about whether you have all of our fingerprints. Maybe you should worry about the fact that the courts are backlogged and no one can get justice anymore in this state. Until then, stop bothering us about fingerprints.		AF!,
The Proposed Rule should not omit attorneys actively serving as judges. The public should also know if the people before whom they appear for judgment have any arrest and conviction records. Furthermore, the Proposed Rule should place the cost of re-fingerprinting on the State Bar and mandate that the State Bar maintain fingerprints submitted and then re-run the prints at a schedule of its choosing. Attorneys should have to submit a fingerprint card or electronic prints once upon their admission only; the maintenance of the physical card or electronic print data as well as the running of prints should get borne by the State Bar thereafter.		\$M
What is the need for re-fingerprinting? This makes no sense. I have been fingerprinted already, and paid for it already. If the Bar wants to pay for it, and it's just a tremendous hassle and more bureaucracy, then it might be okay. But it's not. It's a needless, expensive hassle and accomplishes nothing.		No PP, BR., \$\$
The attorney should not bear the cost of processing fingerprints. That seems fundamentally unfair as the FBI and DOJ costs are totally out of the control of the attorney. The bar should bear those processing costs, with the attorney only being responsible for third party fingerprinting fees, which is the only aspect of this process for which the attorney can shop around and minimize the expense.		\$\$, \$M
Unnecessary, increased costs for attorneys.		BR., \$\$
When we are admitted to The State Bar of California we are required to undergo a background check and submit finger prints. The State Bar would have these on file or they better have. To require active attorneys in good standing to get finger printed again and submit them, and then pay for the background check that The State Bar wants to conduct against all of its current members is insulting. It creates a undue financial burden on existing attorneys who are in single private practice. It is bad enough that we pay over \$400.00 a year for membership in a state bar that only works to get rid of its members. The State Bar provides ZERO benefits to its members. It uses its money to get rid of its members while in other States active members of state bars have health insurance, life insurance, retirement and other benefits. We belong to a state bar that requires each of us to pass a test that is designed to fail those that are taking it. It is the toughest admissions test in the Nation, now you want us to pay for our own background check, after we have previously submitted fingerprints, previously submitted to a background check and paid for it. Why should we have to pay for a background check we never voted to agree to when it is being imposed upon us for the sole purpose to get rid of us. This makes zero sense. I have no problem redoing fingerprints if The State Bar of California lost those that we previously submitted, but to pay for a second background check which is imposed upon us so that we can continue to practice our profession is just wrong. Merrisa Coleman-Bishop Attorney at Law 160046		AF!, BR., \$\$, \$M
I am opposed to yet another finger printing. We already did this to get our license. To continue practicing, you are proposing a mandatory second finger printing. There is no choice here. To drive, you have to get finger printed. To sit for the bar exam, you have to get finger printed. To practice law after already practicing for years, you want us to get finger printed again. There is no privacy. There is no choice. We agreed to one finger printing for the license. And, you want us to pay for it when this profession already puts us into debt.		AF!, \$\$
Just a wasteful, time consuming, feel good measure by bureaucrats to cache the public's dump on lawyers mood. "While section 6054 authorizes the State Bar to require submission or resubmission of attorney fingerprints to the DOJ, it does not obligate the State Bar to do so." The bar should show some backbone and not jump on the capricious bandwagon.		No PP, BR.
Isn't this guilty until proven innocent? If illegals can't be tracked or aren't allowed to be tracked by the CA DOJ, why should lawyers be. It is ridiculous. I understand that not only must we be fingerprinted again but we must pay for it. Again, another slap in the face of all those innocents. DOJ can just wade through the thousands of licensed attorneys to see if there are guilty persons. That is their job, isn't it? Don't citizens have any rights?		\$M
the world is going to hell in a hand basket and you want to use our dues to finger print active attorneys? i suggest you spend the money on state bar sponsored help for the poor, which most of are going to fall into that category pretty soon. it is really unbelievable to me that this seems like a priority to California state bar. i thought this whole idea (practice of law) was to implement justice but it's an even split....those who want to make sure the punctuation correct and never mind the content of the brief. this is way over the line ridiculous! take the fees you collect and go buy food for the homeless shelter. julie pulliam		No PP
This seems like a lot of effort and expense for little gain. Moreover, it sounds as if individual attorneys are going to have to shoulder the burden and expense for a mistake made by the State Bar.		BR., No PP, \$M
I'm not understanding the rationale for this. I submitted a fingerprint scan and criminal history already in my moral character portion of my application for admission. I agree that if there are active attorneys that have not done this, they should be suspended until it is completed. Attorneys who complied with the moral character requirements of fingerprinting and providing criminal history should be exempt from having to do this again. What a waste of time this would create for everyone. Seems unorganized and as if the court that proposed the rule isn't up to date with requirements.		AF!
This is not needed. It is simply a continuation of the erosion of our personal liberties. Benjamin Franklin stated that when we give up our freedom for security, then we have neither.		PRY., No PP
I think this is an unnecessary invasion of privacy.		PRY.

COMMENTS	ATTACHMENTS	CATEGORY
The State bar already has our fingerprints - why the need to get re-fingerprinted? Furthermore, for someone like me who lives outside the U.S., does this dictate a trip to the U.S. just to get fingerprinted?David		AF!, OOS B.
To the extent that the proposed rule only permits attorneys who reside outside of California to submit fingerprints via a paper fingerprint card, the rule should be modified to permit such attorneys to submit fingerprints via any authorized LiveScan provider in the state or district in which they reside. Alternatively, the State Bar of California should be responsible for providing the blank fingerprint cards and the costs of providing those cards. Some fingerprinting providers (such as the Metropolitan Police Department in Washington, DC) will not provide the blank fingerprint cards for civilian fingerprints, only the fingerprint services.		OOS B.
We are fingerprinted when the State Bar does the moral character paperwork. Fingerprints do not change. Why would an attorney who has already been through a lengthy background check have to be re-fingerprinted? This is an expense on an attorney who already bears the expense of annual bar association dues, MCLE and expenses. What does further fingerprinting accomplish when all new attorneys to the bar are already fingerprinted.		AF!, \$\$, BR.
If the State Bar has not retained fingerprint sets previously submitted by members, it should explain why those fingerprint sets were not retained and should cover the costs of re-fingerprinting.		\$M
1) Live Scan fingerprints are already on file for many attorneys who submitted their fingerprints as part of their moral character application. The Bar Association should have retained these records in the event they wished at any time in the future to re-run them with the DOJ. Therefore, the cost and time burden should be on the Bar Association and not individual attorneys.2) Requiring attorneys who have already submitted LiveScan fingerprints to submit them again in order to assess recent criminal history makes no sense. Does the Bar Association plan to make this an annual requirement (based on their logic)? If so, this is an undue burden on attorneys and does not accomplish the goal stated.3) If the Bar Association wishes to add those attorney's who did not submit LiveScan, at the time of their moral character application, in order to digitize fingerprints then this is a more reasonable and limited rule. This should be limited to a one-time requirement for attorneys.4) There are many alternate methods of assessing current individual criminal history that does not place such a burden on practicing attorneys. Those options should be explored.		\$M, BR., AF!
One main function of the State Bar should be to assist attorneys with the practice of law, like the California Association of Realtors. The State Bar largely is involved with stupid regulations and other actions that make the practice more difficult and a political agenda, which whether right or wrong, is forced on us all. This is one example of a stupid regulation. People practicing law in an unauthorized manner are all about us and the State Bar is useless in the fight.		No PP
Please do consider that many of us do not live in California and ensure that provision is made to allow us to oblige with the rule without undue travel requirements.		OOS B.
As a 25+ year California attorney, I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must sent the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.		RR#, OB#, BR.
The cost of fingerprinting is just another hardship, and we are being treated like criminals. I do not agree with this proposal. Our drivers licenses have fingerprint requirements. Plus we all have the FBI check us out. Next you'll be taking DNA. This is an unnecessary measure. There are already safeguards in place.		PRY.
I disagree with mandating fingerprinting and requiring attorneys to bear all costs. Bar dues are too high as it is, and this just adds to the burden.		BR., \$\$
The rules should make adequate provision for procedures that accommodate active CA attorneys who are not resident in the USA. I am a sole practitioner living permanently in Japan, and in a rural city hundreds of miles distant from the US Embassy. It would be desirable to provide in the rule or in the State Bar's regulations relating thereto a mechanism whereby attorneys in my situation could provide their fingerprints via a process that is (i) witnessed by a lawyer, notary, police office or similar officer in their country of residence, who could attest to the attorney's identity (with an accompanying translation, similar to how the Japanese Ministry of Justice treats CA Certificates of Good Standing), or (ii) a less onerous procedure applicable to CA attorneys resident in the US. respectfully submitted, Andrew J. Sutter Sutter International Law Office Morioka-shi, Iwate-ken Japan		BR.
Should be s periodic requirement, maybe every 10 yrs. the CPAs recently required livescan if all license holders		1#
I had to be fingerprinted years ago to join the California bar, so you already have my fingerprints, and it is a waste of time and money to force me to go get fingerprinted again. If you are going to require re-fingerprinting, why not limit it to attorneys who are in the attorney discipline system or attorneys who have been arrested?		AF!, BR., \$\$
This is fascist bullshit.		
This proposal would create a burden on current members without significant benefits to anyone.		BR., No PP
As I understand the proposed rule, only attorneys whose fingerprint images are not presently on file must submit to the procedure pursuant to the rule. How does an active attorney learn whether or not his fingerprint images are already with the State Bar. I also object to the costs being born by the individual attorney, if the State Bar wants this information, they can be responsible for paying for the procedure.		, \$M
WHY IS ARREST NECESSARY? AGREE FOR CONVICTIONS, BUT NOT ARRESTS.		OB#

COMMENTS	ATTACHMENTS	CATEGORY
<p>It is unclear from all of the materials provided by the State Bar, including the emailed request for public comment, and the language of the proposed rule itself, why the fingerprinting of a licensed attorney conducted at the time the attorney applied for admission to the bar is insufficient to obtain the requisite information of criminal arrests and convictions that occur after the attorney became licensed to practice. Indeed, the language of the proposed rule refers to the required fingerprinting of active and inactive licensed attorneys "for whom the State Bar does not currently have fingerprint images," thus seemingly excluding from the rule's application active licensed attorneys who have already been fingerprinted. That is, unless the State Bar does not permanently retain the fingerprints of a licensed attorney submitted at the time the attorney applies for admission as part of the moral character application. But the answer to that question does not appear in the any of the information the State Bar has provided regarding this proposed rule change, unless I missed it. The proposed rule also does not make clear whether the fingerprinting requirement is a one-time requirement to be completed by Dec. 2019, or whether it will be required annually (or on some other recurring schedule). Particularly if the fingerprinting will be required on a recurring basis, I do not agree that the \$82 cost (plus the added processing fee) should be borne entirely by the licensed attorney, especially for attorneys who have already borne the cost of fingerprinting at the time they applied for admission to the bar. A large majority of licensed attorneys are members not only of the State Bar, but also of numerous other bar organizations, the membership costs of which are substantial, and regularly increasing. To impose the added cost of fingerprinting on other than a one-time basis on licensed attorneys is unnecessarily onerous.</p>		AFI, , 1#
<p>I've been finger printed as a condition of employment with a not-for-profit organization in 2017. Why should I have to do it again? And, the reason was employment screening by fingerprinting for images that went to the Department of Justice for the purpose of obtaining criminal offender record information regarding state and federal level convictions and arrests. Is that Bar going to pay the expense to be incurred under those circumstances? I also think it should be so, and that the cost should be included in the annual bar fee.</p>		AFI, \$\$
<p>The CA State Bar has had my fingerprints for over 20 years. I gave them, willingly, before I was admitted to the Bar. This Rule is proposed due to a planning error on the part of the Bar. It is improper for the Bar to cure their error by again charging its members a fee and time out of our busy lives to re-take our fingerprints. I STRONGLY disagree with the proposed Rule.</p>		AFI, \$M
<p>If a person wants to become a Notary Public, they must submit their fingerprints to the DOJ before they can receive their commission. I believe an attorney, or someone wanting to be an attorney, should be held to the same standards regarding fingerprinting as a Notary Public, in order to receive their license.</p>		
<p>With biometric passwords becoming commonplace, and with some high-profile recent data breaches in which fingerprint databases were hacked (e.g., federal Office of Personnel Management hacked), collecting and storing fingerprint data indefinitely creates a security hazard for active attorneys. The proposed rule contains no provisions regarding how the State Bar will safeguard the fingerprint data or notify attorneys of any data breaches so that they make take steps to secure mobile phones, computers and other devices. The lack of any consideration given to the fingerprint data and lack of any showing of a compelling need for the data makes the proposed rule an unwarranted intrusion into the personal and professional lives of all active attorneys. I respectfully oppose the proposed rule.</p>		PRY., No PP
<p>The order seems to require fingerprinting of those attorneys whose fingerprints the bar doesn't already have. The Bar's plan for implementation seems to be to fingerprint ALL attorneys. This doesn't make sense; given the time and money involved in fingerprinting.</p>		
<p>What is wrong with you people?  Scientific publications reviewing fingerprints generally concur on the fact that absent a gross physical injury, that an individual's fingerprint does not alter significantly over their lifetime, even for the purpose of forensic comparison (1) and individual identification (2), natural changes with age and/or disease being minor and accountable by the common classification approaches used in forensic analysis. Accordingly, there is insufficient motivation why is it necessary to re-fingerprint an individual whose fingerprints are already imaged and available, incurring unnecessary effort and expense? See 1. <a href="http://www.sciencemag.org/news/2015/06/fingerprints-change-over-time-not-enough-foil-forensics">http://www.sciencemag.org/news/2015/06/fingerprints-change-over-time-not-enough-foil-forensics</a> 2. Biology, Forensics doi:10.1126/science.aac6916</p>	<a href="https://fs22.formsited.com/sbcta/files/57-86-12882950_1lc93161SCIENCE.pdf">https://fs22.formsited.com/sbcta/files/57-86-12882950_1lc93161SCIENCE.pdf</a>	AFI, unrel.
<p>ANOTHER RIDICULOUS IDEA FOISTED OFF ON ATTORNEYS TO BE FUNDED BY THE ATTORNEYS, THEMSELVES. WHEN WILL STUPID IDEAS LIKE THIS CEASE IN SACRAMENTO.</p>		\$M
<p>Requiring us to pay for an additional fingerprinting is ridiculous especially when you consider the yearly cost of maintaining our license already (Bar Fees + CLEs)</p>		\$\$
<p>I disagree with the proposed rule on the basis that it will unnecessarily burden the nearly 190,000 active members of the California Bar. I certainly acknowledge that the California Bar and the public that its members serve each have an interest in information that may be obtained by the California Bar having access to current arrest records. I am not convinced that requiring every member to submit new fingerprints is the only, or even best way to accomplish this. If the proposed rule were to move forward, and I hope it doesn't, it should be modified to require the California Bar Association to notify each member whether or not the Bar Association already has such member's fingerprints on file.</p>		BR., , No PP
<p>I submitted my fingerprints when I first joined the Bar more than 30 years ago. It was a requirement then, and I'm surprised to learn that it had stopped being a requirement at some point. So if you have my fingerprints on file, why wouldn't that suffice? Also, I have never practiced law in California, and I'm now considering retirement or inactive status in January/February. It seems there should be some exception or exemption for those who don't practice law and aren't going to practice law. It also would seem a logistical nightmare and totally unnecessary to have everyone fingerprinted again, especially those who have not been, are not now and won't be handling any criminal cases. Had I never been fingerprinted or were I practicing law, I would have no problem with a new requirement to submit fingerprints.</p>		AFI, BR.
<p>I respectfully request that some exception be made for out of state attorneys. For instance, an attorney practicing in New York should not be required to return to California in order to get her fingerprints taken. Imposing such costs would be disproportionate to the benefits of the regulation. Some provision should be made in order to allow out of state attorneys to be able to get their fingerprints taken in their state of residency.</p>		OOS B., No PP

COMMENTS	ATTACHMENTS	CATEGORY
We've all already done prints in connection with the requirements for CA licensure, including the moral character application. To impose additional requirements is unnecessarily burdensome and time consuming, expensive, and could wrongfully import potentially prejudicial information about a licensed attorney otherwise in good standing. If there's no recourse or ability for an applicant to review his/her records or contest any inaccuracies, this system has the potential to unjustly prejudice attorneys and perhaps affect their livelihoods and careers.		AF!, BR., \$\$, \$M
I do not practice in California but instead in Arizona. How is this rule change going to affect out of state attorney re getting the required finger prints to the Bar? Is this an attempt to reduce the number of out of state attorneys?		OOS B.
It is outrageous for the State Bar to demand that attorneys be fingerprinted, at their expense. I was admitted to the bar in 1989. Prior to admission, my fingerprints were taken and submitted along with my State Bar application. In addition, a complete and thorough background check was performed by the Bar. I am insulted that the State Bar is insinuating that I am a criminal by decreeing that I must re-submit fingerprints. This proposal is yet another example of government over reach. I am strongly opposed to this demeaning proposal.		AF!, \$M
This proposed rule is absolutely absurd if not outright insulting. We are required to undergo a rigorous background check to become attorneys in the first place, and already are required to report arrests to the state bar. Those of us that work in government positions (Public Defenders, District Attorneys, etc.) are also required to undergo other types of periodic background checks to gain access to correctional institutions and other secure facilities. The State Bar needs to stick to enforcing its existing rules, not treating hard-working attorneys like probationers.		RR#
Attorneys that have already been fingerprinted as part of their initial Bar admittance procedures should NOT be required to resubmit fingerprints. This is unduly burdensome and a waste of valuable resources.		AF!, BR.
This rule seems burdensome both financially and with respect to time. For those attorneys who have already had a criminal background check without finger printing, it is particularly burdensome. I could understand instituting this going forward for new attorneys joining the CA bar or for those switching from inactive to active status. However, applying this retroactively for currently active bar members appears to be a waste of time, money and resources. The CA bar fees are already high for those whose fees are not paid by a firm or the government (e.g., self-employed or those who choose to stay active but do not practice in state). This is just another added fee to be borne by the member.		AF!, BR., \$\$
I think that this is ridiculous!		BR., \$\$
This is an unnecessary rule that imposes an unnecessary expense.		BR., \$\$
Lawyers should be held to a higher standard than the general public. Fingerprints will facilitate the suspension or prevention of persons who should not be eligible to practice law in California based upon their criminal records.		
I am a member of the State Bar of California. I feel it is unfair that I have never been arrested as a member of the Bar yet I will be treated like an untrustworthy criminal and forced to take my very valuable time( work and am also a stay at home mom so I would probably have to bring kids with me to be finger printed), and pay out of my pocket to re-submit finger prints despite the fact there is little reason for it. It is an inconvenience, an unnecessary expense, and it assumes my fingerprints should be help as though it expects me to commit a future crime where those finger prints will be relevant. How insulting. I respectfully and adamantly DISAGREE with the proposed rule on this matter. No other state that I am a member of the Bar in, or have associated with a case in, has such a rule.		BR., \$\$, No PP
A bit overkill, don't you think? I'm one of the first to defend my state against those who call us a "nanny state", but fingerprinting all my colleagues as criminals...horrible idea!		
I agree with the concept that attorneys need to be monitored just as those in any other profession in order to safeguard the public. My concern is for people whose fingerprints have faded or are not able to be captured by current means. I have already had that experience a few years ago when becoming a volunteer reading tutor at an elementary school. I also have a problem at my gym where I need to have my index fingerprint read by machine in order to check in. This works only about 1 time in 30 attempts. Fortunately, my fingerprints are on file with the bar from the time I was admitted in 2002. But the proposal needs to be modified to offer a substitute means of identification in case fingerprinting is unsuccessful.		AF!
This is an unnecessary cost and intrusion upon the entire bar. Arguably it is discriminatory in effect as well. The stated interest in protecting the public can be met by other means.		BR., \$\$, OB#, Alt. opts
I see this as yet an additional expense to be thrust upon those attorneys that do the right thing and follow the rules. Unfortunately, it appears the majority of annual dues goes to the effects of those attorneys that do not follow the rules and they themselves should be held accountable. Pilot fingerprinting those with discipline charges, as a suggestion; or in the alternative, consider this done on a go forward basis with new attorneys.		AF!, BR., \$\$
First of all, I was previously fingerprinted back in the 70's, when I applied for Bar membership. No need to do it again--I don't believe there have been any substantial changes (yes, that was a joke). Secondly, I believe that my personal right to privacy, and my desire to not have my prints further in the system, outweighs the Bar's need to know when attorneys are arrested, so as to pull their ticket. I believe that there are less-invasive methods for the Bar to gather this information. Michael Gutenplan		AF!, PRY., No PP
There is no benefit to the rule, while placing an unnecessary burden, both financially and otherwise on members of the bar.		No PP, BR., \$\$
When I applied to take the CA Bar Exam I was fingerprinted at that time. When I applied for a job at a financial institution I was fingerprinted again. If someone passes the Bar, then it is likely that they were fingerprinted at that time and I see no reason for doing it again.		AF!
This new rule is a redundant waste of time, money and resources. Active attorneys have already given their fingerprints. I am a member of the Long Beach Bar Association group email, and so far the comments are overwhelmingly in agreement with mine. The only reason anyone has put forward in favor of the proposed rule is that perhaps the California Bar Association has not kept sufficient records and/or has lost or destroyed our fingerprints we all submitted when becoming active attorneys. If this is the reason for the proposed rule, the California State Bar should be honest and give this reason along with the proposed ruling.		AF!
The protections that this proposed rule offers have been adequately addressed (and paid for) in the moral character application process to become a licensed attorney.		AF!

COMMENTS	ATTACHMENTS	CATEGORY
<p>I have already been fingerprinted in order to be an attorney, and that took a lot of time and cost me a lot of money. Since my fingerprints are already on file, why does it make sense to go through all of that all over again? Did the Bar get my fingerprints and then throw them away? If so, is the plan to put me through all that trouble and expense, and then throw the results away again? How many times are attorneys expected to go through this pointless exercise? It seems that if an attorney is new, then checking their identity makes sense. But when an attorney has been practicing for decades without complaints being filed, what is the sense of taking their fingerprints all over again?</p>		AF!, \$M
<p>I disagree and appose any such Proposed California Rule of Court. We are well vetted at time of admission to the Bar. This act under consideration is a further eroding of the United States and California Constitution. The State Bar was or\originally an organization for the benefit of its members.. Later the courts granted authority to set membership requirements. The new State Bar website looks like a police agency for crooks and feeds on and creates and attitude assuming lawyers are evil and by nature should be assumed of evil intent. The State Bar went the wrong direction in assisting the public and lawyers. I could write an extensive essay on the precise reasons this is bad for lawyers and the false implications it creates about lawyers in the eyes of the public. It's another sad day for lawyers in California. Sam Frazier Attorney at Law Member 80061</p>		
<p>A PERSON'S FINGER PRINT NEVER CHANGES. THAT IS A BIOLOGICAL AND SCIENTIFIC FACT. IF THE TRUE PURPOSE IS TO TRACK UPDATED OR TO OBTAIN RECENT INFORMATION FROM WHICH FINGERPRINTING COULD OBTAIN, RE-FINGER PRINTING IS NOT REQUIRED. IT IS A SYSTEMS ISSUE. THE RECENT INFORMATION IS ALREADY THERE. IF ALL RELATED OR APPLICABLE AGENCIES AND INSTITUTIONS CANNOT ACCESS THE INFORMATION, IT IS A SYSTEMS ISSUE OF NETWORKING. FOR ONE WILL NOT GET RE-FINGERPRINTED. THERE IS TOO MUCH HACKING AND NEW TECHNOLOGY THAT MAKES IT EASIER FOR UNAUTHORIZED ACCESS.</p>		AF!, PRY., SCY
<p>Fingerprints are unnecessary to obtain status regarding criminal convictions. All attorneys have provided names and dates of birth on file with the State Bar. Fingerprints are necessary if the person is denying identity, how often does that happen? I also don't believe that attorney should bear the time and costs to submit fingerprints. If required to do so by the state and employed by the state, the state should bear the costs as the employer.</p>		BR., \$\$
<p>While I don't have strenuous objections to the inconvenience of having to be fingerprinted again, I strongly object to bearing the cost. It was the incompetence or inattention of the California Bar Association, or whatever other entity was given the responsibility of maintaining the records, that has caused the need for fingerprinting again of attorneys that have already been fingerprinted. That entity whose negligence was the cause of problem should bear the expense of correcting the problem. The funds should come out of the budget of the California Bar Association, not imposed upon attorneys who did not contribute to the problem. Charles H Thomas</p>		\$M
<p>Strongly opposed to fingerprinting all attorneys. What is the rationale for this incredible expenditure of time and money by members of the bar? Instead of simply rolling this out as a requirement based on a vague authorization statute, there should be an explanation of why this is actually necessary (what are the great current societal/professional harms that this will address?).</p>		\$\$, No PP
<p>Isn't our State Bar Registration and a California Driver's License or I.D. card enough? We already feel like some of the most hunted people on earth, and it is because the State Bar feels it is their job to help consumers pursue us in every way, shape or form. I am opposed!</p>		PRY.
<p>I am currently an active member of the California Bar. I have been fingerprinted numerous times in my career and currently have fingerprints registered with the US Government for an active DoD clearance, Global Entry and TSA PreCheck. In addition, as a corporate officer of an organization licensed to sell liquor in California, I submitted fingerprints to the Alcohol Beverage Control Board. It has been increasingly more difficult to have fingerprints taken and submitted with some agencies requiring only digital submittals. Agencies that in the past have assisted, may or may not be able to continue to assist because of lack of resources available. If this is the case, it will make it more difficult, time consuming and expensive to comply with the proposed court rule. It is suggested that coordination with other agencies be incorporated to obtain current registered fingerprints and exemptions granted to those current active members who have current fingerprints on file.</p>		AF!, \$\$, BR.
<p>There is no real purpose for this rule. As a five year practitioner in New Jersey and New York starting up my own law practice, this only serves as a burden for those of us out of state, and will cost money that at this stage in my career I really can't part with. This only seeks to punish attorneys who the State has no reason to believe has done anything wrong. If I commit a crime, I am confident I would be sent to an ethics hearing in NJ to determine if I should still be an attorney. There is no rational basis for this rule other than to give money to finger printers.</p>		No PP, OOS B., \$\$
<p>I provided my fingerprints, at my own expense, as part of the moral character application. It does not seem fair to be asked to do so again, especially if it is at my own expense. The proposed rule shifts all of the cost and administrative burden to attorneys. I could understand when that was part of the application process, but it is onerous for those already admitted, especially those practicing out of state. If the State Bar wanted my fingerprints, it should have held onto them when I provided them with my initial application. I also take issue with the idea that attorneys' arrest records must be continually monitored and reported to the State Bar. We as a profession must have the integrity to self-report, as we have done thus far. By requiring continuous monitoring, the Court is essentially saying our profession is untrustworthy. If not reporting arrests is a wide-spread issue, the State Bar should look to combat it at its source -- strict moral character requirements, an emphasis on substance abuse prevention and treatment, and stiffer penalties for attorneys found guilty of misconduct.</p>		AF!, RR#, \$M

COMMENTS	ATTACHMENTS	CATEGORY
Section 6054, as amended by SB 36, includes the following language in subsection (b):"(b) ...The information obtained as a result of the fingerprinting of an applicant or member shall be limited to the official use of the State Bar in establishing the identity of the applicant and in determining the character and fitness of the applicant for admission or reinstatement, and in discovering prior and subsequent criminal arrests of an applicant, member, or applicant for reinstatement."This section, taken verbatim, seems to apply sufficient and relevant limitations on use of extremely personal identifying information. However, as the State Bar is surely aware, its own intended use such personal information is hardly dispositive of the information's ultimate use, access, and dissemination. There are a multitude of high-profile examples of large-scale digital data breaches, from consumer shopping chains to credit reporting agencies, and the instances are increasing. How does the State Bar intend to protect the extraordinarily sensitive identifying data of its members against online attacks, and what, specifically, will the penalties be to those holding office with the State Bar should such a breach occur? The CA State Bar is not immune to such attacks, and holding a trove of attorney identifying information leads to an almost immeasurable amount of liability; not only for the State Bar itself, but for attorneys who have voluntarily submitted such information. These issues need to be addressed. Welcome to 2017.		PRY.
The legislation only provides that the Bar consider this proposed requirement.Bar discipline is for acts or omissions conducted as an attorney. Fingerprints in order for Bar investigators to obtain criminal records information relating to acts unrelated to conduct as an attorney seems to be overreach. Also, aren't all existing members of the Bar already on file with DOJ? Or was that only thumbprints? In other words, it doesn't add anything to existing resources for Bar investigators, while it does burden attorneys with the cost and time to obtain fingerprints.Any Bar member who has a history of non-attorney acts significant enough to warrant investigation is already going to be reported to the Bar by other attorneys or judges he/she practices before. Criminal charges just aren't secrets anymore.		AF!, BR., \$\$, OB#
I resent being treated as a criminal.I object to being forced to input my personal information (prints) into a government database. As a US citizen I object to being documented (printed) when illegal aliens are not required to provide ID and are given sanctuary and benefits.		PRY.
The rule does not provide or specify a means by which a member of the bar can check to see if the Bar already has their fingerprints.		
I had my fingerprints taken during the bar exam process 16 years ago. My fingerprints have not changed since then. Why are those prints still not effective for your identification or criminal record search purposes?Thanks.		AF!
Becoming an licensed attorney in CA is an arduous, expensive process. I believe I already submitted my fingerprints. Why, after years of law school, legal practice, and the bar exam, must we be treated like criminals? Stop requiring fingerprints to be submitted. If attorneys commit crimes, the criminal justice system will obtain their fingerprints. There is no reason for the Bar to treat it's members like criminals - and make us pay for the dubious privilege.		AF!
Totally unnecessary.		No PP
I strongly disagree with this rule. Why in the world would the state bar feel this was necessary? We all pass the exam and submit to a background check and fingerprints at that time. Any issue is self reported and we are all professionals sworn to uphold the tenants of our profession. I see no reason why the bar would need to gather this information - further it would require resources to continue to maintain and continuously check this data.I urge the committee to reject this rule, it is unnecessary, invasive, and a waste of resources.		AF!, RR#, BR., \$\$
As an attorney, I take special care in keeping abreast of developments pertaining to professional responsibility and in particular the protection of the public, and I have always taken pride in having an active California license because the Bar is meticulous in training and testing attorneys in professional responsibility. This time, I am completely at a loss as to why this intrusive rule has been proposed. Precisely what has happened to raise concerns, and to lead to this step? Frankly, it seems to me that the Bar has not taken sufficient care to inform its members about what, exactly, has happened and why other measures in mitigation have not been tried, or would not be adequate to address the issues that exist. If these issues have been in the news, it will be the first time I missed something this important. At the time that I passed the bar, two sets of fingerprints were required, as well as a thumbprint taken at a random time during the exam, and many attorneys opposed it. In fact, it was made clear to us that the two fingerprint sets would be destroyed once our background check had been completed. I was in favor of fingerprinting, but that was because the Bar took the time to explain it and justify it. I have seen no such effort this time. This lack is, in itself, objectionable. And I believe that for us, as attorneys, to simply go along with an intrusive rule change is wrong. Fostering meek attitudes in attorneys could create problems that turn out to be much bigger than the ones you hope to address.Of course, I am also worried about the simple pragmatics of obtaining and submitting prints. How will I be required to identify myself to the agent taking the prints, and then prove to the satisfaction of the Bar that those prints really are mine? It is not clear to me how the Bar is planning to guard against fraud in a way that is comfortable for its members. Without knowing the details, I do not feel sure that someone could not use this new requirement to impersonate me. Precisely what steps will the Bar be taking to make sure it is not opening the door to more impersonation, identity theft, and reputation impairment, rather than stemming them?In short, this is not the type of rule that should be promulgated without carefully explaining why it is needed, why less intrusive measures are inadequate, and how the Bar plans to make sure that this step will solve the problem rather than making it worse. Fingerprints are not needed for a passport and are not generally needed to obtain a gun. They are not required in the state where I reside, or by any federal court of which I am aware. What is different about being an attorney in California that makes them necessary now? The burden is on the Bar to provide a persuasive explanation, and to make sure we all understand it, so that we can all be engaged in protecting the public as we should be.		PRY., AF!, No PP, WN#
We have already been fingerprinted. There is no logic to making this a requirement for after we are fingerprinted to seek admission.		AF!
The State Bar should cover the costs of providing criminal history information to and theprocessing of fingerprints for, the State Bar, including print furnishing and encoding, even attorneys who are not eligible for fee scaling or waiver. In the alternative, the State Bar should establish a process to request and accept the fingerprinting that DOJ (FBI) or an authorized state law enforcement office already has in its system, rather than require every attorney to submit to new fingerprinting, since fingerprints do not change over time.		SM, AF!
Waste of time and other valuable resources.Reinstatements, perhaps.New applicants, certainly.Existing licensees, no. this is how police states get started.		BR., \$\$ OB#, PRY.

COMMENTS	ATTACHMENTS	CATEGORY
<p>I am totally opposed to this proposed rule. Section 6054 of the B&amp;P Code mandates that the State Bar ...require that an applicant for admission or reinstatement to the practice of law in California, or may require a member pursuant to subdivision (k) or (l) of Section 6068, be fingerprinted in order to establish the identity of the applicant and in order to determine whether the applicant or member has a record of criminal conviction in this state or in other states. B&amp;P 6068 (k) refers to conditions attached to any disciplinary probation, including a probation imposed with the concurrence of the attorney and Section (l) pertains to agreements made in lieu of disciplinary prosecution with the agency charged with attorney discipline. Now the State Bar desires to impose itself upon each active licensed attorney of the State Bar for whom the State Bar does not currently have fingerprint images notwithstanding membership; whereas, the original intent of Section 6054 was to check on an applicant's moral qualifications before admission and to keep track of lawyers subject to discipline. I object to the concept of a blanket requirement that all active attorneys provide their fingerprints regardless of their standing as active members of the Bar. I have comported myself in consonance with the Rules of Professional Responsibility, as well as the civil and criminal statutes of California and the United States, for the 34 years I have been an attorney in good standing in this state. I do not believe that there is any justification for a blanket fingerprint requirement for California attorneys who have passed the bar exam, professional responsibility exam and demonstrated good moral character in the practice of law. I would like to get in touch with bar members who are organizing formal opposition to the proposed rule in its entirety. I would be willing to join with other attorneys to oppose this invasive, narrow minded proposed rule. Dan Duncan San Francisco</p>		AF!, 6054#
<p>This would be an unnecessary and costly measure, the cost of which would be borne on individual attorneys. The Proposed Rule turns a discretionary statute into a categorical rule as well as implicates constitutional privacy interests. Moreover, active attorneys should not be forced to bear the costs of the State Bar's mistake.</p>		BR., \$\$, PRY.
<p>What is the purpose of imposing this time consuming requirement on licensed attorneys? I submitted fingerprints when I was admitted, as I assume everyone else did too. My fingerprints haven't changed. I haven't seen any reason for having to do it again.</p>		AF!
<p>Privacy concerns and cost being placed on us Attorney's. Fingerprints are already received when conducting moral character so maybe the state bar should consider making that process more efficient so that it doesn't have the need to re fingerprint. Also, there is no limitation placed on the usage of the fingerprint submissions and no limitations on the number of periodic DOJ checks that we attorneys would be subject to and be forced to pay for. This is an easy no for myself and all colleagues I have spoken with.</p>		PRY., \$\$, AF!
<p>The Bar does not need to make it easier to exclude people. Nor does it need to create new hassles for working attorneys. There is no need for this rule.</p>		BR.
<p>I don't see the point in requiring new or relatively new attorneys to submit new fingerprints. An attorney who has not submitted his or her prints in 20 or 30 years might make sense. But attorneys who have been members of the bar for less than five or even 10 years seems like a waste of time and money.</p>		EX#
<p>I agree with the rule in that the State should have fingerprints on file for all active attorneys. However, I DO NOT agree with the implementation suggested that the State Bar will require ALL active attorneys to re-submit fingerprints. Those active attorneys who have not previously submitted fingerprints should be required to do so, but those who have previously done so should not be required to do so again. Neither the State nor Supreme Court has advanced any explanation why California attorneys who have previously submitted fingerprints should be required to do so again.</p>		AF!
<p>To the extent that this would require people who have already submitted fingerprints to do so again, at their own cost, I disagree with the proposal. If, for whatever reason, the State Bar did not retain fingerprint images from those of us who provided them prior to being admitted, the financial obligation to obtain a second set should fall on the Bar, not on the individual. Individual members should not have to incur additional costs due to the Bar's neglect.</p>		\$M
<p>Presumably, new laws, rules or regulations are adopted to solve a problem, a defect, or a change that existing laws, rules or regulations can, or do, not solve. Since the only use that can be made of a data base of fingerprints is identification of a person as an attorney, what problem or defect in the present system of attorney identification currently exists? How frequently does an attorney identification problem arise? What other solutions, including a more thorough application of current practices, are available? Has any cost/benefit analysis of the various solutions been performed and compared to the cost/benefit of establishing and maintaining an attorney fingerprint data base? Some solutions to problems are adopted because there may be a possibility the solution will be beneficial, but the probability of that happening remains remote. The requirement for the construction and maintenance of heliports atop tall buildings in Los Angeles for rescue of building occupants in the case of fire is one example. During the life of that rule, none of the heliports were ever used to rescue occupants of the building from a fire. I would suspect, but admit I have no evidence one way or the other, that the mandatory legal education program for existing attorneys, has had no impact on attorney drug or alcohol abuse, sexual harassment, or diversity prejudice at any time during its existence. What's next? Saliva tests, blood tests, facial recognition! I have no doubt that there may have been incidents of a difficulty or inability to confirm proof of identity of a person claiming to be an attorney, but does the frequency and insufficiency of other solutions require the adoption and maintenance of an attorney fingerprint data base.</p>		WN#, Alt. opts, PRY.
<p>We are officers of the court and I already been fully finger printed at the time we were admitted to the Bar. Requiring re-printing of our fingerprint is analogous to treated professionals as if we have committed a criminal offense in advance of being charged with a crime. The general public is not made to give their fingerprint to the police department in advance of being charged with a crime so that they can be easily identified should they in the future commit a crime. Why Should attorneys rights be infringed upon merely because of the profession they choose to practice. If an attorney is charged or convicted of a crime, the charging agency notifies the State Bar of that attorney's criminal offense. This procedure should be sufficient. w</p>		AF!, RR#
<p>stop making life for attorneys hard.</p>		BR.
<p>Fingerprints were provided the bar before admission..(In 1979) I assume the Bar still has them and has placed them in an automated recovery system.. An Attorney's criminal records can be run with their name and DOB. .Why is this extraordinary cost, both monetary and time, necessary? .</p>		AF!
<p>It is ludicrous for hard-working struggling attorneys to be forced incur yet more additional fees and costs.</p>		BR., \$\$

COMMENTS	ATTACHMENTS	CATEGORY
Well, of course we should re-fingerprint every licensed attorney. I've changed my fingers several times since I was admitted. My fingerprints no longer represent me in any way. While we are at it; submitting ARREST records and not needing any sort of CONVICTION, let's acknowledge that as an Attorney I am a presumed felon. My DNA records should be on file as well. That way, should there be any sort of erroneous match with fingerprints or DNA I can be hauled in for questioning for every serious case and the DA's office should be able to convict me of something that I had nothing to do with. The Bar should market its own line of Constitution based toilet paper to pay for all of this. DAVID VALLERGA		AF!, OB#,
First and foremost, the Supreme Court of California should adhere to the fundamental tenets of our Constitution. While there have been many clever and successful justifications for the dramatic erosion of its protections, we still have a Bill of Rights. The unequivocal purpose and meaning of the 4th, 5th, 9th and 10th Amendments are all violated by the purportedly "legal" fingerprinting mandate of the CA Supreme Court. Members of the State Bar - like all other citizens of the US - are entitled to a presumption of innocence. We are not criminals. We are not the subjects of a tyrant or of the State. We are free people just like our fellow citizens who work in other disciplines. On what grounds should our God-given and constitutional rights be invaded? Supposedly it is "a critical component of public protection and strengthens the State Bar's discipline system." Attorneys have no special propensity for criminal behavior. We do not represent any unusual threat to the public, and there is no justification for singling out our profession and subjecting it to mass investigation. Quite the contrary. If "public protection" warrants fingerprinting of attorneys, the CA Supreme Court should order the application of the procedure to all citizens. It will certainly contribute to the ease of DOJ background checks, and - by the logic of the current proposal - should enhance "public protection" and strengthen discipline in California to an even greater extent. In the interest of "public protection," why should we stop at fingerprints? All State Bar members should also submit a DNA swab. They should be required to submit a quarterly hair sample, urine sample, and an updated mug shot. They should be required to wear electronic trackers at all times. That will provide a far more comprehensive and effective means of "public protection" from the depredations of State Bar members. The CA Supreme Court and DOJ stand once again at the edge of a slippery slope of servitude and shame - one onto which our citizens have been thrust far too many times. That edge should be guarded by the sturdiest of walls which may never be breached. The Founders signed their names to a Declaration which they knew would likely become their death warrants. Brave Americans have died in untold numbers to defend our freedoms. They understood the true meaning of "public protection," and it surely did not include the wholesale fingerprinting of their fellow citizens. Are we so lacking in moral fibre that the fingerprinting of free people who do nothing but engage in a noble profession is now an acceptable mandate in California? The State Bar owes its members, and indeed all Californians, categorical opposition to the fingerprinting mandate of the CA Supreme Court.		PRY.
I already was fingerprinted once. I don't have any arrests or criminal charges. I think there are other ways of tracking members besides making them do this again. The chances of the older attorneys getting in trouble is slim.		AF!
To become an attorney, bar applicants were required to submit fingerprints prior to taking the bar exam with my background check. As fingerprints don't change, why would any State Bar require additional prints. I see only one reason and that is money. If, as the proposal suggests, the purpose is to uncover "subsequent" arrests and convictions, any State Bar could simply resubmit the original prints. As I recall, the fingerprints I took originally cost approximately \$150.00. Thus, if your desire is to pass this bill, any costs must not be borne by attorney's who have already submitted fingerprints, all costs must be paid by the State Bar. Requiring attorneys to resubmit fingerprints and take expensive CLE courses, along with a hefty Bar License fee every year is exacting on some people who cannot afford these costs. Much respect for wanting to ensure attorney's are not committing crimes and not notifying the Bar, but for the majority of good and honest attorneys..it is unfair and too expensive. Best,		AF!, , \$\$
attorneys who have already been fingerprinted should NOT have to do so again		AF!
Waste of resources and more rules--The bulk of active attorneys are already fingerprinted		BR., \$\$
I had my fingerprints taken in the Army in 1968. I had my fingerprints taken when I got a teaching credential in 1979. I had my fingerprints taken when I took the California bar exam and became an attorney in 1991. While the Army fingerprints were "free" so to speak, I spent time and my own money getting official fingerprints for the California Bar and for the California Community College system. I have had my fingerprints taken three times at my expense and I don't see any reason why my fingerprints would have changed other than working my fingers to the bone in a law office. If the California Bar wants to take them a fourth time, how about doing it on YOUR nickel instead of mine?		AF!
This is an invasion of privacy. The Bar already has in place necessary safeguards for the public. This is an additional cost for Attorneys that is not necessary.		PRY., \$\$
I am currently an active member of the State Bar of California. When I became a member in 1984 I submitted a complete set of fingerprints. In fact, as I recall it may have been two sets. So, why should I be burdened with the inconvenience and cost to now "re-submit" more fingerprints. Did the State Bar lose them? Wayne E. Hinson SBN 113395		AF!, BR.
I am a member of the State Bar. I object to having to pay for the fingerprinting cost. The State Bar should pay. The State Bar should have properly made arrangements with the DOJ many years ago and not pass on the cost now to members of the State Bar. Our Bar dues are already significant. We do not need further costs for such an administrative problem caused by the State Bar.		SM, \$\$
The State Bar has had my fingerprints since before I was admitted to the Bar, in 1974. My fingerprints were taken while I was in law school, at Boalt Hall; I got my JD in 1974. Have you lost my fingerprints? Do you have some particular reason for seeking more fingerprints? I know of no reason why my fingerprints in 1974 are not good enough today for the State Bar. This "re-fingerprinting" is a waste of money (my bar dues) and a waste of my time. Phyllis Andelin State Bar No. 60430j		AF!, \$\$
I have the following concerns: (1) Privacy; who has access to the information collected? (2) There is no limitation placed on the usage of the fingerprint submissions (i.e., law enforcement use in investigations versus background checks); (3) There are no limitations on the number of periodic DOJ checks that we attorneys would be subject to and there are cost implications that accompany the lack of limitations; and (4) How, if at all, will this affect California Attorneys who don't live in California? For example, will fingerprint cards from other states be accepted?		PRY., OOS B.

COMMENTS	ATTACHMENTS	CATEGORY
I believe this is an unnecessary procedural and financial burden on practicing attorneys. We have previously provided our fingerprints during the Bar application process. There is not indication in the proposed court rule that prior fingerprints were lost or otherwise mishandled or are otherwise inadequate for the needs of law enforcement. As noted in the Request for Public Comment, the rule will place a burden in excess of \$9 million on active attorneys. There is insufficient objective need supporting this rule to justify such a burden and I oppose the proposed rule.		BR., AF!, No PP
I supplied fingerprint to the State Bar, at my cost, four years ago. They have not changed. I have privacy concerns regarding the storage of biometric data (in this case, fingerprints) in light of the repeated and major data breaches that continue to occur to both companies and government agencies, and would prefer to submit my fingerprints on a regular basis, and bear the associated cost, with the data being destroyed after the background checks are conducted. I feel that these ongoing costs would be significant enough that the Active Licensed Attorneys should bear them, as their privacy is being protected in return. Failing that, if the State Bar wishes to have another set of fingerprints, to be retained in a database that I believe will eventually be compromised, I do not wish to bear the cost of their lack of foresight. If the data is to be retained, the State Bar should bear the one-time cost of obtaining fingerprints from those attorneys who previously submitted them.		AF!, PRY., \$M
I do not see how this improves public confidence and significantly improves regulatory oversight. I have been practicing since 1985 and I am pretty sure I was fingerprinted. Isn't the data available already for the vast majority of lawyers in state? Is this a fee generator more than anything else? I was recently admitted to a federal district court in another state. No fingerprint requirement at all. An oath taken that was notarized was all I had to do.		No PP, AF!
It is unclear to me from the proposed verbiage whether attorneys who were licensed 20+ years ago and who had to submit fingerprints at that time will be required to re-submit fingerprints. If so, I disagree with the proposed rule. I can understand fingerprinting to be licensed in the first place, but ongoing fingerprinting merely brings an unnecessary cost and hassle to the membership. The continuing education I am required to take already presumes I have substance abuse problems and am incapable of treating all people fairly, regardless of the color of their skin. Now I guess it is presumed that we have criminal records as well. It would seem to me that the more sane option would be to have the court who found an attorney guilty of whatever infraction then notify the bar association of the state to which that person belonged; not just to presume that we are all guilty until proven innocent by fingerprinting.		, BR., \$\$, RR#
We have already been fingerprinted. The proposed new rule is burdensome, expensive and raises serious privacy concerns.		AF!, BR., \$\$, PRY.
In this day and age of hacking the idea of another State Bar repository of my finger prints is distressing. This feels like an unmonitored information gathering process...even as careful as the State Bar might be.		PRY.
While I believe the proposed rule is entirely unnecessary and a staggering waste of time and effort, to say nothing of millions of dollars, I recognize that the State Bar is only reacting to a directive from the Supreme Court. However, this waste can be taken into consideration in the rule, and therefore I think the proposed rule should be modified to allow until December 31 2021 for implementation from the proposed date of December 1, 2019. Doing so will have two beneficial impacts: first, it will ameliorate to inconvenience to attorneys and second will decrease to some extent the number of attorneys impacted to the extent of additional deaths and inactive status changes made during the additional two years this modification proposes. In considering this modification, the Board should reflect on the fact that there are NO statistics offered suggesting the number of attorneys with undisclosed convictions to be uncovered by this rule. I submit that the number will likely be tiny, so the additional time for implementation that I am urging will have no genuine negative impact.		No PP, BR.
I WAS FINGER PRINTED AT THE TIME OF MY APPLICATION FOR ADMISSION. THERE IS NO NEED TO CONTINUE TO IMPOSE SUCH MATTERS ON MEMBERS OF THE BAR, THERE IS NO REASON TO IMPOSE ADDED FEES. THIS IS AMOUNTS OF A FUTHER INVASION OF PRIVACY, IS PURPOSELESS, AND SOUNDS OF SOMEONE TRYING TO MAKE MONEY OUT OF WHOLE CLOTH FOR THE PURPOSE OF REVENUE RAISING. STOP THIS NONSENSE. LOWELL JOHN DOSCH, STATE BAR #051920		AF!, PRY., \$\$
For attorneys who already have a LiveScan on file with DOJ, e.g. government employees, the re-fingerprinting should be waived. There should be a mechanism for the affected member to simply grant permission for the State Bar to receive the required SAN information. Given the fact that according to the State Bar's own documentation, the requirement has been in effect for 27 years, this apparent error by the State Bar in not retaining this type of personal identifying information should not penalize members. Additional costs for tracking and prosecution, will inevitably fall upon the members, and therefore it is not particularly fair to also impose the transaction costs upon the members who complied with all applicable requirements at the time of licensure. All employees of the State Bar who are permitted to receive this information should be mandated to receive the required training as to confidentiality and use of the CLETS information, before records are disseminated. It was not clear in the materials whether a plan to conduct the necessary training was in place, on a schedule that would allow for proper usage of the disclosed information.		AF!, \$M
My proposed modification is, that for those active attorneys who are also currently notaries public in the state of California, which requires fingerprinting every four years when renewal of a commission occurs, that these fingerprints having been submitted within the past 4 years, will suffice. Thank you.		AF!
I disagree with the proposed rule requiring resubmission because as far as I can tell from the background materials, there has been no real analysis of the benefit that would result from resubmission versus the substantial costs that it would entail. If attorneys with existing criminal records are in fact a real problem in California it certainly should be addressed, but until it is established I don't see the point in throwing money at a problem that may or may not exist. Furthermore, since my fingerprints have been on file with the DMV for ages, and presumably are available to the DOJ, I can't see the necessity for requiring me to get fingerprinted again in any event.		No PP
As a member of the California State Bar in good standing since 1966 I oppose any rule requiring active attorneys in good standing to be fingerprinted in order to practice law. The fingerprint process, if required at all, should be limited to those attorneys with a record/history of disciplinary or criminal conduct.		EX#
It seems like a lot of trouble and expense to solve not much of a problem. Has anyone done a study on the cumulative time and expense verses the frequency of the problem it is trying to solve?		BR., No PP

COMMENTS	ATTACHMENTS	CATEGORY
I have been fingerprinted so many times for work affiliated and professional associations that the DOJ has plenty of copies of my prints already. I find this to be highly intrusive where I have to enter, once again, a data base of my personally identifiable fingerprints for no discernable reason that I can think of that would ensure I am capable and competent to represent my clients and practice law but such a proposed rule change. To have this cost born by the attorneys of the state seems a bit over the top since I've already paid for DOJ fingerprints on multiple occasions. I still have the same 10 fingers and the results will be the same each time. My prints were done the old fashioned ink method as well as electronic so I'm covered no matter how it's done. This seems like another data base that I have to pay for to have data collected on me when the DOJ already has it. I'm opposed to this since the State Bar has no need for my fingerprints whatsoever anymore than the gas company needs them. There are other ample ways for the State Bar to learn of arrests by members and not one where I have to pay. If modifications are necessary, consider that if a member has already been printed and is in the DOJ database then no new prints are needed but if they are regardless, I can see members holding back on section memberships to keep overall costs down.		\$M, AF!
I have two comments related to the proposed rule: 1. The procedures should have a way for out of state attorneys to be fingerprinted without undue cost or trouble. 2. Many attorneys may already be fingerprinted for the DOJ for other things. In Pennsylvania, for example, all adults who work with kids at any time have obtained clearances. As such, obtaining new fingerprints should not be necessary, and I'm hopeful that the procedures include ways to handle such cases.		OOS B., AF!
I believe this is an unnecessary bureaucratic procedure. The State Bar has our social security numbers and can work and coordinate with other government agencies in identifying attorneys.		BR.
Seems likely to me to lead to all sorts of trouble where there has been an unwarranted, or unjustified arrest of an attorney that does not lead to charges or does not lead to conviction of any crime. People get arrested in California everyday without ever being charged with a crime. Law enforcement uses arrests, without any charge, as a method of crowd control and intimidation. Arrests do not indicate a crime or unlawful activity. Convictions do that.		OB#
This is another expense added to an already expensive profession. I'm sure that we were required to provide our fingerprints when we applied to take the Bar. For us to now pay for a DOJ check and periodic arrest notifications (v. convictions) seems excessive. How often would this be required? At what expense? We already have a pretty robust enforcement process and the public is adequately protected with that. Additionally, one could be arrested but not convicted, yet arrest records are being required. What about privacy concerns for we attorneys? I strongly disagree that we need to yet more requirements and more expense.		\$\$, AF!, PRY., 1#
I don't mind submitting to a new live-scan, but I should not be required to pay for it. Why don't you cover the costs and add it to my bar fees?		\$M
The State Bar failed to keep all the fingerprints from the original applications that all attorneys were required to submit, through a terrific lack of foresight. Attorneys already had to pay the fees for the original fingerprinting, in addition to the enormous fees we are required to pay yearly. The State Bar should reduce the license fees for the year by the cost of fingerprinting, or should bear the cost itself.		\$M
It is difficult to practice in California, and this is one more layer of bureaucracy in this "nanny state" that is unnecessary. How much more government oversight do we need? California is not the gold standard it used to be, and the fingerprinting is a farce and disguise for the war on immigration, and monitoring of classes of people and furthering hateful policies that are already in place from Washington. The Bar is not fooling anyone. This is a thin disguise of furthering policies to justify the rich and powerful that seek to justify their elitist position and ruthlessly prevent certain segments from practicing in California. This is the same group that is at war with certain law schools that is graduating minority students who are disadvantaged because of color of their skin and their economic station in life. I guess the Bar does not want to offend the Justices' sensibilities when certain attorneys appear in their courts who are not from prestigious law schools and high powered firms. Where does this end?		OB#
It seems to me that the State Bar failed to comply with Section 6054 that required fingerprint records to be retained for the purposes of determining criminal arrest notifications. Were none of the earlier fingerprint records retained? Someone at the State Bar made a \$15 million dollar mistake that California's attorneys will pay for. This is another example of why the Bar should be separated into two entities: one working as a trade association and the other as the administrative arm of the State Supreme Court. Highlighting that other entities require licensees to pay for fingerprints was not helpful. California attorneys are well versed in being required to pay for fingerprints: the State Bar already made us do it when we applied to be a licensed attorney. I do hope this entity arrives at a policy that requires attorneys to pay for the pleasure of being fingerprinted only once and not every time the State Bar fails to follow its own policies.		1#
This rule sweeps far wider than it should. While the need to get fingerprints from attorneys who may have not been fingerprinted in the past in order to track their records is understandable, such a requirement should not pass on to attorneys who already have fingerprints on records with the California State Bar. This creates a time and financial burden to attorneys who have already done their due diligence upon application for licensing to go through this step. California State Bar annual dues are already high as it is, it is a slap in the face to members to impose such a requirement without a justifiable need, which is not presented in this proposition. Fingerprints don't change save for exigent circumstances (e.g., fingertips severely burned or cut) -- to change the requirement and impose a burden on the many in order to track the few is poor judgment. If the California State Bar loses or misplaces a member's fingerprint records, then the burden, including the cost and convenience of scheduling an appointment of getting new fingerprints, should rest with the Bar as a cost of negligent record management. As is, the rule sets no limitation to how often the bar may require new fingerprints. There should, at the very minimum, be a limit of once per ten years or so.		AF!, BR., \$\$, \$M, 1#
The purpose of the Rule is to determine if an attorney has been arrested and convicted of a new offense. The reality is that individuals can be arrested and convicted of misdemeanors without being fingerprinted. Moreover, how often will an attorney have to be fingerprinted as he/she could be arrested immediately after the fingerprinting so the fingerprinting was moot. This seems like an endless waste of time & resources for all. Self-reporting of whatever type of conviction is of concern to the State Bar should be sufficient. If the attorney fails to self-report, that alone would be cause for discipline, separate from the conviction.		No PP, RR#
All currently active attorneys have already been fingerprinted prior to admission to the bar. These fingerprints should be adequate to determine if attorneys have committed crimes post-admission. It is a waste of money, time, and resources to require every attorney to be fingerprinted again solely for the convenience of the state bar.		AF!, \$\$, BR.

COMMENTS	ATTACHMENTS	CATEGORY
Unless the Bar is intending to become an arm of the police department, the proposal represent an unacceptable intrusion on privacy.		PRY.
The Code appears to be limited to those who are seeking admission and reinstatement, not those who are admitted and are in good standing. However, if fingerprinting is to extend to those who are already admitted, those who have fingerprints on file (e.g. real estate agents) should be exempt from re-fingerprinting. Further consideration should be given to compliance issues (I have been told in the past that it is not possible to get a clear mapping of my index fingerprint). The cost to fingerprint should be included in the state bar fees.		AF!, \$M
In this day and age when internet security is practically non-existent, I would be reluctant of providing my fingerprints which could easily be accessed through modern hacking modalities. It is adequate that fingerprints are taken to run a background check so as to know the person to whom is registering as the person who will be an attorney, taking the bar examination. However, it is a completely different idea to allow the State Bar to have a set sitting around available to be absconded with and perhaps used for a different purpose than what was intended. Additionally fingerprints may not be as definitive as we think. Consider. . . . We carry around unique maps of swirls and ridges on our fingertips, and judges and juries have been using them for almost a century to decide innocence and guilt. Because no two people have the same patterns, fingerprint evidence has been nearly irrefutable in courtrooms for decades — until now. A federal judge in Philadelphia has become the first to question the scientific soundness of fingerprint evidence. U.S. District Court Judge Louis H. Pollak last week ruled that such evidence does not meet standards of scientific scrutiny established by the U.S. Supreme Court, and said fingerprint examiners cannot testify at trial that a suspect's fingerprints "match" those found at a crime scene. The interpretation of fingerprint evidence has already been the source of heated debate in the forensic community, and Pollak's decision, coming after two years of legal challenges around the country, is likely to stoke the controversy. At issue is not whether a fingerprint is a unique identity marker, but whether fingerprint experts have scientifically sound techniques in determining identity from even a partial smudge of a fingerprint found at a crime scene. Ruling Could Spawn Similar Cases, Decisions Pollak's decision only applies to a murder trial scheduled to start later this month in Philadelphia — and shouldn't affect past convictions based on fingerprint evidence — but experts say it likely will have broad resonance. The ruling could serve as a basis for similar decisions in other courts and prompt further legal challenges based on its reasoning. In the Philadelphia case, lawyers for three men accused of running a drug ring associated with four murders sought to bar fingerprint evidence from their upcoming trial. Pollak allowed fingerprint evidence to be presented to the jury but will not permit experts to testify that the crime scene prints "match" those of the defendants. There is no "scientific testing that tended to establish the reliability of fingerprint identifications," Pollak ruled. However, Pollak did not reject the overall use of fingerprint evidence, saying witnesses could discuss similarities and differences between fingerprints and that the imprints are "permanent" and "unique." In his ruling, Pollak relied on a 1993 U.S. Supreme Court decision that required judges to take a more direct role in deciding what scientific evidence could be permitted at trial. The court established the "Daubert" guidelines, which are designed to prompt questions about the scientific sturdiness of certain types of evidence, such as whether it has been adequately tested, what its error rate is, and, in the case of fingerprinting, whether there are standards for what constitutes a "match." Handwriting, Hair Evidence Also Questioned Fingerprinting have been used in courtrooms since the early 20th century, and judges have generally regarded them as scientifically sound. In reality, says evidence expert Jennifer Mnookin, the use of fingerprinting has never withstood rigorous scientific testing standards. "Instead of taking it on faith, [Pollak] decided to examine whether the claims of fingerprint		PRY.
I feel this proposed law poses an undue hardship on myself and other newly licensed attorneys. I already went through vigorous screening requirements less than a year ago and this would require additional time and cost to attorneys such as myself. Additionally, the State Bar is already behind years of existing ethics complaints and thus should focus its resources and priorities on investigating those claims if they want to strengthen their duty to protect the public. This legislation simply creates new levels of bureaucratic hurdles that generally just burdens a majority of ethical attorneys, since there does not seem to be any demonstrable problem with attorneys having secret crimes of moral turpitude. This just seems to be a fishing expedition and a waste of time and resources.		AF!, BR., \$\$
It is unclear why those members of the Bar who submitted electronic LiveScan fingerprints as part of their application process must re-submit via LiveScan. It makes sense for those existing members who were admitted prior to LiveScan, or otherwise provided only paper fingerprint cards to re-submit using LiveScan, but requiring all active members to re-submit seems like overkill. Thank you, Robert L. Stein, Pharm.D., Esq. Professor of Pharmacy Law & Ethics KGI School of Pharmacy Claremont, CA		AF!,
Attorney's currently have plenty of requirements they have to satisfy each year and being burdened with an additional requirements is taking away from our focus as an attorney, to practice law. The ethical rules currently require that we criminal acts be reported, so it only makes sense to establish harsher punishment for those attorneys that are failing to comply with the current rules when they fail to report any criminal acts on their background. Requiring attorneys to submit to yearly fingerprints is not likely to deter those attorneys that are already engaging in criminal activity or violations of the law therefore the burden is being placed on those of us who comply with the law and make good choices to remain in good standing. We are professional and we should be held to a higher standard of conduct, one that does not require attorneys in good standing to submit to fingerprinting each year. Rather, attorneys that are not in good standing or have any background of DUI or any other criminal violation which the proposed fingerprinting rule is supposed to disclose should be required to submit to a yearly fingerprint until a specified number of years have passed demonstrating good standing. Currently, positions in law enforcement and educators (teachers, professors etc.) who are exposed to the general public and are responsible for educating the public and enforcing the law are not obligated to submit to fingerprinting each year and are required to report any significant change in their background or criminal acts to the employers, so why treat attorney's any different. I strongly disagree with the proposed rule.		BR., 1#, No PP
As a member in good standing with the California State Bar I don't feel like I should have to go to the expense of having to get my fingerprints re-done. If the Bar wants to pay for it and send someone out to my place of business that is one thing, but it is burdensome to expect members to find someone to do the fingerprinting and pay for it to be done and then submit it to the Bar. As a Public Defender I was required to undergo LiveScan and fingerprinting when I was promoted so this seems totally unnecessary.		\$\$, AF!, BR.
Bar dues are high enough without requiring that bar members pay additional funds for fingerprinting for the few attorneys that commit crimes during the year. I would rather see the criminal justice index automatically notify professional licensing organizations if a member commits a crime. We were all fingerprinted at time of admission and fingerprints supposedly do not change.		\$\$, AF!

COMMENTS	ATTACHMENTS	CATEGORY
As a 40 year BAR member I have absolutely no problem with this proposed rule. In fact I would go farther and verify on each 3rd annual anniversary of one's CEB requirements. Furthermore I would gladly submit annually along with a Fee to get a " BAR-TSA" card.. If I can board a commercial aircraft with " pre TSA" and if I can be pre-screened for allowance back into the USA with a card and fingerprints, I would think that a simple measure could be constructed to enter the Courthouse or County Buildings. Why need I, if I agree to submit to background checks, fingerprints and whatever other invasion , have to submit to taking off belts , jackets, shoes , and or the wand ? Sure we have idiots who have somehow passed the bar attempt to bring firearms into a Courthouse, but this is an extremely rare occasion and should be handled by discipline with the county. This is a terrible waste of personnel , trained officers and a humiliation to we who are officers of the Court.. There must be a sensible accommodation. Thank You RDT.		
This is an embarrassingly silly proposed rule. Isn't there something more important for the California Supreme Court and the State Bar to spend time on?		No PP
Just because the rest of the country has lurched so far to the right so as to approach absurdity, doesn't mean the CA bar ought to follow suit. We should remain exemplars of sane professional regulation in the public interest. The proposed rule serves no useful purpose and should be publically and overwhelmingly disavowed.		No PP
This rule seems draconian and could have the effect of chilling of free speech, even if that is not the intention. There is no good reason to require continued fingerprinting of active, admitted attorneys, and if there is such a good reason, it is outweighed by the sanctity of our privacy, and the danger of its misuse. further, this is a step in the direction of surveillance that goes beyond protection of the public. Please do not adopt this draconian rule.		PRY.
While I agree that fingerprinting once (at the time bar card is first issued) makes sense, the burdens of re-fingerprinting outweigh any benefits. Re-fingerprinting will divert resources (time and money) from the state bar that could be better used elsewhere, and would force individual attorneys to spend valuable time on something that does not have any meaningful benefit to the people of the state of California. It seems the only true beneficiary will be fingerprinting service companies.		No PP, BR.
To whom this may concern:My name is John Lawrence Gaddy, State Bar 74431, and I have been an active member of the California Bar since 1977 - about 40 years - and am 72 years old.I have never been charged with a crime or convicted of a crime and have never had a complaint filed against me as a lawyer in all of these year.I think that after a certain age and enough years as I have been as an active member of the bar, I should be exempt from any fingerprint requirements.I do not recall if my fingerprints were ever required by the bar, but if so, I am sure I gave them or I wouldn't be an active member of the bar so long.I have been driving a car with a California Driver's license and believe that they have my fingerprints.Hence, please exempt me from this rule because it is redundant if the member of the bar is a licensed driver in California, or has been a member of the bar with a perfect discipline record of no complaints, and or has reached the age of 65 or more with never even being charged with a crime.		EX#
I have been a member of the State Bar since 1977. This is a waste of time and money.		\$\$, BR.
I think that making existing attorneys be re-fingerprinted is a big waste of time and money. The disciplinary system currently in place based on complaints by the public is sufficient and seems to working well.		\$\$, BR.
I was fingerprinted when I applied for the bar 34 years ago. It is my understanding that everyone was. It is unclear from the proposal as to whom the rule applies. If the state bar has misplaced my fingerprints it would seem under this proposal as phrased that if they did misplace them that I have to bear the cost of resubmitting fingerprints. I see no compelling need to do so and to pay for it.		, AF!
This rule is a total waste of time for anyone who has already submitted a fingerprint card with his/her original bar application. If the State Bar failed to maintain such information, it should not be the member's problem.		AF!, \$M
I do not see a reason to fingerprint attorneys. We already pass rigorous background checks and are subject to strict disciplinary rules. Having our fingerprints on file will not enhance the public trust, and will place an undue burden on attorneys to obtain the fingerprints, on top of the invasion of privacy.		AF!, BR., PRY.
At my own expense, I was fingerprinted in 2009 as a requirement for graduating from law school. What about those live scan fingerprints are no longer valid? If members have had their fingerprints scanned and had a background check done in the last 10 years, this should not be required.		AF!,
A recent (2015) article in the Proceedings of the National Academy of Science notes that fingerprint recognition accuracy in forensics at operational settings, while changing over time, tends to be stable as the time interval increases up to 12 y, the maximum time span in the dataset.There is therefore no scientific basis for re-fingerprinting attorneys who have previously submitted fingerprints to the CA State Bar.	<a href="https://fs22.formsite.com/sbcta/files/f-57-86-12877041_5QzQPRXs_Yoon_PNAS_2015.pdf">https://fs22.formsite.com/sbcta/files/f-57-86-12877041_5QzQPRXs_Yoon_PNAS_2015.pdf</a>	AF!, unrel.
Members of the State Bar in good standing who already have fingerprints on file with the State (judiciary, court volunteers, etc) should not have to be re- fingerprinted to comply with this new rule!A. How many sets of prints does the State need?B. It is an unnecessary expense to active attorneys!C. It is a burdensome expense to active but non- practicing attorneys who already have to pay to comply with CLE and Bar Dues.		AF!, BR., \$\$
I am a notary public and have to submit fingerprints every four years. Over time, my fingerprints have become faint and they do not register on LiveScan. It is a huge inconvenience for me to keep having my prints scanned only to be told it was unsuccessful. I see no reason for the State Bar to adopt such a program.		BR.
While I understand the public policy reasons for wanting to issue a re-fingerprinting mandate, I have concerns about a) the expense both for individual attorneys, as well as the state bar, in processing hundreds of thousands of fingerprints again; b) privacy and data security. I would prefer to see the CA bar focus on working with law enforcement agencies and the judicial system to cross-reference conviction databases, with the state bar's current fingerprint database. Perhaps discrepancies could be revisited for possible re-fingerprinting. Presumably, only a small minority of licensed attorneys in CA have had convictions that would render them ineligible for continued state bar admission in good standing. The proposed mandate is overly broad and the efforts/cost would far exceed the benefit.		\$\$, PRY., BR., OB#, No PP
Unduly burdensome and unnecessary.		BR.

COMMENTS	ATTACHMENTS	CATEGORY
The Business and Professions Code already has a self-reporting requirement if a California lawyer has been convicted of a misdemeanor or a felony. See 6068(o). The purpose of the proposed rule, from what I have read, is so the new fingerprinting will be used to determine if a Bar member has been convicted of a misdemeanor or a felony. An omission of self-reporting oneself should demonstrate in the contrary that Bar member's moral character in an investigation of that Bar member in a disciplinary matter. As a Bar member who never run afoul of the law, I find the proposal as Orwellian, rather than if you've never run afoul of the law you have nothing to worry about. If the proposal were accepted I would comply with it but at this moment in time I am against it and do not believe that it would benefit the public.		RR#, No PP
The State Bar received each applicant's fingerprints when applying for admission. That should be sufficient. To impose this requirement on all existing attorneys AND make them pay for does not seem to have a basis on anything other than more someone's paranoia. Will it really protect the public? How will it be monitored?		AF!, \$\$, No PP, PRY.
I am a notary public and have recently renewed my commission, effective early 2018. In that process, as in years past, I have been fingerprinted. I suggest that those attorneys (of whom I believe there are quite a few) should be able to authorize the transfer of their electronic fingerprints from the Secretary of State's domain to the State Bar with only modest trouble or expense.		AF!
I'm not comfortable with the idea of the California Department of Justice indefinitely maintaining a database of attorney fingerprints on the off-chance some of them will be arrested. While I understand wanting to have a backstop to ensure arrests of attorneys are reported back to the bar in some fashion, volunteering to create a profession-wide fingerprint database is a much broader solution than necessary. I recognize that as attorneys we give up certain types of privacy in order to be part of the profession, which is why my education and place of business are publicly available for anyone to look up on the California Bar's website. But mandating me to submit biometric data to law enforcement is deeply disturbing, and relies on the assumption these records will be safely secured and accessed only in limited circumstances. If major banks and private institutions holding private information can't secure it properly, I worry that the Department of Justice would similarly struggle to do so.		OB#, PRY.
I support this rule.		
Finger prints should be required at the time an applicant applies to take the CA Bar exam. After that if an attorney is convicted of a criminal offense the prosecuting agency should notify the State Bar. Finger prints are already on file for every licensed CA driver. The proposed rule is a waste of money and totally unnecessarily to further any legitimate purpose. I strongly oppose this proposed rule. One more bureaucratic requirement that serves no legitimate purpose other than the inconvenience and more fees.		AF!, BR., No PP
This is intrusive and unnecessary. We are lawyers, not criminal suspects about to be booked. What is the purpose of this? It creates yet another bureaucracy that has to be funded, no doubt our annual bar membership fees will be raised to pay for this. We all know just what the bar CAN do to its members by way of discipline, but just what does the bar do FOR its attorneys? I can't think of thing. Most of my colleagues fear rather than consider the bar a resource let alone a fraternal organization. I guess it stopped being that a long time ago. And now we are all to be fingerprinted. And why, someone explain why.		No PP
I urge you to exempt all active duty military attorneys as we already have fingerprints on file with the federal government. Also, active duty military attorneys have strong procedural mechanisms in place to take appropriate action for any criminal misconduct.		AF!
I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must sent the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.		RR#, OB#, BR.
it has been shown time and time again, that government agencies (as a psedo government agency, i would expect the state bar to be no more efficient), have had many, many, many, many both failures in security to protect valuable client information. In addition, many government agencies had thousands or hundred of thousands of times, failed in sharing information with the DOJ to put in the national criminal database, even though congress had instructed them to. as the biggest example (many other examples exist, this is only the biggest). For the recent shooting at the texas church. It came to light, that the military had NOT been sending criminal conviction information to the DOJ for the last 15 years, even though by law they were supposed to. Let alone the hundreds of cases of criminal hackers breaking into government computer systems and having access to the very personal information of several million employees. This infomation, was later used to do identity theft, on millions of government employees. with all of this in mind, if would be unfair to require all attorneys to give their fingerprints. Simply put, the state bar CANNOT guarantee that they would not fall into the hands of a criminal. Not matter, what protections the bar says is in place (the government in the above situations assured their employees of safeguards too--that failed), unless the bar spends a billion dollars on better computer security than anyone else. I do not believe, the state bar would spend that kind of money, to make the fingerprints absolutely safe. thank you		PRY.
The cost of re-fingerprinting active attorneys should come out of the annual fee, not as a separate fee payable by the attorney, especially if already fingerprinted.		\$\$, \$M
It's more baloney! Adds more nonsense, such as continuation education classes which is just a big racket..When I read why attorneys get disbarred, it is always something gross such as stealing their clients money.. It's never a lack of professional judgment.		
The vast majority of California's more than 200,000 attorneys have no criminal record. To subject every single one of us to this expensive and time-consuming requirement in order to find the handful who have records does not make sense. Surely there is a more efficient way to achieve this goal other than to burden so many people.		BR., \$\$, No PP

COMMENTS	ATTACHMENTS	CATEGORY
Only those attorneys who seek access to the type of records identified should be required to submit fingerprints.I've been in practice 51 years and never needed any such documentation. And although I intend to continue in practice, I will never need any of those documents.Makes no sense for ALL attorneys to meet any such requirement.		EX#
It is not clear whether fingerprints submitted with original bar applications have been retained, or if all current attorneys will need to resubmit fingerprints. For example, I submitted fingerprints in 2006 -- have those prints been retained or will I need to resubmit? If resubmission is required, I disagree that currently licensed attorneys who previously submitted fingerprints, and who have no history of discipline, should be obligated to incur additional costs (both in money and in time) to resubmit fingerprints. For such attorneys, an attestation at the time of renewal that they have not been convicted of any crime should suffice. Alternatively, the Bar should pay the cost of the additional fingerprints. For attorneys who have never submitted fingerprints, it is appropriate to require their submission (both from new and renewing applicants).		AF!, EX#
I distinctly recall submitting my fingerprints with my application for admission to the state bar of California in August or September of the year 1998. I have no knowledge that my fingerprints have changed or that the state bar has subsequently lost my fingerprints. I am opposed to re-submission of information which the state bar already has in its records; especially at my expense.	<a href="https://fs22.formsitem.com/sbcta/files/f-57-86-12876741_H4M5D8_SK_Proposed_Rule_re_Fingerprinting_of_Attorneys.webarchive">https://fs22.formsitem.com/sbcta/files/f-57-86-12876741_H4M5D8_SK_Proposed_Rule_re_Fingerprinting_of_Attorneys.webarchive</a>	AF!, \$M
I already submitted fingerprints to the California Bar, and other fingerprints to the other state bars I am a member of. Why should someone like me have to once again pay fees and re-submit fingerprints when fingerprints were already submitted when I first joined?		AF!
I'm not a criminal, submitted all this when I was licensed, and resent being treated like a criminal. It's demeaning, attorneys shouldn't bear the cost, and I suspect it's going to be pointless.		AF!, \$M
I maintain an active license in California. I have been a public employee in Oregon since January, 2012. In order to obtain and maintain public employment, I was subject to fingerprinting and criminal background checks, and am also subject to reporting requirements. This requirement from the CA bar will be duplicative and result in additional expense. I see no exemption for public employees who are subject to criminal background checks and fingerprints. I previously provided my fingerprints when I was admitted, in 1998. The proposed rule appears to require that I provide new fingerprints. At minimum, I suggest a clarification to clearly indicate who will be subject to the proposed rule.Debera MassahosSBN 197028		AF!
As a Muslim-American immigrant from countries targeted by the Trump administration, I oppose sharing of attorney fingerprints with the federal government.First, there is mounting evidence that fingerprinting is not a reliable way to identify individuals, and false positives are common. (See e.g. case of Oregon lawyer who was falsely identified as a terror suspect in Madrid bombings: <a href="http://www.nytimes.com/2004/11/17/politics/report-faults-fbi-fingerprint-scrutiny-in-arrest-of-lawyer.html">http://www.nytimes.com/2004/11/17/politics/report-faults-fbi-fingerprint-scrutiny-in-arrest-of-lawyer.html</a> )Second, I am opposed to sharing of such information as a false positive could place an FBI hold on the applicant's file which may be difficult to clear up. FBI's criminal history database is not a database of convictions, but a database of arrests. About half the records in the database do not include information about the final disposition of the case (e.g., whether the arrest resulted in a conviction, acquittal, expungement or if the case was even pursued). That's significant, because around a third of felony arrests do not lead to a conviction. Among those who are convicted, 30 percent are convicted of a different offense than the one for which they initially were charged (often a lesser offense or misdemeanor). (See <a href="http://www.rstreet.org/2016/01/11/fingerprint-background-checks-not-as-reliable-as-you-think/">http://www.rstreet.org/2016/01/11/fingerprint-background-checks-not-as-reliable-as-you-think/</a> )Further, while the FBI provides a process for individuals to challenge a faulty background information, this process can be time-consuming and difficult to navigate. Because so many of the FBI's records are incomplete, the checks can unintentionally become a means of injustice. Sen. Chuck Grassley, R-Iowa, (chair of the Senate Judiciary Committee) explained how employer's use of FBI database can lead to unfair treatment of job applicants:"[I]f an employer uses the [FBI] database for hiring purposes, the records can be inaccurate and old. And, just as bad, the database includes arrest records that never resulted in a conviction. It's unfair that an arrest—not resulting in a conviction—is included in a criminal background check. And, while there is a process by which people can contest their records being in the database, there are flaws in that process that need to be looked and changed." (See <a href="http://www.nelp.org/publication/faulty-fbi-background-checks-for-employment/">http://www.nelp.org/publication/faulty-fbi-background-checks-for-employment/</a> )Finally, if the State Bar proceeds with the new rule requiring fingerprinting information to be shared with the FBI, then there should be clear rules in place for the applicant to follow in order to clear his or her name in the case of a false positive.Thank you.		PRY., OB#
I am totally opposed to re-finger printing. I was fingerprinted when admitted, those should still be on file and should not have changed! I do not want to bear the time and expense burden to do it again.		AF!, BR., \$\$
I have checked the fee for a livescan of my fingerprints...\$18.A small price for the cost of doing business and maintaining my professional license.		
Dear Sir/Madam:I had a background check completed when I became a member of the Bar in 1986. Since then, I have had no disciplinary events, let alone a public record of discipline. I have also had no issues with law enforcement. So, it is not clear to me why the Bar would impose another requirement of this kind now. It will be more red tape and more fees, and to what end? What possible public good will come of this?What is more, I have recently been fingerprinted and had a thorough background check. I am a volunteer instructor at U.C. Berkeley. It too has deemed it necessary to have such checks on everyone. If you do enact this proposed rule, you should amend it so that people in my circumstance can use the same fingerprinting and background check results. It will serve no good to force us to do it twice. The Bar should be able to obtain the results from U.C. and accept them. This would save me, and other in my situation, time and money, and would not result in the Bar having any less valuable information.David Commins		AF!, BR.
Per your explanation, if fingerprints on file are no longer serviceable, I have no objection to being fingerprinted.		
It is an inconvenience and cost that is not necessary.		BR., \$\$

COMMENTS	ATTACHMENTS	CATEGORY
<p>The real question to address: are California lawyers so crooked that our prints must be added to the current database of prints and run on a regular basis? Background checks can be done without fingerprints, except for things like murder and other truly heinous crimes. What does this proposed new rule, aimed at protecting the public, tell that same public about the membership of the State Bar? Should be more afraid of my fellow members? We already have a rule for mandatory reporting of convictions. A more honest discussion would be revising admission rules, and trying to weed out bad apples before they become members. Earlier this year there was a big, splashy push to lower bar admission standards. Where is the consistency here? Every admitted member has already paid for and submitted a set of prints ONCE and it is not our fault that the State Bar did not save those prints. If this rule goes into effect, the State Bar, once fingerprints are all collected and background checks performed, should REIMBURSE all those found in compliance with the mandatory reporting rule, regardless of where those lawyers are located.</p>		No PP, RR#, \$M
<p>I disagree with the proposed rule for several reasons. First, as attorneys we are already required to self report any criminal violations. Second, this just adds an additional cost to our already extremely high bar dues and costs. If the CA Bar requires us to be fingerprinted then is it willing to reduce our bar dues by the cost of the fingerprinting? Third, as we all know the DOJ has its hands very full and is not a very reliable source for criminal information, evidenced by the number of people who are either buying guns or flying when they have either committed felonies or are on no fly lists. Therefore, we would be relying on an inefficient/unreliable entity to monitor the criminal activity of attorneys. As a result, the attorneys will likely not self report and their criminal behavior will go unreported. If the CA bar will continue to require self reporting, then other than an unnecessary expense which will be incurred by both by the licensees and the CA Bar what would be the purpose? Sometimes, just because we can do something, doesn't mean we should. Thank you for your consideration.</p>		RR#, \$\$, Unrel., BR., No PP
<p>There is no explanation or factual basis stated in the proposed rule or the Supreme court's statement as to why attorneys should be forced to submit to fingerprinting and having their fingerprints disseminated to the Federal government. A bald claim that doing so helps public safety is not at all sufficient to force all California attorneys to submit to fingerprinting and the real risk of identity theft, damage and privacy invasion. For those of us attorneys like myself who were required to be fingerprinted when admitted to the state bar, it is not at all clear that we would not have to be re-fingerprinted and assessed the costs that are not detailed. There is no public benefit that has been identified that outweighs the objections against this improper proposed rule.</p>		No PP, AF!
<p>We all had extensive background checks as a prerequisite to being admitted to the State Bar once our tests scores achieved a passing grade. You even asked questions concerning arrests as opposed to convictions on the questionnaire. I even recall having to be fingerprinted as a condition of being admitted to the bar. So to do it again, is ridiculous and a burden to us all.</p>		AF!, BR.
<p>My fingerprints were taken as part of the admission process before I was sworn in as an attorney. My fingerprints have not changed since then. This is unnecessary redundant regulation that is proposed at my expense. There is no explanation as to why the original prints are no longer sufficient. I do not have a problem with attorneys being fingerprinted as part of the admission process, but I do have a problem with doing it twice and paying again. Amend the rule to grandfather in members of the Bar that have submitted prints in the past, and I would have no objection. Otherwise, the precious State and Court resources should be spent doing other more necessary tasks.</p>		AF!,
<p></p>	<a href="https://fs22.formsight.com/sbcta/files/f-57-86-12876167_CfHFA3R_V_2017.12.11_Fingerprinting_Rule_Public_Comment.pdf">https://fs22.formsight.com/sbcta/files/f-57-86-12876167_CfHFA3R_V_2017.12.11_Fingerprinting_Rule_Public_Comment.pdf</a>	BR., \$\$, \$M, OOS B., Foreign#, No PP, OB#, Unrel., EX#, 6054#
<p>Some active members of the State Bar - such as myself - reside outside California. The Rule should be modified to allow fingerprint to be taken in the any state (not just California) and then transmitted to the Department of Justice. Requiring an attorney to travel to California to have his/her fingerprints taken is unduly burdensome.</p>		, OOS B.
<p>The description of the rule states that there will be "re-fingerprinting of all active licensed attorneys." I do not see why it is necessary to re-fingerprint attorneys whose fingerprints have previously been provided to the State Bar. This imposes a financial and personal burden on members of the bar for no reason. The proposed rule itself states that only licensed attorneys for whom there are no fingerprints on file would be required to be fingerprinted. If the rule, rather than the description of the rule, is accurate, I would have no objection.</p>		AF!, BR.,
<p>I suspect the proposed rule may make up for a lack of technology, or, rather, outdated technology regarding the checking of fingerprints already on file. I am retired, so I have no skin in this game. However, subjecting practicing attorneys whose prints are already on file to additional costs due to either federal or state failure to update their data base is not an acceptable reason to levy additional costs upon any profession. Why not teachers, physicians, nurses, or any other profession?</p>		BR., AF!, \$\$

COMMENTS	ATTACHMENTS	CATEGORY
<p>While I support efforts to determine whether members of the bar have committed crimes, I disagree with the proposed rule. Privacy concerns: The proposal indicates that the DOJ would store attorneys' fingerprints indefinitely, until they retire or otherwise become inactive. This presents a major security breach risk. Nowadays, and even more so in the future, many electronic devices such as iPhones can be unlocked with fingerprints. A database of fingerprints of all California attorneys endangers the devices (and privileged communications and documents on or accessible through those devices) of all California lawyers and their clients. The proposal does not indicate how the fingerprints are stored, but they should not be stored as images, as such images could be replicated or copied to reproduce fingerprints. Instead, if the goal is to be able to match records of future convictions, a oneway hash should be applied. This is the industry standard for storing passwords, and there is no reason for biometric information to be stored less securely. If the current contract with the DOJ does not provide for such security measures, fingerprints should not be retained in any database under such security measures are in place. Timing concerns: Submitting fingerprints requires visiting a fingerprinting facility. There are limited facilities statewide (especially in less populous locations), they offer during restrictive hours, and often require appointments well in advance. If the bar requires all active California attorneys to resubmit fingerprints, that will lead to even less availability at such facilities. The proposal contains nothing about how members are to find such a facility and obtain an appointment for submission. The bar should provide more resources and ask attorneys to resubmit on a rolling basis, tied to the 3-year cycle for continuing education, which attorneys are already familiar with.</p>		PRY., Alt. opts, BR., SCY
<p>I am employed by a very small (2-attorney, 1 FT and 1 PT) qualified legal services project. We are able to bear this expense, but the State Bar may wish to make allowances for other LSPs and practitioners who cannot.</p>		
<p>We are not criminals. Stop treating us as such!</p>		
<p>The rule appears to be misguided in its attempt to correct a problem that does not exist for attorney in many other states. Furthermore it further insulates our profession from returning citizens who already disclaim their prior criminal history when they apply to law school and to each state's bar for sitting and admission purposes. The subsection of individuals for whom are convicted following licensure have individual mandates to report such convictions and the responsibility to do so can be shared by the prosecuting office or the courts as notice of criminal convictions are typically shared between licensing agencies frequently. I disagree with the policy and rationale behind the proposed Rule and consequently disagree with this proposed Rule without further and more detailed explanation as to why such a dramatic endeavor is necessary to safeguard the profession.</p>		RR#, No PP
<p>The invasion of privacy which continues to progress is further enhanced by rules and legislation such as this. Law enforcement has ample resources to obtain evidence and/or prosecute criminal offenders. It is unnecessary to subject active, law abiding citizens, and more specifically, attorneys to additional fingerprinting and oversight. If an offender is brought into the criminal court system, he/she will be fingerprinted and that record retained by the DOJ. If an attorney is not a criminal offender, it is not necessary to subject him/her to fingerprinting "just in case" or for whatever reason might be propounded. I am firmly against this and all similar invasions of privacy.</p>		PRY.
<p>I see no benefit or need for such an action. I have been practicing for over 20 years and fail to see how obtaining my fingerprints at this time provides any protection to me or the public.</p>		No PP
<p>I fail to see the need for it. We are supposed to be a Profession with some degree of respectability. This seems to be some accusation that we need to be monitored at all times because of suspicious conduct. I also am opposed for personal reasons. I have been a member of the State Bar for over 50 years without blemish, I have received my certificate from the State Supreme Court and State Bar honoring me for more than 50 years of service. I am semi-retired, and only keep my membership active because I have business clients who still look to me for advice from time to time. This makes me feel like I am being treated like a criminal. Along similar lines, I go through my continuing education requirements in each cycle. Why, after all these unblemished years of service do I still have to prove that I know what I am doing?? Lee Adair</p>		WN#, No PP
<p>Paragraph 3 of the proposed rule should be modified to require the cost of re-fingerprinting attorneys to be borne by the State. In order to become a member of the Bar most if not all attorneys, as far as I know, have already paid to be fingerprinted. Neither the bill nor the proposed Rule of Court explains why the State would not already have a database of those fingerprints or why re-fingerprinting is necessary. Because the State had possession of fingerprints, requiring re-fingerprinting at the attorneys' expense penalizes those of us who have already complied with the fingerprinting requirement. If the State has lost or destroyed prints we already paid for, the State should bear the financial burden of rectifying the loss of data.</p>		SM, AF!,
<p>I believe that the requirement of fingerprinting should be limited to those categories of person for which the statute requires fingerprinting, namely those who have been arrested, convicted, those under an investigation or a proceeding with the State Bar, new applicants and those seeking reinstatement. There is just cause for requiring those fingerprints to be submitted. However, I am a currently active member of the State Bar and submitted two fingerprint cards at the time of my admission for the required background check, over twenty-five years ago. I paid to have those cards prepared and submitted at the time of my application. I received my license and have not been arrested nor convicted nor had public or private discipline against my license, nor been suspended or disbarred, since then. It is therefore unfair, unreasonable and overly intrusive to require me, at my own expense, to submit yet more fingerprints when there is no current reason or probable cause to require them. I also believe that to require such fingerprinting without cause and to threaten to remove an existing and valid license for failure to provide such additional fingerprints may be unconstitutional, since this Rule implies that Section 6054(d) would be expanded to include every attorney and not just those in the "required" categories set forth in the statute. Thank you for your consideration of my comments.</p>		EX#, AF!, BR., \$\$, Unconst.
<p>Requiring fingerprinting of all licensed attorneys seems arbitrary and unsupported by any actual need. The requirement is also an invasion of privacy where there has been no suspicion of criminal activity or no actual criminal activity. If this requirement is passed, it should be modified to require fingerprinting in circumstances limited to reinstatement or suspicion of criminal activity.</p>		No PP, PRY.
<p>This is another burdensome imposition with a thready justification akin to using a bazooka to swat a fly.</p>		BR.
<p>I grew up in a police state and came to America, among other reasons, to get away from fear and authoritarian overreach. This proposed rule is another example of the intrusive sweep now spreading into every area of our society, watching us, monitoring us, recording us. Will DNA swabs be next? It is a terrible idea. I am against it.</p>		PRY.
<p>A waste of time and money.</p>		\$\$, BR.
<p>Costs should not be borne by currently active attorneys.</p>		SM

COMMENTS	ATTACHMENTS	CATEGORY
I presume, and insist, that adequate information about what is acceptable as a "fingerprint" is given to members, as well as information as to how to locate an acceptable fingerprinting provider. I think this is a good idea because many attorneys with drug and alcohol problems seem to be "under the radar" and knowing if there has been a relapse is important for the public interest. In addition, those with mental health disabilities, which might include elder attorneys who should be retiring could be detained for driving recklessly, for example. I wish the bar and the bench would be required to report attorneys to the State Bar, who are repeatedly uncivil and malicious to the bench or bar, and without the person reporting the conduct being themselves wound up in endless red tape. Especially judges seem reluctant to report this conduct to the State Bar and the consequences are terrible for the public. Perhaps the problem is that the State Bar seems reluctant to discipline offending members, such as from large law firms. Civility will not be accomplished until incivility has consequences.	<a href="https://fs22.formsight.com/sbcta/files/12874626_vbQ53v4f_SB_Fingerprinting_ANONYMOUS_comment_121117.docx">https://fs22.formsight.com/sbcta/files/12874626_vbQ53v4f_SB_Fingerprinting_ANONYMOUS_comment_121117.docx</a>	
Is somebody taking advantage of legalized marijuana? Are you out of your minds? I spend my work hours telling clients to not voluntarily subject themselves to oppressive government actions and violations of the bill of rights and you think I'm going to subject myself to that? If and when I commit a crime, I'm sure local law enforcement will take my prints and DNA. Then and only then will you get to do a search for other criminal behavior. Until then, you have no right to a fishing expedition for criminal behavior. I've got a few choice words for you, but I'll keep it as clean as possible: GO POUND SAND!		RR#,
No problem w/ requiring fingerprinting, but shouldn't require active to resubmit if already on file.		AF!
Sounds like Jeff Sessions is running the State Bar. You can fingerprint me AFTER I commit a crime, if ever, NOT BEFORE. This proposed rule will accomplish nothing in terms of consumer safety, but will put all California attorneys in a database which only strengthens the hand of the Stalinist bureaucratic state at the expense of personal autonomy. This rule is yet another threat to freedom.		PRY., No PP
There are enough rules and laws that govern both criminal law and the State Bar of California. Making lawyers pay to have fingerprints taken so you can run them against unsolved crimes, thereby increasing the profiles stored in AFIS systems is not a legitimate function of the State Bar. We are 33 years past 1984 and, for some reason, you want more Big Brother.		PRY., No PP
It seems like a huge waste of time and resources. If attorneys are charged with new crimes or commit impropriety, the usual reporting process seems appropriate.		BR., \$\$
Foreign-resident attorneys are disproportionately impacted by fingerprinting requirements. Within the US, it is possible to use an electronic system, but that system is only open to residents of the relevant states. Here in the UK, it is extremely difficult to find someone who can take fingerprints in a form acceptable to the California DoJ. I would therefore propose introducing a mechanism by which foreign-resident attorneys can gain access to the electronic system during a visit to the United States or are granted a waiver.		Foreign#
This proposal seems to be an unnecessary encumbrance that imposes additional costs on attorneys. California Bar dues are already one of the most costly in the nation. Moreover, inactive attorneys may be living on a meager income, and this imposition could negatively affect their budgetary capacity. Surely, there must be another way to achieve the stated objective.		BR., \$\$
why must we go thru the trouble of being fingerprinted when its the bar's duty to weed out felons. this just passes a job and the cost onto us. if i get fingerprinted, will i get a discount on dues?stupid rule		BR., \$M
I remember when my Bar card was enough to get me into a courthouse. Now I have to go through metal detectors. Thirty three years a member, and I have to go through metal detectors. What are you trying to weed out? There is a lawyer on my floor who became a state bar member with a felony and a prison sentence. he disclosed, and you passed him. And you want to make ME get fingerprinted? For what? You do nothing to protect lawyers or the profession. This is an insult to lawyers and it does nothing to further any interest other than putting another boot on our neck. I'm out. I'm retiring next year and will never go into a courthouse again. And you guys have been awful.		
I believe the proposed rule is an unwarranted invasion of privacy in violation of the First Amendment to the United States Constitution. It is unconstitutional for the state to invade the personal dignity and bodily sanctity of individuals. There is no reasonable connection between fingerprinting and the achievement of any legitimate government purpose. The Bar could do much better to respond to complaints, make the complaint process more accessible, and oversee lawyers by monitoring and responding to unprofessional conduct rather than forming data bases of fingerprints.		PRY., Unconst.
This seems like an additional, costly administrative burden on our members with no real benefit. To the extent we are doing this because exterior forces are making us comply, why not just require fingerprint submissions from new applicants going forward. Eventually then the Bar will have everyone's fingerprints on file (joy!), but it won't create a whole ridiculous administrative hassle for current membership. Or at least consider some kind of cut-off (5 years or 10 years) where attorneys in good standing are grandfathered in.		BR., \$\$
Absolutely ridiculous that existing attorneys, including recently admitted attorneys that had to go through the moral character application which included fingerprinting, would have to get fingerprinted once again.		AF!
This is an incredibly silly proposition. I'm a federal attorney barred in CA, working in NV for the USAF. This is yet another layer of procedural nonsense to accomplish what a) can be accomplished by other means (certifying under penalty of law that no crimes have been committed) and b) won't even be paid for by the State Bar of CA? No thank you!		No PP
this is a waste of my time		BR.
I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under B&P section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.		RR#, BR., OB#
Why do the existing members need to be re-finger-printed? I don't believe members' fingerprints have changed. I see making this a prospective requirement but by retroactive? Is there data to show a significant increase in criminal activity by members of the bar?		AF!, WN#

COMMENTS	ATTACHMENTS	CATEGORY
All attorneys in the State of California are fingerprinted to sit for the bar exam at least since I took it (1996). This measure appears duplicative of already existing requirements. I'm unclear as to the purpose of this rule or what additional safeguards it presents. Does the DOJ plan to run the prints on a periodic basis? Fingerprints are meaningless unless run through a database with some measured periodicity. Running them once is inherently time restricted. Are other licensed professions in the People's Republic of California also fingerprinted as part of their qualifications and for whom reports are run on some basis? Doctors? Architects? Nurses? Plumbers? Electricians? Teachers? If not, why not? How's about judges? Will the supreme court and appellate court judges also be subject to the same requirement? After all, the vast majority of them are also licensed attorneys. This rule seems to be asking for an additional amount of money and, of course, additional bureaucracy and staffing to implement. I'm against this.		AF!, \$\$
This rule is costly and will not effectively address the situation of the intent of the rule. Fingerprinting takes time and costs money. For law abiding practicing attorneys, this is an unfair burden for the Bar's inability to effectively police its member. I wholeheartedly disagree with this rule. I do not oppose fingerprinting if the cost is borne by the Bar and I am compensated for the 1-2 hours it takes to set up the appointment and have fingerprints taken. Thank you for the opportunity for review and comment. Sincerely Annette Kuz		\$\$, \$M, BR.
This is a totally fascistic proposal. I always have resented that one had to be fingerprinted to be a lawyer in this state. Why not at the same time require DNA and blood type submissions? How can anyone learned in our history and our laws supposed dedication to constitutional government and liberty, even entertain such a presumption of guilt idea, one that has no substantial nexus to anything, much less an statistically based need. Why don't we try to have less nonsensical rules instead of inventing new ones. Someone clearly has too much idle time on their hands. In short this proposal is moronic, and not becoming of a liberty based society. Why does our supreme Court have time to consider/ propose such idiocies, while routinely rejecting petitions from people screwed over by courts below?		No PP
CA lawyers have already submitted fingerprints to be admitted and should not be required to do it a second time because of the Bar's failure to retain them.		AF!
This is asinine. This is burdensome and a nuisance to all of the good ethical attorneys. Why don't you guys just do a better job in investigating , prosecuting, and punishing the perpetrators who you receive complaints on instead doing the crappy job you guys are doing in letting these bad guys off with a lenient slap on the wrist?! read the discipline article every month and it is a joke. There are some real bad attorneys who get their suspensions stayed, who do not get disbarred, and who otherwise are let off with almost no consequences for their malfeasance and/or misfeasance. Get serious about this. Do not bother the good honorable rank and file with this useless crap! The politicians who come up this garbage are the ones who should be punished!		BR.
I've practiced law in California for almost a decade, and am deeply disturbed by this new proposed required fingerprinting requirement. There is absolutely no good reason to treat attorneys in the state of California like criminals. It will be shameful if the State Bar passes this rule, which doesn't serve to benefit the community in any way. This is invasive and contrary to the 4th amendment, and I will be appalled at any State Bar that allows this to pass.		, No PP, PRY.
I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must sent the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.		RR#
I disagree that the burden of time and cost that attorneys are required to bare is outweighed by any benefit to the safety of the public. Also, it is unfair to attorneys who have relied on not having to endure this burden while undertaking the cost and sacrifice of education and licensing to now add a further burden to maintain their license. I would only support this rule for new or transferring attorneys as a requirement for admission to the bar. All other licensed attorneys should merely have to swear under oath that they have no, or have already reported any, new convictions since admission to the bar, similar to the MCLE process.		BR., \$\$, No PP
Ours is a profession requiring candor. Adding a requirement for fingerprinting suggests a lack of trust. Moreover, putting the burden to pay for those new fingerprinting requirements on to individuals is fairly onerous.		\$M
I already did fingerprints when I applied for my Bar License. If the State Bar cannot maintain these records, then I do not believe it is necessary to redo them again especially at my cost.		AF!, \$M
Need to know WHY We already have to pay over \$400 a year just to keep a license and get nothing for that We have to pay \$1200-1500 every three years to keep up with CLE's so that's almost \$1000 a year just to keep a license in CA Now we have to pay to get finger printed again, at OUR expense. For those of us solo practitioners, who carry all business costs alone and make much less, this is becoming not worth the license. FYI, I am one of TWO in CA who is a pro bono attorney for CHILDREN, primarily children with disabilities. Losing one of me because I am priced out of business by the CA State Bar Assn will hurt vulnerable children whose rights are violated as a practice by LEA'S /school districts, regional centers and social security administration, to name just a few taxpayer supported agencies/institutions that routinely violate children/persons with disabilities civil and legal rights. (Not hyperbole-- a fact) Thank you		\$\$
Yet more "critical" regulations and control pursued by the great and glorious wizards behind the screens at the SCT, Bar and legislature. I'm sure this 'common sense' regulation will solve just ALL our crime problems like the high unsolved rate of murders, rapes, robberies, assaults by recidivist criminals from the revolving door in-justice system we have allowed to fester. We realize the CalBar years ago ceased being a professional association to help attorneys, and instead exists now merely to regulate, discipline and prosecute attorneys, through one of the highest bar dues systems in the US. 'They' reinforce that repeatedly. I'm approaching retirement and won't live to see much more of the damage being done by them'		No PP
Lawyers pay enough in licensing fees. If we have to re-fingerprint it should be free for us.		\$\$, \$M
Please clarify how one might be able to determine whether the State Bar "currently" has fingerprint images, and please clarify the State Bar's practice for maintaining and keeping such images once they are submitted to the State Bar.		

COMMENTS	ATTACHMENTS	CATEGORY
<p>I am opposed to the proposed rule regarding submission of fingerprints for all active Bar members.1) I submitted fingerprints when I applied to the Bar. The fact that the Bar lost/destroyed/did not retain those fingerprints is not my fault or problem.2) The Bar is going to pass the cost of this on to members, who already pay substantial fees.3) The Bar's motive for doing this is so it may be notified through the DOJ if a member is arrested. What business is it of the Bar's if a member is arrested? An arrest is not a conviction, which members are required to self-report. An arrest is not evidence of wrongdoing or moral turpitude. Scores of people are arrested everyday and not prosecuted. Last I checked there was still a presumption of innocence in this country. I would expect an organization of attorneys to respect that.4) What percentage of active members annually are convicted of a crime? 3% or less, I would think. And of that percentage, how many do not self-report their convictions? So, this rule is presumably being implemented to cure a problem of under self-reporting, but that has to be a fraction of a percent of members. The vast majority of members are law abiding citizens who will never be convicted of a crime. So the entire membership will be treated as criminals because there are a few who do not self-report their criminal convictions? That is absurd and insulting. Attorneys are individuals with privacy rights and interests. I hope this rule will be reconsidered and ultimately not implemented.</p>		AF!, \$M, OB#, PRY.
See attached letter.	<a href="https://fs22.formsite.com/sbcta/files/f-57-86-12870956_2QtXPDOi_KruegerLetter.ReFingerprintRule.pdf">https://fs22.formsite.com/sbcta/files/f-57-86-12870956_2QtXPDOi_KruegerLetter.ReFingerprintRule.pdf</a>	6054#, \$M, BR., Foreign#, PRY.
If the State Bar of California wants me to submit or re-submit fingerprints they can bear the cost of the Live-Scan and any criminal history (there is none) they want to run.		\$M
<p>After practicing for close to 40 years, I find the State Bar is mostly there so people can complain about attorneys. They take interest from the Trust Accounts and seem to pay large salaries to themselves. The mistake to destroy fingerprint information is clearly made by the State Bar. Now they want the attorneys, who support the organization with our fees, to pay for that mistake. I have paid dues every year. I don't complain, and never have asked anything from the Bar. I have defended a number of attorneys who have had complaints taken against them and the State Bar has properly responded. I feel if someone makes a mistake, be it an attorney, or the State Bar, the individual or organization who is responsible should pay. When an attorney has charges brought against them, even though the State Bar staff is paid by our dues, they are again charged for the process and costs, (which were initially paid through our dues). Even being paid by the individual back does nothing for the members who already paid. We pay dues, the Bar destroyed the records. The Bar should be responsible for payment to correct this, or if we are each charged, it should be a reduction of the dues we pay.</p>		\$M
Respectfully, this is an added expense for those of us whose employers do not cover these costs. I request that this please not be passed.		\$\$
Somehow me thinks a finger printing business has lobbied the ever corrupt Cal Bar for some money.		
I understand the need for the proposed rule, but it appears the problem was create by the State Bar and California DoJ dropping the ball. As such, implementation should afford practicing attorneys substantial time to comply, make the process as easy and inexpensive as possible, and provide flexibility to California licensed attorneys who are located outside the state. A common situation is where a California attorney is employed by the Federal Government as an attorney or military Judge Advocate. In many cases, these attorneys are located in other states or other countries.		OOS B., BR.
<p>There is no reason why active attorneys should be forced to pay for the irresponsibility of the State Bar in not keeping secure the original prints. I have previously commented, but wish to add to my prior comment. I propose an alternate plan: provide a form that attorneys can sign under penalty of perjury attesting that either they have not been convicted of a crime since being admitted to the Bar or delineating crimes of which they have been convicted and attesting that these were properly reported under State Bar rules. It is highly unlikely that an attorney could be convicted of a crime and it NOT be reported to the Bar; so, this alternate approach should suffice without attorneys having to pay for the Bar's complete and utter negligence in this matter!</p>		\$M, Atl. Opts
I don't see any need for this rule. We're all required to report felony convictions, as is the convicting court. We are already fingerprinted when we apply for the bar. California attorneys (and indeed, all people) should be wary of any unnecessary or duplicative data collection, especially of something so personal as fingerprints.		AF!, RR#
All attorneys in California as part of the admission process submitted their fingerprints to the Bar at their own expense. If the previously submitted fingerprints are no longer available due to the Bar's negligence, then the Bar should be responsible for the costs for the resubmitted fingerprints.		AF!, \$M
I see no legitimate reason to refingerprint attorneys who already have their fingerprints on file with the State Bar. These prints are in a searchable database. The Bar need only conduct a new background search on attorneys already known to it, as by submitting a list of active attorneys to database managers. There is no need to submit attorneys to the unnecessary cost and inconvenience of submitting duplicative information.		AF!, \$\$, BR.
We are subject to a significant background check to be admitted to the bar. The questionnaire is much more onerous than other bars I am admitted to and to which I submitted to a character and fitness (Illinois, New York, Massachusetts). I submit that it would be difficult to hide a criminal record with the check California does. Coupled with the fact that I cannot see a sufficient purpose of such a significant intrusion, I believe that fingerprinting should not be required. Furthermore, I am based in New York and though I keep my license active, I do not do a lot of work out in California. Having to submit fingerprints would be unduly burdensome.		AF!, PRY., BR.

COMMENTS	ATTACHMENTS	CATEGORY
<p>Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under B&amp;P section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude. In short, I do not think the state bar should waste the time and resources of its members in this manner.</p>		RR#, BR., OB#
<p>To the State Bar Officials: Ostensibly, this proposed requirement is intended to protect the public in some way from rogue attorneys. The reality is that this is an ineffective and unnecessary imposition. Unless updated regularly, livescan will not discover unreported criminal conduct. There are more efficient means of getting such information.</p>		BR., No PP
<p>Maybe it makes sense to have new applicants submit fingerprints, as this is required for many licensing applications, and attorneys are in a greater position to commit financial crimes and abuses. But I object to any requirement that existing licensees have to submit fingerprints. Many of us have been practicing for decades without incident or complaint. To require all existing licensed CA attorneys to submit fingerprints, absent any client complaint or other issue, is intrusive, overbroad and unnecessary.</p>		AF!, OB#, PRY.
<p>There seems little reason for the rule change.</p>		No PP
<p>I fundamentally oppose this rule when I have already had my prints run, checked, and cleared. This is just one more expense that I don't need or want when I am still trying to financially recover from the 2008-09 crash. My understanding is DOJ destroyed prior records of prints because they didn't have a contract where they were getting paid to keep them. Of course they have no such problem keeping the prints of those who have been arrested yet not convicted of any crime. Is everything about money? If the State Bar wants to pay the cost of running prints, then I suppose I can put up with the hassle. Without that, my opposition is vehement and total.</p>		AF!, \$M
<p>This is completely pointless.</p>		No PP
<p>1. This proposed rule is an insult to all of us active law abiding attorneys. It strongly implies that we are guilty of criminal conduct just by being active members of the California State Bar. 2. It protects almost no one at the expense, inconvenience, and affront to all State Bar members. With so much to be done to improve access to the law and with the State Bar already overstaffed, why is the State Bar wasting its time and resources doing this? 3. This action will assemble yet another hackable database that puts attorney information at more risk of being compromised. 4. As a comparison, I am also a licensed California real estate broker. Compare the State Bar's proposed re-fingerprinting potentially-guilty conduct to the real estate broker and agent licenses by the CA Bureau of Real Estate (formerly DRE). For many Californians, their home purchase or sale exposes them to far more financial risk than many matters handled by California attorneys, but the BRE is not requiring re-fingerprinting of its licensees. In other words, real estate licensees are not being subject to a presumption of guilt - but CA State Bar members are. Conclusion: yet another affront by the State Bar to its members.</p>		BR., PRY., No PP
<p>Absurd and insulting.</p>		
<p>There are already enough regulations in place to put the Bar on notice of attorneys with legal problems. There is no good reason to do this at the expense of every attorney simple to create a database. Our fingerprints were previously submitted for moral character purposes and all members passed. This is an unnecessary cost.</p>		RR#, AF!, \$\$
<p>As noted by Shakespear, "First, we kill all the lawyers" or alternatively "First, we fingerprint all the lawyers" suggesting that to challenge individual liberties enjoyed by society first see how the lawyers react? Well at least from one attorney's perspective such regulations are invasive of privacy to say the least.</p>		PRY.
<p>This proposal is unnecessary and burdensome. Fingerprints should not be required from attorneys who have already provided them, particularly from attorneys who have provided them in recent years. If the bar adopts this rule, I will consider going inactive.</p>		AF!, >inactive
<p>1. The proposal is unnecessary. 2. The proposal is unduly intrusive. 3. The proposal is a waste of my time and money.</p>		No PP, PRY., BR., \$\$
<p>Required unless attorney has already been fingerprinted whilst in the Armed Services.</p>		AF!
<p>I am strongly opposed to RE-fingerprinting UNLESS my fingerprints are not on file. If the "not on file" is due to MY FAULT I (or an attorney) should have to pay, OTHERWISE the Bar Should Pay!! paid once and my fingerprints have not changed. Also my fingerprints are 2 or 3 times of record with the DOJ, so those SHOULD BE SHARED AT NO COST TO ME, even if my "original" fingerprints are inadequate for any reason Thank you</p>		\$M, AF!
<p>I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.</p>		RR#, OB#
<p>Attorneys already subject themselves to a rigorous background check to become licensed and provide sufficient identifying information for the state bar to find prior convictions or arrests without the need to provide fingerprints. This will only create another administrative burden. Furthermore, as a government employee of Los Angeles County I am already subject to fingerprint verification upon employment and promotion as a condition of employment. Thus, if a rule is implemented I respectfully request that government employees be exempt since taxpayers should not bear additional duplicative costs.</p>		AF!

COMMENTS	ATTACHMENTS	CATEGORY
The proposed rule is appalling. It destroys the presumption of innocence and the evidentiary standard of proof beyond a reasonable doubt. Moreover, it is over-broad on its face and vague as applied. In the mid 1980's, when the State Bar was evaluating my moral fitness to practice law, I was compelled to submit fingerprints. Ditto in 1987 when the Ventura County District Attorney ran a background criminal history check and again in 1989 when the San Diego County Public Defender ran yet another background criminal history check. When I served on the Warner Springs Ranch Board of Directors in the mid to late 1990's I submitted to a Lifescan fingerprint procedure for the Alcohol Beverage Control. I cannot help but ask how many more times I shall be treated like a felon giving a DNA swab upon arrest. If the California State Bar and the California Supreme Court expect to be treated with respect then its members ought to receive the reciprocal treatment.		OB#, AF!
Although I am not persuaded that the State Bar of California must take all of the proposed actions, I am opposed to both the requirement that I must pay for the fingerprinting and for the transmission thereof to the appropriate office. If I must be fingerprinted again, then permit me to use the service of a local/State law enforcement agency for that service. FURTHER, the State Bar of California should be responsible for making arrangements with such law enforcement agencies to process the transmission of the fingerprints to the appropriate office. I should hasten to add that I have been a member of the California State Bar for nearly 5 decades. My Bar Member Number is 47907.		SM
It doesn't appear that the State Bar is being candid with us. What's the point of "re-submitting" our finger prints unless there's been a screw up in the records department. Our finger prints haven't changed after all. So please explain why there has to be a resubmission? I refuse unless there's a good reason.		WN#, AF!,
Exempt attorneys who are notaries or have other affiliations where their fingerprints have already been taken.		AF!
I already did fingerprinting and have no interest in my time or money being wasted. You know the US Attorney's office wants to hire attorneys for ZERO compensation. You know student loans are a scam. Quit wasting people's time. Oh yeah, quit exploiting animals. #MeatsMurder #DairysRape		AF!, BR., \$\$
This proposed rule should be modified to only require a prospective member to submit fingerprints to the Department of Justice prior to admission to the California Bar. Any submission of fingerprints or resubmission by current members should only occur if a compelling circumstance dictates its need (e.g. multiple consumer complaints, ethical violations, etc.). Please do not add additional time and financial burdens on already practicing attorneys. Thank you.		BR., No PP, \$\$
Redundant, nonsensical, wasteful.		BR., \$\$
A solution seeking a problem. Identification of lawyers can be accomplished through less intrusive means.		No PP
Does it end with fingerprints, or will you be asking for saliva samples next?		PRY.
I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.		OB#, RR#
I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.		OB#, RR#
If I am living out of state & I am an active attorney, I should not have to submit my fingerprints to California. In living out of state, I would not commit a crime in California that needed my fingerprints. If I move to California, then I should have to submit my fingerprints.		OOS B.
You already have my fingerprints, so why do I have to pay for it again? My prints have not changed. Is this a money making scheme for some legislator's family fingerprinting business?		AF!
A CA licensed attorney who is also a CA licensed CPA and/or CA licensed Notary Public is already required by CA law to register fingerprints. Could not some provision be made for CA DOJ to provide SBC with fingerprint data already on file?		AF!
There should be an exception to the rule for attorneys whose fingerprints have been submitted to the FBI database within the preceding ten (10) years. For example, I applied for a police job 3 or 4 years ago, so my fingerprints were sent to the FBI as part of the routine screening process. There is no need to require a new set of prints from me. There must be many other attorneys in similar situations. A simple checkbox (on the form) should be adequate to cover this.		AF!

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<p>I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude. Further, as the California State Bar is a MANDATORY bar and is already one of , if not the most, expensive bar in annual fees, if you do insist upon this NEEDLESS rule, the State Bar should foot the bill rather than adding more financial burden on small part-time practitioners such as myself. Lastly, for those of us who have already been fingerprinted, does the State Bar think our fingerprints change over time? This is one more needless expensive regulation that does nothing to focus on the real issues facing the legal practice in California. At the same time as you want to re-fingerprint everyone, you also want to reduce the passing score on the bar to assure that more unqualified persons become members of the bar. The management of the bar is absurd. I belong to multiple state bars and California is by far the least sensibly managed and most burdensome.</p>		RR#, OB#, BR., \$M
<p>I was a deputy district attorney at the beginning of my career and had to submit to fingerprints. Since they are on file I should not have to do it again.</p>		AF!
<p>Not interested in incurring the expense and spending the time to be re-fingerprinted. Did it when I was admitted and there is no benefit to being re-fingerprinted again.</p>		AF!, BR., \$\$
<p>This rule is unnecessary. Attorneys are already required to report evidence of moral turpitude to the State Bar (see, e.g., B&amp;P 6068(o)), which would include "criminal offender record information regarding state and federal level convictions and arrests."</p>		RR#
<p>As a relatively new California-licensed attorney (admitted late 2015), I recently underwent the inconvenience and financial cost of electronic fingerprinting. I gather from the attachments that the Bar, due to an error, did not retain those Live Scan records. From my perspective, it is quite unfair that the Bar would force individual attorneys to pay and go through the hassle of fingerprinting twice in such a short period because of an oversight by the Bar. I would urge the Bar to make some efforts to regain access to those fingerprints that were already collected digitally through the Live Scan process. Additionally, I urge the Bar to work to secure discounted fingerprinting services. It seems from the attachments that the Bar believes it should not bear the cost of fingerprinting because the cost to the Bar would be tens of millions of dollars, so the Bar prefers to spread this cost out among its members. But if Live Scan centers stand to make tens of millions of dollars from California attorneys, the Bar--not individual attorneys--has the bargaining power to negotiate deeply discounted prices for the entire class of California attorneys. The Bar should exercise this bargaining power. The cost of sitting for the Bar in California and annual dues is already high compared to the rest of the country. Please consider the additional financial burden this requirement creates and make a whole-hearted effort to negotiate a more affordable price for your members. I believe that churches, schools, and government agencies who require Live Scan fingerprinting already do so, since those organizations absorb the cost of mandatory fingerprinting for its volunteers and employees. In addition, many government employees are required to undergo digital fingerprinting in order to maintain their status as public servants or, in the case of employees of DOJ, to litigate as Assistant U.S. Attorneys in federal court. As noted above, volunteers for non-profits and schools are also required to undergo LiveScan fingerprinting before being accepted as a volunteer. Again, I urge the Bar to adopt some flexibility to allow previously-collected fingerprints, which have already been run through the DOJ database, to be released to the Bar. Fingerprinting appointments require taking time off from work--thus, the ability to cut down on duplicate appointments would be an efficiency gain for the thousands of attorneys who are already in the LiveScan/DOJ database. Finally, I am also a member of the Illinois bar, and no such similar requirement exists. When I was admitted in Illinois in 2006, I submitted fingerprints during the admission process. My recollection is that these were paper and ink fingerprints. I have not been required to submit fingerprints again since then. I am not aware of any other organization that passes the cost of mandatory fingerprinting to those being fingerprinted. I only agree with the proposed rule if the cost of fingerprinting is either absorbed by the bar or deeply discounted at a negotiated rate with LiveScan, the Bar allows fingerprints already in the database to be used, and the Bar makes a whole-hearted effort to recover access to digital fingerprints already retrieved.</p>		AF!, \$M, \
<p>Homeland Security, Secretary of State governing Notaries, and several Volunteer organizations, who use FBI for fingerprint verification/identity, already have fingerprints for many CA members, for security purposes. The State Bar should only require additional fingerprinting if FBI and local law enforcement records do NOT indicate the government already has them. State bar can use diligence and effort to verify this without much difficulty. We are in a technological age. Wholesale fingerprinting at this point is duplicative, wasteful, and adding unnecessary costs to strapped California attorneys who are competing in the marketplace with OUT OF STATE attorneys, and paralegals. Out of state practicing attorneys in CA are not regulated in California, nor subject to this new rule. Neither are paralegals, who for the most part, are un-supervised by the attorneys they work for in large companies or law firms. Both paralegals and out of state attorneys are often paid more than California attorneys. What is the Bar doing about this transfer of income and wealth?. Adding more scrutiny to the under employed California attorney, while ignoring the glaring unregulated community that is replacing its attorneys in the state?</p>		AF!
<p>This rule does not, in any manner, promote the practice of law or protect clients. The requirements of Business and Professions Code section 6101 are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.</p>		No PP, RR#, OB#
<p>I already provided live scan and wet fingerprints. I also pay all bar dues on time. There is no reason I should have to pay for any mistake that lost my information.</p>		\$M, AF!

COMMENTS	ATTACHMENTS	CATEGORY
I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.		RR#, OB#
This is an asinine rule. We are already fingerprinted. Our fingerprints do not change. Even if they did, we are required to have up to date contact information, renew membership every year, etc. There's absolutely no valid reason for needing this. It would create unnecessary expense and time burdens on attorneys and on the Bar for implementing it. Whoever proposed this should no longer be involved with anything to do with rules for the Bar.		AF!, BR., \$\$
I oppose this proposed rule. This reminds me of the extensive effort to prevent voter fraud despite an absence of the offense which it is purportedly designed to prevent. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude. Sincerely, Patricia Ann Dark		RR#, OB#
I would ask that you modify the proposed rule to exempt current and honorably discharged military members from the fingerprint requirement. Veterans have already provided fingerprints and DNA to the federal government and DOJ has access to these records for official purposes. It creates an undue burden to require yet another submission of prints, multiple records increase the likelihood of administrative errors, and it may not be possible for military members overseas to comply with the rule as written. The rule should be narrowly tailored to accomplish its stated purpose, and this proposed change would do just that while acknowledging current and former military members should not have to jump through yet another bureaucratic and then be forced to pay for the privilege. A Retired USAF Lieutenant Colonel Washington, DC		AF!, Foreign#
How does the DOJ maintain the electronic information regarding my fingerprint? What assurance do attorneys have that the fingerprint information will be secure? What recourse will attorneys have if the fingerprint information is breached?		PRY.
What is the point of fingerprinting attorneys, as distinguished from any other group, class or profession? Are we more likely to commit crimes so that our fingerprints in the system may expedite detection, than any other group, class or profession? Are we more likely to be killed or rendered incapacitated and unable to identify ourselves than any other group, class or profession? Has there been a wave of identity fraud or identity theft affecting attorneys more than any other group, class or profession? This seems entirely like a remedy to no known problem, much like photo-ID for voter registration. Unless someone can supply a powerful rationale for this program, it appears to be nothing but a colossal waste of time, effort and money. Eugene C. Gratz, SBN 044470		No PP
I've been fingerprinted before my admission to the bar. Why do I have to do it again? It shouldn't be because the California State Bar has been negligent in its record keeping. Very truly yours, Jan Copley		AF!
I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.		RR#, OB#
I wholly disagree with the proposed rule. We have all been duly fingerprinted & vetted upon admission to the Bar. It is not the burden or responsibility of members in good standing to submit to further printing wholly due to others' negligence and disregard. The burden solely lies with those who failed to properly maintain records.		AF!, \$M
As an active licensed attorney in California, I strongly object to being refingerprinted and having to bear the associated costs, for no good reason that I can see. Chief Justice Cantil-Sakauye's one sentence rationale for this intrusive process (in her letter to the State Bar Board) is merely descriptive and does not explain why fingerprinting attorneys is "a critical component" of public protection. Also, in order for fingerprinting attorneys to be effective, not only do the fingerprints have to be collected, but then the Dept of Justice, I assume, would have to enter all the prints into a database and then do cross-checking to see if the prints match any federal or state offenders whose prints are also in the system. Does the DOJ have a budget or resources to do this project, or will our prints after being taken just languish without further action?		No PP

COMMENTS	ATTACHMENTS	CATEGORY
<p>I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.</p>		OB#, RR#
<p>I do not see any utility of re-fingerprinting lawyers. A DA or city attorney already must notify the State Bar of any proceedings against a lawyer. Attorneys also must notify the State Bar about proceedings and convictions against them. Re-fingerprinting will not make the system more accurate and would impose burden on existing attorneys. It is also an impingement on our liberties.</p>		RR#, PRY., BR.
<p>As an attorney who lives outside of California and has sometimes taken inactive status, but is currently active, I would like to know what provisions will be made for attorneys who are outside of California. The bar has modified requirements and fees that particularly impact attorneys that practice in the non-profit sector (e.g. the change in fee scaling to full income rather than income from practice of law) and attorneys who maintain active status while practicing out-of-state. Please take these factors into account.</p>		OOS B.
<p>It is unfair that I have to continue to pay such unnecessary fees to be an attorney in this state. I worked in public interest law for several years until I had to move to the private sector because I could not survive financially. Bar fees continually go up, MCLEs are expensive and now, there is another fee to pay for fingerprints when I already paid for fingerprints when I took the bar. (Bar and bar related costs were thousands of dollars) It's unfair and discouraging to hard-working attorneys who are trying to pay student loan bills and make a living wage. My integrity is constantly being called into question.</p>		\$\$,
<p>Hello--Having an exception for California notaries will recognize that it already is a requirement that California notaries provide fingerprints when commissioned and when recommissioned before the end of each four-year commission term. Moreover, I was required to provide digital fingerprints for each of my last two renewals, as follows: Submit Fingerprints via Live Scan Before submitting fingerprints via Live Scan, applicants must first take and pass the notary public exam. Applicants who fail the exam will not be required to have their fingerprints taken until passing the exam. Prior to granting commissions as notaries public, applicants must complete a background check. To assist in determining the fitness of the applicants to hold the position of notary public, applicants are legally required to be fingerprinted. (Government Code section 8201.1.) Applicants must have their fingerprints taken within one year of the exam date. If fingerprints are not taken within one year of the exam date the applicant will be required to retest. Applicants must submit one set of classifiable fingerprints, acceptable to the California Department of Justice (DOJ) for each notary public commission term. Fingerprints must be submitted electronically through the DOJ's Live Scan Program that takes and transmits fingerprints to the DOJ and the Federal Bureau of Investigation (FBI)...California Secretary of Statehttp://www.sos.ca.gov/notary/checklist/fingerprints/Thanks,Keith</p>		AF!
<p>I request that BEFORE implementing the rule, the Board of Trustees investigate and determine with specificity and publish for comment:1. The manner in which attorneys will be providing fingerprints. Who, how, where and by whom that will be done. Are there sufficient governmental or other resources in place to accomplish that for all attorneys in a reasonably convenient manner?2. All forms required to be completed and submitted by all attorneys in connection with compliance.3. The exact costs of compliance and to whom they are payable. The above should be accomplished in a manner that is both consistent with the intended purpose and reasonably convenient for attorneys to fully comply. There are many tens of thousand of lawyers affected. This should not impose an unnecessary hardship to accomplish. Has the staff or anyone investigated and thought this through ahead of time in order to create a well thought out plan, detailed plan to implement and accomplish this? Board of Trustees and staff should complete all of their homework in advance of imposing this worthwhile requirement on members.</p>		BR., Implem.
<p>Mandatory fingerprinting is unnecessarily intrusive into the personal privacy of citizens who have not been accused of a crime. Fingerprinting databases contain errors that could lead to costly difficulties for innocent attorneys. Fingerprint matching technology is not flawless, so errors are inevitable, which will lead to costly difficulties for innocent attorneys. Imposing the costs of obtaining fingerprints on attorneys is an unreasonable and unfair unfunded mandate. If fingerprinting is truly valuable, the state bar should pay for it. This would expose the true costs of the program and the public would then have to decide if this is something worth paying for. By forcing individual attorneys to bear the costs of fingerprinting, the proposal masks from the public how expensive this program is and makes a true cost-benefit analysis impossible. Mandatory fingerprinting is an economic giveaway to companies that provide fingerprinting fingerprint matching services. This smacks of crony capitalism. I am not aware of any instance of misconduct that would have been prevented by this mandatory fingerprinting program. Even if such instances of misconduct can be identified, their number and significance should be weighed against the high cost of this unfunded mandate. The state bar should produce such an analysis before proceeding with implementing this rule. If fingerprinting really improves the legal profession (which is not at all certain), a better, less intrusive solution would be to require attorneys to disclose to clients whether they have been fingerprinted. Then the market could decide whether fingerprinting makes a difference to clients and whether clients are willing to pay a premium for fingerprinted attorneys.</p>		PRY., \$M, No PP
<p>No problem with requiring fingerprints for state bar membership, etc., but think unfair to require RE-SUBMISSION if the Bar already has fingerprints on file, which it does in my case. A needless cost in my opinion. Thank you, Sue Evans</p>		
<p>RE-fingerprinting active attorneys? Doesn't the State Bar already have fingerprints for attorneys? And you want active attorneys to go through the process again why? You lose that first set?</p>		

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I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.		RR#, OB#, BR.
The proposed rule is both unnecessary and an overreach. It redundant with existing law and at the same time goes unreasonably beyond what ethics rules cover. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.		B, RR, O
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I was admitted to the State Bar in 1973. I doubt that my finger print records can be added to the digital data base without considerable cost now. I think this is expedient and cost effective for the State Bar and agree that is should be implemented as so as possible.		
I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are more than sufficient to ensure that the State Bar is on notice of criminal proceedings against these attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for ANY crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude only and we know how to follow these rules and do!		BR., RR#, OB#
It is unconstitutional.		Unconst.
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The proposed rule will cost more money, take time to complete and is somewhat duplicative of the admissions process. It comes off as accusatory. A few bad apples spoil the whole bunch and we are all guilty until proven guilty. I strongly disagree with this.		BR., \$\$,
I believe a good number of active California State Bar members are practicing in the greater D.C. Metro area, many within the federal government. Whenever an active California State Bar member has been fingerprinted by the Federal Bureau of Investigation, Department of Justice, is the California State Bar able to access the fingerprint image with the DOJ? In addition, other state bars have previously required fingerprint images. Does the California State Bar have access to those images? If so, is it still a necessity for the California State Bar to require further fingerprint images?		AF!
This is a ridiculous abuse of time and resources and a truly offensive direction for the organization to take.		BR.

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I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.		RR#, OB#, BR.
There is nothing in the proposed law that dictates how the State Bar will determine if they have current fingerprints of an attorney. Will you be requesting fingerprints from every active attorney? There is also nothing about how you will determine whether you need to conduct a fingerprint check. Will this be something you do for every attorney? You should not require an attorney with no criminal record to pay for a DOJ or FBI background check. It seems like you will be conducting a fishing expedition for every attorney in California. I disagree with this proposal.		OB#
I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.		RR#, OB#, BR.
When attorney advertising became a right, our former professional status suffered. With this new proposal, we are taking a further step away from being a profession and coming closer to being a trade. In our study of the Constitution, we learn that our form of government allows some criminals to avoid punishment. That is by design so our rights are safeguarded and further, is an attempt to avoid a police state. In keeping with that ethic, the Bar Association might consider how our status as a profession can be enhanced rather than making certain that every transgression will be prosecuted. There are numerous avenues that cause attorney malfeasance to be discovered. The need for fingerprinting is a burden that is not needed, much like using both a belt and suspenders.		PRY., BR., No PP
Disagree with the proposed rule. This is not necessary.		No PP
<b>This is a complete overreach by the state bar on what it should be focusing its attention. Just stop!</b>		BR.
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this is disgusting, treating attorneys like potential criminals it's a disgrace to our profession Minna		
I already went to considerable time and expense passing the moral character review when I became licensed. I should not have to pay for the cost of being fingerprinted again.		AF!, \$M

COMMENTS	ATTACHMENTS	CATEGORY
Why, We were fingerprinted upon entry into the BAR. If we were Military we are in the data base. Is this an attempt by the BAR to invade privacy of State BAR Members. Opposed to fingerprinting.		AF!, PRY.
If the state Bar requires finger printing, they should bear the costs		\$M
I oppose this proposal in the strongest possible terms. Finger printing records will do nothing to address the underlying moral rot that pervades the professionalism of California lawyers. You will not make lawyers more law abiding by publishing their criminal records. You will not raise their standing in the community or with the public by obtaining such records. You will not inspire their good, or legal decisions made by our brethren will not instill in them ethical, moral or legal values where they did not exist before. Other state bars do not spend as much money as the Cal Bar spends in weeding out and disciplining its errant attorneys. The Cal Bar would grow a garden of such weeds. It operates from the position that only proscribed conduct is forbidden; all else is allowed. The skill of a California lawyer is judged on the basis of how close he can skate toward the areas of forbidden conduct. Your lawyers have no maturity with respect to their ability to make moral decisions based on the long term good of the profession and the public interest. You have bred a brood of children whose sense of right and wrong consists entirely of what has been prescribed, codified and handed down. Of California lawyers, it is often said by practitioners in other states: "Don't turn your back on them." I am ashamed to be included among your numbers. I am bored by endless attempts to make moral people by tweaking or re-writing a professional or civil code. I applaud the State Bar being closed down in the '80's by a cynical governor who would abide it no longer. You choose well neither your friends nor your enemies. If you always ask the wrong questions, you will never get the right answers. Start over. Re-think the profession from the bottom up. Start with the purpose of a legal education; go on to the purpose of the bar examination itself; decide if the test need be a gruelling marathon or a simple and direct conversation. Get over yourselves. Embrace reciprocity in the face of globalism. Accept that law school need not take three years; that law school does not teach the law; that hordes of people passing a bar exam is nothing to fear if such folks have mastered their craft and bear a strong sense of the public good. The State Bar of Oregon does not fear its lawyers nor want to regulate them into civility. It draws its direction and sustenance from its members. You need your members to grow up yet you keep them as children. Fix your house and stop asking questions such as the one posed above. David Derrickson		No PP
As a licensed CA attorney I don't believe I should be subjected to fingerprinting again. I have already been fingerprinted at the time of my licensing. I disagree with the proposed rule and the cost it would impose on me.		AF!, \$\$
Insulting and utterly unnecessary. Is there a current problem of State Bar authorities or the courts being utterly unable to determine when attorneys are criminally charged through their names, addresses, and other identifying information that has been maintained and used literally for decades? In other words, is there actually a problem here? I sincerely believe the answer is "no." I doubt that there is any justification for this intrusive, costly and Constitutionally fraught plan.		No PP, WN#
This is a ridiculous idea. You already have my fingerprints. Don't waste my time and money with this unnecessary waste of time.		AF!, BR., \$\$
If the State Bar plans to mandate attorneys be fingerprinted, the State Bar should pay for it. All of it. This is just another example of needless excessive government regulation further intruding into individual lives and eroding liberty because of government's natural proclivity towards tyranny.		\$M, PRY.
All attorneys/law students seeking admission to the California bar are required to be fingerprinted. It seems unnecessary to re-fingerprint such individuals, since there has been no showing that the existing fingerprint data is inadequate or has somehow been compromised. In addition, it is unfair to require individual attorneys to bear the cost of this initiative.		AF!, No PP, \$M
There is absolutely no reason to re-fingerprint active licensed attorneys. Our fingerprints don't change. There is nothing to be gained from this. You have everyone's prints on file.		AF!
The proposed rule proposing the fingerprinting of attorneys has no conceivable justification. That such a rule is even being considered calls to mind the machinations of an out-of-control police state; it smacks of authoritarianism run amok. The potential benefits of a rule mandating the fingerprinting of members are minimal, at best. The magnitude of the potential damage to members' right to privacy is enormous. Once fingerprints have been made public, it's impossible to take them back. This is unconscionable. If a member has, pursuant to due process, been convicted of a serious infraction, then -- and only then -- could there possibly be grounds for the Bar to impose heightened scrutiny on the member. But the general membership should not be subjected to this type of scrutiny without justification, as is being proposed. Moreover, aren't there other less intrusive means for determining whether members have committed serious crimes? I believe there are. In the same manner as a member's fingerprints could be checked against a database of fingerprints, so could the member's name and address be checked against a database of names and addresses. That would be far less intrusive than forcing innocent members to submit to fingerprinting -- and have to pay for it as well, let alone having this most personal of identifying information be released into the public domain where every manner of mischief could be worked using it. If the Bar proposes to impose a rule that would be so intrusive, the burden should be on the Bar to justify why it is necessary. The Bar has not done so; indeed, I seriously doubt that the Bar can do so. I am not convinced in the slightest that it would be in the public interest to force members to submit to being fingerprinted. Indeed, I believe that such an unnecessary invasion by the Bar into members' private personal data without cause -- as is being advanced by this proposed rule -- is against the very principles undergirding our free society. I strenuously urge that this proposed rule be withdrawn.		No PP, PRY., OB#, Alt Opts
Exempt attorneys who are already registered with state (e.g., as Notary Public)		AF!
I don't see how it benefits the community or the State Bar to require all attorneys to be fingerprinted one time. Since the proposed rule would require every lawyer to only be fingerprinted one time, this will not have any meaningful impact on reducing the number of unreporting, arrested and/or convicted lawyers from practicing law. I think there is no serious issue at the moment to require every licensed lawyer to have to go through the time and expense of getting fingerprinted. Getting fingerprinted one time will only reveal past arrests and convictions and I have no reason to believe that there is currently an epidemic of lawyers committing serious crimes and not reporting those arrests and convictions as required under the current State Bar Rules. The resources of time, expense and aggravation, added to an already fairly stressful job, that this new rule would inflict, seems unnecessary and I believe would have little impact. Thank you for considering my comments.		No PP, BR., \$\$, RR#
This proposal is unfair and completely unnecessary. Attorneys have already been fingerprinted. To require us to pay - at our own expense - to have these fingerprints re-done is absolutely ridiculous, since you have our fingerprints on file.		AF!, BR., No PP, \$M
This is quite unnecessary and invasive.		PRY., No PP

COMMENTS	ATTACHMENTS	CATEGORY
<p>The proposed rule is inconsistent between paragraph 1 and paragraph 3. The first two paragraphs of the rule refer only to DOJ processing of fingerprints (which is all that should be needed). But, then in Paragraph 3, the rule refers to processing the fingerprints with DOJ and FBI. This is going to cause confusion. When you fill out a Livescan Form and give it to the Fingerprint revive, you check off boxes for DOJ and - only if being requested - for FBI processing. It is more expensive to request both and can take significantly longer to get FBI results, in addition to the DOJ results. Look at the Livescan processing form before you finalize this rule. If what the State Bar intends to require only DOJ processing (which really is all the State Bar should need), then fix the language in paragraph 3 to delete th reference to "FBI" to eliminate any confusion. If you DO intend to require DOJ AND FBI processing, then you need to add that to Paragraphs 1 and 2. Either way, this needs to be clarified.</p>		
<p>There is no need for fingerprints. This amendment is overly intrusive and unnecessary.</p>		PRY., No PP
<p>What is the percentage of those who are actively licensed but for whom the Bar does not have fingerprints? This is a critical question, and, perhaps, the Bar should target that population. Furthermore, there are many members of the Bar who do not reside in the US. This rule will disproportionately affect them creating major hardship to comply. Please analyze how many attorneys the Bar already has fingerprints for. A lot of us had to submit those during the moral character determination.</p>		, Foreign#
<p>It is wrong to ask active attorneys to bear two significant financial burdens to get fingerprinted. One burden is the time it will take to get the fingerprinting done: attorneys often bill by the hour, as I do, so taking time to be fingerprinted means I lose income. This is particularly important in places when attorney live and/or work where traveling to be fingerprinted will take a significant amount of time. The other burden is paying for the fingerprinting itself; especially for new or low-income attorneys who may be public servants, \$50-100 for fingerprinting is a significant amount of money. Perhaps more importantly, this mandate is not likely to stop active attorneys with unreported criminal records from practicing law. If this mandate is rolled out, people without criminal records will take this mandate seriously and get the fingerprinting done, while the people with records will ignore this and never get it done. Thus, the mandate alone will not catch anyone with a criminal record -- the State Bar would have to actively enforce the mandate by investigating and bringing charges against the attorneys who do not comply. And simply revoking such an attorney's license to practice will not be enough, as an unscrupulous person would likely continue to practice without one.</p>		BR., \$\$, No PP
<p>I am confident the time and energy involved in implementing this would be better spent improving legal education or providing services for the poor. And it's ridiculous to make us pay for the privilege of being burdened with this pointless exercise.</p>		No PP, BR., \$\$
<p>I disagree wholeheartedly with this proposed rule. There is absolutely no reason to do this. Attorneys should be on the forefront to stop the police state.</p>		No PP, PRY.
<p>I thought all persons applying to bar membership had to submit fingerprints. If so, there is no need to resubmit. The aggregate administrative transaction costs cannot be cost-benefit justified. They costs are very substantial if one includes all the time involved in this bureaucracy. I vigorously oppose causing anyone to resubmit. If any persons somehow escaped being fingerprinted in the first instance, then only those should need to submit now. Obviously, collect from new applicants going forward.</p>		AF!, BR., \$\$
<p>If all politicians, all government employees, all judges, and all other state licensed individuals are also fingerprinted, then I would agree.</p>		
<p>All costs of providing criminal history information to and the processing of fingerprints for, the State Bar, including print furnishing and encoding shall NOT BE borne by the licensed attorney.</p>		\$M
<p>Some of us have already paid for a Livescan recently as part of our employment. Will this new process require an additional Livescan, or is it possible for the DOJ to use an existing Livescan if one has been done recently? The rule should apply prospectively, to new applicants to the bar. However, it's burdensome to force existing Bar members, who have already paid for the process once, to pay for it again, due to poor records management practices by the Bar. And those of us with decades behind us-apparently our prints were not missed during those many years? Why the urgency now?</p>		AF!, BR., WN#
<p>Fingerprinting is soooo 19th century forensics. My prints must be on file with multiple local, state, and federal agencies both military and civilian already. Get with the 21st century and go straight to biometrics! Two painless swabs from inside your cheek and you have all the DNA you will ever need.</p>		AF!
<p>If the State Bar wishes to implement such an onerous program, then it should be the one to bear the costs associated with it and not pass on those costs to its members.</p>		\$M
<p>I oppose this proposed rule. There are already laws more than sufficient to ensure that the State Bar is on notice of criminal proceedings against an attorney, which might subject the attorney to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is wholly unwarranted and unnecessary. Finally, as per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude</p>		RR#, BR., OB#
<p>This is another unnecessary regulation that is being forced on attorneys with no substantial benefit to them or the public. Attorneys are fingerprinted as part of their admission to the bar. Why should they have to be fingerprinted again. All the bar has to do is submit those fingerprints to a national database. Why are they treating attorneys like a bunch of criminals on probation that need to be tracked down by their most recent fingerprints? If attorneys or people in general for that matter have the intent to do bad acts having their current fingerprints on file is not going to deter them or even make them that much easier to find. Moreover the type of crimes that are usually committed by attorneys don't leave fingerprints behind.</p>		No PP, AF!, Uc,

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I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.		RR#, OB#, BR.
I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.		RR, O, B
The state bar already has our fingerprints and has not explained why we need to resubmit. Until the bar explains the necessity of this rule, I will not support it.		AF!,
I oppose this proposed rule. It is unnecessary, and add another expense to the already high costs of practicing law in California. Business and Professions Code section 6101 requires a district attorney to notify the State Bar of any felony or misdemeanor proceedings against an attorney. Business and Professions Code section 6080 requires an attorney to notify the State Bar of any felony indictment or information against the attorney. These laws are more than sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys.		BR., \$\$, RR#
There is no reason for this rule and the extra expense it involves. Under existing law convictions of attorneys are already reported to the bar.		No PP, \$\$, RR#
I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.		RR#, OB#, BR.
Why would anyone even think this is necessary? We already went through an extensive background check just to get into the Bar. We are obligated to report anything that might be problematic, such as an arrest or ethical accusation, and if we don't report them, they will come to light and we will be dealt with accordingly. This is just another ridiculous bureaucratic requirement.		AF!, RR#
The proposed rule constitutes a gross violation of the constitutionally protected privacy rights of bar members. I denounce this obscenity.		PRY.
I strongly disagree with the proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.		RR#, OB#, BR.
I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.		RR#, OB#, BR.
This is overreach by the state bar from its functions and into into my personal information and identity. There is no reason why this serves the purposes of the state bar. It also requires that we take time from our day and for our own fingerprints, both is unreasonable. We already have to pay for bar fees and CLEs. They could already have my fingerprints, and doing it again should be voluntary. Not clear how this serves the benefit or purposes of the state bar. It is a law enforcement initiative that is being forced on us through the state bar. No More unnecessary beurocracy.		PRY., No PP, BR., \$\$

COMMENTS	ATTACHMENTS	CATEGORY
<p>Couldn't have said it better myself:I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must sent the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.</p>		RR#, OB#, BR.
<p>Shamefull! I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must sent the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.</p>		RR#, OB#, BR.
<p>What is wrong with you people, Are they going to make every American Citizen get fingerprinted after January 1, 2018. This makes no sense and I do not want to pay money because some member of the state bar wants to make a lot of money for fingerprinters.....It is crazy.....</p>		PRY.
<p>There are many fingerprinting requirements in place and no need to put the burden on the reviewing agencies for those whose fingerprints are reviewed. Fingerprinting is required of each Notary Public and those who hold many positions. Any rule change should include the provision that is someone is fingerprinted with review within a four year period (which is how often a Notary Public serves and is refingerprinted) then that bar member shall be in compliance with the fingerprinting requirement) upon the member designating to the State Bar the fingerprinting submission the the agency provided the fingerprints.</p>		AF!
<p>I am a member of the Bar -- #263203. Under the current proposed rule, all attorneys are subject to a fingerprint submission if their fingerprints were not received by the Bar prior to the enactment of the rule. I would suggest a modification to the proposed rule wherein if the Bar has previously received a fingerprint submission from a licensed attorney, those attorneys would not need to re-submit fingerprints.</p>		
<p>Looks like we only need : "Each active licensed attorney of the State Bar for whom the State Bar does not currently have fingerprint images shall..." yet intro suggests redoing. WHY? This looks like another half day lost. Can we send in a notarized form?</p>		
<p>While I agree that fingerprints are necessary to protect the public, I do not agree that the attorneys should bear the costs of fingerprinting. Many governmental attorneys have their bar dues paid by the employing governmental entity, and would not be able to afford bar dues on a government salary. Based on this, I do not believe governmental attorneys, at a minimum, should bear the costs of fingerprinting.</p>		AF!
<p>I assume that this proposed rule change applies only to active members of the State Bar who were NOT finger printed when they were sworn in.Thank you,</p>		
<p>This is an appalling idea.</p>		
<p>I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must sent the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.</p>		RR#, OB#, BR.
<p>Having just recently jumped through all the necessary hoops to get admitted, it really annoys me that the state would seek to fingerprint me again so shortly after I have been admitted. What reason is this being proposed for? You want to fingerprint people who have been members of the state bar for 15 or 20 years because you lost records or it wasn't required back then -- GO FOR IT. However, having newly admitted attorneys do one more thing when we are trying to get practices going, keep up with CLE, and deal with our personal lives is a bit much. No wonder so many attorneys need the substance abuse programs, you are driving us to drink.</p>		AF!, BR.
<p>This is a waste of time and money. It appears that the BAR is trying to figure new was to prosecute attorneys. The BAR should focus on major ethic violations and financial fraud.</p>		BR., \$\$, No PP
<p>Requirement for re-fingerprinting is appropriate for everyone's safety, but requiring lawyers to pay for the fingerprinting and investigation is unfair and unreasonable. The cost should be a set fee and could be paid through the Bar dues.</p>		\$M
<p>Seems unnecessary, expensive and inconvenient. I did it already and don't think I should be required to do so again. My finger prints haven't changed</p>		BR., \$\$, AF!

COMMENTS	ATTACHMENTS	CATEGORY
<p>I already submitted a comment, but had a call from an irate friend and fellow attorney who says that the State Bar needs the fingerprints so it can immediately be notified by the DOJ if an attorney is merely arrested, regardless of whether they are subsequently charged, prosecuted and/or convicted. The information provided in the request for public comments says the Bar intends to submit "fingerprint records to the California Department of Justice in order to receive potential subsequent arrest and conviction notification of criminal information." Not just convictions, but arrests AND convictions. And all arrests? Traffic arrests too? It is ironic that an institution that should support the principle that everyone is presumed innocent now wants to be notified when an attorney is merely arrested. It is also ironic that, as an attorney, I have found that one of the "problems" with being an attorney is knowing the law, and knowing when your civil rights, specifically one's First Amendment rights, are being violated by government officials, and therefore being willing to be arrested to make the point that the government is breaking the law. I am curious about what the State Bar intends to do when it receives a report that an attorney has been merely arrested. The information provided to support adoption of this rule is silent about that issue. Are attorneys going to be questioned by members of the Bar's staff before they've even been charged? Will they have the right to invoke the Fifth Amendment? Will their silence be used against them by the State Bar? In other words, the whole idea of the State Bar getting involved at the mere arrest level seems fraught with potential legal problems. If the Bar would limit its request for info from the DOJ to convictions, I'd be okay with this proposal. But once the Bar takes fingerprints, it will probably ask for all fingerprint-related info. For all I know, once fingerprints are used to locate records, the DOJ automatically sends all of them, regardless of whether there's a conviction.:</p>		OB#
<p>I am a CA licensed attorney, no. 267811. I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.</p>		RR#, OB#, BR.
<p>It is an invasion of privacy. We should not be forced to submit to provide evidence for search databases so that we can maintain our professional licenses and pursuit of happiness. Arguably there is justification to do background checks when conducting the moral character exam, as it has never before been determined that an individual is of good moral character. But once an individual has passed that test, there is no justification for this. Once an individual has been determined to be of good moral character, there is a less intrusive way to obtain information regarding any future arrest records. The Bar can make it part of a mandatory disclosure, either annually with license renewal, or with CLE disclosure. To aver that attorneys would not voluntarily disclose this information is not only an insult to the profession, but an insult to the Bar itself, as if it is second guessing the accuracy of its own initial moral character analysis of its attorneys. It is an exertion of power without just cause, an annoyance, a drain of time for those in an already overworked profession, and a drain of costs however minimal. Further, given my strong dissent as a moderate, I assume this will spark litigation from more conservative attorneys, thereby draining more Bar resources and time. The Bar should be limited to keeping the profession ethical, it should not exert its power without just cause. Adam</p>		PRY., AFI, No PP
<p>I do not understand the language "for whom the state bar does not have fingerprint images." The State Bar DOES have fingerprint images for all successful bar applicants who proceed with the licensing process, they're just old. That's why the RE-fingerprinting ALL ACTIVE MEMBERS is such a good idea. "... for whom the State Bar does not currently have fingerprint images..." makes zero sense and totally inconsistent with the rule change. My fingerprint images are 30 years old and were done with ink and paper. What about modern live-scan updates for everyone combined with entry into a CA DOJ and Fed DOJ database? The Supreme Court letter states: "requiring fingerprints of all applicants and active members is a critical component of public protection and strengthens the State Bar's discipline system." ALL active members should be required to resubmit fingerprints. Not just those for whom the State Bar does not have prints.</p>		
<p>We already had to pay fingerprinting fees to get admitted to the Bar. To now require us to get new fingerprints will be a further administrative and time-consuming expense, not to mention concerns about privacy. It's not other professionals have this requirement.</p>		\$\$, BR., PRY.
<p>Seems like another expense for an organization that does little for members.</p>		\$\$
<p>The email I received regarding this rule change states that ALL active attorneys would have to submit a set of prints, and if we submitted them prior to the rule taking affect, we would have to re-submit them after the rule takes affect. Reading the proposed rule, it states only those attorneys that did not have a set of prints on file need to submit them. What am I missing? Seems I remember submitting a set of prints when my background was checked upon applying to the Bar.</p>		UC
<p>Cost of fingerprinting should be borne by the organization not by the individual attorney, especially in those cases where the State Bar has lost or misplaced the fingerprints previously provided.</p>		SM
<p>Make fingerprinting a requirement on the application for admission to the state bar if you must require fingerprinting at all. I have been in good standing with the state bar for about 30 years. Give me some respect please.</p>		
<p>The proposed rule appears to only apply to those for whom the State Bar does not currently have fingerprints on file. The implication is that members who have already been fingerprinted as part of their application to become a member (such as myself) will not have to be re-fingerprinted. However, the email regarding this proposed rule states, "Consistent with the Supreme Court's direction, State Bar staff drafted a proposed California Rule of Court requiring all active licensed attorneys to submit or resubmit fingerprints to the DOJ." Under what circumstances would I have to resubmit fingerprints pursuant to this rule? I believe that should be spelled out in the rule, as well as a provision for notifying members as to whether the State Bar currently has their fingerprints on file, so that they need not incur the time nor expense of needlessly resubmitting fingerprints.</p>		
<p>The proposed rule is unnecessary and constitutes an invasion of privacy.</p>		PRY.
<p>I submitted fingerprints when i was admitted. If the Bar wants additional prints, then it can pay the cost, at the very least.</p>		SM
<p>The cost should be borne by the system--not individual attorneys. This is supposed to protect the public and does not benefit individual attorneys.</p>		SM, No PP

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<p>I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.</p>		RR#, OB#, BR.
<p>This proposal is an unnecessary use of resources. The California Bar is constantly trying to cut corners while extracting more and more money from its members. This proposal is no different.</p>		No PP
<p>Though this may be a moot point since I am pretty sure I went to the police department and got both hands fingerprinted when I first became an attorney. Be that as it may, I don't agree with the forcing the attorneys to get fingerprinted for screening for criminal activity. It allows for 1) false positives which then a reputation can easily be ruined in this day and age 2) allows for people to manipulate the databases for ulterior motives outside of protecting the people. This is what happens in former soviet bloc and third world countries where the government creates databases to hold power over the people who can make changes (such as attorneys and journalists). If an attorney is implicated with a crime let the system work as it always does, investigate, gather evidence including fingerprints if able, charge the crime and give due process to the attorney. If we are forced to be fingerprinted, then I want a special lane in entering all courts that affords a card carrying identified attorney entrance without hassle.</p>		, OB#
<p>I would agree if modified as follows (in all CAPS below): "All costs of providing criminal history information to and the processing of fingerprints for, the State Bar, including print furnishing and encoding shall be borne by the licensed attorney, TO BE PAID FOR OUT OF HIS OR HER ANNUAL BAR DUES, WHICH DUES SHALL NOT BE RAISED IN ORDER TO ACCOUNT FOR THE PAYMENT OF THESE FINGERPRINTING COSTS."</p>		SM
<p>This is a ridiculous and insulting waste of time. What is the point? That is rhetorical, for I have read the information provided and I understand the position articulated. The bar should consider doing something productive with its time rather than imposing additional burdens on those already practicing law that ostensibly serve the public good but for which there is nothing supporting that notion but wind.</p>		BR., No PP
<p>I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.</p>		BR., RR#, OB#
<p>I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. It is overbroad as it requires notification of arrests information--not convictions. Upon conviction, the Court Clerk already must notify the State Bar within 48 hours. And, an attorney is required to notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are already sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crime, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude. Finally, fingerprints are already on file with the State Bar. Mine are on file with the FBI because of prior federal employment. This is redundant and expensive. It appears to be a measure to secure a job at the State Bar or DOJ. Bar dues are already excessive, especially for the thousands who opt to remain "active" but are retired or semi-retired. It is an unnecessary and expensive exercise.</p>		BR., RR#, OB#, AF!, \$\$
<p>I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.</p>		BR., RR#, OB#
<p>I am not opposed to having my finger prints scanned again by LiveScan, as I think it's important for the State Bar to know which attorneys have been convicted of crimes. However, if the State Bar can access prints previously LiveScanned by individuals they should do so to avoid unnecessary cost to the individual. I am opposed to all the ancillary costs separate and apart from the LiveScan itself, as it remains unclear to me what those costs ultimately will be. Membership for the State Bar is already expensive enough, topping out at \$400.00 +</p>		, \$\$

COMMENTS	ATTACHMENTS	CATEGORY
<p>Hello, I am a licensed and active attorney with the State Bar, SB No 128410. I was previously finger-printed, back in approximately April 1982, as part of standard operating procedure for all graduates of law school who were applying to take the California State Bar Exam upon graduation from law school (in my case, Loyola Law School Los Angeles). So, my obvious question is why would I have to submit them again? Did the FBI lose the last set? One's fingerprints don't change over time. Secondly, I find the text of the proposed rule ambiguous re people who have previously submitted fingerprints such as myself. Would, in fact, I have to do it all over again or not? Lastly, the text is vague re what is meant by "third party costs" associated with furnishing additional fingerprints (as apart from DOJ or FBI costs). To what is the proposed rule referring in this regard? Thank you.</p>		AFI,
<p>I remember being fingerprinted when I joined the bar. How will I know if I need to be printed again? Will we be individually notified?</p>		
<p>I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.</p>		RR#, OB#, BR.
<p>Submission of fingerprints is already a pre-requisite to be licensed to practice law in California. Submission of fingerprints is a required component of the "Determination of Moral Character" application and has been for at least a decade, if not longer. No attorney who has submitted fingerprints should be required to resubmit--period. I can only assume this proposed rule was made by whomever lobbies on behalf of the companies who are licensed to collect fingerprints. This rule is NOT "a critical component of public protection" and does NOT "strengthen the State Bar's discipline system." To the latter point, I am already legally required to notify the State Bar of California of any change in my circumstances that would affect my eligibility to practice law in California, including but not limited to criminal convictions and sanctions imposed by agencies charged with regulatory oversight of attorneys in the other jurisdictions where I practice. Failure to make a required report can lead to disbarment and other sanctions not just in California, but in every jurisdiction where I am licensed. No sane attorney would risk their livelihood by failing to report. To the former point, if it is so critical, why is the State Bar only considering it now? Answer: it's not critical at all. First, the public already has the ability to search my disciplinary records across every jurisdiction where I'm licensed. Since I'm required to report criminal convictions, if I had any then they would be reflected in my disciplinary records. Second, the State Bar has been requiring applicants to submit fingerprints for years as part of the "Determination of Moral Character" application. I've already submitted my fingerprints. The State Bar's decision on whether to submit them to the DOJ at that time (or any subsequent point in time) was out of my control, and if the State Bar made the choice not to do so, the Bar should bear the burden and costs of doing so now. To date, I have submitted multiple sets of fingerprints to multiple state bar associations with my applications. This included multiple sets of fingerprints to the State Bar of California for my "Determination of Moral Character" application. This was an expensive and time-consuming process. For many years the State Bar has required applicants to submit fingerprints electronically. That record is permanent, and there is no need to require attorneys to take time and pay for a re-scan. (Even if they are not electronic, fingerprints don't change. The ones I gave the State Bar in the early 2000s are the same fingerprints I have today.) The State Bar is free to share those fingerprints already in its possession with the DOJ, and I'm fairly sure I waived my right to object or complain at the time I made my application. There is absolutely NO reason why any attorney who has already submitted fingerprints should have to resubmit. Note the proposed rule requires submission by "all active licensed attorneys for whom the State Bar does not have fingerprint images," regardless of whether that attorney has already submitted. If the State Bar does not have my fingerprints, it is NOT because I didn't submit them; the only reason they wouldn't have my fingerprints is because they lost them or otherwise carelessly misplaced them. It is illogical that I should have to pay for another set when the perceived "need" for them is caused by no fault of mine.</p>		AFI, No PP, RR#, WN#, SM,
<p>Been there, done that. Don't waste my time or money, please.</p>		BR., \$\$
<p>Finger printing is extremely invasive without benefit. Attorneys already have a mandated obligation to inform the State Bar of any offenses/convictions.</p>		PRY., No PP, RR#
<p>I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.</p>		RR#, OB#, BR.

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<p>As an applicant to the California State Bar 20 years ago, I was *already* required to submit fingerprints to the State Bar. The proposed rule would require resubmission, at the attorney's cots, if the State Bar did not already have our fingerprints on file - but has no mechanism to determine or notify current bar members whether the State Bar "currently" has our prints on file. Accordingly, there is no way to know whether or not we have to re-submit fingerprints. It is not clear to me that there are ANY attorneys who the State bar does not already have fingerprints on file for. So the "need" for this proposal is dubious at best. Also, I do not agree with the State Supreme Court's directive that just because the Legislature directed that we "may" collect fingering information, therefore we should make it mandatory. The State bar could choose not to collect any information beyond what we already have. In addition, while I understand the budgetary constraints, if the State Bar is forcing attorneys to comply with this new requirement, it must be required to pay all costs of that compliance. I still agree with requiring fingerprinting of NEW attorneys, but do not think that ACTIVE (or even inactive) attorneys need to have this requirement imposed on them AGAIN.</p>		AF, , \$M
<p>1. How does an attorney know if the Bar already has fingerprints on file2. Rule should apply to all attorneys working for public agencies, even if not licensed3. Rule should apply to all judges and commissioners as well. 4. Should be a maximum fee allowed to be charged to attorneys.</p>		
<p>1. I don't see why it's necessary to go to the trouble &amp; expense of re-fingerprinting of those for whom you already have them.2. I couldn't agree with a rule that doesn't give a clue about the specific procedures by which the rule will be implemented.</p>		AF!, BR., \$\$,
<p>The State Bar of California is beginning to look like a policing agency. This is completely unnecessary as the Courts inform the State Bar if they have an attorney in Court. To have the Department of Justice keep track of attorneys appears to have the favor of the KGB. Where will this policing end? Require attorneys to submit to DNA also as felons?Very disappointed in your organization!</p>		PRY.
<p>Absurd. We are officers of the court, not criminals I would venture to say 90% of us have fingerprints on file as it is, especially if we have a passport or Global Entry or are a real estate broker as I am. Yet another way to inconvenience us as members of the Bar and to cost us processing fees. If the State Bar wants it, let the State Bar pay for it out of our dues. California does so for criminals and they don't pay Bar dues. ....or let us prove we have a passport or some other professional license that mandates biometric fingerprinting. A redundant, bureaucratic, costly process because apparently, we don't have enough on our plates. Does anyone think of the time, effort and money involved to comply with such a rule or do advocates of this plan merely say, "hey, that sounds like a good idea," without thinking of what is actually required. I not only disagree, I VEHEMENTLY disagree! What's next DNA tests?</p>		AF!, \$M
<p>Unnecessarily costly to attorneys and the State Bar for very little practical gain. We are officers of the court and should be held to the ethical standard of self-reporting. Individual violators should be punished for infractions, and not the profession as a whole.</p>		No PP, RR#
<p>I believe it will add more requirements for already members to have to go through and additional expenses. However, I believe that maintaining the integrity of the profession is of upmost importance it can be done with a type of fingerprint that can be rescanned every so often to check database for any incurred convictions/arrests. DHS does this for EOIR cases where they just refresh biometrics issued to them by respondents every 18 months.</p>		BR.
<p>Fingerprints should not be required again for those who must have fingerprints for their other job or current job. Examples would be active duty law enforcement officers who are also attorneys. District Attorneys who must be fingerprinted for their employment etc. The state bar can flag the current records to be notified in case of an arrest or conviction. The same system is already in place for law enforcement officers that their employer is notified upon arrest or conviction.</p>		AF!
<p>This is a proposal that saddles all practicing attorneys with another expense in both money and time for the purpose of being tracked more closely by the government. It is hard to see how "requiring fingerprints of all applicants and active members is a critical component of public protection," nor how it strengthens the discipline system. This just sounds like a bureaucracy seeking to hoard more information and make itself sound important. Attorney discipline is usually focused on money and paperwork. I predict that this requirement will result in no investigative breakthroughs in the next 10 years, but will cost the state's attorneys in the millions of dollars all told. It's a useless expansion of big-brother type surveillance. - John D. Faucher</p>		BR., \$\$, No PP
<p>We already paid the costs for fingerprinting when we applied to the State Bar for admission. The State Bar was negligent in its failure to retain those fingerprints. We therefore should not have to pay to be re-fingerprinted due to the State Bar's negligence. I would agree only if the State Bar is required to cover all costs regarding fingerprinting.</p>		\$M
<p>The Bar continues to take measures designed to alienate its membership. The proposal reflects a lack of trust and respect in and for the members and should be rejected.</p>		
<p>This is a completely unnecessary intrusion into our privacy rights. It serves no purpose at except to harass and intimidate attorneys.i vote no. I am very strongly opposed to this, especially as the accuracy of fingerprints has come under heavy fire.</p>		PRY., BR.
<p>I am an attorney who has provided evidence obtained in litigation for criminal charges against an attorney who is now disbarred as a result of theft of clients funds. I believe that the State Bar should have all attorneys' fingerprints on file as all attorneys are finger printed prior to being licensed as part of our applications. The way the proposed rule reads, licensed attorneys are going to have to bear the expense of the Bar investigating then (running background checks) despite the fact that there is no pending complaint or investigation into the attorney's conduct --this is unfair, a violation of due process, and a violation of the attorney's right to privacy. Attorneys who have not violated the law and are not under investigation should not be re-fingerprinted and have background checks performed on them as if they are criminals. The state bar should bear the cost of arbitrary demands for fingerprinting and background investigations which, not the attorney who is not even subject to a complaint or investigation. There is also no safeguard to prevent the fingerprints to be used by law enforcement for further investigative purposes one submitted for the check. I propose that the re-fingerprint policy should apply only where the Bar has been notified that the attorney may have violated the law or have a criminal conviction, or where there is a pending investigation of the attorney for moral turpitude/ client fund theft claims.</p>		PRY., Unconst., \$M, EX#, AF!

COMMENTS	ATTACHMENTS	CATEGORY
<p>Dear California State Bar Association: On its face the new proposed rule to require renewed finger printing of all active and new members to the California Bar fails to satisfy the stated purpose - meeting a critical component of public protection and strengthening the State Bar's discipline system. Yes, the California Bar has some bad apples and as far as I can tell, the Bar Association has an effective system in place for discipline and financial assessments. Yet, again finger printing the 100,000+ active and new members will do nothing to prevent bad apples acting bad again. Finger printing cannot be viewed as a deterrent - in fact, I can not think of a situation where an attorney's finger prints would be helpful evidence in a disciplinary matter or a matter concerning public safety. The proposed rule fails to meet its stated purpose and adds an unnecessary burden on the profession and the Bar Association itself. If the rule passes, of course, I will comply; as will the 99.8% of the good apples in our profession. Its just that the grumbling will be loud and wide spread. Sincerely, Stephen Peary California Bar Association # 115148</p>		RR#, No PP, BR.
<p>The proposed rule and the discussion about the proposed rule are at opposites. The rule states that prints will be requested if none are currently on file. The discussion seems to say that ALL lawyers will be required to submit a set of prints, period. When I applied for Bar membership, I submitted a set of prints. The discussion seems to hint that these may no longer exist. Were they thrown out after some period of time? A year, three years, a month? Or is this just a way to put the expense of having digital prints for each lawyer placed on the individual rather than having the State Bar pay to have the paper prints scanned? It would be nice if the backers of the proposal came out and stated that either: The Bar does not want to pay to have all the paper fingerprint sheets scanned; or the Bar has lost, destroyed or misfiled prints from active lawyers. Let the discussion and the proposed rule say the same thing, eh?</p>		
<p>We did them already and it is not our fault the state lost them and needs them redone. The state should send someone to us, and do them again at the State's cost.</p>		AF!, \$M
<p>My fingerprints were taken when I was first admitted to the bar as all CA attorneys must do. What happened to those fingerprints? Did the State Bar lose them? This proposal doesn't affect me as I have no interest in practicing law as I'm a 68 year old retiree, however, I think it isbot a well founded proposal, is a burden on practicing attorneys and is duplicative of a duty already performed by practicing CA attorneys. Thank you for eliciting my opinion in this matter.</p>		, BR.
<p>I am a California attorney in good standing. The State Bar already has my fingerprints on file. Why should the California State Bar act as an arm of law enforcement? If the California DOJ wants my fingerprints, they can go get a warrant. Seriously, folks: the California State Bar should be a bulwark against this kind of creeping totalitarianism. It should not be an enabler of this miserable process!</p>		PRY.
<p>This would be costly, redundant, and inefficient use of attorney, employer, and bar resources.</p>		BR., \$\$, No PP
<p>The State Bar's proposed rule on fingerprinting of active attorneys appears to be a misguided and reactive measure which relies on antiquated and unreliable techniques of personal identification. The nation's most highly regarded scientific academy, the National Academy of Sciences (NAS), criticized the reliability and accuracy of fingerprint identification in 2009 in a report entitled: Strengthening Forensic Science in the United States: A Path Forward (available here: <a href="https://www.ncjrs.gov/pdffiles1/nij/grants/228091.pdf">https://www.ncjrs.gov/pdffiles1/nij/grants/228091.pdf</a>). The report used the 2004 Brandon Mayfield case as an example. Notably, Mr. Mayfield was an attorney who was "conclusively" identified as having handled a bag containing explosives of the type used to kill 191 people. "March 11, 2004: Terrorists detonate bombs on a number of trains in Madrid, Spain, killing approximately 191 people, and injuring thousands more, including a number of United States citizens. May 6, 2004: Brandon Bieri Mayfield, a 37-year-old civil and immigration lawyer, practicing in Portland, Oregon, is arrested as a material witness with respect to a federal grand jury's investigation into that bombing. An affidavit signed by FBI Special Agent Richard K. Werder, submitted in support of the government's application for the material witness arrest warrant, [avers] that Mayfield's fingerprint has been found on a bag in Spain containing detonation devices similar to those used in the bombings, and that he has to be detained so that he cannot flee before the grand jury has a chance to obtain his testimony. May 24, 2004: The government announces that the FBI has erred in its identification of Mayfield and moves to dismiss the material witness proceeding." After the federal government paid out \$2 million for wrongfully jailing the attorney, the Inspector General issued a report which, among other things, cautioned against assuming about the reliability of fingerprint evidence. Studies after the NAS report confirm the unreliability of fingerprint matching as a method of personal identification. "Even more-established methods, such as fingerprint comparison, have faced criticism. Many fingerprint analysts use standard procedures to mark different levels of detail in a suspect's fingerprint and in a "latent print" left at a crime scene. But making a so-called individualization — a conclusion that the prints are from the same source—is "where it gets a little fuzzy," says Glenn Langenburg, a forensic scientist and fingerprint examiner at the Minnesota Bureau of Criminal Apprehension in St. Paul. After examiners look at enough prints known to be from the same source and from different sources, "their brain gets calibrated" to some internal threshold of similarity, he says. The fuzziness shows in their findings. One study of 169 fingerprint examiners found 7.5% false negatives—in which examiners concluded that two prints from the same person came from different people—and 0.1% false positives, where two prints were incorrectly said to be from the same source. When some of the examiners were retested on some of the same prints after 7 months, they repeated only about 90% of their exclusions and 89% of their individualizations." <a href="http://www.sciencemag.org/news/2016/03/reversing-legacy-junk-science-courtroom">http://www.sciencemag.org/news/2016/03/reversing-legacy-junk-science-courtroom</a> am for rules which protect the public, but this one will cause more harm and confusion in the long run than it will good. It would do us well to heed the warnings issued from the best and brightest scientists in our country to not rely on fingerprint comparison in a decision that would severely affect an attorney's livelihood.</p>		PRY., No PP, Unrel.
<p>While criminal records do change, fingerprints do not. Since the State Bar (and DOJ presumably) have our fingerprints from when we first applied to become licensed Attorneys, I can only assume that the State Bar never submitted our fingerprints to DOJ since DOJ doesn't destroy fingerprint information. Now we are supposed to pay for this error??</p>		AF!, \$M
<p>First, the proposed rule speaks of "fingerprint images". It isn't clear what exactly this references. Does this refer to digitally scanned fingerprint images? Would, therefore, RE-printing be needed for all active attorneys fingerprinted before "livescan" or digital fingerprinting was available? Second, the purpose of the proposed rule is not directly articulated. There certainly appears to be no pressing justification of "reprinting" older active lawyers. The inferences to be drawn as to why are more negative than positive. The risks for various abuses are increased. The Bar doesn't seem to even suggest anywhere that the active attorneys' fingerprints which were not taken digitally could or might simply be scanned to digital format. If, under the most benign inferences of justification, the reason for reprinting is an administrative convenience pushed off onto older attorneys, predating digital scanned fingerprinting, the result is still abusive to the long-term and faithful membership of the Bar. And for what? Simplifying state agency cross-reporting to make sure the Bar keeps track of any attorney arrested for anything? The burdens outweigh the dubious benefits. Rex Lowe (SBN 103750) December 8, 2017</p>		AF!, , NO PP, BR.

COMMENTS	ATTACHMENTS	CATEGORY
I see nothing that justifies this. I went through a background check before I was licensed by the Bar and if I had done anything criminal since I am sure it would have been reported to the Bar. This is undue burden especially since attorneys are expected to bear the cost.		NO PP, AFI, BR.
I am a member of the California bar. I am also a notary public. To maintain my notary license, I must submit to fingerprinting. When I renewed my notary license recently and had to get fingerprinted, I was shocked to know that my fingerprint application also required my social security number. In this day of rampant identity theft, I was very uncomfortable giving this information to a state-approved fingerprint service. If the state bar fingerprinting process will require completion of the same DOJ form I used for my notary renewal, which requires reporting of social security number, I am opposed. It's just one more time my personal information will be put in the hands of people who may misuse the information. Also, I am opposed on the basis of the cost involved. If memory serves, I paid about \$80 to have my fingerprints taken and submitted and the process took over one hour between driving to the facility and having the prints taken, which carries an additional cost as that time is not compensated. Our annual bar dues are already some of the highest in the country. Only if the state bar bears the cost and does not require that a social security number be provided in the process, I would reluctantly agree.		PRY., \$\$, \$M, AFI
The proposed rule requires active attorneys -- even those who have previously submitted fingerprints in connection with their bar admission (which I believe is all of us) - to incur the cost of re-fingerprinting if "the State Bar currently does not have [their] fingerprint images..." However, if the Bar no longer "currently" has my fingerprints, it is because it has lost them or intentionally discarded them, and I should not have to incur the expense of being re-fingerprinted. The proposed rule should be revised so that the expense of fingerprinting should be borne only by those attorneys (if any) who have not previously supplied fingerprints to the Bar. T. Scott Bucey, Sausalito CA		AFI!, \$M
Lower the bar passage rate! Fingerprint everyone! Make the lawyers pay for their own compliance! Can't WAIT for the next brilliant policy proposal to arrive in my email inbox. Keep up the good work and kiss my ass. No thanks.		
Notify those attorneys whose fingerprints are not on file. Allow those attorneys whose fingerprints are already on file in California data base, such as in police officer status, to have those suffice as being in compliance.		
I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.		RR#, OB#, BR.
I would love to know what percentage of practicing attorneys should not be in practice because of a criminal conviction. If it is a fraction of a percentage, which I strongly suspect is the case, is this not simply one more example of the nanny state overtaking our lives?		NO PP
Is there really a necessity to have all attorneys resubmit fingerprints? If they are taken as part of the original Bar application process, fine. But I have been in practice over 30 years and have not even gotten so much as a speeding ticket since that time. What is the data showing that resubmitting fingerprinting would help you catch criminals who are licensed California attorneys? The Bar dues are already much too high. I've paid these dues for over 30 years, so if you want another set of fingerprints from me then the Bar Assn. can pay for it from the funds already collected. I also consider requiring resubmitting fingerprints as a massive invasion of my privacy and I most certainly object to it, especially if it will cost me additional money out of my pocket. I made only about \$10,000 from my law practice last year and simply cannot incur additional costs.		NO PP, \$\$, \$M, PRY.
This proposed rule infringes on the personal right to privacy of attorneys licensed in the state of California with virtually no consideration to the inherent, significant and very serious security concerns that are tied for the collection of sensitive biometric data. The State Bar has not demonstrated that it has taken proper precautions to protect such information from misuse nor has demonstrated that it will apply proper security protocol to the collection of this data. The State Bar has not demonstrated that it has taken proper due diligence to assess the privacy and security implications nor produced a privacy impact assessment which outlines why any perceived benefit of the collection of such risks associated with the misuse or unauthorized disclosure of such sensitive personal data. Nothing in the current State Bar attorney screening processes has proven to actually reduce the harm to constituent populations with demonstrable evidence. The State Bar has failed to produce evidence and justification of how this collection will directly result in the protection of the public. It has also failed to demonstrate how this will strengthen the State Bar's discipline system (and more adequately, has failed to demonstrate how it's discipline system will directly promote public protection via the use of such sensitive personal data). This is merely a government intrusion to personal privacy rights without any real, true benefit to consumers of legal services. The State Bar of California has yet to demonstrate that such collection of personal data actually and directly corresponds to reduced harm to consumers of legal services. Without such evidence, the State Bar cannot honestly and truthfully argue that such collection outweighs the very serious and significant threat to the individual privacy and security of its licensed attorneys' highly-sensitive personal information. Without such evidence, the collection of this data constitutes an unreasonable violation of individual privacy. Further, any and all costs associated with such collection, storage and use of such data should be handled solely by the State Bar and should not be passed off to individuals.		PRY., NO PP
Requiring duplicate fingerprinting is waste of time and resources, and privacy invasive. Fingerprints do not chngeso why is re-printing active attorneys already having provided fingerprints serving any purpose ?		BR., \$\$, PRY., AFI
UNNECESSARY EXPENSE FOR ATTORNEYS, COLLECTIVELY PROBABLY \$10,000,000 FOR LITTLE OR NO BENEFIT		BR., \$\$, NO PP
Not only do I disagree, I disagree violently. I would not submit to this invasive and uncalled for procedure. To add insult to injury, we would be expected to pay for this outrage?This proposed "court rule" seems to me to be simply a reflection of the big brother attitude currently in vogue in our country.I am appalled.		\$M
I, and my colleagues, submitted fingerprints to the State Bar when we were licensed years ago. Why can't you just use those? Why should the lawyers have to pay to duplicate what we already did?		AFI,

COMMENTS	ATTACHMENTS	CATEGORY
Another useless rule		
There is absolutely no need to fingerprint active attorneys and force existing attorneys to get RE-fingerprinted at their own expense. Total waste of time. What on earth is so critical to justify this personal intrusion and waste of time and money by some many active attorneys?Waste, waste, waste.		\$\$, AF!, NO PP, PRY.
The proposed rule attempts to fix a problem that does not exist. In addition, it would place an additional burden on an already stressful profession. Finally, for out of state attorneys, such as myself, the burden is increased as the location of fingerprinting stations may not be available.		BR., NO PP, OOS B.
I agree only if there is no expense to active attorneys in providing additional fingerprints, when they have already done so previously. This amounts to a double charge for something already completed.		\$M
Getting fingerprinted through Live Scan is a time-consuming and costly process. I was already fingerprinted through LiveScan when I applied for admission to the bar. Why should I have to go through this process again? What is the point of paying our yearly membership dues if those funds aren't used to cover this cost? Is the bar going to compensate me for the time I will have to take away from the work day and any lost business to get this re-fingerprinting done?This is an onerous and burdensome requirement that appears to have no legitimate basis as a requirement. The bar continues to make it more and more difficult for attorneys in small firms, who don't make lots of money and who have to struggle to pay their bills and student loans (like me) to survive.		AF!, BR., \$\$
The proposed rule is confusing. It begins with the words: "Each active licensed attorney of the State Bar for whom the State Bar does not currently have fingerprint images shall..." That language causes me to think that since the State Bar already has my fingerprints, which were obtained in 1975, I don't need to submit new fingerprints.6054 (b) says that "The State Bar ...may require a member to submit or resubmit fingerprints to the Department of Justice in order to establish the identity of the applicant and in order to determine whether the applicant or member has a record of criminal conviction in this state or in other states." I don't see in this language that the State Bar is required to obtain new fingerprints for every single attorney in the State, only that it may ask a "member" to re-submit fingerprints if there is some question about identity or criminal past.Yet, all the coverage of this issue has said that all attorneys must re-submit fingerprints, no exceptions.So, which is it? Doesn't the State Bar still have my fingerprints? Did somebody lose them? Why is this necessary? The cost in time and trouble to obtain fingerprints from all attorneys will be very high. What is the assumed benefit? Is there any evidence that some criminals have slipped through the cracks, and are now practicing law? Did some criminals hire others to submit fingerprints on their behalf? Aren't attorneys' fingerprints already part of a database that is accessed when someone is arrested? Will the State Bar require passports or birth certificates to identify the attorneys when new fingerprints are submitted? If the proposed rule is intended to require that all attorneys submit new fingerprints, then the language of the proposed rule should be re-written to say so unambiguously, and the members of the State Bar should be given a thorough explanation as to why this is being required.If the proposed rule is not intended to require every attorney to submit new fingerprints, then somebody needs to put out a press release explaining this.Thank you.		, WN#, NO PP
Time and time again (see the arguments advanced by ridesharing companies like Uber and Lyft) have demonstrated that background checks are just as effective using identifiers like name and social security number.		
Seems like a waste of an enormous amount of time and effort for a relatively minor benefit.		NO PP, BR., \$\$
I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.		RR#, OB#, BR.
I oppose this proposed rule, particularly (1) as applied to government lawyers, who already have heightened reporting requirements to the State Bar that fully protect the public in the manner intended by this new rule; and (2) with respect to the proposal to require attorneys to pay for the new records.Business and Professions Code section 6101 already requires a district attorney or city attorney to notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. There are also already protections in place for lawyers who practice in other capacities. Under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.Finally, requiring new and existing attorneys to pay for this fingerprinting process is unduly burdensome. As the executive summary notes, attorneys have already submitted fingerprints to the State Bar as part of their moral character application, and the "need" for attorneys to pay again is clearly explained based on the State Bar's failure to preserve these records. If these records are so important for public safety, then it is incumbent on the State Bar to either preserve these records (that were already paid for once by applicants) or for the State Bar to bear the costs of a second fingerprinting process.		AF!, \$M, RR#, OB#, BR.

COMMENTS	ATTACHMENTS	CATEGORY
<p>I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.</p>		RR#, OB#, BR.
<p>Anyone admitted to the bar in the last 20 years already spent the time and money to submit their fingerprints to the State Bar. If due to the State Bar's incompetence, another set of everyone's fingerprints is needed, let Legislature or the State Bar cover the cost of fingerprinting this time.</p>		AF!, \$M
<p>This is really an offensive intrusion. Is the Chief Justice planning on getting fingerprinted so we can insure she has not been convicted of a felony? I didn't think so.</p>		
<p>Are you kidding? There is already a rule that those seeking admission must submit fingerprints. Requiring the same of those seeking readmission makes sense. But active members? Seriously? When seeking admission I submitted not one but two fingerprint cards. The first was rejected because it was the "wrong form", though it was the form provided to me by the Bar. That's just my personal rant all these years later really but the point is I had to pay twice. Now the Bar is planning on requiring 189,000 members to resubmit what the Bar already has. And at our inconvenience and expense. There does not seem to be a good reason for doing so. Yes, the Bar should be aware of subsequent criminal offenses, and god knows with how many low life scheming, lying lawyers there are you will catch a few. Why can't the criminal courts require a guilty defendant to notify the court he or she is a member of the Bar and the court send notice to the Bar? Why not have an attorney certify each year, under penalty of perjury, when renewing dues whether there has been a conviction? Why do 189,000 of us have to get a fingerprint card acceptable to the Bar, go have fingerprints taken and submit it to the Bar? AT OUR EXPENSE.</p>		AF!, NO PP, BR., \$\$
<p>The CA state bar should not be authorized to collect personal data about anyone, absent an inquiry into misconduct, for several reasons. The state bar, and its employees, routinely bully and target solo practitioners and lawyers in small firms, but rarely challenge lawyers in large firms or other large entities. In my experience, the state bar's employees routinely treat lawyers with rudeness and disdain in response to requests for advice or other assistance. My few dealings with these bureaucrats consistently leaves a foul taste in my guts. For that reason, and others, I avoid asking any bar employee for anything. Giving the CA state bar's employees more data attack members at member's expense, meaning member's dues, is a bad idea,</p>		PRY.
<p>I don't believe that there is a statistically relevant number of attorneys in active practice that have been convicted of a serious crime who have not been reported to the State Bar. Does the State Bar have any examples of attorneys who have slipped through the cracks who would have had disciplinary actions brought against them but for old, outdated fingerprints. Fingerprints don't change. Attorneys were fingerprinted prior to original admission. Why must fingerprints be done again? The proposal seems ill conceived and a waste of money. Doesn't the State Bar have more pressing business to pursue?</p>		NO PP, AF!
<p>1984 re-visited</p>		
<p>1. This is overkill. Exactly how many licensed attorneys have been convicted of crimes after becoming licensed to warrant this rule? 2. Existing rules already require convicted attorneys to notify the State Bar. Has this rule proven ineffective in protecting the public? 3. What is purpose of this proposed rule? If protecting the public is the goal wouldn't the State Bar's efforts be better spent in educating the public on how to select an attorney? 4. Which practice areas seem to present the biggest challenge in terms of unscrupulous actors? Perhaps the State Bar should focus on those attorneys by reaching out to them and reminding them of their professional and ethical obligations and/or reach out to clients most likely to have legal issues in those areas with targeted public-service announcements.. 5. The area of forensics and FBI use of them has recently come under scrutiny; specifically, that fingerprints are not necessarily as individualistic as previously thought. What happens if the State Bar, DOJ/FBI wrongly decides the fingerprints an attorney submits matches someone else? 6. Will the prints be in paper or digital format? Will confirmation of submission be available? Who will be responsible for submitting them to the agencies the proposed rule requires? 7. If new fingerprints are required, what will become of them once DOJ/FBI checks are run? Will these agencies be permitted to retain them? If so, why? If not, doesn't this defeat the purpose of wanting to determine whether, after licensing, an attorney gets convicted of a crime? Will the fingerprints be distributed to other government agencies? If so, why and for what purpose? 8. If once the prints have been run will attorneys submitting them receive a report of the information gleaned from the process and a confirmation the prints have been removed from all government records? To allow the government to retain these prints is a huge abhorrent intrusion into personal privacy and based on the rule as proposed, no purpose. 9. In connection with confirmation of the removal of the prints from government records, will the State Bar or a representative of the California Supreme Court enter into any kind of written agreement with the head of the DOJ/FBI describing the process that will be used in processing the fingerprints, forwarding the reports referred to in paragraph 8 and the removal of the prints from government systems? 10. Given the number of attorneys in the state, the implementation of this rule is likely to cause the price of obtaining new prints to unreasonably rise. Will the State Bar negotiate fixed prices with any entities to control this?</p>		NO PP, WN#, PRY., SCY.
<p>I believe this change is long overdue and will help ensure the integrity of the attorney ranks. It is consistent with the licensing schemes for other professions. There may be additional costs to the state and local governmental agencies if, for example, public attorneys negotiate through their bargaining units to have the additional costs associated with compliance borne by their employers.</p>		

COMMENTS	ATTACHMENTS	CATEGORY
<p>The State Bar is making up laws that do not exist. How are a bunch of lawyers ok with this????The actual law (Professions and Business Code Section 6054) states that the fingerprinting requirement is ONLY for admission/readmission or for disciplinary tracks. At no point does it grant the State Bar the right to get fingerprints for active attorneys that are not under a State Bar discipline decree. Can you say lawsuit??Further the law does not give the State Bar the right to run a background check or ask any law enforcement agency to give them arrest records unless its pursuant to admission/readmission or as a result of a State Bar discipline decree/non-prosecution agreement. Nor does it give the law enforcement agency the right to give that information out (public record rules of course apply). Finally the law states the State Bar is to pay for all costs but print furnishing and encoding yet the State Bar is trying to pass the cost of background checks to attorneys vs the State Bar paying as required by the law.No attorney likes to call out the State Bar because of possible retribution but really people?? Can the State Bar just follow the law????</p>		6054#
<p>I disagree with the proposed rule because the expense and time for submitting fingerprints must be borne by the licensed attorney. Considering the hundreds of dollars a year we already pay to the Bar, if the Bar wishes to implement this rule, the Bar should pay for it.</p>		BR., \$\$, \$M
<p>I am an inactive member of the State Bar so this apparently would not affect me but the concept is absurd. What possible benefit will this obtain in relation to the totality of the cost and intrusion into the privacy of so many? A terrible concession to the forces of fear and fecklessness.</p>		NO PP
<p>There's no basis for fingerprinting long term active attorneys whose fingerprints have already been taken earlier to be admitted to the state bar. Fingerprints do not change. This is another way to provide poor services to the members of the state bar and just serves to waste time and money of hard working attorneys. Stop this harassment now.</p>		AF!
<p>The affected attorneys should only include those who have never had their fingerprints on file. Attorneys who have already submitted fingerprints should not be burdened with this new rule. So, for example, if an attorney submitted inked fingerprints prior to admission; that attorney should not be required to be re-fingerprinted because his fingerprints were not submitted on live-scan.</p>		AF!, BR.
<p>What an antiquated waste of time, and a waste of attorneys' money. Why are we so technologically backward that we can't tell if an attorney has a conviction history? This is a scam and a sign of the dysfunction in the State Bar.</p>		BR., \$\$
<p>I am disappointed if in fact such a rule is necessary.I would like to think that felon members are not such a problem that we would need such an intrusion on all the other members.We live in an age where data collection on individuals is already in too many facets of our lives.</p>		NO PP
<p>Great idea! I agree with Rule as currently written.</p>		
<p>This is an example of a solution in search of a problem. While conducting criminal background checks for admission or readmission, makes sense, using fingerprints is overkill. The only benefit is to the vendors who are paid to fingerprint the lawyers. It is time for the State Bar to stand up for its membership and not adopt this proposed rule.</p>		OB#
<p>The onus and payment for the re-fingerprinting should be born by the State Bar. It was the ineptness of the Bar that caused the fingerprints not to be retained. If an attorney loses a clients documents, we don't charge the client for a second discovery request and re-copying, etc. It would be unethical. I believe it is equally unethical to ask me and my colleagues to pay for the Bar's error. Additionally, doesn't the Bar have E&amp;O insurance? Try making a claim on the policy for the error and omission.</p>		\$M
<p>Yet another draconian measure from the State Bar. You'll probably charge a fee, as well! Useless and antiquated.</p>		BR.
<p>I disagree with the proposed rule because there's something sloppy or deceptive going on. The reference is to "re-fingerprinting" of active California attorneys. Doesn't "re-fingerprinting" mean "fingerprinting again those who have already been fingerprinted?" It is curious that the discussion does not specifically address that issue and, instead, speaks to a process of obtaining fingerprints from those "for whom the State Bar does not have fingerprint images."I was sworn in so long ago that I have no recollection of providing fingerprints but I assume that I did provide fingerprints. And, if I did, I assume that all other California lawyers did.Is the problem that the State Bar has dropped the ball by securing some images but not others? If so, how widespread is the problem? Or, is the real plan to require all active California lawyers to be fingerprinted again?</p>		
<p>I submitted my fingerprints as required just before I was admitted to practice law in California in 1959..I pointed this out to the State Bar Representative over the telephone and she said , in substance: "those prints were to allow me to be admitted to practice, whereas the new prints would be "placed on file"".I.asked why they wanted them again so as to be "placed on file" when they already had them, and she had no reason..As a matter of principal, I think someone should say why you need everybody to go to the expense and time of getting the new prints and submitting them and cataloging them before you pass a rule that says everybody has to do it.The world will not "stop" if I have to do it, but why waste everyone's time and money without stating some justification for the expenditure of such time and money.Noel Conway</p>		AF!, BR.
<p>The Rule should be modified to include a requirement that the State Bar provide and maintain an efficient means for an active licensed attorney of the State Bar to ascertain whether the State Bar does or does not currently have fingerprint images of the attorney so that the attorney knows whether he or she needs to be re-fingerprinted.</p>		
<p>I have no problem having a secure database and methodology for preventing non-lawyers from appearing or practicing the law (in whatever degree). I do not know enough to know if there are less-invasive methods for doing it.</p>		Alt. opts
<p>Most attorneys follow the law dutifully and consistently. Re-fingerprinting practicing attorneys and forwarding the fingerprints to the Dept. of Justice puts the appearance of impropriety on an innocent, hard-working group of dedicated professionals who in almost all instances is a benefit to our society in the State of California. The inference of impropriety is improper and the trustworthiness of the Dept. of Justice is potentially an area of suspicion when the President of the United States has access to the records of the Dept. of Justice.</p>		No PP
<p>As an attorney, I also suggest that DNA samples be acquired from all attorneys. Such a data bank could prevent false accusations against attorneys in the future.</p>		

COMMENTS	ATTACHMENTS	CATEGORY
<p>There are myriad reasons the Fingerprinting Rule (FR) should not be adopted. The rule has not been shown to be necessary, the rule imposes an unfair financial and time burden on attorneys and applicants and anyone else who must comply and the rule would add to an already bloated state bureaucracy whose costs go on through eternity. It also adds to and perpetuates an officially sanctioned mindset that California attorneys are basically untrustworthy and if left to their own devices will do widespread harm to the citizens of the state. There is nothing to show that any benefit will come from the cash expenditure of \$15,000,000 (the State Bar's number) and the waste of countless uncompensated hours (whose value was either not considered or deliberately not reported by the State Bar) by active attorneys and applicants which will be required for compliance. The tiny numbers of attorney criminals who, under the worst of circumstances, will otherwise go unreported cannot in any sense justify the incredible ongoing cost of accomplishing this vexing and totally unnecessary project. The \$15,000,000 cash and the value of the uncomputed wasted time does not even consider the on-going burden of additional full time State Bar employees to needlessly maintain and manipulate the data generated in perpetuity. This creates a huge financial burden for attorneys who already pay exorbitant State Bar dues and fees and the tax payers of California. The empire building element of this proposal alone is sufficient reason for it to be buried forever. The mentality that California attorneys need a Gestapo-like entity to oversee them seems to be alive and well; this proposed rule is a solid indication that it is also increasing in magnitude as well as intensity. As the product of minds and hands which do not have enough productive work to do, this proposed rule, has few equals in being a total negative. I urge its rejection as a whole.</p>		BR., \$\$, NO PP
<p>I have read the proposed law. The Bar required my fingerprints in 1983. Obviously they have not changed. My question is why the 1983 fingerprint record is no longer good. The rule identifies attorneys "For whom the State Bar does not currently have fingerprint images". It was my assumption that you have required this for all new attorneys. There can only be a reason for the law if that is not true or the images have been lost. If neither is true, this is a waste of time and money. Please advise me of the factual basis for the law.</p>		AF!, , NO PP
<p>I believe this to be an unnecessary burden imposed upon legal professionals. For those of us who submitted fingerprints when originally licensed, the State Bar should not then require re-fingerprinting. Certainly technology exists to allow the State Bar to obtain criminal history without burdening attorneys to re-submit fingerprints. The implication here is that attorneys don't self-report as required by the Rules of Professional Conduct which I believe to be an inaccurate assumption.</p>		AF!, BR.
<p>I have no concern about the general idea of requiring fingerprinting of members of the State Bar. However, the proposed Rule appears to require fingerprinting even of attorneys who have previously submitted their fingerprints. The State Bar's moral character determination already requires fingerprinting of applicants for admission to the Bar. Many of the Bar's members will have already borne the expense and inconvenience of fingerprinting when they applied for admission. Recently admitted attorneys are certainly included in this group. Law is already an expensive and demanding profession. Imposing additional expenses and inconvenience on the Bar's members--especially new members--should be avoided wherever possible. I therefore oppose the proposed Rule to the extent that it requires re-submission of fingerprints that the State Bar already has access to or re-submission of fingerprints that were provided by members within the past five years.</p>		AF!, BR., \$\$
<p>This rule amendment is unnecessary and a solution in search of a problem that does not exist. There are no findings that there is a problem in California with attorneys failing to self-report crime. Before supporting this amendment the State Bar should consider whether this is a problem. This is not an inconsequential rule change -- it makes every CA attorney bear the cost and time of getting fingerprints. California attorneys have already submitted fingerprints and undergone extensive moral character investigations. We should not have to bear the expense of doing this again. We already pay hundreds of dollars a year to maintain licensing (and more if we have an LLP or PC). This is an unnecessary onerous provision without sufficient reason. Furthermore, there is a tinge of hypocrisy in requesting that DOJ provide CA information when CA has most major cities and counties declaring themselves "sanctuary cities" and refusing to voluntarily cooperate with the federal government on immigration issues.</p>		WN#, NO PP, BR., \$\$
<p>At this time the Department of Justice is being run by White Supremacist. Who knows what will happen in the future and what Orwellian turn our government will take. There appears to be no valid reason to finger print every attorney in California. I can understand it for those who have to interact with the DOJ. So, I think this proposed law is frightening and absurd to state it mildly. Why should my occupation require me to disclose my personal information? This proposed rule is wrong on so many levels. I suspect the majority of attorneys will feel that way and the law will be passed anyway. So much for democracy. This proposed law makes it clear we live in a police state.</p>		PRY.
<p>One more thing to get and store info that could be used improperly</p>		PRY.
<p>The e-mail alert about the proposed rule refers to a "re-fingerprinting requirement," which suggests that lawyers who have submitted their fingerprints in the past would have to be fingerprinted again, and other text in the e-mail suggests the same. But the actual proposed rule says that the requirement would apply to members "for whom the State Bar does not currently have fingerprint images." Which is it? And assuming the requirement would only apply to those for whom the Bar does not currently have fingerprint images, how would an attorney know if the Bar has such images on file or not? The rule should provide clearer direction by notifying all members if anything would be required of them or at least providing a quick and easy way for them to check on that. In addition, the rule should provide a fingerprinting service for public sector and public interest attorneys to reduce the burden on such attorneys and to ensure consistency in the process.</p>		
<p>Everyone who has served in the military has already been fingerprinted and their prints are on file with DOJ and in personnel records of the DoD. If someone were to run my prints, they would show up. If the bar requires this intrusion, please provide a rationale for requiring a new set of prints. I am pretty sure mine haven't changed. Is this just a convenience factor for a particular database, because the federal government does not know that I am a member of the state bar? Why should the federal government (other than the federal courts which have admitted me to their bars) know that I am a member of the California bar?</p>		AF!
<p>The State Bar said in an email that it wanted all active attorneys to submit a new finger prints. In contrast, the new rule says that the State Bar will only ask for finger prints from those active attorneys who had not submitted finger prints. I submitted finger prints when I first applied for membership in the State Bar. No one who has already submitted finger prints should be required to resubmit because the State Bar already has them. I hope that the State Bar will not require a person in my position to pay for and and take the time to resubmit information that the State Bar already has.</p>		

COMMENTS	ATTACHMENTS	CATEGORY
I respectfully submit that we need less time-consuming bureaucracy not more! All of this extensive background information, including fingerprints, was painstakingly provided when joining the Bar in the first place. Surely people's fingerprints do not change over time! This is taking bureaucracy to an unnecessarily high level in my view. Thank you for the opportunity to provide comment.		AF!, BR., \$\$
This seems to be a waste of time and money and entirely without purpose. I'm not sure what you seek to achieve by this law and rule. Has there been a rash of lawyer criminals that the police cannot find because they don't have their fingerprints? I doubt it. Therefore, the purpose of this is unclear and amounts to harassment and an invasion of privacy. By the way, if you require an email address a person is hardly "anonymous" in their comments. Apparently, the same persons that came up with this rule/law also created this form.		NO PP, BR., PRY., \$\$
I oppose this proposed rule. Per Business and Professions Code section 6101, a district attorney or city attorney must notify the State Bar of any felony or misdemeanor proceedings against an attorney. If the attorney is convicted, the clerk of the court must send the State Bar a certified copy of the judgment within 48 hours. Further, under Business and Professions Code section 6080, an attorney must notify the State Bar of any felony indictment or information against the attorney, as well as a conviction of any felony or a misdemeanor involving moral turpitude. These laws are sufficient to ensure that the State Bar is on notice of criminal proceedings against attorneys, which might subject the attorneys to discipline. The additional burden of requiring licensed attorneys to submit to fingerprinting so that the Department of Justice may notify the State Bar of any arrests of attorneys, apparently for any crimes whatsoever, is unwarranted. Per Business and Professions Code section 6102, attorneys are not subject to discipline for arrest, but rather for convictions of felonies or crimes involving moral turpitude.		RR#, OB#, BR.
The proposed rule is overbroad, unduly burdensome, and an invasion of privacy and rights protected by the Fourth Amendment and Fifth Amendment of the U.S. Constitution. There is no legitimate reason to require the fingerprints of every attorney in the State of California. The rule would impose an unreasonable and unnecessary financial burden on every taxpayer in the financially overburdened State of California. The rule would impose an unreasonable and unnecessary financial burden on every attorney fingerprinted (to say nothing of the theft of time and opportunity costs associated with the process). This is the sort of thing that gives the State of California its bad reputation and the nickname "The People's Republic of California."		Unconst., BR., PRY.
All attorneys were previously fingerprinted as part of the Moral Fitness test. Therefore, there should be records already and the finger print does not change. Moreover, I'm sure the state bar becomes aware of any subsequent arrest if it affects moral character one way or another. Additionally, the percentage of lawyers committing crimes, I'm sure is lower than the general population.		AF!
Unwanted waste of government funds		
I submitted fingerprints when I was admitted to the Bar in 1975. Why should I have to re-submit them? The State Bar has my fingerprints. Another bad idea from our state bar, which is still run by the corporate attorneys. Lawyers in solo practice and small firms already have enough stupid rules that have been imposed on us by the corporate types. They should go bill some more hours to the corporations that want to rule our fine state.		AF!
The State Bar should bear the cost burden of re-fingerprinting using a portion of the annual fees collected from active attorneys.		\$M
First, it is silly to impose this burden on California lawyers. Since the time I was admitted to the bar in 1984 or 1985, I have not been fingerprinted for any reason, so far as I recall. I have in that time reached the age where my recollection may be suspect, which is why I cautiously added the caveat about my recollection. I am confident that the vast majority of California lawyers do not get fingerprinted after they are admitted to the bar. Second, if the State wants to police lawyers, it should bear the cost of this unreasonable burden. Lawyers will have to take time out of their lives and practices to do this. That is already too much of a burden considering the lack of any benefit that will come of it.		BR., AF!, \$M
At some point does Big Brother just take over our lives. I had to be photographed going into Disneyland this week and now the bar, that I have been a member of for over 30 wants to intrude in a slight fashion, I admit, but nonetheless an intrusion. Why not just get a DNA and dental chart from each of us also. I personally prefer the approach of just staying out of my life and over the years feel I would be several thousand dollars better off. You might detect I am disillusioned with the entire process, which has no negative marks in my legal career, just more and more mounds of garbage (I will use nice terminology) as the years move on, and the more liberal courts, cramming their ideals down our throats, with the bar association in lock and step. I do count the days to retirement and the chance to get out of this state. When I do, what becomes of my fingerprint records?		PRY.
Why does the State Bar always act like attorneys are the bad guys? The number of arrested attorneys is a small %. Why inconvenience everyone? And why arrest notification? What happened to the presumption of innocence!!!		BR.
I agree with the proposed rule for the reasons stated in the proposal.		
Lawyers should not be treated as criminals who are required to be fingerprinted. What is the public safety issue? Are Judges required to be fingerprinted? Legislatures? Who is next? Is Big Brother taking over?		
The rule is fine, but the cost of fingerprinting should be included in our Bar dues. This is important for public lawyers who's dues are covered by their agencies. There's no downside in doing this and you'll get better compliance.		\$M
In order to become a California Attorney in 2010, I was subject to LIVEScan Fingerprinting. I paid the fees then. I do not think I should have to bear the cost of fingerprinting again, simply because the State misplaced my fingerprints or didn't place them in a database and hang on to them.		AF!, \$M
It seems to me that the purpose of the rule makes it applicable to "INACTIVE" as well as active members. I was admitted in 1973, almost 45 years as a member. Although INACTIVE for the last several years, and with no advertising whatsoever, I still occasionally get blind calls to perform legal services. I have no facts at all regarding the number of inactive members there are, but if the number is not too great would it be unreasonable to 1) make the rule apply to inactive as well and 2) have the Bar pick up the tab as it does for many of us old codgers regarding Bar dues?		
I am absolutely opposed to this.		

COMMENTS	ATTACHMENTS	CATEGORY
<p>I am currently an active, practicing attorney. I do not necessarily disagree wholesale with the public protection policy that apparently gave rise to this proposed rule. I am, however, concerned with the following language in the proposed rule: "...for whom the State Bar does not currently have fingerprint images," and "...for the purpose of obtaining criminal offender record information regarding state and federal level convictions and arrests." Regarding the first clause: First, will the DOJ notify attorneys for whom it does not currently have fingerprint images? This language implies that the DOJ already has fingerprints for some, but not for others. Second, many attorneys have already had fingerprints taken multiple times (e.g., LiveScan) in order to complete background checks for federal, state, county, or municipal employment. If an attorney has had fingerprinting done for employment purposes, will the results of those existing background checks be available and accessible to the CA DOJ in lieu of having "new" fingerprinting done under this rule? If not, why not? It seems unreasonable to require attorneys who are employed by public entities, and therefore have had fingerprinting done already -- and who often earn comparatively lower salaries -- to incur this cost, when the information sought by the DOJ could readily be obtained from an existing law enforcement agency. California's attorneys -- many of whom struggle to keep up with the high cost of living in the state -- should not have to bear the burden of the inability or unwillingness of law enforcement agencies to devise protocols for communicating with each other. Regarding the second clause, will the proposed fingerprinting rule be a one-time only duty and expense? Will it be a continuing (i.e., ongoing) obligation by every attorney? Will the fingerprints be maintained by the DOJ and provided automatically to the State Bar upon request? Will the DOJ and State Bar share a database? How secure will this information be? In short, HOW will the DOJ and the State Bar use the fingerprint data as "a critical component of public protection," and to "strength[en] the State Bar's discipline system," as contemplated by the Supreme Court's 10/20/17 letter?</p>		AFI, 1#, SCY
<p>I have been a CAL BAR member since 1979 and I was fingerprinted at that time. I may be older, but my fingerprints have not changed and I see no reason to re-print them. The proposed Rule provides for the BAR to pay for fingerprinting lawyers who are paying reduced dues. I absolutely do not want to pay for fingerprinting any other lawyer. The rule should specifically provide for a one-time fingerprinting if, and only if active BAR members fingerprints are not on file, and there should be no cost difference for any active members. Furthermore, there should be no cost at all for any members as the Bar should arrange for fingerprinting and submission by any police department in CA.</p>		AFI,
<p>There is no sound reason for this rule. It adds more burden on the private bar and gives in to state collection of data that can be done by other means. And to insult to injury it makes attorneys have to pay for it. Awful!</p>		NO PP, BR., \$\$
<p>So, we're considered to be such heinous criminals that we HAVE to submit to being fingerprinted so the DOJ can hunt us down and arrest us in order to "protect the public"? The California Bar Association should NEVER require or allow the State (or the State Supreme Court) to mandate scarlet letters for it's membership. There are NO WORDS which I can utter in public to describe how strongly I disagree with this proposed rule.</p>		
<p>Requiring all attorneys to be re-fingerprinted would be a waste of time and money. Will the bar notify those for whom they do not have prints that they need to comply? How do I know if the Bar has my fingerprints already? The Bar should request prints only for those who need to comply.</p>		
<p>This is burdensome for the majority of attorneys who do not and never will have a criminal record. We are all asked to detail any criminal information in our applications and swear to it. This feels like another peice of personally identifiable information that the Bar does not need and it could reach its objectives of keeping criminals out of the bar by other means.</p>		BR., PRY.
<p>Why is this being done? It looks like a solution without a problem. It is unnecessary and a waste of money and resources. In my 20 years in the CA bar, I have never had an issue where this was a problem.</p>		WN#, BR., \$\$
<p>This is frighteningly Orwellian. It is unconstitutional and completely un-American. It also perpetuates the myth that lawyers are untrustworthy and reprehensible, so much so that they need to be monitored for criminal behavior. How would this go over if it was proposed for cops, physicians, City Council members, and business leaders? It is offensive and should be dropped immediately as a viable rule.</p>		PRY., Unconst.
<p>This is a waste of time and state resources.</p>		BR., \$\$
<p>If I understand this proposed rule, if the Bar (through its own records retention policy) did not keep my fingerprints, I am responsible for the cost and hassle of re-fingerprinting. This does not seem fair or appropriate. I fully agree that the bar should have a background check process. The moral character evaluation done by the National Conference of Bar Examiners costs hundreds of dollars. I have already paid large sums of money to confirm my uneventful personal history, and I am fairly certain I submitted fingerprints to the Bar Association when I was admitted. Given what we pay each year in Bar Association dues, it is a significant additional expense of time and money to re-create fingerprints we have already paid for and provided to the Bar.</p>		\$M
<p>What is the point of public comments when the who thing is a done deal. Insulting.</p>		
<p>I agree that "requiring fingerprints of all applicants and active members is a critical component of public protection and strengthens the State Bar's discipline system."</p>		
<p>I have no problem getting fingerprinted however, since the State Bar has lost, misplaced or for whatever reason no longer has the fingerprints the cost for active members of the bar who do not have a fee waiver should not have to be put on the backs of the lawyers. There is no information as to where a member can be fingerprinted. Why hasn't he State Bar contracted with a third party to do the fingerprints? That way irrespective of who end up paying the cost will be reduced.</p>		\$M
<p>For those attorneys who have already submitted to fingerprinting, it is a waste of time and money. Fingerprints have not changed. Use the ones already on file. For attorneys who are required to undergo "re-fingerprinting" they should be compensated for the cost in time and money for the process.</p>		AFI, BR., \$\$
<p>No overriding public purpose behind this proposed rule. Attorneys are subject to investigation and showing of good character prior to bar admission. Such investigation as it exists is sufficient. Subjecting attorneys to fingerprinting further depreciates the status of the profession and casts a taint upon the existing and prospective Members of the Bar. I suspect the number of "felons" attempting to go to professional school who study and actually manage to pass the bar and "sneak" through the character investigation to gain standing as admitted attorneys is de minimis. Cost and procedural requirements to institute this program are another reason it is ill advisable.</p>		NO PP
<p>I do not feel this is necessary as there are already self-reporting requirements in place as well as the fact that judges and DA's report as to certain crimes as it pertains to attorneys. I feel this is costly and additional hoops and issues for attorney's to deal with.</p>		RR#, \$\$, BR

COMMENTS	ATTACHMENTS	CATEGORY
Unnecessary and onerous.I was fingerprinted 30 years ago when I took the bar exam. Why should I have to do it again?Waste of resources-devote instead to attorney discipline for ripping off the public.No other professional license requires this.		BR., AF!, \$\$
I have already been fingerprinted and have never suffered a criminal arrest, complaint or similar issue.If the State Bar of California has somehow lost or misplaced my fingerprints, then they should pay or reimburse the costs of new fingerprints. For me, living in a remote community, far away from a "fingerprinting" service, would cause an unnecessary hardship if I needed "new fingerprints"		AF!, \$M, BR.
This would be extremely burdensome for licensed attorneys and especially burdensome for those who live out of state. There are less options for fingerprinting services out of state, which I found out when I had to get fingerprinted for the Bar exam and was not living in CA.		BR., OOS B.
We cannot be expected to waive all of privacy rights for the sake of practicing law. If a criminal conviction interferes with our representation of a client, the court and the client will be able to bring that to the attention of the State Bar. In addition we have self reporting requirements. It is unfortunate that the State Bar wants to assume that we do not abide by those.Part of being a professional is abiding by the rules and regulations of our practice. It would be tragic if the court forces us to chose between our bar cards and our privacy. When we were sworn into the bar we affirmed that we would follow the constitution, presently the State Bar is trying to interfere with the rights granted us rather than uphold the principles of the document we swore to follow.		PRY., RR#
Don't make me pay for your disorganization.		\$M
I object strongly, I was finger printed when I was admitted, have been finger printed repeatedly for various governmental programs for whom we (my program) receive funding and I find the inclusions by governmental agencies and demands that I submit to additional finger printing intrusive and offensive; the system already has my prints, why do you need them again?		AF!, PRY.
Forty years ago I passed the Bar and part of my licensing process included fingerprinting. I assume that the same procedure has been followed for each person following in my footsteps. An undertaking this large is going to reap financial benefits to someone and it will cost many others. If I was shown that some problem has arisen and the lack of an attorney's fingerprints complicated the issue I might reconsider. But, at some point, the constant intrusion into all areas of one's life, simply for the purpose of gathering information about people and storing it, has to stop.		AF!, NO PP, PRY.
This rule seems likely to produce an unreasonable burden on members of the bar without commensurate benefit. The state would appear to have the resources to check incoming criminal convictions against bar members names, and, if a match seemed to exist, could request additional fingerprints from the affected individual to confirm. For anyone practicing and continuously abiding by the law, this creates an immense burden of conducting the additional fingerprinting (presumably in person with an ID) and/or a significant cost burden on the bar for preparing all of the resources to do this. The significant cost to both the state and to members of the bar would not be warranted by the potential benefit of obtaining fingerprints that are relevant to only a very small minority of bar members. In sum, the state could tailor a method that addresses its need which is much less costly, and does not present an unreasonable search, as the proposed rule does.		NO PP, BR.
I disagree with the proposed rule because it adds another unnecessary layer of bureaucracy to practicing attorneys. Attorneys that have been arrested, prosecuted, etc. should have to (if they don't already) self-report to the State Bar or face consequences. It is more of a burden though for the rest of us to have to identify an approved finger-printing provider, take the time to be finger printed and pay for this service. Additionally, I was finger-printed when I sat for the State Bar and also when I obtained my security clearance.		BR., RR#, AF!, \$\$
I do not understand the issue:1) What straw-man problem are we trying to solve? The imposter (criminal) attorney who does what exactly?2) How much better off, quantitatively & qualitatively, will "the public" be with such a rule in place (e.g., are attorneys a greater public hazard than, say, teachers)?Finally, whatever the bar is doing to weed out bad apples is NOT improving the public image of attorneys, but portrays attorneys as potential dangers that better be heavily policed.		NO PP
The State Bar has my fingerprints from the first time. My fingerprints have not changed since then.		AF!
I am a civil libertarian and am therefore opposed to unwarranted and unnecessary gathering of personal information to reside in data bases where it can be hacked by third parties, or used by State and Federal agencies in an unconstitutional manner without consent.We submitted finger print data when admitted, and absent evidence of fraud or misconduct that should be sufficient.		PRY.
It is unnecessary, burdensome and needless over-regulation on attorneys trying to serve the public and earn a living.		BR., PRY.
I believe that as lawyers we should be held to a high standard of ethics and morality. Taking members' fingerprints will reveal if a member has been convicted of an offense that could make them unfit for our profession.		
The proposed rule is glaringly deficient for numerous reasons, It fails to address what the State Bar may and will do when it receives an arrest notification and what the attorney's obligations are to the State Bar to explain the arrest. Any investigation by the State Bar into an arrest before a conviction and any requirement for the attorney to explain it to the State Bar could interfere with the legal proceedings and damage or destroy the attorney's defense as well as his or her right to remain silent. This rule is also overly broad and fails to limit DOJ's reporting of arrests for charges that relate to the practice of law. The State Bar should not establish and maintain a record of every arrest, but rather only those that both relate to the fitness to practice law and that ultimately lead to a conviction. What is the State Bar going to do with these arrest records and related investigation records when the charges are dismissed or the attorney is acquitted at trial? Will the State Bar keep these in a file and allow them to prejudice all future inquiries and actions involving the attorney? Like anyone, attorneys are falsely accused of crimes and wrongfully arrested. An arrest, by itself, can destroy an attorney's career and life, and cause a tremendous amount of stress and uncertainty. The State Bar should not be in the business of receiving arrest records, harassing attorneys who have merely been arrested but not convicted of anything, and then keeping records of those arrests to discriminate against the attorney. An attorney who is falsely arrested should not have to explain anything to the State Bar unless and until he or she is convicted. Further, an attorney who is arrested but never convicted should not have to worry about the existence of a record of the arrest acting as a cloud on his or her internal or public state bar record to cause discrimination.		OB#

COMMENTS	ATTACHMENTS	CATEGORY
<p>I am specifically addressing the concern relating to who bears the cost of fingerprinting (see below for the proposed pertinent section of the rule with a proposed amendment). The vast majority of the attorneys have nothing to hide and thus presenting the fingerprints for review is not a concern. Unfortunately there are a few attorneys who do not live up to the high standards that most of us hold for the legal profession and thus I agree with the need to find those who have demonstrated the lack of moral character necessary to practice law in this state. However, it is unjust to have the many pay for something the few may have caused. Thus, I respectfully request that the proposed rule be modified to include a term that if the attorney who pays for these costs are cleared of any suspicion of criminal conduct will be reimbursed for the expenses incurred to comply with this rule. The statute does not require the state bar to mandate the resubmission of the fingerprints for those of us already licensed so to reimburse us for the expense the state bar is now requiring will balance the fairness of this rule. This is the provision of the proposed rule to which I lodge my recommendation for a modification with possible language to consider: 3. Fingerprint Submission and Processing Costs All costs of providing criminal history information to and the processing of fingerprints for, the State Bar, including print furnishing and encoding, as required by section 6054, shall be borne by the licensed attorney. [PROPOSED LANGUAGE: Those attorneys who are later cleared of any prior convictions and arrests as stated herein shall be fully reimbursed by the State Bar for all costs of providing criminal history information and processing of fingerprints as well as third party print furnishing costs incurred in compliance with this rule.] The State Bar will cover the DOJ and FBI processing costs for licensed attorneys who have been granted a fee scaling or fee waiver for annual membership fees pursuant to State Bar Rule 2.15(A) or 2.16(C)(3)(c). These attorneys will pay for all third party print furnishing costs.</p>		\$M
<p>This is an obvious attempt to start a money-making cottage industry. Everything published to date has failed to show any real value or purpose for this new rule. Those promoting this requirement are attempting to take this nationwide. The ultimate administrative expense is unjustified. This starts the ball rolling for other cottage industries to market to our organization. This could result in payoffs, kickbacks and bias.</p>		NO PP
<p>I've been an attorney in California for 34 years. I am deeply offended by this proposed rule. Let's get this straight - you want force me to submit my person to search and seizure (my fingerprints) at my own expense without any particularized suspicion that I have committed any wrongdoing. This is classic State Bar overreach. The State Bar is held in very low esteem to begin with (it's a completely dysfunctional entity) and now you demean all lawyers regardless of circumstance. This is yet another example of how out of touch the Bar is. This rule is unnecessary absent some suspicion of wrongdoing and demeans all lawyers. I vehemently oppose this Nazi-like rule.</p>		Unconst.
<p>Current background checks upon admission to the Bar and previously existing self-reporting requirements are more than sufficient to "protect the public" from members of the State Bar.</p>		RR#, NO PP
<p>I object to the intrusion without a warrant or probable cause. Additionally, if the state wants to impose this obligation upon attorney's they state should require similar re-printing of law enforcement through-out the state with the state reporting on issues they find. This is the laziest most unconstitutional route for the oversight of attorneys. I expect, statutory authority or not, that there will be litigation against this slovenly over-reach</p>		Unconst.
<p>Fingerprints do not change to my knowledge What is sought to be accomplished?</p>		AF!, NO PP
<p>I believe all attorneys licensed in California had to submit fingerprints to the State Bar as part of the Bar application. Therefore, the Bar should have fingerprint images of every licensed California attorney and the proposed rule serves no purpose, unless the Bar didn't retain the fingerprints submitted by all Bar applicants/licensees. If the Bar didn't retain fingerprint images of all attorneys, the Bar, not the attorneys should bear the cost of any re-fingerprinting or investigation efforts. Further, requiring any attorney to be re-fingerprinted and to pay for criminal investigations without any cause is a significant burden and will be costly to the attorneys of this state as well as the Bar. This effort is not a good use of our mandatory Bar dues. The Bar should be focused on present discipline and licensing matters, and should not spend Bar dues investigating its members without any cause.</p>		AF!, \$M, BR.
<p>For out of state attorneys, this requirement is difficult to meet. I am a law professor out of state, I use my California License in Federal Court in Florida. Please do not require this.</p>		OOS B.
<p>Compliance with this proposed rule will carry a price tag of millions of dollars to be borne by California attorneys. The social benefit to California residents of this rule is unsubstantiated by adequate studies or evidence. A cost-benefit analysis would appear to weigh heavily in favor of a rejection of the proposed rule.</p>		\$\$
<p>Absurd.</p>		
<p>In principle, I have no problem with such a rule (even though I submitted my fingerprints with my Bar application). However, as a practical matter compliance in my case would be a hardship: I reside in Vienna, Austria. I was fingerprinted here when I obtained my current visa, but I do not know if the local authorities would give me a copy and certify that it was of my prints.</p>		OOS B.
<p>The email heading indicates that you are re-fingerprinting licensed attorneys but the proposed rule seems to say that only attorneys who don't have fingerprints with the bar would be included. I am confused. Is there going to be a re-fingerprinting requirement or not?</p>		
<p>I strongly disagree with the proposal Rule. California Business &amp; Professions Code sec. 6068, which has been in effect for many, many years, imposes a mandatory duty on all attorneys to self report felony charges and certain types of misdemeanor convictions. This section states: It is the duty of an attorney to do all of the following:...(o) To report to the agency charged with attorney discipline, in writing, within 30 days of the time the attorney has knowledge of any of the following:...(4) The bringing of an indictment or information charging a felony against the attorney.(5) The conviction of the attorney, including any verdict of guilty, or plea of guilty or no contest, of a felony, or a misdemeanor committed in the course of the practice of law, or in a manner in which a client of the attorney was the victim, or a necessary element of which, as determined by the statutory or common law definition of the misdemeanor, involves improper conduct of an attorney, including dishonesty or other moral turpitude, or an attempt or a conspiracy or solicitation of another to commit a felony or a misdemeanor of that type. Rather than requiring all attorneys to undergo DOJ scrutiny, it seems less intrusive, and more consistent with our profession's long-standing ethical obligations, to simply expand the types of information attorneys are required to self-report. If the Bar is concerned that members are being charged and convicted of criminal offenses without its knowledge, Rule 6068 should be modified to expand the scope of the self-reporting obligations so that members are required to report the information the bar seeks to collect. If members fail to self-report, that fact alone should be a basis for discipline. The proposed rule ignores the significance of our existing ethical duties in favor of expediency and data collection. I do not support the proposed Rule.</p>		RR#

COMMENTS	ATTACHMENTS	CATEGORY
I have enough intrusion into my life and work. What is the real purpose? Necessity? YOU do not need more information without a real good reason		PRY.
Information on the estimated cost to comply with the new regulation should be provided prior to adoption of the new rule		
I was already fingerprinted once when I was sworn to the bar. I didn't like it then, but I did it because I wanted to be an attorney. There is no reason to do it again. Requiring a person to be fingerprinted carries a suggestion that we expect the person to commit a crime. It's insulting. Further, it's pointless. When attorneys do commit crimes, they are usually the kinds of crimes that cannot be solved using fingerprint evidence, such as stealing from a client, driving drunk, or using drugs. This measure won't prevent attorneys from committing crimes, it will just stigmatize the profession by suggesting lawyers are criminals. I work hard to defend the accused and help them with social services. I buy shoes for my clients and help them get into rehab. Quit perpetrating the stereotype of lawyers as dishonest.		AF!, NO PP
I haven't seen any evidence that this rule is necessary or that such actions will significantly improve attorney services and ethics in the state. Furthermore, people, including attorneys, get arrested for crimes for which they are never convicted or for crimes that have nothing to do with ethical behavior. The regulation overreaches and impinges on the rights of active attorneys. As for specifics, how will attorneys know if the Bar already has their fingerprints? Weren't we already fingerprinted? This seems like a rule looking for a problem.		NO PP, OB#,
Over the years, I have been finger-printed for the State Bar of California, various community service activities, foster care, etc. Fingerprints are now taken by Live Scan and quite expensive. I do not understand why governmental agencies cannot work together and access the fingerprinting that is already on file. Instead, you wish to waste both my time and money.		AF!
Hell No! If you want to search my person, get a warrant from some rubber stamping judge. I will not be surrendering my Constitutional rights without litigation. James Coady 106682		PRY.
Why are you putting more financial burdens on licensed attorney's. This requires the expenditure of money and time, which is money, to comply. If the State Bar wants this information the State Bar should have to pay for it.		\$M
This is an unnecessary expense and burden on attorneys. Incidents warranting discipline primarily arise in connection with the attorney/client relationship, not attorney interaction with the criminal justice system.		\$\$, BR.
Prediction: a lot of attorneys will accidentally be going to "inactive" status in the next 2 years. Reason: We're busy enough as it is, trying to work, have a life, etc. Prediction: there will be data breaches related to the transfer of information between the Bar and DOJ. Reason: Antiquated technology. AS/400? FTP? I hope good encryption is part of the process, as well as regular software updates, patches, and security audits. If not, you may as well prepare for the inevitable breach, legislative inquiry, and lawsuits. Prediction: Low compliance. Reason: In addition to the first prediction, most of us just don't want more government intrusion into our lives. We have enough as it is.		PRY.
I submitted fingerprints when I was admitted to the bar in 1975. Are they no longer readable? I am 67 and plan to retire sometime soon, but probably not for 5-6 years, which means I'd be required to submit new fingerprints just to continue practicing for a very short time. Hence this suggestion: How about exempting active attorneys over a certain age? 65 has a nice ring to it.		AF!, EX#
This is still another unnecessary expense to California attorneys. When admitted to the Bar most attorneys already provided their fingerprints. Why can't authorities use those fingerprints? Why should admitted attorneys have to bare this expense again? I can see the Bar requiring attorneys to resubmit their fingerprints every 3 years going forward when they renew their licenses. If the Bar wants to do this, the money should instead be taken out of Bar dues already paid each year by attorneys. I don't support this proposed Rule with its additional cost to attorneys. Thank you.		BR., 1#, \$M
Are we becoming Big Brother Like Russia?		PRY.
Fingerprints don't change. Why do we need to do this again?		AF!
Please stop bothering those of us who spend our lives working day and night (and weekends) trying to eek out a living in this profession. For those of us who have an unblemished long standing history with out State Bar, please leave us alone. We were fingerprinted when we applied for admission. It's hard to imagine any of us have different fingerprints years later (thought I know digital fingerprints may be more effectual now). How about you focus your efforts on attorneys with discipline issues, and have THEM re-fingerprinted. Also, I do not have time to go get fingerprinted and I certainly don't have the money to absorb another expense for my State Bar. I pay a significant fee for membership each year. I have no idea where that money goes, other than to deal with admissions process and dealing with offenders. Have THEM pay for fingerprinting. I DO NOT WISH TO PAY FOR ANYTHING ELSE. I honestly still wonder where my yearly dues go. But, I have to earn a living, so I pay my dues.		AF!, BR., \$\$
This is an overreaching unnecessary invasion of privacy. The State Bar does not need this information. If enacted I will feel violated and abused. It is insulting. Please leave law enforcement to law enforcement! Perhaps you should concentrate on prohibiting illegal aliens from practicing law in VIOLATION of Federal law.		PRY.
There are already many attorneys that have complied with this. Requiring those attorneys to resubmit a fingerprint card is wasteful, costly, and time consuming. Cal Bar should be required to notify only those attorneys that need to file a fingerprint card and require only those that do not have fingerprints on file to submit them. This would alleviate the unnecessary requirement that all active attorneys resubmit their fingerprints.		AF!,
I'm commenting on this proposal as a member who is located in Canada. The purpose of my comment is to request that the State Bar please consider that it has many active members who are located outside of California - but also outside of the USA. As you consider how to operationalize this, and the related deadlines, please consider that these ex-US members may have more limited access to fingerprint locations and technologies, and that costs may be greater for them, depending on where they are located. Due consideration should be given to these ex-US members, to ensure the fair application of the rules to them, so that this doesn't become an unreasonable burden, in terms of costs, timing and access. Indeed, as an example, the drop-down boxes on this comment website doesn't even allow for non-US states to be entered! The Bar needs to do a better job of (at least) acknowledging its ex-US member base, and treating them fairly.		BR., Foreign#
You have made no case in the materials you have sent to us why this would be necessary or a good idea. It's burdensome and unnecessary as best I can see.		NO PP, BR.
there is no compelling reason to do this. just saying it it critical does not make it so. just another imposition on the most regulated attorneys in the country and passing the cost on to them is insult to injury.		NO PP, \$\$

COMMENTS	ATTACHMENTS	CATEGORY
I do not have a concern with the rule itself. However, I am concerned with the implementation, as I do not see any proposed or draft procedures. Questions that come to mind include, but are not limited to: - Where would an attorney go to get fingerprinted?- How will the fingerprints be authenticated as genuine/original? Will they be electronic and certified by the agency taking them? Will they be certified and then submitted by the agency? or the member? - How will active duty military attorneys serving out of state comply?The devil is in the details. As an active duty JAG officer and member of the California Bar who is not stationed in California, I am always concerned with the details. v/rMarlesa Scott		Implem.
This is cumbersome and obtaining arrests (from an employment law perspective), is discriminatory.		OB#
A procedure for out of state active attorneys who have valid fingerprints on file now should allow an opt-out option if resubmitting fingerprints already in the possession of the bar would create an undue burden.Each attorney should receive an email from the bar indicating whether fingerprints are currently on file. Re submission of fingerprints makes little sense. The burden on the FBI and DOJ to process thousands of prints in a compressed time period is an unnecessary burden to the agencies.Attorneys who were admitted prior to the requirement to submit fingerprints should be required to provide the. Submitting prints already on file just creates busy work with no appreciable benefit to the public or to the bar.The method of submitting prints should be clearly defined, especially for out of state attorneys.		OOS B., BR.
I see no reasons specified for this proposed rule; are there numerous dangerous criminals infiltrating the profession? Bizarre.		NO PP
Of all the problems created by nature or calamity and the idiots in charge of this state, this is not one of them.Look out world, violent, sex crazed attorneys are on the loose! We must find them.Meanwhile, let's let all the convicted criminals run the streets, continue sanctuary cities, counties and the whole damn state!!!illegal alien criminals welcome, we will protect you from the vicious attorneys who dare to try to get rid of you!		NO PP
The proposed Rule conditions the requirement on submitting fingerprints for those attorneys whose fingerprints does not have fingerprint images. How is an attorney to know whether the State Bar has or does not have that attorney's fingerprints. I was admitted in 1991. I know for a fact that all of us at that time who sat for the Bar Exam had to be fingerprinted and submit the fingerprints to the State Bar. My assumption is that the State Bar still has those fingerprints, and therefore, I would not expect to have to submit another set of fingerprints. The State Bar may have lost my fingerprint image, or it may have been destroyed somehow. How would I know?There must be a means in which the State Bar examines the active attorney rolls, confirms whether the State Bar has an image of those fingerprints, and notify those attorneys who must submit or resubmit fingerprints. Better yet, the State Bar should be required to notify all attorneys of their fingerprint status, e.g., a letter stating the Bar does have a fingerprint image for that attorney and no further submission is necessary, or a letter stating that it does not, and if previously submitted, the reason that the attorney is being asked to submit a new fingerprint image.		
1. The Bar's errors will correct itself by the passage of time. New attorneys get fingerprinted, and previously printed attorneys will phase out with time. Attorneys getting in trouble will get caught by other than fingerprinting.2. The State Bar should pay for it's errors, and not attorneys who have already been fingerprinted.		\$M
Dear Bar Committee:Other than new applicants to the bar whom are required to submit fingerprints and follow through with a background check with the State DOJ-I feel that it's duplicative and unnecessary to request current memeber and inactive members whom already passed the background check to continually resubmit fingerprints and a DOJ review. Perhaps only individuals that have Felony Criminal records should be required to submit a new. Background check. Upon applying to the bar - most of the new layers from my generation, like myself, have already passed the background check and we have submitted our fingerprints upon application to the bar. I feel it would be costly, time consuming and create more record keeping by the bar. What's next? Propose a new committee to manage all the new information this procedure will garner? Please vote NO on this newly enacted proposal. There are other ways to insure the public safety.		BR., AF!, EX# NO CRIM
Ridiculous. Why single out Attorneys? What is the point? Already have finger prints on file from a number of organizations over the years. Additional red tape, costs and unnecessary time.		BR., NO PP, AF!
AS a retired attorney who still retains an active license, I think this proposal is utter nonsense. There serves no purpose to anyone other than the bureaucrats who are paid to conduct this shit. I am surprised there is no provision to submit a dna sample along with prints.If this stupid thing passes, I urge the State Bar to pay for it.		NO PP, PRY., \$M
If the rationale for the rule is that the State Bar wants to know if a licensed attorney was convicted of a crime, shouldn't current government (both State and Federal) employees be exempt from this rule? Federal employees are fingerprinted as a condition of employment (and I imagine State employees are, too?). In addition, a criminal conviction that's serious enough to lose your law license is serious enough to lose your government job.Also, the first sentence of paragraph (b) is poorly drafted. At the very least, it needs a comma after "or may require a member to".		AF!
Regarding "Fingerprints submitted before the proposed Rule takes effect will not be valid for purposes of complying with the new proposed Rule."I understand the need for switching from older ink to new computerized fingerprint images for modern technology, but why should an entirely new set be required if my images are already in a State system? (I recently submitted new print images at Lancaster State Prison for the purpose of renewing my CDCR Security Pass.) Shouldn't such images be capable of being shared among state agencies saw long as they are up to date?		AF!
All active attorneys were already figer printed on admission to the state bar. The basis for re-print can only be to search out criminal activity. There is very little such activity in active bar memebers or at the very least there has been no disclosure of information on that topic. Attorneys are mostly thieves ( stealing client trust funds)and drunk drivers. Both of these crime are easily found out by the state bar. In conclusion only require incoming attorney to submit their finger prints as in the past.If the figureprint requirement passes, no inactive attorneys should be required to have their prints taken. Only in the event that an inactive attorney becomes active should they be required to be re-fingerprinted. The state bar has no interest over retired attorneys. But in no event should an inactive attorney risk loss of license because on the new re-fingerprint requirement.		NO PP
It costs significant money like \$75+ to get printed electronically. Plus the local sheriff has a 4-6 week delay. I did it already for a different purpose yet EACH state agency requires print submission. This is understandable but why can,t doj who already has the data use it?Pyramid building one the high tech boys getting a little less than 100\$ for 5 minutes work. If doj has a site to print once for all agencies requiring prints for a reasonable fee no problem but this is one of unintended consequences.This will change if all judges are required to be printed at their own expense. What about the elderly attorneys and pro bono guys, the expense is unnecessary.		AF!, \$\$

COMMENTS	ATTACHMENTS	CATEGORY
I challenge any party asserting that this will provide any benefit to consumers to present actual data supporting such assertion. Otherwise, I am concerned that this is yet another excuse to broaden bureaucratic rent seeking at a time we can least afford it. The only beneficiaries of this policy that I can see are those people who are paid to take and process fingerprints. I'm far from convinced that's the special interest most in need of welfare at this time.		NO PP
What a huge waste of time and money. My fingerprints have not changed since becoming a bar member. What has the California State Bar done with fingerprints on file?		BR., \$\$, AF!
I am a California licensed attorney practicing out of the state of California due to military service. I would highly recommend you consider an option allowing individuals who are subject to frequent screening (such as security clearance investigations) to be able to provide proof of such recent screening in lieu of fingerprinting.		AF!
Requiring re-fingerprinting will be financially burdensome both in the monetary cost and the lost time and inconvenience for attorneys all over the country--but mostly for attorneys who represent indigent clients and whose income may not afford additional expenditures. Thank you for your consideration.		\$\$, BR.
Since it only involves criminal law practice, it makes sense for those practice in criminal law to submit the fingerprint images. Unless Bar Association bears the expenses and makes it convenient for all attorneys, it makes no sense to burden all active and no discipline record attorneys to submit them.		\$\$, BR.
I agree that the State Bar should be able to obtain fingerprints, but only from a licensed active attorney who is being disciplined by the Bar for a criminal law violation and/or for violation of the duty to self-report a criminal violation as required by the Professional Rules of Conduct. I do not believe that attorneys, like me, who have never been arrested and have never had anything more than a traffic ticket should be compelled to provide new fingerprints. Nor should all the good attorneys in this State have Big Brother--this time the State Bar--looking over their shoulders at all times. Instead of increasing the "police power" of the State Bar, and, clearly, increasing the cost of same (through bar dues) to the attorneys who have done nothing wrong--just because a small percentage of attorneys commit crimes and fail to report same--is just plain wrong. The State Bar should believe that its members follow the Rules of Professional Conduct unless and until a particular attorney gives the Bar a reason to believe to the contrary.		EX#, PRY.
This rule change is not needed and is only done to invade the privacy of attorneys		PRY., NO PP
As an out of state resident, please make sure the process for obtaining the fingerprints can easily be applied nationally (or internationally).		OOS B.
The rule should either be rejected or be amended to include mandatory submission of DNA samples, face recognition photos and retinal scans. The proposed mandatory collection of fingerprints is out of touch with modern technological means of identification. If the objective is to ensure the receipt of "potential subsequent arrest and conviction notification of criminal information" then all modern means of identification should be included in rule and should be provided to the DOJ data bases.		PRY.
No objection but kindly keep in mind the logistical realities of out-of-state members like me.		OOS B.
I have been licensed for more than 51 years and believe that I submitted fingerprints at the time of admission, but I cannot be certain of that fact. The rule should require the State Bar to notify active members and inactive members applying for transfer to active status whether or not they already have fingerprint images on file so that if so they will not have to incur the expense of submitting a new set. Alternatively the rule could require the State Bar to notify attorneys without prints on file a reasonable time before the deadline.		, AF!
I am simply sick and tired at the continuous invasions of our personal privacy which this proposed rule constitutes.		PRY.
I have already been fingerprinted. Resubmitting fingerprint records is redundant and unnecessary.		AF!, BR.
This sounds like it will be a waste of our dues and will fail to achieve any significant effect.		NO PP
Nothing in the proposed rule explains why such a burdensome procedure is necessary or justified. If the rule applied only to older attorneys who had never submitted fingerprints, I supposed there could arguably be some justification. But why on earth should those of us who duly provided prints when we were admitted to the bar be forced to shoulder the cost and inconvenience of this exercise? I am strongly against the rule. Bar no 223183		NO PP, BR., AF!
There is zero benefit or logical rationale for this proposed rule and it should be rejected out of hand.		NO PP
Sad but necessary		
Lawyers' statements are notoriously ambiguous. The Bar's email regarding the proposed rule fits the stereotype. Each active member of the Bar must "submit or resubmit" fingerprint images. But action is required only if the "State Bar does not currently have fingerprint images" for the attorney. Huh? I was fingerprinted when I applied for admission to the Bar. Yet, from the Bar's email, I have no idea whether I would be affected by this rule. Does the Bar have my fingerprints? The word "resubmit" suggests the Bar does not "currently have" all fingerprints provided in the past. Did it lose some? Have certain prints expired in some manner? I live in Washington, DC. When I was admitted, I was obliged to be fingerprinted at a California County Sheriff's Department, even though federal facilities used the same fingerprint imaging technology. Will I be obliged to fly to California to have my prints retaken? One could offer various observations on the proposed rule from a principled perspective: Does this requirement undermine the Bar's self-reporting rules? Does it strike the right balance between individual privacy and the public interest? Given the Supreme Court's letter and the Bar's duty to comply, however, I have confined my comments to practicalities. Please kindly communicate clearly to the membership how the proposed rule would impact us. Confusion benefits no one.		, OOS B.
Stupidest idea ever. Waste of time and money.		\$\$, BR.
The proposed rule will cause significant financial hardship to attorneys living outside of the United States. The proposed rule requires that every active licensed attorney submit fingerprints to the State Bar "pursuant to the procedure identified by the State Bar." This procedure, described in the November 3, 2017 memo titled "Proposed California Rule of Court Regarding Fingerprinting of Active Licensed Attorneys – Request for Public Comment," will require attorneys to submit fingerprints through the "Live Scan" system. To the best of my knowledge, "Live Scan" fingerprinting services are available only within the United States. Accordingly, active licensed attorneys living abroad will be forced to travel to the United States at their own cost to be fingerprinted. If they fail to do so, they will be moved to inactive status and unable to practice law. Because of the significant financial hardship imposed on attorneys living abroad, the proposed rule should be rejected. Please note that the State Bar likely underestimates the number of California attorneys living abroad, because many such attorneys use a U.S. mailing address. This is often necessary because forms, including the State Bar's Proposed Rule Comment Form, require the use of a domestic US address.		OOS B.

COMMENTS	ATTACHMENTS	CATEGORY
Attorneys are obliged to update the Bar should the information on their initial application to the Bar change. As such, licensed attorneys have a continuing obligation to report convictions, changes in address, etc. Requiring updating of all finger-printing records, is an unnecessary burden for attorneys who have no changes to report. In addition, the cost of reviewing and filing these updated finger-print records is a waste of Bar resources.		RR#, BR.
To paraphrase Shakespeare, "The first thing we do, let's fingerprint all the lawyers".How absurd.Let's start with the fingerprinting the justices of the California Supreme Court.		
IT IS NOT REASONABLE TO HAVE AN ATTORNEY BEAR THE COST IF THE STATE BAR DESTROYED HIS OR HER FINGERPRINTS WHILE THERE IS NO COST TO THOSE ATTORNEYS WHOSE FINGERPRINTS WERE NOT DESTROYED. -- LET THE BAR BEAR THE ENTIRE COST AND ASSES THE SAME AMONG ALL LICENSED ATTORNEYS		\$M
Dear State Bar of California:As a proud member of the California Bar practicing in-house for Johnson and Johnson at it's World Headquarters in NJ I have two comments:1. I know I was fingerprinted when first admitted in 1983 - if the Proposed Rule is implemented there should be a mechanism available on-line to identify if the California State Bar still has my past fingerprint images;2. if one determines that the California State bar does not have their fingerprint images, there should be a mechanism to allow out-of-state bar members to submit their fingerprints without needing to travel to California.I leave it to the good judgment of the California Bar leaders to determine whether there is a sufficient public interest to implement the Proposed Rule.		AF!, OOS B.
The expense and time requirement is burdensome. A solo practitioner is already burdened with costs of continuing education as well as books and materials. The increase in costs flows to the client. The courts pay very little for appointed work and pro bono work pays nothing. The costs of operation and licensing with malpractice insurance have already priced lawyers fees very high. The low income client is not being helped and courts are filled with pro per litigants in need of legal advice. There seems to be no end to the costs of maintaining a license to practice law.		BR., \$\$
I am an active, licensed attorney living in the UK. I recommend consideration be given, if the rule is accepted, to accommodation provisions for attorneys living outside the USA. These might include additional time to comply, as fingerprinting facilities are not as readily available in foreign jurisdictions as they are in California, or optional, alternative means of satisfying the underlying purposes of the rule.		OOS B.
After this, shall I be required to consent to the State Bar's demand for DNA swabs? For ankle bracelets and body cameras? For monitoring software on my computer? And, to support the State Bar's finances, shall I be required to bear all costs of such? Fingerprinting as an occasional activity to supplement background checks is sensible. Fingerprinting as an obligatory, repetitive activity undertaken by every member of the State Bar has no rational purpose other than PR. What this rule does is add an additional tax on members, in the form of paying for fingerprinting and the subsequent check and in the form of time and effort spent complying. What this rule does is open the door for additional forms of privacy intrusions that will be increasingly violative.		1#, NO PP, PRY.
A specific provision should be added to exempt or otherwise address active duty military personnel, especially those stationed overseas. Many California lawyers currently serve as Judge Advocates across all branches of the U.S. Armed Forces. By and large these public servants do not qualify for fee waivers and will have to bear the cost of this program with their already inadequate base pay. To complicate matters, many military members serve overseas for extended periods of time (sometimes spanning 2, 3, or more years) and will likely be unable to comply with this requirement without incurring thousands of dollars worth of personal travel expenses. Service members who are deployed to combat zones (i.e. Iraq, Afghanistan, Syria, etc...) or to other restricted locations will likely not have the flexibility to even take leave, much less return to a place where this requirement can be completed. In he end, all military Judge Advocates are required to maintain at least a Secret-level security clearance and are should therefore be free of the misconduct that the California legislature and the Supreme Court are concerned about. Based on this, active duty Judge Advocates should be exempted from this requirement. Alternatively, there should at least be a fee waiver for service members and a special provision that grants flexibility in the timeline for those serving overseas.		AF!
I respectfully submit two comments: 1. The proposed rule imposes a requirement on licensed attorneys "for whom the State Bar does not currently have fingerprint images". The State Bar must indicate to members therefore whether or not the State Bar has their fingerprint images. 2. Some accommodation should be made for members who reside overseas. The proposal does not reference the mechanism by which fingerprints would be collected and submitted to the DOJ. However, it is a safe bet that prescribed mechanisms will not be easily accessible from outside the country. The State Bar should recognise that common mechanisms in the United States (police station fingerprinting, notaries public, public official oaths, etc.) are not commonly found in non-U.S. jurisdictions. One might consider, therefore, an exemption for overseas attorneys or at minimum some process whereby this procedure is simplified. Such accommodations may come with security risks, however, I suspect the issue is a small one and balanced by the burden of requiring lawyers to travel great distances to avail themselves of exclusively local mechanisms.		, OOS B.
My fingerprints have not changed since I became an attorney. I doubt very few attorneys' fingerprints have changed since they became licensed, so this seems completely unnecessary.Why can't the State Bar use the fingerprints I submitted when I was licensed?Did you lose them and thereby violate my Privacy rights?What's next? DNA samples? Retina scans?! live overseas so this will be a difficult procedure with greater costs than for attorneys in the USA. If you persist in this, you should allow us to reduce our annual fee bill by the cost it takes to comply with this new requirement.This is the stupidest and most unnecessary thing the State Bar has done in the 27 years since I became a member. I hope that the membership of the State Bar will vote all of you out of office at the next election, or tie you up in litigation and burn through your budget as you try to simultaneously defend hundreds or thousands of lawsuits.		AF!, OOS B.

COMMENTS	ATTACHMENTS	CATEGORY
<p>If the State Bar is willing to come down hard on people who practice law without a license or who are defrauding people, then it would be beneficial. However, I am not sure if re-fingerprinting everyone would be productive unless there were serious consequences for all people who were violating the law and/or the State Bar rules, not just in large cases. It is my understanding from personal experience from working in another town that The State Bar can not or will not take action against non lawyers anyway. Many years ago, I was working in a personal injury firm when I learned from my boss that a man without a law license would sign up "clients" and charge them for his work. Many attorneys who took over for this non attorney after he would be fired by his clients, including my boss, would report him to The State Bar when he would ask for money from the settlements. It is my understanding that The State Bar repeatedly told the attorneys, including my boss, that they had no authority over him because he was not an attorney. The police would not file charges because they said it was a low priority. Thus, the man was repeatedly able to get his name on settlement checks by insurance companies that did not want to deal with the issue. The man knew the only remedy was to sue him, which would be expensive and would cost a great deal of money; sometimes more than the settlement itself. So, he was always using his leverage to hold up the clients' settlement by demanding excessive amounts of money. Fingerprints are already required for new applicants anyway and it seems that, for the most part, people who practice without a license can stay under the radar.</p>		NO PP
<p>This is an idiot idea that never should have been proposed. There never was any actual need for it as the proposed coordination between attorney arrests and notification to the state bar was never needed in the first place. It must be an extremely rare case where such coordination would be in any wise beneficial. People seem to have a compulsion to change things that don't need changing. A rule such as the proposed one would just generate additional trouble and expense for many thousands of attorneys and cause them to collectively waste millions of dollars and millions of hours of time. Moreover, fingerprints once taken are good forever, and there is no need to "re-fingerprint" anybody. I would say just trash-can this stupid idea.Thank you.George Wynns SNB 287373</p>		NO PP, BR., \$\$
<p>This proposed rule is offensive, intrusive, and ill-conceived. The Bar already has more than enough personal information about each one of us to run all relevant rap sheets it wants, to discover if we've broken the law since we were admitted. As a former prosecutor I found that a full name, date of birth and address were sufficient to obtain DMV, CII, NCIC and FBI rap sheets on criminal suspects. Most raps also specify that they are not to be used for licensing or employment purposes, so what business does the Bar have with them?What of the fingerprints that the Bar has had since we were admitted? Do they think there's been an invasion of Bar-card snatchers, imposters operating under others' valid licenses that will be exposed through this process? And if the Bar actually runs AAFIS checks on us it will be a poor use of our dues, running thousands of rap sheets in hopes of catching the odd miscreant whose conviction was not reported by the attorney himself, or by the court that convicted him/her. Requiring members to submit to and pay for this process, over and above the dues that already support the Bar's discipline process, unfairly burdens the vast majority of innocent attorneys.It's also unlikely that anyone who has been practicing law for any length of time would engage in the sort of false personation for which an AAFIS check is meant. We must maintain too much of a paper trail, which militates against using a false name. Police routinely fingerprint arrestees and run AAFIS checks anyway, so if we did try to give a fake name at arrest it would lead, at least, to the addition of our true name as an alias on the police report. This proposed rule is insulting, overbearing, unnecessary and burdensome. It should NOT be adopted.</p>		AF!, BR.
<p>I work outside the United States and it will be a significantly high expense to travel from abroad to California just for the purpose of giving fingerprints. I would appreciate it if the Bar could look into solutions for this such as providing an option to provide the fingerprints through the US Embassy where the member reside. The Bar should assist its members on this through coordination with the State Department/DOJ. Thank you</p>		Foreign#
<p>Within the last couple of months, I was fingerprinted as a volunteer for the 4H Clubs of San Mateo County, which is sponsored by the University of California. There should be an exemption for those attorneys who have already been fingerprinted for another California agency in the last year, or six months. Being fingerprinted over and over again for each agency makes no sense in this day and age of computers. The agencies should share this information and save the time and expense.</p>		AF!

COMMENTS	ATTACHMENTS	CATEGORY
<p>When is the bar going to stop fee generating against attorneys? It is becoming harder and harder to keep a practice going when you keep coming up with unnecessary fee generating against attorneys. Doctors who practice and are required to keep people healthy and alive do not have to go through what we go through. We are required to get additional classes at high costs and the State of California bar does not care on how difficult it is to run a practice when you keep putting in unnecessary costly and timely rules in addition to everything else we have to do to keep our license. Why do we have to reprint. If we are charged and convicted with a crime the District attorney is required to report it to the bar anyway. The extra fingerprinting is overkill. The classes are outrageous in costs just to keep our license. And to become a specialist the classes are even higher and the costs are so high which is why no one is taking the test anymore. When is the California Bar and the legislature going to stop fee generating against attorneys and actually do something for us for the fees we do get charged. I know more struggling attorneys that you can imagine. We do not all work for big firms and the solo practitioners are being priced out and having to drive for UBER to make ends meet. Especially in areas like Riverside. Clients cannot even afford attorneys in Family Law and in other areas. I feel this is nothing more than another requirement and fees we cannot afford. We have the highest bar dues in the country and the most regulations and fingerprinting with the DOJ will not prove anything as if an attorney had been convicted of anything they would have already been notified by the state district attorneys already. When we signed up we were put through the ringer including fingerprinting with the DOJ at the time. This is absolute overkill and just another way to squeeze out more money from a profession that is struggling now especially the sole practitioner. I pay large bar fees and get nothing from the bar. Half the time they do not even call you back or give adequate information. And yet paralegals are able to do the same thing and they do give legal advice and are not regulated. They will never join the bar as why would they want to pay \$ and be regulated? When is all this fee generating against attorneys going to stop by California? This is a ridiculous idea and you would do better at trying to help attorneys then keep hindering them with more fees and more regulations we have to do. I am already working until 2:00 am every day just to keep up. As a solo practitioner I am completely against this and it takes time away from clients to fulfill everything the bar wants to heap on our shoulders. The bar has never done anything for me with all my years of paying dues and this is not to protect the public it is to get more fees. STOP with the madness against your attorneys and start helping them instead of finding ways to beat them down all in the guise of protecting the public. Who protects us from the public certainly not the bar I pay into.? This is absolute overkill on having to do this again as I said if I was convicted of a crime the DA would contact the bar as they are required to do so..You would already know without any additional finger printing. Seriously? All of this regulation, additional classes at the costs they charge and costs make it impossible to get ahead. Makes me consider getting out of practice as we already have to much stress in our profession. No wonder 25% of attorneys in this state have substance abuse problems.</p>		\$\$, RR#, NO PP, BR.
<p>I am an active member of the bar, but I have lived overseas for the last 13 year, fingerprinting makes no sense.</p>		OOS B.
<p>If the purpose of the proposed rule is to document post-admission arrest(s), the bar could simply ask. There are rules in place regarding candor, integrity, etc. I'd be happy voluntarily to provide whatever information the bar or the Supreme Court deems appropriate,</p>		RR#
<p>Redundant.</p>		AF!
<p>Agreed that the new SAN application in conjunction with the DOJ being able to alert new arrests for licensed attorneys is a necessity but disagree that the fingerprints should be kept by them indefinitely. Further, there should be a limitation as to specific occurrence of fingerprints and definitely NOT more frequently than every five years. This seems to be very intrusive to have such an open ended rule. I believe a five year criminal check of fingerprints would alleviate the need to keep track of attorneys' fingerprints indefinitely.</p>		1#
<p>This proposed rule is onerous, unnecessary, a violation of rights, and unconscionable. What is the reasoning behind this rule? Most lawyers just like most people in any other profession will never commit a crime or violate a rule of ethics. And for those who do, there are plenty of laws that already exist to pursue them for their transgressions. Why should lawyers be suspected of being immoral or having criminal intent or be required to give fingerprints for any reason? And requiring lawyers to pay for this is ridiculous.</p>		BR., Unconst., NO PP
<p>All costs paid by the attorney should be able to be deducted from bar dues. Attorneys have already submitted fingerprints. If the bar didn't retain them, it should not be the attorney's problem.</p>		\$M
<p>The rule is a violation of the privacy rights of California citizens, including the rights of citizens who practice law. The Bar should be suing the State of California over this new law to have it declared unconstitutional. The privilege of practicing law in California cannot be used as a justification for requiring California citizens to give up their Constitutional rights of privacy.</p>		PRY., Unconst.
<p>The state bar presently has sufficient information on each licensed attorney. This new rule will subject attorneys to an additional burden and a further invasion of their private lives outside of the practice of law.</p>		BR., PRY.
<p>I remember having my fingerprints taken by a classmate who worked for the Department of Justice when I applied for my license. They seemed to be acceptable at the time. Maybe my fingerprints have changed during the almost 35 years since then.</p>		AF!
<p>To require an active member in good standing to submit to fingerprinting or be subject to inactive status is punitive and speaks volumes on how the BAR feels about its members. You fingerprinted us when we applied for admittance to the BAR. Why must we be required to do it over and over is just another intrusion into our already busy lives.</p>		AF!, BR.
<p>The requirement that all attorney's submit fingerprints is not required by B&amp;P Code section 6054, and thus is a State Bar rule only. No information is given that this intrusion, cost, and implication of criminality within the profession meets an actual need. It therefore appears to be merely a paranoid oppression, not an actual protection of the public sufficient to justify its intrusiveness, cost, and implied insult to all members of the bar. Peter H. Liederman.</p>		NO PP, PRY.
<p>This sounds like a solution in search of a problem.</p>		NO PP

COMMENTS	ATTACHMENTS	CATEGORY
<p>As the head of a public law office, I am the City Attorney for the City of San Buenaventura(Ventura), I fully support the concept of having attorneys be accountable for their actions--including when they run into the criminal justice system. When all of my attorneys were admitted to practice, each of us were fingerprinted. We took the time away from our jobs to get this done and we paid all of the costs associated with submitting them to the State Bar. The City fingerprints all of its employees--including the attorneys in the City Attorney's Office.My only objection, and it is a very strong one, is that the attorneys who have fully complied with the law by previously submitting fingerprints are being asked by the State Bar to pay once again to be fingerprinted. It was the State Bar that broke the law--not the attorneys. As a result, I do not mind giving my staff time off to be fingerprinted once again. This is a question of public protection. However, please recognize that if the attorneys in my office have to pay to be re-fingerprinted, my office budget will have to reimburse them for these costs. Such expenses are not currently within my office budget.When the City makes a mistake, we are held accountable. We pay our debts and face up to the consequences. I expect no less from the State Bar and ask that the requirement that those current members of the bar that have previously submitted fingerprints that were unlawfully destroyed by the State Bar be reimbursed by the Bar for the actual costs of being re-fingerprinted. This is the proper and ethical thing to do. As attorneys, we are held to high ethical standards; we expect no less of the State Bar.I trust that this comment will be seriously considered.</p>		SM
<p>Requiring every active attorney that has been admitted for more than 3 years to be fingerprinted again is an undue burden and expense. There are alternatives to verify whether a member of the Bar has been arrested, such as examining their name as shown on CA ID and comparing it to the official records of the bar.The cost of over \$9,000,000 would much better serve the public by applying those funds to any of a variety of projects in the public interest, including legal aid.In addition to the monetary cost, the burden of requiring tens of thousands of attorneys to be fingerprinted again would take tens of thousands of hours of time of both attorneys and law enforcement. The value of the time required for every attorney to be fingerprinted again would be at least \$30,000,000 (100,000 x \$300/hour). Thus the total value of the effort would be close to \$50,000,000.00. That is a lot of money.How many any criminal attorneys do you hope to catch? 5? 10? There are other and better ways to protect the public without making everyone do this again at great expense.For example, how many attorneys already have provided fingerprints as part of TSA precheck? Why don't you allow the government to supply those fingerprints to DOJ?If I understand the situation correctly, the CA BAR destroyed all hard copies of old fingerprints and now wants all members to pay out of pocket and spend a lot of time to correct this mistake.How many attorneys do you really think are illegally practicing law that will be discovered as a result of spending tens of millions of dollars on this project to re-fingerprint every active attorney. Are there not other ways that we can better serve the public with \$9,000,000 in cash and over 100,000 attorney hours?! would rather do two more hours of pro-bono work than have more fingerprints taken.The vast majority of attorneys are law abiding officers of the court. More than 99% of these fingerprints will never serve any use.Questions: 1) Will all CA judges be subjected to re-fingerprinting? It is important to know if they have been arrested as they administer justice.2) Will all CA court employees be subjected to re-fingerprinting? They have access to important court records and could tamper with them.3) Will all employees of the CA State Bar be subjected to fingerprinting? They have access to and could tamper with important State Bar records?</p>		BR., \$\$, NO PP
<p>The proposal that attorneys pay for the fingerprinting is unfair because all attorneys have already paid for their fingerprinting upon admission and this problem was caused by the Bar's failure to keep those records. We should not have to pay for incompetence. The exception for those who receive scaling or waivers also is not broad enough. It does not account for attorneys who work for the government, nonprofits, and small firms who would bear the expense themselves.</p>		AF!, \$M
<p>I submitted my fingerprints to the bar long ago. The members of the bar are some of the most upstanding people in the state. We were checked out by the bar before we were admitted to the bar and the bar has kept tabs on us since. You are not going to find any new information on attorneys that you don't already have. This rule is an insult to California attorneys. We deserve a little bit of respect from an organization that we have supported since we became attorneys.</p>		AF!
<p>The costs of such a rule should be borne by the State Bar itself and not by the attorneys required to comply with the rule. Although this proposed rule is grounded in the interest of public safety, there is no justification for essentially surcharging attorneys to comply with the proposed rule. This process may be repeated regularly as the State Bar will likely desire "updates" every few years. To the extent that it requires attorneys to comply with such an already inconvenient rule, the State Bar should bear the cost of administering the rule. At the very least the cost should be waived for any attorney who has not gained a subsequent record of arrest or conviction since their admission to the bar, when they were previously fingerprinted.</p>		SM, 1#
<p>The State Bar basically threw out the fingerprints that almost all of the members submitted, and now it proposes that this be done again and that the members pay for it.The idea that it "costs" \$49 to handle these fees is ludicrous. That is what the State of California, to gain revenue, charges - there is no evidence that it costs that amount, and the idea that it does defies logic.Requiring the members to get new fingerprints is an imposition, but a reasonable one. Requiring payment of additional monies is nothing more than a revenue grab and should be opposed by any thinking attorney.</p>		SM
<p>What is the rationale for getting attorney fingerprints? We already are vetted through the admissions process. How does the Bar propose to safeguard our personal fingerprints against cyber attack? Isn't there enough risk to our privacy out there without the Bar association wading into cyber security issues that it is in all likelihood unequipped, understaffed and underfunded to handle? I'd like the Bar's resources focused on enhancing the profession. I don't see how this proposal (or lowering the bar exam requirements) enhances confidence in the profession.</p>		PRY., NO PP
<p>Bar dues are expensive, we don't need another expense. And not all of us have the time to go get fingerprinted. We also submitted fingerprints when we registered to take the bar exam. I strongly oppose this added expense and inconvenience.</p>		\$\$, BR., AF!
<p>Just treat all attorneys as criminals why don't you. Coming from the the bar organization that hired employees in the past that embezzled hundreds of thousands of dollars.This proposal is outrageous.</p>		
<p>Big mistake. What's next DNA samples from all attorneys. Fingerprint if disciplinary actions reach the level of moral turpitude.</p>		PRY.
<p>It's a silly and unnecessary idea.</p>		BR.

COMMENTS	ATTACHMENTS	CATEGORY
While I agree in principle with the State Bar's efforts to strengthen its enforcement capabilities to better protect the public, criminal records are generally searchable with simply a social security number and a name. The added cost of fingerprinting appears unnecessary in the absence of evidence to the contrary. If the State Bar insists on taking this added and apparently unnecessary precaution of collecting fingerprints from active attorneys and attorneys wishing to come off inactive status then the cost of the unnecessary fingerprinting should be born by the Bar and not the attorneys. Additionally, by adding yet another cost to membership, the State Bar makes it financially more difficult for people of poorer economic classes to become attorneys in California. The State Bar should bear the cost of the fingerprinting by budgeting for it appropriately from the dues already paid by active members.		NO PP, AF!, \$M
A few comments:1. DMV has fingerprint records. My finger was scanned electronically at the DMV within the last 30 days. Why cannot the State Bar get those DMV records? It would save a members' time, hassle and expense.2. The State Bar received my fingerprints 42 years ago and then failed to secure them. Why should I bear the expense for their failure to secure the evidence.3. Where are these fingerprints to be taken? It should be at a location that opens early or stays open late. I no longer work long hours, but I used to work 50-60 hours a week, plus time at home. It would be a hardship for attorneys to have to take time off during their work week to comply.4. Given the current environment of ever more quickly eroding privacy, the growing power of Homeland Security, and the contempt for the rights of citizens that is being embodied by the current administration, I am loath to provide any additional information to the federal government.5. The present president of the United States may be setting up a private military force, a secret non-restrained black box organization. I find this eerily reminiscent of the Gestapo and I think the State Bar should think long and hard if they want to give information to the D.O.J. in light of the pattern of near complete toadyism that is being demonstrated by the appointees of the current president of the United States. If the bar organizations throughout this country cannot recognize the real possibility of outright fascism developing in this country, I would suggest that they recognize that in many ways Germany was the most important commercial, intellectual and scientific center in the world before Hitler. If it happened to Germany, it certainly can happen in this country. Steven Mendelson		AF!, \$M, BR., PRY.
I was admitted in 1977 and submitted my fingerprints at the time. I see no need to have to travel to California to get re fingerprinted, as my fingerprints have not changed		AF!
The Bar has had my fingerprints since long before I became a member. If it has lost them, the cost of remedying that should be the Bar's, not mine.		\$M
How about exempting those attorneys who have been members of the State Bar in excess of 50 years without any known prior discipline, arrest or convictions. Perhaps allowing a declaration under penalty of perjury to those members who would qualify with 50 years of membership.		EX#, ALT. OPTS
The Bar's failure to keep fingerprints on active licensed attorneys as required should not result in attorneys having to bear the cost of this failure. It is not fair and is unduly burdensome to attorneys.		\$M, BR.
I see no reason for forcing attorneys to incur unnecessary expenses. I had my fingerprints done and submitted to the State Bar when I applied for my current license. My fingerprints have not changed since I sent them to you. Did you lose them?I presume you continue to fingerprint new applicants. Forcing already licensed attorneys to "resubmit" their fingerprints serves no purpose whatsoever. If you lost all our prints why don't you just say so and request new ones? If that were the case I would have no problem with it, but to just require it for no valid reason is another story.		AF!
Such a rule would brand attorneys as suspect criminals in the public eye. I never had to submit my fingerprints for any accounting job I ever had. If I had committed a crime I would expect to be fingerprinted, but not before. Taken to extremes, every person whoever worked for another would need to be fingerprinted just in case they might commit some crime in the future. I understand how it might protect the public but I also understand the stigma for the attorney being fingerprinted, in the public eye. I thought that people in this country were innocent until proven guilty.		
Costly and unnecessary. This would be a waste of resources for all parties.		\$\$, BR., NO PP
The Bar needs to clarify what they are actually proposing. The proposed rule itself says re-submission of fingerprints would only apply to "[e]ach active licensed attorney of the State Bar for whom the State Bar does not currently have fingerprint images." That would not seem to be a big deal since most, if not all, licensed attorneys previously submitted fingerprints and the Bar presumably kept them. But, the Bar has created confusion by putting "Proposed Rule on Re-Fingerprinting of Active Attorneys" as the subject in the memo announcing the proposed rule. Also, the statement "[f]ingerprints submitted before the proposed Rule takes effect will not be valid for purposes of complying with the new proposed Rule", when taken out of context, makes it sound like fingerprints submitted with our original bar applications don't count. However, in the context of the sentence immediately preceding that one, which says "[p]lease note that this proposed Rule is not yet in effect and a re-fingerprinting requirement for current active attorneys is not yet in place", it sounds like all the Bar is saying is that a member cannot preemptively comply with re-submitting his/her fingerprints in advance of the rule taking effect.		
This will result in additional cost and sacrifice of time. I strongly disagree.		\$\$, BR.
What possible justification can there be for requiring active attorneys who already submitted fingerprints as a condition of admission to the bar, to submit them again? Fingerprints don't change. This looks like one more financial burden on attorneys who already pay outrageous annual fees (euphemistically called "dues," as if the bar were some prestigious country club we all aspire to join) and get very little in return. Stealth taxation is all I see. As usual, the largest and most adverse impact will be on the solo or small-firm attorneys. If there is a legitimate reason for this broad grant of new authority, it is not apparent from the material provided here.		AF!, \$\$, NO PP
This is insulting.		
When I applied for membership in the State Bar of California back in 1973 I was required to and did submit fingerprints at that time. I have no idea if that requirement was subsequently dropped and there are now members of the Bar who have not submitted fingerprints, and if so perhaps there is reason to require those member to submit fingerprints. As to those of us who submitted prints as part of our application process I am certain our fingerprints have not changed over the years (sadly I can not say the same for hair color or waistline).In addition, at least some of us reside overseas and would face substantial costs for this redundant procedure.		AF!, OOS B.

COMMENTS	ATTACHMENTS	CATEGORY
<p>Bar admission applicants do not have a vested property right in their law license. That's why they must submit biometric and other very personal information in order to pass the moral character requirement. Attorneys already have a vested property right in their licenses. They should NOT be required to re-submit their fingerprints and be treated like criminals once again. The collection of biometric ID by any state agency is a despicable practice. There is no way to secure it, erase it, rescind it or dissociate from it. The term "public protection" is now just a dog whistle for the prosecutors and civil defense lawyers who run the bar at the expense of those who oppose them. The rest of the bar became attorneys to earn an honest living and do not participate in boards, committees or pro bono events as they merely feed and glorify the beast. It is bad enough that most attorneys have to continue to fund those who persecute us with state bar dues. We do not have any trust or faith in you (the bar) anymore than you have trust or faith in us. We do not want to be a part of you or "volunteer" anything as personal as our fingerprints to you.</p>		Unconst.
<p>We at SJC believe that the notion of fingerprinting attorneys is absolutely essential and we wonder why this has not already been the rule. All attorneys should have this automatically refreshed, this makes sense and it serves to protect the public. We are concerned about the costs passed on attorneys. We are legal service attorneys who earn sub-market incomes. Passing on additional costs hurts our ability to represent low income individuals. We think that the costs should be specially scaled for people who work at 501c3 nonprofit legal service organizations.</p>		\$\$
<p>Burdensome and costly. Attorneys should know they have an ethical duty to inform the State Bar of any criminal proceedings or arrests.</p>		BR., \$\$, RR#
<p>While recognizing the benefits of ascertaining, through fingerprinting, members' and applicants' past criminal records and the monitoring of their future conduct, I very much oppose the collected fingerprints becoming part of some permanent federal database. I do not think we can rely on any governmental entity, but in particular the Dept. of Justice, to limit its use of the filed fingerprints to the stated, restricted purpose. How does the State Bar of California secure an enforceable obligation from the DOJ which absolutely will prevent future use, whether by this or some future presidential administration, of the fingerprint database for other purposes? I don't believe that it can and the result will be one more intrusion into our privacy and Constitutional rights. Balancing the advantages of fingerprinting to ascertain proper character against what I think is a relatively high chance that the fingerprints will be misused in the future by one or more governmental entities--another erosion of our civil liberties and rights--I come out on the side of privacy.</p>		PRY., SCY.
<p>This is just another slap at practicing attorneys from our professional organization. Other professional organizations tend to act in the interests of their members. The CA state bar generally seems to place itself in an adversarial position with its members. This type of proposal is an example of one of the many reasons why I will never voluntarily support the state bar with monetary contributions, but pay only that which I absolutely am required to pay.</p>		NO PP
<p>I have been an attorney admitted in New York since 1959 and in CA since 1994. Since my admission I have found the bar less able to think and more apt to bad practice's and outright stealing. Perhaps fingerprinting would have some deterrent effect. Who pays? How administered? What kind of fingerprinting: electronic or old fashion?</p>		Implem.
<p>I agree with the concept and policy of the rule. But I do have one major concern, and one minor one. First, in part 1 it uses the phrase "pursuant to the procedure identified by the State Bar," The rule does not, however, clarify what that means. Is this intended to refer to the implementation schedule described in 2? If so, a direct reference to that should be made. If, instead, it is intended to state that the State Bar has broad authority to create a different procedure, that concerns me because if the State Bar is to create some other comprehensive procedure, I believe that should go thru the notice and comment process so that attorneys have an opportunity to comment on the process and offer insight. Second, and this is minor, the rule is inconsistent with the usage of the term "shall" vs "must" when imposing mandatory duties. I only notice such things given my work. But it would be ideal to use shall consistently in the way the California codes currently work.</p>		Implem.
<p>The proposed rule is overly burdensome for attorneys that have been practicing for years and have already spent hundreds of dollars for the Bar to do a background check on them. I would not be opposed with new attorneys being required to submit fingerprints at their cost as part of the background check (if this is already not done). The proposed rule will require attorneys in good standing to collectively spend thousands of dollars and there will be little benefit conferred to the Bar.</p>		BR., \$\$, NO PP
<p>The need to protect the public does not justify this great expense for all members of the State Bar. First, even if a relative small group of attorneys had subsequent criminal convictions, it is not clear that this would necessarily put their clients at risk. Second, the public is already protected when "bad actor" attorneys are incarcerated or face civil sanctions/restitution. The public can, as well, complain to the Bar for violations, too. This decision would also have an extremely negative impact on the State Bar members, with many attorneys (like me) who practice part-time deciding to go inactive. Further, the additional costs might convince young people to decide not to be attorneys. Overall, I think this would be a giant mistake for the State Bar and create a wave of attorney submissions to become inactive.</p>		\$\$, NO PP, >Inactive
<p>Unduly onerous and burdensome. Find a way to make my original fingerprints satisfy this ridiculous rule. Putting the cost of complying with this useless rule is a further indignity.</p>		BR., AF!, \$M
<p>The State Bar must bear all the costs for re-fingerprinting and can only request re-fingerprinting every 10 years.</p>		\$M, 1#
<p>1. This places an unnecessary burden on those who are traveling extensively overseas and cannot find a facility to provide services according to standards required to implement the rule. It is likely to force them to immediately take inactive status unless and until an exception can be found. 2. If fingerprint images can be made by the State Bar of the physical forms already on file, then they should be used. 3. How can a Bar member determine whether fingerprint images or fingerprints are already on file?</p>		OOS B., >Inactive,
<p>For California bar members like me who live abroad (I live in Germany), this could be a serious imposition. If this rule is actually put into place, there should be an exemption for those abroad or for whom this otherwise, for reasons the attorney presents, would constitute a high/expensive hurdle/imposition.</p>		OOS B.
<p>I agree with the fingerprinting, but I believe the fee should be covered by the State Bar of California. The member dues are already quite high for few to no free services provided (e.g., expensive CLEs). Many public interest attorneys already have a financial burden in paying annual bar dues and MCLE fees. Government agencies should not keep squeezing the middle class financially.</p>		\$M

COMMENTS	ATTACHMENTS	CATEGORY
Another SAD example of bloated bureaucracy. There MUST BE A BETTER WAY TO DO THIS, IF IT'S EVEN NECESSARY. BUT ASSUMING WE'RE STUCK WITH IT, LAWFUL OR NOT, HOW ABOUT JUST GETTING OUR FINGERPRINTS FROM DMV? THEY REQUIRE THEM ON ALL NEW AND RENEWAL DRIVER'S LICENSES. ASSUMING ALL OR MOST ATTORNEYS HAVE DRIVERS' LICENSE, WHY DON'T YOU JUST UPLOAD THEM FROM DMV? IF SOMEONE DOESN'T HAVE A DL, THEN THEY CAN LIVE SCAN AT ONE OF THE VENDORS. LICENSES ARE GOOD FOR FIVE YEARS, SO BY THAT TIME ALL ATTORNEYS SHOULD HAVE ROTATED THRU.		AF!
This rule does not appear to have any provision for those who are out of state and do not have access to a live scan machine. There should be some accommodation for this. I also wonder if this really will accomplish anything. As I read the information, and I may not have read it right... but it talks about 29/32 attorney who did not report felony convictions. If that is accurate this is a large expense for such a small percentage. The cost benefit ratio is just not there...Thanks		OOS B., NO PP
First, is there a problem? Second, why are the attorneys bearing the load of paying for their fingerprints. As a notary, my finger prints have been sent in and it did not cost that much but it was part of a bundle. There was no discussion regarding how expensive the process will be individually. Is it \$50? Is it \$250? I do not know and that should be part of the decision-making process. I completely disagree if this will cost the individual more than \$100. Third, if the State Bar requires this, they should manage it so they pay for the processing and there is no more than - \$40 cost per attorney. Maybe get a contract with a provider who works with notary preparation and that organization goes to the local bar associations quarterly to process them. If there are 100,000 attorneys in California, this process costs us \$4,000,000. I am a rural attorney. I do not want this to cost me time. Time is precious. So the procedure should be carefully thought out to incur the least amount of time for the attorneys and the least personal cost. Thank you		WN#, \$M, AF!, BR.
The State Bar has a history of avoiding positions called for by injustice and mistreatment of the people of California. Once again, it appears the "leadership" of the State Bar intend to act as glorified hall monitors and crossing guards unable to form an opinion of any controversial dimension. This fingerprint requirement is another step toward complicity with the machine of government. That it has constitutional and political damage attached to its very nature has escaped our "leaders". You might all bear a herder's staff since you find comfort with sheep. Don't attempt to pull the wool over my eyes; this is an intrusion I find completely unreasonable and unnecessary. Dictatorships start with control over those they wish to subjugate. I shall not agree.		PRY., Unconst., BR., NO PP
I do not see why this is necessary. Unlike the finger printing required when people are working with children this seems completely unjustified. I am offended that you are considering requiring this of all attorneys. If you have information that shows there have been criminals admitted to practice, who have caused some serious harm, or some other significant reason to justify this invasion of all attorneys privacy then I think you should at least accept any county or government agency's fingerprinting. Requiring additional finger printing is not only thoughtless of all those busy attorneys (particularly working parents) time but also adds an unnecessary and completely unjustified additional expense at a time when new attorneys (in particular) are having trouble finding paid jobs.		NO PP, BR., \$\$
The proposed rule would impose yet another burdensome fee on attorneys in exchange for dubious utility. This is not necessary to strengthen the state bar's discipline system, nor is it necessary in order to keep the bar informed of changes in critical record. There has to be some limit to the fees imposed by the state bar upon attorneys who wish to continue practicing, and it is unreasonable to make anyone pay fees for things which are simply unnecessary.		BR., NO PP
It is inappropriate to charge Bar Members for the organization's failure to retain records.		\$M
Requiring the fingerprinting of active licensed attorneys is a bad idea because it could increase the risk of identity theft.		PRY.
Although currently inactive, I agree that our records on attorneys should be current. Requiring fingerprints of all active attorneys will provide the State Bar with the ability to have the latest information on attorneys.		
This is a bit silly and a wholly unnecessary burden for attorneys that have their fingerprints on file already with the DOJ. As a former Deputy Attorney General, my fingerprints are on file. Many thousands of attorneys also have them on file. It is quite simple to determine whether prints are on file electronically. Give DOJ a list of the attorneys and they can tell you in about a nano-second which have fingerprints on file. Then, those who do not can be contacted and instructed to supply fingerprints. Requiring a quarter million licensed attorneys, many of whom have fingerprints on file, to be fingerprinted again is just plain moronic. It is a mindless waste of time and expense typical of a thoughtless bureaucracy making needlessly burdensome rules. If DOJ already has fingerprints, what possible sense does it make to require that thousands of people to again go through the burden and expense of being fingerprinted yet again? .		AF!, BR., \$\$
agree assuming use of official Livescan fingerprinting by out of state law enforcement agencies is allowed for out of state attorneys		OOS B.
Makes no sense to make all active licensed attorneys to be re-fingerprinted. What difference does it make, especially for new attorneys. Waste of time and money. If this were to be implemented, then there should be an exemption for attorneys who work for the federal government because they have to go through an extensive background check that already includes fingerprinting. This proposed rule is redundant and a complete waste of time and money for everyone.		BR., \$\$, EX#, AF!
Undue burden		BR.
Will there be exceptions for attorneys who currently work for the DOJ and thus have already been fingerprinted by the DOJ and are required to undergo background checks every five years?		AF!
The proposed Rule of Court does not address licensed attorneys living outside the United States. The cost of obtaining finger prints (either by traveling to the US or having such finger prints taken at an Embassy) would constitute a substantial and potentially unreasonable cost. Finger printing for such lawyers (residing full time outside the US) should be voluntary and/or such lawyers should be fully exempt from this requirement.		Foreign#, OOS B.
I've been in practice for 52 years, no complaints filed, have no ridges on my fingers and accordingly could probably not give you acceptable prints.		unrel.
Disabled hands/fingers will experience embarrassment.		Dis#
I believe it was already a requirement in order to be licensed in California; why would there be practicing attorneys that had not submitted fingerprints? Please respond. CF		
Fingerprinting attorneys is both a colossal waste of time and money, as well as degrading to members of the bar. Fingerprinting in no way will improve the quality of the bar, or in any way raise ethical standards. If you treat attorneys like common street criminals, they will behave that way. Shame on California for even considering such a silly idea.		BR., \$\$, NO PP

COMMENTS	ATTACHMENTS	CATEGORY
I strongly disagree with this proposed rule. The State Bar of California already charges far too much of its members and returns very little to them in terms of support. Further, funds already garnered from my membership dues are then used to support political causes and positions with which I am loath to be affiliated. This fingerprinting proposal is simply another layer of bureaucracy that will further drain funds from my livelihood and offer little or nothing in return to me, as an attorney.		NO PP
I, along with thousand of other attorneys, paid to have my fingerprints taken and submitted as part of my original admission process. Based on what I have read in the Daily Journal, the State Bar essentially chose to destroy those fingerprints notwithstanding a longstanding requirement that it maintain a system that would allow it to be notified if a member were arrested and charged with a crime. So as I understand it, the current situation can be reduced to the following: The State Bar once had the fingerprints of most if not all current members of the Bar but voluntarily elected to destroy that information and now seeks to re-acquire it and to force its members to bear the costs of doing so. Once again, the State of California, acting through the State Bar, seeks to pass on the costs of its own inept and misguided decision to its members. The State Bar's own Request for Public Comment candidly admits that the proposed costs are the result of its own error ("Upon realizing the error...") If I've missed something along the way, I'm open to changing my mind. But as it stands, this is just another example of funding an agency the affairs of which of which have been questioned by the Supreme Court itself. While I am willing (albeit grudgingly) to undergo the process of having to resubmit my fingerprints, I firmly believe that all costs associated with that process should be borne by the State Bar or, alternatively by the State of California since it is the public at large that is to be the beneficiary of the entire process.		\$M
I oppose the rule as proposed. In particular, I oppose requiring re-fingerprinting where the Bar already obtained fingerprints as a condition of admission. Those prints were required when I was admitted even in 1983. Offhand, this just sounds like burden shifting to me and at the outlay of all of time, money and inconvenience. Why hassle thousands, if not tens of thousands, of lawfully admitted attorneys who followed the rules and submitted them originally? Instead, have the State Bar custodians of these records historically do work necessary to use same records. And if those records are not in the correct form or format, the chain of custody has been compromised, or any other possible reason, why is that not disclosed from the information made available to me along with this notice? To be clear, I think the State Bar also needs to make affirmative disclosure of what exactly has transpired with those historical records, and why there is an issue in proposing not to re-use what they already should have. Regards, Elias Blawie		AF!,
I would like an explanation for the necessity of collecting my prints again at my expense. I had to provide my prints in order to become a member of the bar. Were records lost or inadvertently destroyed? It is unclear why the bar needs my prints again. I need to know why the prints I have already provided are no longer sufficient.		AF!,
Provide an exemption/waiver for those that have already provided prints. I have been Livescanned three times. As a Prosecutor, foster parent, and in 2017 as a Notary. It is a waste of time and money for a fourth livescan. I really wish the government would stop wasting time and money.		AF!, BR., \$\$
I do not think this is a good idea for active attorneys who are in good standing. I am an attorney and in good standing, and do not want to incur another expense for my annual license, even if it is a one time thing. In order to receive my state bar license, I complied with the moral/ethical documents and requirements, and feel this is sufficient. Correct me if I am wrong, but I thought if an attorney gets arrested or convicted of a moral turpitude crime or a crime that would cause suspension or disbarment the state bar is notified anyway. So not sure of the reasoning for this additional request. I may be missing something here, or do not have all the information, but at this point, I disagree with this request. Best Scott		\$\$, AF!, RR#
This rule makes no sense at all. When I was admitted to the bar in 1997, a complete background check was done. In California, criminal history rap sheets indicate a person's occupation. If a licensed attorney is arrested, then the rap sheet alerts the officer that the person is a licensed attorney and notification to the state bar is made. Obtaining a person's fingerprints again does not change that process. This is an unnecessary burden on the bar members. I would follow up by asking these important questions: why is this being done; why are fingerprints needed when every single attorney has already gone through background check and is identified via their state issued driver's license; and finally why is being brought up now...what triggered this?		RR#, BR., AF!
If you have my finger prints, why on earth do you need them again? Fingerprints don't change, do they? Why would I be charged for the cost? Why can't the cost be paid from regular Bar fees?		AF, \$M
Forcing all attorneys to incur additional costs when it is only necessary for a small portion of all members.		\$\$,
I disagree with this proposed rule. The State Bar has our fingerprints from when we all got our Bar licenses. There is no need for attorneys to pay to do another set of fingerprinting and pay for the background checks.		AF!
There is no reason not to fingerprint any (and every) professional upon initial license application, but there is no need to do it more than once. Fingerprints are unique to a human. Fingerprints do not change over time. "Re-submitting" fingerprints (and making the lawyer pay for it) underscores the scientific illiteracy of the bar, which is an embarrassment to all. Finally, why punish attorneys who are U S Military Veterans who have already been heavily fingerprinted. The state bar is becoming more "Trumpian" all the time. Is that how the Bar "thanks me" for my service?		AF!
We don't want to create additional bureaucracy for no reason. Attorneys are already required to self-report, which I believe should be illegal. The ability to practice law should have no bearing on previous/concurrent criminal acts including in but not limited to DUIs. The only criminal acts that should have bearing all those upon which a client was harmed.		RR#
Please be sure to provide explicit instructions for Active Members who reside outside the state of California.		
I object to the proposed rule in the strongest possible way. This rule infringes on the 4th Amendment rights of all active California licensed lawyers by subjecting them to being entered into the FBI/Department of Justice criminal database in the total absence of having committed any kind of crime. One would think that a profession that is supposed to dedicate itself to the preservation of individual liberty and freedom from unreasonable interference from others would respect and protect the privacy and rights of its own members to the same degree that they are supposed to do for their clients. It is patently offensive to be required to provide personal biometric data in the absence of any probable cause to a federal law enforcement agency. This is particularly troubling when it has been shown that even federal agencies such as the Office of Personal Management (OPM) are subject to being "hacked" and the information of federal employees disbursed on the web. If a similar hack occurs to the DOJ the hackers will have not only our personally identifying data but our fingerprints as well.		Unconst., PRY.

COMMENTS	ATTACHMENTS	CATEGORY
Every new rule in theory should cure or resolve an existing problem. Otherwise it is just a make-work useless rule. So, what problem is addressed by this proposed rule? Does the Bar think there are licensed lawyers out there who will be revealed as felons, imposters, and weirdos once their fingerprints are on file and noted?		NO PP
There should be an exemption for people with current/active fingerprints on file with the DOJ. For example, I have a current concealed carry permit, so I have recent fingerprints on file with the DOJ. My permit must be renewed every two years. It does not make sense that I have to do it again for the Bar.		AF!
Why bother active members for finger prints until after you first ask Apple and Samsung for access to their digitized databases of fingerprints of those who use a phone with "Touch ID"? I am sure these fine corporate citizens will gladly share.		
Why addition expense on practicing attorneys? Fingerprints don't change and were taken with bar enrollment, and for the majority of attorneys will never be needed.		BR., AF!
I believe this Rule is improper, and it appears a bit outrageous.1. All state bar applicants have to undergo extreme moral vetting vetting. This process requires multiple pages of questions concerning the applicant's personal history, and part of the application process REQUIRES THE APPLICANT TO SUBMIT FULL FINGERPRINTS FOR REVIEW. In addition, written follow-up was made to character references. Now do it again, this is a gestapo tactic.2. There is not full disclosure here. What does it mean the fingerprints for the attorneys the bar does not any? Did they lose them? Anyway, what do they have? How about explaining what is the process the Bar intends to use. What are they trying to justify, manpower for more investigations, increased fees to develop another computer/software effort? 3. Where is the data to show this is cost effective and will produce real results, WHERE ARE THE NUMBERS? IS IT JUST A MATTER A INSTANT vs NOT INSTANT NOTICE? There are no numbers here, only that the attorneys will have to pay the cost of fingerprinting. Just because you can program computers to do something, it does not mean it is cost effective. What is the impact on the already too high annual bar fees. We already pay at least 15% higher fees just because the state bar is located in the high cost San Francisco.4.. This is quite a slippery slope, soon the Bar Will Require Chipping of Attorneys, so you can be scanned every time you enter a courthouse. And perhaps we will soon require Judges to take a breathalyzer test each day before they take the bench.5. There was and is adequate vetting in place. If the bar lost things, they need to be honest and tell us.I am sorry, this Rule is improper.		AF!, , Implem., PRY., NO PP
Hello,This would be difficult for CA lawyers practicing outside the U.S. to adhere to. I hope there is some sort of exemption or other means for us to provide you with what you need.In addition, it is unclear whether I have or have not previously submitted fingerprints that meet your new requirements. Advice as to determine this would be much appreciated.		Foreign#,
Members of the Bar are already required to be fingerprinted as part of our moral character application. There are also provisions in place for the State Bar to be notified when a licensed attorney is arrested for a felony. This new rule will not enhance the office of the State Bar, but cause unnecessary time and resources to be expended. I believe this rule should not be adopted.		AF!, RR#, BR.
Really? All the problems the Bar has and this is what you come up with? Please quit wasting your time and our money. There's plenty of real problems ( start with incompetence, and inaccessability for most Californians).		NO PP
Waste of time and money.		BR., \$\$
This is not a true public comments forum. Dawn Coulson posted comments and it is nowhere to be found. It is not easily seen by others in the public. While it may have gone into the ethos at the Bar, it is not in the public forum. As to the rule, all current licensed attorneys should be exempt from this as we all provided finger prints previously, at great expense, I might add. If the Bar lost or destroyed the previously provided finger prints, then it should be a Bar expense to recreate them based on the Bar's own errors or omissions. In addition, has the Bar submitted a claim to its own insurance carrier for this error or omission so that the cost can be borne by the insurance coverage? In addition and separate from the monetary cost, it should not be incumbent upon the attorneys to have to incur the time (separate from the expense) to address this. Please submit my objection.		AF!, \$M, BR.
I am currently on inactive status. However, when I applied to take the California Bar Exam, I submitted my fingerprints. I know of no reason to believe that an individual's fingerprints change materially with the passage of time. Why should a Bar member previously fingerprinted have to submit another fingerprint set? This appears to me to be a needless expense and barrier to status change.		AF!, NO PP
Fingerprints were submitted when taking the Bar. If they have not been destroyed by the State Bar, should they not be used for the purpose of this Rule? Is the postage to send them to the DOJ too onerous?		AF!
Require Fingerprints once every 7 years.		1#
I have see no persuasive argument for this. In days that I trust government less than ever, and when data is collected and combined in such damaging ways, I don't support providing information to the state simply because I have passed the bar exam.		PRY., NO PP
I submitted fingerprints when I became a member of the Bar. I fail to see why I should endure the time and cost of doing so again. Were the originals lost, stolen, misplaced? My fingerprints remain the same.Law enforcement should do their job with crimes and not rely on the Bar for referrals.		AF!, \$\$, BR.
I see now reason to fingerprint us- we were already fingerprinted to take the bar. We are not criminals for heaven's sake. NO.		AF!
The State Bar of California should absorb the entire cost of this new rule. The State Bar made the error to not retain these records and the mistake should not be put into the shoulder of attorneys.		\$M
This seems overly burdensome and unnecessary. I also have to wonder how much benefit it would really bring, and how many attorneys are actually found to have subsequent criminal charges anyway. This seems to also disproportionately affect women, who are more likely to be inactive for periods due to childcare and other family obligations. It also seems to affect a lot of younger attorneys, who have less job stability and who may be going back-and-forth between active and in active status more frequently than older attorneys who had more stability.		BR., NO PP, OB#, 1#
It is not clear from the materials presented why an active attorney should have to resubmit fingerprints to the State Bar. I was admitted to the State Bar 16 years ago, and I submitted fingerprints as required at that time. What happened to them? Who has my fingerprints, if not the State Bar?I agree that new applicants should submit fingerprints in order to facilitate ongoing arrest reporting. However, I would like some clarity regarding why previously fingerprinted active attorneys would have to submit fingerprints again, and to bear that cost again.		AF!,

COMMENTS	ATTACHMENTS	CATEGORY
first they came for socialists ....lawyers are the buffer. let's start by urine tests for elected officials.		
The proposed rule does not clarify how frequently fingerprints will be required. Such clarification is critical. I recommend that fingerprinting be required one time only, or not more frequently than every ten years. Also, I would appreciate information as to what potential costs will be for fingerprinting, DOJ and FBI clearances. I cannot evaluate how much of a burden this will be, particularly on sole practitioners such as myself, without that information.		1#,
Fingerprints already were collected in connection with the Moral Character Determination. Why should attorneys bear the time burden and cost of having to get fingerprints re-collected due to shortsightedness on the part of the State Bar in not collecting them electronically to begin with or coming up with a meaningful plan to migrate them to an electronic format?While this proposal would not necessarily save time, the State Bar could bear some of the cost by arranging a free service at county courthouses for any attorney so inclined to be fingerprinted when already at the courthouse for a hearing, etc.Finally, many attorneys likely have been fingerprinted electronically already such as those who have been arrested, adopted a child, worked with children (eg teaching Sunday School, serving as a Big Sister/Big Brother), etc.. It seems the State Bar should be able to cross reference those cases or even provide a process for an attorney to divulge when/where/how they were electronically printed to reduce the pool of people from whom additional printing would be required.		AF!, \$M
I object to the proposed rule in so far as it would require "all costs of providing criminal history information to and the processing of fingerprints for, the State Bar, including print furnishing and encoding shall be borne by the licensed attorney." I've already submitted my fingerprints when I applied for admission to the State Bar and if the State Bar now wishes to re-fingerprint, the State Bar should bear the costs of this new imposition.		\$M
We already pay far more in bar dues than other states. The costs of same are becoming prohibitive. Now, you want to add more costs to being an attorney. Additionally, we have to spend hundreds of dollars for CLEs each year. Instead of fingerprinting the attorneys, make a rule that requires all police agencies to submit arrest information to the bar.		\$\$
I submitted fingerprints to the Bar as part of the admissions process in 2007 and bore all the costs of fingerprinting at that time. It is unfair to require attorneys to incur this expense a second time.		AF!
At this point in time when the scientific value of fingerprints is being challenged, this seems like a particularly onerous requirement to place on attorneys. As a public-interest, sole-practitioner, I do not have a lot of disposable income or time to spend on a requirement with little probative value, some probative risks, and which has some implications on my constitutional right to privacy. The state's legal resources would be better spent in myriad other capacities than preemptively policing attorneys.		BR., \$\$, Unconst., NO PP
This is just a further invasion of privacy for no legitimate purpose.		PRY., NO PP
I believe that if an attorney already has fingerprints on file, that re-printing is unnecessary. All Deputy District Attorneys already have their fingerprints on file, and whether you are a current Deputy D.A. or retired Deputy D.A. the re-printing should not be necessary.		AF!
As a licensed notary and attorney it is unfair for me to pay for 2 sets of fingerprinting. Licensed attorneys who are active notaries should be exempt from this requirement.		AF!
The rule implies that there can be no criminal arrest records for attorneys without fingerprints (which is not true), and suggests that this is important to meet some pressing need (which is not stated and which is highly doubtful). It also ignores that California attorneys have already been required to submit fingerprints as part of the bar admission process.In short, I do not see a problem that is "fixed" by this imposition.Mike Lash #105941		NO PP, AF!
No other BAR association in the country is doing this. Many attorneys like myself remain on the active list and pay the dues though they do not practice law. As a FINRA arbitrator, the BAR requires me to be active if I participate in FINRA cases. This is so, even though non attorneys are part of the FINRA arbitration panels.The BAR also requires me to complete continuing education courses even though most states, like Nevada waive the requirement for attorneys over age 70. Nevada also waives BAR fees for attorneys over 70.My fingerprints are on file as an attorney, as a real estate broker, and from military service. I think that's enough. I am 77 years old, and think the proposal will accomplish nothing and impose another burden. As a minimum, attorneys over age 70 should be exempt.		EX# , AF!
I have no issue with updated checks by the DOJ and FBI, but unless there is reason to believe that the originally submitted fingerprints were fraudulently submitted or the records have become illegible, the original prints should be sufficient for submission to the DOJ and FBI.		AF!
The proponents are about 20 years late and spending money for zilch!If the proponents really are serious they should realize that going science is DNA		NO PP
Really? After 36 years of practice you feel you need to fingerprint me? I think this is really not called for. There are not a lot of attorneys out there committing criminal offenses. We all know a minor offense can create disbarment unlike regular citizens and their employment. This is really unnecessary.		WN#
It is silly and redundant to require anyone who has served in the military to provide yet another set of fingerprints to the federal government. The federal government already has fingerprints of everyone who has served.Therefore, there should be an exemption for any former service member.Sincerely,TIMOTHY PATRICK HANNONCAPT, JAGC, USN (Ret.)		AF!
The proposed rule to require the submission of fingerprints by all active members of the California Bar contemplates the submission of hard copy fingerprint cards by members practicing in another state, but does not address how an active member practicing outside the United States can comply.Active California attorneys who are practicing outside the United States, whether associated with a local, international or US law firm or in private practice, must be provided with a reasonable process to comply with the proposed new Rule of Court. The United States Embassy American Citizens Services does not provide fingerprinting services to US Citizens abroad. Local law enforcement in many countries will provide hard copy fingerprint card for a fee, but this is not true for every country where a California attorney may be practicing. I would propose that the Proposed Rule be amended to provide that (i) active licensed attorneys who are practicing law outside of the United States may have their fingerprints taken by a foreign (non US) law enforcement agency and submit hard copy fingerprint cards to comply, or if this is not a service provided in the jurisdiction where the attorney is physically located (b) by written notification to the State Bar be exempt from providing fingerprints until such attorney returns to the United States, provided, that within 60 days of returning (even temporarily) to the United States such member shall provide fingerprints to the State Bar.Thank you for your consideration of my comments and I would respectfully request that the proposed Rule be modified to provide a clear path forward for members of the California Bar who are practicing outside the United States.Respectfully submittedJeffrey J BlattCalif State Bar # 100314		

COMMENTS	ATTACHMENTS	CATEGORY
<p>It is absurd to re-fingerprint active bar members who provided fingerprints, as I did, when they were originally admitted to the State Bar. There is no reasonable justification to re-fingerprint people because there is some potential that they may have been arrested and or convicted of a crime. If a person is arrested and or convicted of a crime their name can be checked against the list of bar members by anyone with a computer and internet access. Only if there is a legitimate need to have a particular individual fingerprinted regarding a specific matter would fingerprinting be appropriate, and then only by court order. Fingerprinting all active bar members appears to be an invasion of privacy of members, and looks to be a big brother attempt to create a fingerprint data base of attorneys without reasonable need.</p>		<p>AF!, NO PP, PRY.</p>
<p>While California has tried every trick in the book to impede the business of professionals (and all businesses), this one is a new low. Only in California would the rulemakers think this is a good idea. Each attorney will spend two hours in travel and wait and print time, to perhaps catch five unlicensed attorneys. Only in California would spending two hours (x) 100,000 attorneys, i.e., 200,000 hours, at \$100 per hour, which equals a hard dollar figure of 20,000,000 in lost income, be an acceptable cost. Congratulations. I hope the attorneys catch on to the true cost and decide not to reelect each board member and fail to reelect each genius behind this rule. You all lost my vote. James Shaw 101315</p>		<p>BR., \$\$</p>
<p>According to the staff report, the proposed measure will impose at least \$15 million in costs on California's active attorneys, in addition to the value of time spent complying with the requirement to have fingerprints taken. The reason for this effort? Over a period of three years, approximately 30 attorneys failed to report their felony convictions. There is no indication that anybody has been harmed by this failure. I don't think that this effort will produce \$15 million in value. Your staff appears to agree, because your staff doesn't think that the bar should pay for this effort. It's really easy to recommend a program when someone else has to pay for it. If you don't think that this program is worth paying for, you shouldn't adopt it. I already paid once to submit my fingerprints to you, and now you want me to do it again, because you decided to not keep them. That was your decision, not mine. Now you want me to spend my time and money to make up for your staff's bad decision. That's just wrong. It seems reasonable to require attorneys to resubmit fingerprints, but only at Cal Bar's expense. If that doesn't seem worth it to you, then you should reconsider the need for fingerprints. Steve Hill.</p>		<p>NO PP, \$M, BR.</p>
<p>To Whom It May Concern: I disapprove with this Orvalian rule. I don't have any convictions anywhere to worry about. However, the State Bar should act as a guardian of the little privacy that we have left and not as a collaborator with the federal government that desires to strip us naked of all privacy, and at our expense to add insult to injury! What's next, mandatory barcode tattoos on our foreheads? This may seem like a silly joke now but with this rule the state is getting a step closer to this becoming a reality. Please don't act as bureaucratic drones; please reconsider this rule and don't participate in the stripping away our humanity and dignity. And to get a bit technical for those among you that may feel compelled to act on SB 36: the bill doesn't MANDATE you to enact any rules to get fingerprints; it mere "AUTHORIZES" the you do so. Therefore, it is obvious that the bill gives the state bar the discretion to NOT do anything. Please use your statutory discretion and your creator given humanity to be smarter and better than the Senate by not enacting this preposterous rule. Thanks in advance for not ignoring me.</p>		<p>PRY.</p>
<p>I disagree with the provision stating: "All costs of providing criminal history information to and the processing of fingerprints for, the State Bar, including print furnishing and encoding shall be borne by the licensed attorney." First, after de-unification of the State Bar, the organization exists solely to protect the public. The public should pay for that protection, not attorneys. Second, if attorneys have previously been fingerprinted and the State Bar negligently discarded their fingerprints, attorneys should not be required to pay for re-fingerprinting.</p>	<p><a href="https://fs22.formsited.com/sbcta/files/f-57-86-12862709_UVCh61A1_Comment.wpd">https://fs22.formsited.com/sbcta/files/f-57-86-12862709_UVCh61A1_Comment.wpd</a> (Attachment is the same as the text)</p>	<p>\$M</p>
<p>The rule does not address the privacy and security of the fingerprint information being collected. Fingerprint information was one of the elements in the security breach of the Federal Office of Personnel Management in 2015, so I am concerned that there is no specific guidance in how the State Bar intends to protect the security and privacy of such highly sensitive identity information. I would like to see the rules specifically spell out the security of how sensitive information is being stored and access, and what privacy protection the State Bar provides in terms of access (who can access), use (single purpose), and disposal (both method and timing) of the fingerprint information once the background check has been completed. Thank you.</p>		<p>PRY., SCY.</p>

COMMENTS	ATTACHMENTS	CATEGORY
<p>I am an active member of the CA bar since 1979, who teaches at an ABA accredited law school out of state. At the moment I am outside the US, since in the profession I would be considered an Asian law scholar. I am a little surprised at the proposed rule, since when I applied to the bar my fingerprints were taken. I assumed that the my fingerprint card is still somewhere in an old stack of papers in CA. Did the bar stop requiring fingerprinting of applicants at some point, or is this simply a way to avoid having the CA bar pay for digitization of the old fingerprint records such as my own? But assuming the proposed rule is adopted in some form, I would make the following suggestions. Since police departments and courts outside the State of California will know nothing about this, not to mention outside the US, and I assume they are the people who actually would fingerprint the long-standing bar members outside California, I suggest that you make provision in any such proposed rule and its application in two ways. First, provide some extended period of time, perhaps up to one year, for CA bar members outside the US to comply, with the idea in mind that most could get fingerprinted on a trip back to the US. Similarly, for those complying outside the US who do not coincidentally return on a trip to the US, I would suggest a designated official at the bar to whom their fingerprint records might be directed because their fingerprint records produced abroad will likely be in a foreign language, and just sending them into the general address for compliance probably would create issues. I do not believe that US Embassy consular services include fingerprinting, but the CA bar might look into that also (which presumably would simultaneously provide greater assurance that the fingerprints submitted were actually those of the bar member in question). For longstanding bar members residing within the US but outside CA, I would suggest also some extra time for compliance and that the fingerprinting be coordinated in some fashion with the customary fingerprinting of new applicants to other bars in other states. The custom is that every spring there is some kind of fingerprinting day for bar applicants at every US law school with which I am familiar. It might require the CA bar or the CA Supreme Court to contact their sister state bars and supervising authorities (presumably State Supreme Courts) to arrange for those fingerprints taken out of state also to be submitted to the CA bar, since I think the current arrangements foresee fingerprint submissions only for new applicants. I assume arrangements could be made then for longstanding out of state practitioners with CA bar memberships simply to show up on "fingerprint day" at their local law school without having to make arrangements with a local non-California police department likely to be mystified by the whole procedure.</p>		Foreign#, OOS B.
<p>This rule makes no sense. This was already done to become an attorney. The state doesn't require this level of intrusion for other professions or people but you now seek to force the attorney to pay for the intrusion. Why have the original fingerprints not been retained or if to verify I am who I say I am what evidence do you have that I am not who I say I am to support re fingerprinting?</p>		AF!
<p>1. It is unclear from the proposed rule how active State Bar of California attorneys who are currently practicing entirely out of the State of California can comply with the fingerprinting process and the cost thereof. Thus, the rule should clearly identify a procedure whereby out of state active attorneys can comply with the requirement by using specifying what services comply with the rule. 2. I seems unfair to charge active attorneys who previously had to pay to be fingerprinted through the application process to bear the cost of having to submit new fingerprints because the original ones were not retained. In the case of active, previously fingerprinted attorneys, there should be a waiver of the costs.</p>		OOS B., \$M
<p>Ridiculous</p>		
<p>I am astounded at the stupidity of this rule. In a time when the Bar and the courts should be encouraging attorneys to practice it once again adds to the burden of lawyers and creates yet another barrier to returning to practice. This is a group of professionals who as a group are far more law-abiding than the public at large. If the state wants to keep checking up attorney finger prints it already has them on record and should do so on its own time and at its own expense. There is no reason to "re-check" by humiliating the attorneys who serve and then adding unknown and potentially limitless costs on top (as the rule is written "all" costs are the attorney's). Fingerprints don't change over time so either this is a veiled political ploy to prevent inactive attorneys from returning to do pro bono work in a time of increasing threats to civil rights and the environment or it is yet another way of making the court and the justices feel important. No public interest is served by this rule. The court would be better off checking the police for abuse of suspects and civilians and domestic violence and commission of crimes than the hard-working members of the bar.</p>		BR., \$M, NO PP
<p>More government intrusion into my life - personal and private. I am an active attorney in good standing and have done my background check and fingerprints and MPR Exam - I am a big boy and know well enough that if I do something that requires reporting to the Bar then I will report to the Bar - I do not need the State or some governmental entity silently looking over my shoulder waiting to pounce - and I suppose that if you do implement this idiotic idea, our Bar dues will go up to pay for it, right?! I pay my dues and complete my MCLE requirements - leave me alone.</p>		PRY.
<p>Until the rule includes an estimated price range for the service. And if you hid it deep down in the email notification, shame, shame, shame on you. John Schilling 056073</p>		
<p>I'm single, have two daughters and have a very low income. I have submitted my finger prints to the school district to transport children, the county sheriff's department to coach soccer, the Department of Defense to discuss defense contractor job and of course the DOJ/FBI to get my California State bar number. This appears to be redundant and a waste of time and money of which I have little of both. There does not appear to be a sufficient explanation as to why the current finger prints submitted by active attorneys is not usable. Without a better explanation it appears to be a benefit for the finger print vendors and a loss of time with family or employment opportunities for hard working people.</p>		AF!, \$\$
<p>The rule tends to treat ALL attorneys as if they have done something wrong, in a way, it makes you feel violated as an attorney, as if ALL attorneys are criminals. I could only see this rule being OK, if it applied ONLY to attorneys who have a criminal record. Failure to re-fingerprint for attorneys who do have a criminal record (one of serious nature) shall amount to license fines, suspension or even revocation. I state my opinion this way because originally I came to the United States from a different country and was fingerprinted three times as a child/teenager. The USCIS misplaced some of my paperwork so it took me ten years to get my citizenship instead of three with my mother. Every time I had to get re-fingerprinted, it was a long trip to another city and I felt so violated. I was an A+ student, President of National Honor Society, Leader of the local Community, First student from my high school to become a part-time college student while still in high school. Therefore, it was very painful to go through this process because it made me feel that I was being punished. Most attorneys have been good students and good citizens. Therefore, this new rule would punish attorneys and would make them feel violated as if they were criminals.</p>		EX#

COMMENTS	ATTACHMENTS	CATEGORY
Attorneys who are licensed as Notary Publics are required to submit fingerprints every 4 years in order to renew their notary licenses. As such, there should be no need for attorneys, who are active notaries, to submit further fingerprints. This would only be an unnecessary and duplicative exercise and expense.		AF!
Seems a little silly, and a waste of resources. I doubt if the list of attorneys is much of a source to find potential criminals. I thought if an attorney was found guilty of criminal conduct that got reported to the Bar. Also, before a person can become a member of the Bar his or her fingerprints had to be taken, and I assumed any criminal history was checked at that time. Maybe my facts are wrong, but don't they--the Department of Justice--have the fingerprints that were submitted at the time of bar application? Oh well . . .		BR., \$\$, AF!, NO PP
The Public Comment Posting completely fails to explain and justify the necessity of fingerprinting attorneys, all of whom were already fingerprinted as a condition of initial admission to the Bar, whose identity was established at that time, and whose fingerprints were presumably entered into a database in order to facilitate the discovery of future arrests and convictions. What purpose is served by compelling members to repeat this process a second time?		NO PP, AF!
I have not seen any information in the public record that indicates lack of fingerprinting thus far has affected the State Bar's ability to discipline attorneys or otherwise collaborate with law enforcement as necessary. Thus, the case has not been made for implementing this rule, and particularly not as written. The Bar already conducts such a search upon admission for new attorneys when it conducts a thorough background search, and all lawyers admitted to the bar have a continuing duty to update the Bar with any convictions. If this system is failing, this rulemaking is the first time I am hearing about it. Is there a robust record that notification of subsequent arrests, etc. is not able to be accomplished with the information the Bar already has, such as names, social security numbers and addresses? Further, I have concerns with the proposed rule given the 4th Amendment jurisprudence with respect to fingerprints and third party doctrine treatment of such records. I am not at all convinced that the price of being a member of the Bar ought to be as high as to waive privacy interests in the fingerprints and any use of same for searches of private property (e.g., fingerprint enabled smartphones, smart locks on doors and cabinets, etc.). Additionally, when every day brings with it news of new and more expansive hacking of private and public entities, I would like to express a preference that the Bar only keep the information that is truly necessary for its function. Having fingerprints on file and linked with the wealth of information the Bar already has would add yet another piece of sensitive information to the Bar's safekeeping without any indication that the additional information is actually necessary for the carrying out of its purpose. Finally, there is a growing scientific consensus that fingerprints lack scientific certainty and ought not be used in criminal cases, and cannot be used to uniquely identify people in a community, and this research has been noted by the American Bar Association. I would caution the Bar to be mindful of the unreliability of such information under Daubert and urge caution with both collection and analysis of such information.		AF!, WN#, PRY., Unconst.
I disagree with the proposed rule. Given that members of the State Bar have already once been through a comprehensive background check upon original admission to practice in California, including fingerprinting, and that they are required to keep up to date their contact and personal information, the Bar should already have more than enough information as is for the supposed purpose of the proposed rule (receiving notice of any arrests). The ability remains in the law for the Bar to require fingerprints of specific members where it has a question as to whether a member has been arrested. Additionally, for California-admitted attorneys who live and practice out of state (much less out of the country), the proposed rule would impose significant additional burdens and costs, given that California LiveScan services are not available out of state.		AF!, OOS B.
What is the full rationale for the re-printing? The finger prints were taken when the attorney applied/was accepted to the bar. Do our finger prints change substantially over time? If prints are already on file why do we need to re-take them?		AF!,
Before requiring attorneys to incur the time and expense of securing new scanned fingerprints The State Bar should inquire of the Department of Justice for all active attorneys that have submitted fingerprints within a preceding period that should be reasonable, such as 4 years. Many attorneys are also a Notary and must resubmit fingerprints every 4 years to renew their commission. All of such Attorney/Notaries would fall into that time period. There may be other reasons that fingerprints were submitted to the Dept. of Justice in the past few years. The State Bar should take note that around 2014 the State Board of Accountancy made a similar demand that CPA's licensed in California resubmit finger prints to the Department. One CPA contested such request on the grounds that his fingerprints were available from the Department of Justice but the Board of Accountancy refused to make an independent inquiry to the DOJ and suspended the CPA's license. An Administrative Law Judge found in favor of the CPA and against the Board of Accountancy. I have attached a copy of the proposed decision. I do not believe the decision was appealed or overturned.	<a href="https://fs22.formsite.com/sbcta/files/f-57-86-12862618_xd3Zr2EV_2016.0325_CBA_REJECTION_OAH_PROPOSED_DECISION.pdf">https://fs22.formsite.com/sbcta/files/f-57-86-12862618_xd3Zr2EV_2016.0325_CBA_REJECTION_OAH_PROPOSED_DECISION.pdf</a>	AF!
How do you plan to obtain fingerprints from out of state attorneys? I am quite willing to provide my fingerprints.		OOS B.
You have my prints they haven't changed. I'm not a criminal. This is just another inconvenience, another fee generating process that serves no legitimate purpose other than. Encroach further on my Freedoms and Rights as a free citizen of the US.		AF!, PRY.
First, why can't you just submit the fingerprints you already have on file? Second, who do you expect to PAY for this? (Most jurisdictions charge for the service.)		AF!,
Allowances should be made for retired and/or low income attorneys. We already face increasing fees and costs with MCLE, which has become a hundred million dollar industry in California. Please do not burden low income or retired attorneys with substantial costs in this requirement. I was fingerprinted 40 years ago for my admission to the California Bar and several times since for my Notary Public and FAA pilots license. To foist a costly continuing requirement upon California attorneys is not fair nor equitable. Eugene C. White Attorney at Law Palm Springs, CA		\$\$, EX#, AF!
The State Bar has already withheld California attorneys' SSN and bar number, and there is no need to fingerprinting or re-fingerprinting us. This sounds very disturbing.		NO PP
I disagree with the proposed rule because attorneys are already required to report to the State Bar any arrests and/or convictions. The self reporting requirement currently provides the public with adequate security. Prior to becoming a member of the bar, attorneys already go through a screening, which includes a background check, passage of the MPRE, and passage of the moral character evaluation. The time and expense of fingerprinting is also unduly burdensome. A less burdensome process would be to include the question "have you been arrested and/or convicted of any crime" during the annual bar renewal letter.		RR#, AF!, BR.
The proposed rule appears to me to be reasonable and fair.		

COMMENTS	ATTACHMENTS	CATEGORY
<p>As a 25 year CA attorney. I am extremely disturbed by this proposed new rule. We are officers of the Court and as such we are held to the highest levels of veracity and integrity. Apparently, this vow is no longer good enough for our state. Instead, the "powers that be" intend to violate our rights by fingerprinting us on an ongoing basis even though we were required to be fingerprinted when we were first admitted to the practice of law. If the government is concerned about the current state of our potential criminal backgrounds, it should ask us to sign a document under penalty of perjury (which we do almost everyday in Court) testifying whether our criminal status has changed since the previous reporting document. I would have no problem taking this step. However, by forcing attorneys to undergo fingerprinting, the government is stating in no uncertain terms that we cannot be trusted to self-report such matters. I find this potential new rule extremely disrespectful especially to those of us who have been in the practice of law for decades! I would hazard a guess that if a lawyer is having problems with the criminal justice system that this will show up through various violations of his/her duties as a lawyer which would then be a red flag to the State Bar. If a lawyer gets into trouble with the State Bar only then would fingerprinting be absolutely justified as part of the investigation into potential discipline. However, forcing every active attorney to undergo such an invasion of privacy in order to track down the few who may have criminal problems is completely unwarranted. Are judges going to be subject to this same rule? What about politicians? What about doctors who hold lives in their hands every single day? What next? Will the State Bar require us to be drug tested? We are supposed to be an honorable profession. However, if our own government does not trust us to perform our jobs competently without prying into our personal lives then we should no longer be considered a profession. By the way, I have never been convicted of any crime so my opposition to this rule is not based on any concern about what my fingerprints might reveal. My opposition results from the gut punch reaction to reading this disgusting proposed rule tonight which required that I immediately respond with my viewpoint.-Sara Henry (Bar No. 156833)</p>		AF!, ALT. OPTS, NO PP
<p>What an enormous waste of time and money which the State Bar does not have. There are better, more efficient ways to weed out the bad apples. Moreover, there are plenty of bad apples who do not and may never have criminal records.</p>		BR., \$\$, NO PP
<p>Why is this necessary. It seems to me like creeping state control. I don't think there is enough reason for this disgusting measure.</p>		NO PP
<p>I think its outrageous that I should have to submit to this in order to continue to work and bear the costs. What a police state directive, come in, pay to be fingerprinted like a criminal because we dont trust you and wonder if you have been committing crimes. Incredible nerve. We did it to get a license, but now we are supposed to do it again, 30 years later like convicts. Always the excuse given is public safety. If one is arrested the records are in the NCIC DATABASE LOOK IT UP. You want us to submit our body parts to investigation to work. I didnt think we lived in Nazi Germany, but I guess I am wrong. Find something useful to do. HOW OFTEN TO YOU PROPOSE WE SUBMIT OURSELVES TO SEARCH OF OUR BODIES BY THE STATE IN ORDER TO WORK? ITS VERY UNREASONABLE. VIOLATES THE FOURTH AMENDMENT.</p>		PRY., Unconst.
<p>I am shocked that attorneys would support the idea mere arrests (vs. convictions) are probative and would communicate with the DOJ regarding same. If a post-bar arrest was revealed, what does the State Bar / DOJ plan to do with that information? Does any arrest qualify? How about being arrested for public protest? Attorneys are already one of the most heavily regulated professions in the state. What actual problem is solved by requiring attorneys to resubmit their fingerprints for tracking by DOJ and/or the State Bar? Finally, if the State Bar has lost / misplaced / destroyed the fingerprint images submitted when the attorney first applied for the bar, the costs of fixing that problem should be borne by the State Bar, or the body issuing the new mandate, not by the individual attorney. Thank you.</p>		OB#, NO PP, \$M
<p>As drafted, the proposed rule is ambiguous, because it does not contain a definition of the term "fingerprint image." Many lawyers submitted ink fingerprints before we took the bar (for me that was 35 years ago). Do those images qualify? Is a full set required or just thumb prints? The rule does not say. The way to resolve any ambiguity over what is required is to include a definition. I further believe that, even if the proposed rule is amended to contain a definition of the term "finger print image" it would still be defective, because it does not require the Bar to provide a mechanism which would allow a member to know whether they have complied or not. I believe that, as a matter of fairness, the Bar should have a way for a member to know whether they need to submit something. The best alternative would be for the rule to require the Bar to notify members if they need to submit new fingerprints. A less desirable, but acceptable alternative would be to require the Bar to provide an electronic method by which a member could check to see if they need to make a new submission. Without a mechanism which allows members to find out if they need to take further action, the rule violates the basic principles of due process.</p>		
<p>No objection to being fingerprinted, but do object to the unlimited cost recovery ramification of the proposal. Why not add a protection such as "...not to exceed \$50." ?</p>		\$\$
<p>I was finger printed when I became an attorney many years ago. The proposed rule will result in time wasted and expense for me and other attorneys...It sounds like the previous fingerprint files were lost..... That should not be our problem</p>		AF!, BR., \$\$
<p>I do not trust the Trump DOJ which has no respect for the rule of law and cannot be trusted in any data gathering scheme.. I have already submitted my fingerprints when I passed the bar and see no reason to do so again. I am dismayed that the Bar has so readily agreed to comply with this further erosion of our rights.</p>		AF!, PRY.
<p>This is expensive and unnecessary.</p>		\$\$, BR., NO PP
<p>Application for membership to the Bar requires references and investigation to the moral background of applicants. This is another erosion of individual rights to be assumed to be innocent until proved guilty. It is the States obligation to prove guilt not the individuals requirement to show innocence.</p>		
<p>The Bar had all attorney applications with fingerprinting done and on file. The fact that the Bar chose destroy these prints should put the expense back on the Bar. Each attorney has paid for these prints in the past. It is not like this process is new to California. There are many other professionals, e.g. teachers and school employees who have been under this scrutiny for years. The Bar's destruction or coming to the table late on this process should not cost attorneys. Approved if costs born by Bar</p>		\$M
<p>The State Bar should cover the cost to obtain and process the fingerprints where the State Bar misplaced the fingerprint images. It is unfair and unethical to force licensees to pay the cost of a State Bar clerical error. I would also like the rule to be clarified to state that active licensed attorneys who have properly submitted fingerprint images would not need to re-submit fingerprint images in the future.</p>		1#, \$M
<p>Many have already been recently fingerprinted via a "live scan" for employers, permits, or other reasons. Can't the Bar develop a procedure to authorize it to be notified of the results of those scans?</p>		AF!

COMMENTS	ATTACHMENTS	CATEGORY
<p>There cannot be any reason to do this and incur the expense and waste the time of practicing attorneys except some company making money off of this latest requirement. This is part of the predatory capitalism happening everywhere. It is not broken, so why do you need to re-fingerprint people? I object on many levels including privacy which is fleeting by the day. If the Bar requires it, then the Bar must pay for the lost time for attorneys to waste their time getting re-fingerprinted as well as all costs and fees. Otherwise this is unduly burdensome. People's fingerprints don't change! We all were fingerprinted already -- again no reason to do so but for someone to be making money! Awful!!!</p>		NO PP, \$M, BR., AF!
<p>I have no problem with such a requirement.</p>		
<p>It is silly to require CA attorneys to re-fingerprint and our state bar is already among the most overly regulated groups in California.</p>		NO PP
<p>The legislation upon which the proposed rule is based "authorizes" the Bar to require the fingerprinting, but does not appear to require it. This is one indication that the rule is unnecessary. Moreover, the proposed rule casts an unnecessarily wide net, and subjects all attorneys to suspicion of criminal activity. In effect, we would be required, by submitting the prints, to prove our innocence, rather than the Bar or any criminal authorities being required to show some probable cause for this imposition. Making attorneys pay for the supposed costs of this new program simply adds insult to injury. Surely, if the Legislature seeks to cast doubt on the integrity of every lawyer in this State, the least it could do is to allocate the funds to conduct what amounts to a witch hunt for "potential subsequent arrest and conviction notification of criminal information." That is mere gobbledygook. Moreover, the State Bar of California should not participate in further attempts by the DOJ and FBI to infringe upon individual rights of privacy. If there are any doubts about an attorney's identity or a reasonable suspicion of wrongdoing, these should be investigated on a case-by-case basis.</p>		, OB#, \$M, PRY.
<p>The State Bar of California continues to treat its membership as if they were all criminals. Rather than advancing law as a profession, it denigrates attorneys by spending the vast majority of its resources "protecting the public" from them, and all at the expense of the attorneys themselves. The idea of forcing all attorneys to undergo the humiliation of being fingerprinted for the purpose of possible criminal investigation is the ultimate insult. Although I have maintained my membership in the California Bar on inactive status for over twenty years, I will be resigning this year, because it is now clear that I will never return to practice actively in California. I would never subject myself to this kind of disrespect.</p>		>Inactive,
<p>The pertinent provision, section 6054, as amended by SB 36, does not make sense. It provides as follows:(b) The State Bar of California shall require that an applicant for admission or reinstatement to the practice of law in California, or may require a member to submit or resubmit fingerprints to the Department of Justice...The second clause of the sentence ("The State Bar of California shall require that an applicant for admission or reinstatement to the practice of law in California") is lacking a verb. It fails to state what the Bar shall require of applicants. Presumably the sentence should have read "The State Bar of California shall require that an applicant for admission or reinstatement to the practice of law in California submit or resubmit fingerprints to the Department of Justice, or may require a member to submit or resubmit fingerprints to the Department of Justice..."Its intent (however artlessly expressed) appears to be that the Bar must require applicants to submit fingerprints, whereas the Bar may require members to submit fingerprints. In other words, as regards applicants, fingerprinting is mandatory, whereas with respect to members, it is discretionary.If this is the case, the letter from Tani G. Cantil-Sakauye, Chief Justice of California to State Bar President Michael Colantuono and Executive Director Leah Wilson misstates the law. That letter asserts that "Senate Bill No. 36 amended Business and Professions Code section 6054 to authorize the State Bar of California to require any applicant for admission and any current member of the State Bar to submit or resubmit fingerprints to the Department of Justice ...". This is true. Senate Bill No. 36 does authorize the Bar to require fingerprinting of members. However, it does not require it. Yet the Chief Justice asserts that it does. The letter concludes "now that Governor Brown has signed Senate Bill No. 36, the State Bar is directed to consider and present to the court any proposed court rules that may be appropriate to facilitate implementation of the fingerprinting requirement for all State Bar applicants and all active attorney members [emphasis added]." This is untrue. There is no requirement in Senate Bill No. 36 that all active attorney members be fingerprinted. The State Bar should resist engaging in a vast, expensive, time-wasting exercise based upon sloppy judicial reading of a sloppily drafted statute. Furthermore, if there were to be such an exercise, its costs should be borne not by individual attorneys but by the State Bar. According to the Bar's own website, there are currently 189,391 active members of the Bar, and annual Bar dues are currently \$430. This gives the State Bar an annual income of eighty-one million four hundred and thirty-eight thousand one hundred and thirty dollars (\$81,438,130). With an annual income like that, the State Bar ought to be able to fund its own pointless exercises.</p>		\$M
<p>Given that it was the State Bar's failure to enter into an agreement with the DOJ that resulted in the need to resubmit fingerprints, I fail to see any justification for imposing this cost on individual members of the bar. Those who makes mistakes while working for the state bar need to be held accountable, as should their supervisors.</p>		
<p>If this proposed requirement comes into forth, the State Bar should provide attorneys who reside outside of the United States with special considerations, including:1. Fingerprint kits which allow those who reside outside of the United States to take their fingerprint by themselves and send the evidence back to the State Bar. In some country, like Japan, there is no place to provide fingerprint taking service and thus, without such self-taking fingerprint kits, it is difficult to comply with the proposed rules;2. Reasonable time frame. Due to international postal deliverly service, fingerprint may not be reached to the State Bar on time, so the deadline for submission of the fingerprint must be reasonable for attorneys who reside out side of the United States; and3. If self taking kits are not available and on-site fingerprinting in the United States is only choice, the extended deadline must be provided to attorneys who reside outside of the United States.</p>		
<p>ID requirement: Either current US Passport, or current state driver's license with photo ID, or current military or VA ID with photo.</p>		
<p>believe it or not this is the only way I could figure out how to contact the Bar. My bar number is 56950, my father's was in 17,000; my great uncles was in the 5,000's I think. When I was very actively practicing there was no attorney advertising. I am disgusted with the amount of advertising, especially after the wine country fires, that is occurring. Lawyers are no better than used car dealers. Fingerprinting will not protect clients from voracious, misleading advertising.,Tell me where I can air my complaints. Your website is useless for attorneys that want to complain about the practices of the State Bar</p>		NO PP

COMMENTS	ATTACHMENTS	CATEGORY
I believe that requiring additional fingerprinting is unnecessary and potentially harmful for the following reasons.1. Due to proven patterns of unlawful discrimination based on race, gender, sexual orientation, disability, mental health condition, or other protected bases, relying on police officers to produce and provide criminal arrest information will be as biased towards attorneys from these protected classes as the criminal justice and prison system currently is, where African American, Latino, Native American, and people with mental health conditions are unfairly and disproportionately convicted and imprisoned. 2. Consistent with California's policies of protecting immigrants, including undocumented immigrants from unfair and racist enforcement practices, requiring fingerprinting could put immigrant lawyers and applicants at risk, and cause a chilling effect on these groups of people, who have long been disproportionately underrepresented among practicing lawyers.3. The new rules and program will cost the State Bar, the Courts, and the state millions of dollars that could be better spent on programs that promote access to equal justice for all, such as legal aid and legal education.		OB#, NO PP, \$\$
I am pretty sure I submitted fingerprints with my bar application. If the State Bar - Supreme Court state that they do not have my fingerprints and want me to be fingerprinted, the State Bar - Supreme Court should bear the costs associated with the same. Annual licensing fees should not be raised to cover any expenses incurred by the State Bar - Supreme Court to pay the costs associated with fingerprints they should already have.		\$M
It appears that this would require active attorneys to not only be re-fingerprinted but to bear the costs of a background check.		\$M
The onus to bear the costs of re-fingerprinting established members who have already submitted fingerprints on application to join the State Bar should be shifted to the State Bar if the records on hand are insufficient or inadequate. Most of us have already undertaken to comply with what was required of us. If the State Bar cannot maintain their own records in a satisfactory manner, membership should not be compelled to cover the costs of State Bar inadequacies.		\$M
The legislation upon which the proposed rule is based "authorizes" the Bar to require the fingerprinting, but does not appear to require it. This is one indication that the rule is unnecessary. Moreover, the proposed rule casts an unnecessarily wide net, and subjects all attorneys to suspicion of criminal activity. In effect, we would be required, by submitting the prints, to prove our innocence, rather than the Bar or any criminal authorities being required to show some probable cause for this imposition. Making attorneys pay for the supposed costs of this new program simply adds insult to injury. Surely, if the Legislature seeks to cast doubt on the integrity of every lawyer in this State, the least it could do is to allocate the funds to conduct what amounts to a witch hunt for "potential subsequent arrest and conviction notification of criminal information." That is mere gobbledeygook. Moreover, the State Bar of California should not participate in further attempts by the DOJ and FBI to infringe upon individual rights of privacy. If there are any doubts about an attorney's identity or a reasonable suspicion of wrongdoing, these should be investigated on a case-by-case basis.		6054#, OB#, , \$M, PRY.
I am an attorney licensed to practice in California. My SBN is 309209. If you want my fingerprints, that's fine with me.		
Allow exceptions from the rule or accept finger print / background investigations (and reinvestigations) conducted as a result of an attorney's employment such as with the United States Department of justice.		AF!
My fingerprints do not change and are already on file. I see absolutely no point other than to tax attorneys. It should be the duty of the DOJ to determine which attorneys don't have fingerprints on file, and communicate with them directly. Just because its cheaper for the government to do something a certain way does not mean it is the appropriate thing to do.		AF!
I got fingerprinted to be admitted to the State Bar. Livescanned. Why do I need to submit my fingerprints again and pay for the privilege of doing so? What do I pay the State Bar \$430 per year for? Such a waste of time. Why not ask the CA DOJ for our RAP SHEETS? Or get a fee waiver for live scans.		AF!
This is unduly burdensome and not necessary.		BR., NO PP
Unnecessary and a waste of everyone's resources.		BR., \$\$
I don't see the point in making everyone resubmit fingerprints. We all did this to be admitted and it is just added cost and frustration for everyone.		NO PP, AF!
This proposed rule is redundant, duplicative, and unnecessary. Attorneys are already required to inform the State Bar of any criminal convictions. As such, this proposed rule only serves to punish attorneys by forcing them to bear the costs of this unnecessary fingerprinting.		AF!, NO PP, RR#, \$\$
For a sole proprietor any additional fees that I have to pay can be very difficult.		\$\$
This rule is absolutely ridiculous. I find it extremely offensive that I am treated like a criminal or some type of immoral individual without so much as due process. I am an attorney and I take my responsibilities seriously. I do not need to be treated like a child or criminal. Can anyone explain why I need to be re-fingerprinted like some sort of criminal. What other profession requires re-fingerprinting.		, NO PP
Attorneys that work for federal or state agencies which require background checks should be exempt from any proposed rule. These background checks are exhaustive and share information with national databases.		AF!
The letter says the rule will require "re-fingerprint[ing]" active attorneys. But the proposed rule does not require "re-fingerprint[ing]." Instead, the proposed rule requires fingerprints from "Each active licensed attorney of the State Bar for whom the State Bar does not currently have fingerprint images." Can all active attorneys who submitted their fingerprints to the Bar before admission assume the Bar still has those images and, therefore, the new rule does not apply to them. If not, how will members who submitted their fingerprints to the Bar before admission know whether the Bar "currently has" their fingerprint images?		
Based on the recap I just read, the legislature/Bar intend to make long-time licensed, non-offenders pay for the fingerprinting. While I certainly see how the proposed rule will potentially aid public protection, nevertheless this is a cost burden which should be borne by all citizens rather than by law-abiding licensees.		\$M
That will only cost money, and take time from my life. Kinda Stupid.		\$\$, BR.
It is my understanding that fingerprints themselves don't change. Do we need to be re-fingerprinted because previous prints on file decay or are discarded? Because if not, the new rule can be satisfied by simply running the existing finger prints on record through the database again, and not costing attorneys unnecessary time and fees.		AF!

COMMENTS	ATTACHMENTS	CATEGORY
<p>Dear Sir or Madam:I think this rule would be a waste of time and resources for thousands of practicing attorneys. I encourage anyone responsible to stop pursuing this rule's development and implementation. Frankly, I think it's insulting, a violation of privacy, and it degrades the profession in the eye of the public. Attorneys go through a very rigorous background check prior before getting licensed, why not beef-up that process if the State Bar suddenly lacks confidence in it? Presumably any applicant background check has, for years, included a basic criminal history search and/or a search of an applicants' aliases. Active attorneys' are are highly regulated and searchable as-is; the nature of the profession inherently demands it. You could simply "google" any actively practicing attorney in California and find her contact information within seconds. Fingerprinting won't do anything. Moreover, I regularly read the "ethics" report published by the State Bar, in addition to being a voracious consumer of local, state, and national news. Of the many instances of attorney discipline I've read about, I've yet to hear of a single account of a fugitive of justice hiding in plain site among the active bar! If fingerprinting is such a "critical component" of public protection, in how many proven cases thus far would have fingerprinting attorneys made any difference in preventing harm to the public? I guess zero, and if not zero, then 10 in the last decade among a group of thousands of lawyers.I encourage you to drop this rule and its implementation and focus your resources on the many other terrible problems in our legal system. Brian Mathias</p>		BR., \$\$, PRY., AF!, NO PP
<p>Ladies &amp; Gentlemen, I disagree with the tentative rule requiring active members of the bar to again submit to finger printing and then making them pay for it for the following reasons: 1) I have already provided my finger prints to the State Bar when I submitted my application 28 years ago. If the State Bar has either lost or allowed my finger print card to become unusable, it is not my fault; 2) It is very intrusive and violates my Fourth Amendment right to privacy. I am an active member in good standing. I have already passed my background check, given you my social security number, am an American citizen, and have not been accused of any crimes. Certainly law enforcement could require me to provide additional finger prints if I was arrested. The only possible use of taking my finger prints again is to use them as a way to search for any possible crimes that I might have been involved subsequently without a warrant or probable cause. Will I also be required to provide a DNA sample, a hair follicle test, allow a tap on my phone line, or track my whereabouts using my mobile phone? Aren't there any other people out there who are more likely to have committed a crime or is our State Bar becoming an Orwellian big brother?</p>		AF!, Unconst., PRY.
<p>Under the proposal, active attorneys are given until December 1, 2019, to obtain fingerprints. An inactive attorney cannot even seek a change to active until the inactive attorney submits fingerprints. Wouldn't it be fairer to at least give the inactive attorney who becomes active some time period to submit fingerprints? 6 months, 3 months, 90 days? There may be an immediate need for an inactive attorney to become active and represent a client, only to be completely barred until the fingerprint process is completed. Seems extreme.</p>		
<p>Assuming the DOJ keeps fingerprint records of all persons who have requested DOJ background checks that require complete fingerprinting under current DOJ standards, then attorneys who have already submitted such complete fingerprints for DOJ background checks should not have to resubmit under this proposed rule.After all, why should such attorneys have to pay a second time for the same service? The DOJ should already have the fingerprints and should keep them on record.Current DOJ background checks require very complete sets of fingerprints.</p>		AF!
<p>I was subjected to fingerprinting in order to be admitted to the Bar. I did not appreciate having to do it but understood the need for it. I wholeheartedly object to having to do this again as it makes me feel as if I'm a criminal or that I have to prove my identity. Forcing this on me is unjustified.</p>		AF!, , NO PP
<p>This seems unnecessary. Rather than forcing normal working attorneys to take time away from important client matters, perhaps the State Bar should: (1) reinforce self-reporting obligations and make revise them so people actually know what they mean; (2) strengthen the punishments for attorneys who do not self-report; and (3) require attorneys to sign a form as part of their annual renewal submission indicating that they did not have any arrests in the preceding 12 months. Given that fingerprinting locations seem to only be open during the most inconvenient times for a normal practicing attorney, this seems like a total hassle for the 99.9% of us who aren't actively engaging in misconduct and trying to hide it. Plus, it will likely result in a substantial expense for the State Bar, both in terms of processing costs and personnel time, which could be put to much better use helping new attorneys who aren't in established firms, helping the indigent, or providing CLE without ripping off members.</p>		OATH#, BR.
<p>Overkill. The extensive moral character requirement and already getting fingerprinted, not to mention the costs associated with renewing membership every year and getting these things taken care of in the first place is just too much.</p>		AF!, \$\$
	<a href="https://fs22.formsited.com/sbcta/files/f-57-86-12862386_inRK7wFd_Comment_on_SB_Rule.rtf">https://fs22.formsited.com/sbcta/files/f-57-86-12862386_inRK7wFd_Comment_on_SB_Rule.rtf</a>	SM, No PP,
<p>We gave our fingerprints to the bar to obtain our bar license. That should be enough. We are not criminals on probation. This idea is repugnant.</p>	<a href="https://fs22.formsited.com/sbcta/files/f-57-86-12862382_fVRHQGxG_When_Pigs_Fly.jpg">https://fs22.formsited.com/sbcta/files/f-57-86-12862382_fVRHQGxG_When_Pigs_Fly.jpg</a>	AF!,
<p>The State Bar can run criminal background checks without fingerprints. If a question as to identity or authenticity arises, then it can seek the prints from the persons in question.This is WAY too broad a net, and a huge intrusion into personal privacy.Let's be clear - this is the government seeking to fingerprint all persons within a specific class without any showing of need, substantial or compelling interest.</p>		PRY., Unconst., AF!

COMMENTS	ATTACHMENTS	CATEGORY
<p>I agree with the intent of this rule, namely to weed out those attorneys with criminal history who should be suspended, disbarred, or otherwise prevented from practicing. However, I disagree strongly with this proposed rule on two fronts. First, only those lawyers for whom the State Bar does not have fingerprints already should be fingerprinted. Simply ordering every lawyer licensed in California to get fingerprints taken is wasteful and inefficient. I got admitted in California in 2009 and remember getting my fingerprints taken. Thus, the State Bar already has my fingerprints. The State Bar does not need my fingerprints again. I should not have to pay to get fingerprinted again to give the State Bar something they already have. Second, I am completely opposed to having to pay for a criminal background check for myself. If the State Bar wishes to impose such a requirement, they should either find a way to pay for it themselves out of the hefty bar dues I already pay each year, or find a way to fine those members with criminal backgrounds who do not voluntarily disclose that. Those fines would then pay for the background checks for the rest of us.</p>		AF!, \$M
<p>Is this a solution in search of a problem? Are hordes of criminals flocking into the State of California to attend law school and then take the Bar exam? Absent from any of the materials on the bar website is a single example of an attorney who had committed a felony or serious misdemeanor but nevertheless continued to practice law in a way that caused damage to a client. Also, I was fingerprinted when I was admitted to the Bar in 1978. And in 1990 when I became a notary. And in 2000 when I got my broker's license. Why isn't that good enough? It is all too easy for our esteemed Supreme Court Justice to volunteer thousands of hours and hundreds of thousands of dollars this will cost members of the bar. I would be interested to know whether she is going to shag down to the DOJ to have her fingerprints taken.</p>		NO PP, AF!
<p>I know a way to reduce the costs of Bar administration - fire the people who sit around thinking up these ideas! \$15.5 million dollars picked from the pockets of attorneys, plus the time to get fingerprinted. My house was burglarized twice in 9 months, and I doubt any of them were attorneys. Do something about THAT instead of hassling attorneys on threat of removing their ability to earn a living. The world of Bar discipline managed to work before this boondoggle and it will continue to work without it.</p>		BR., \$\$
<p>It is a great idea. Some on active status may not report booking incidents and it is import the bar is made aware of unreported incidents. I think out of state licensees should submit prints from their state as well as California.</p>		
<p>Re-finger printing penalizes those who comply with Bar rules and seek to uphold the law. The DOJ and present administration are abridging civil rights. There is much to question regarding motives for wanting everyone's finger prints on file.</p>		, Unconst.
<p>I see no reason why every member of the Bar must be fingerprinted after admission so long as they have not been disciplined by the State Bar or the State Bar has been given some compelling reason that would require collecting the fingerprints in order to confirm or clear some allegation. In the absence of a very compelling reason for having fingerprint information collected, the inevitable real concerns can be met on an individual basis with existing technology and data. Isn't a free and independent Bar supposed to be a check against governmental power? Before we enact a rule, I would like to see some justification. I do not like making broad rules based on one or two specific incidents and this has all the hallmarks of an overreaction to some specific incidents. Given the real difficulty of securing data (e.g. the Yahoo &amp; Equifax breaches), I would prefer that the Federal Government be the sole authorized recipient of my fingerprints and then only if I have given reason to have them taken--practicing law should not be considered a "risk factor" for criminal behavior nor should a Member be forced to disclose sensitive data without good cause. I do not trust the State Bar of California or Judicial Council or Court System to be able to keep fingerprint files adequately secure. They have no expertise in this and the Court System's abortive attempts to computerize everything under Chief Justice George were extraordinarily costly and inefficient. Finally, I object to the fee shifting to practitioners. We already pay way too much, in my opinion, in State Bar fees.</p>		NO PP, SCY., \$M, PRY.
<p>Dislike the fingerprinting. Hate the costs. Bar would have to reduce MCLE requirements to compensate for time with compliance. Super-hate on the fact that Bar would easily have access to arrest records of attorneys (sans conviction) based on their fingerprints--may be negative bias in any irrelevant discipline proceeding or action. The public is free to conduct a background check on attorneys, like any prospective landlord or employer can screen its tenants or employees. Don't see how getting fingerprinted as attorneys would protect public against white collar crimes, which are the ones we prefer to commit. The client usually reports that to the bar anyways. Also, don't see how incarceration of violent attorneys isn't enough protection for the public already. Thus, the protection of the public purpose of the rule seems nonsensical. Also, if an attorney is convicted of any crime, it's a matter of public record anyways. The public is free to conduct a background check on attorneys, like any prospective landlord or employer can screen its potential tenants or employees. Clients don't tend to, but it's their right. Not sure how this is protecting the public, except that some attorneys with criminal backgrounds can't practice anymore, who may resort again to the same or worse criminal acts. Would have liked to see amnesty for nonreporting (of crime unrelated to money or trust) but otherwise decent (no new convictions) attorneys as part of proposed bill. Kind of funny now that we're going to scrutinize attorneys with higher standards than to maintain Top Secret clearance. It feels like a presumption of guilty until proven innocent. - James J. Huang, Esq.</p>		OB#, BR., RR#
<p>THIS IS AN OUTRAGIOUS RULE IN ORDER TO COST ATTORNEY WHO ALREADY GOT FINGERPRINTED TIME AND MONEY. HUMAN FINGERPRINTS DO NOT CHANGE. THERE IS NO REASON FOR AN ATTORNEY TO BE REFINGERPRINTED.</p>		\$M, BR., AF!, NO PP
<p>I have already been fingerprinted once, when I applied for admission to the Bar of the State of California. Why should I be forced to bear the cost of refingerprinting? If the State Bar of California did not believe it important enough to retain my fingerprints, I should not have to pay for that decision. Additionally, without any legitimate reason therefor, this is also an unwarranted intrusion on my inalienable right to privacy, as guaranteed by Article I, Section 1 of the Constitution of the State of California. Therefore, I object to this proposal. Michael A. Zuk, Esq. SBN 083102</p>		AF!, \$M, PRY., Unconst.
<p>I am a veteran, a former Federal Law Enforcement Agent and a Notary and have been an attorney for 30 years. Getting an appointment and paying for fingerprints, for a fourth or fifth time seems to be duplicative. You already have my fingerprints. Why not get them from other records.</p>		AF!, BR.
<p>Why? When is there a viable need to compare fingerprints? If there is a criminal complaint? How many instances is a fingerprint analysis ever been necessary? This is added cost and burden to an already ineffective bar association when it comes to investigating attorneys in violation of the rules of professional conduct or the code of ethics. In my experience, the Bar is unwilling to investigate violations of the law or professional codes. Why and how would this added cost help other than to increase the already "top heavy" State of California Bar Association.</p>		NO PP, \$\$, BR.

COMMENTS	ATTACHMENTS	CATEGORY
The cost of this to each attorney in both application and lost time is a bureaucratic waste. The effectiveness of such a rule and its value is nil and will profit the State and public nothing. I defy anyone to provide data that shows numerous, felonious actions by lawyers are being hidden without this program and will improve public safety by implementation. This is a "feel good" idea by the Court and State Bar that will waste many thousands of dollars and accomplish nothing. But it allows the Court and Bar to righteously declare they did something. Something we are paying for. Foolish idea that will benefit no one. Nice job.		BR., \$\$, NO PP
While enforcement of criminal prevention is a proper reason to request fingerprints from active and inactive attorneys, for us to bear the cost is not acceptable. \$49 per person may not seem like much, but it is just another cost that is added to the price of being a professional attorney. There is already enough costs and fees, so it would be appreciated if other costs were kept down.		\$M
State bar payment of DOJ and FBI processing costs should not be limited to attorneys who have been granted fee scaling or fee waiver of annual fees and should be absorbed by the State Bar in its entirety for all attorneys who declare they have no criminal record. That would suffice since if an attorney subsequently acquires a criminal record that must be reported to the bar in any event.		RR#, EX#, 2.15B#
It is completely unreasonable to require attorneys, who have already been fingerprinted and submitted said fingerprints to the bar to obtain admission to the bar, to pay for new fingerprints because of the bar's poor recordkeeping. Further, there are better, cheaper methods for obtaining this information. The bar should pursue those options. Annual bar dues are expensive enough without requiring additional costs. Further, many of us in government positions are subject to regular background checks, which would uncover any new arrests, criminal charges, and convictions. This process is sufficient and the bar does not need an independent process.		AF!, \$\$
What is the problem that this new rule will solve...i.e. why now?		WN#
What possible use is it to fingerprint all 200,000 attorneys in California?		NO PP
Though I keep my license active in case I decide to continue practicing law, I have been effectively inactive for years due to disability and find this proposal to be an unnecessary imposition! Also, I see no viable reason for fingerprinting attorneys!		BR., NO PP
The State Bar should bear the costs associated with resubmissions. This is their screw up.		\$M
This seems unnecessary, especially since fingerprints were already submitted with moral character evaluations. It would be better for attorneys to spend their time and money on other things, such as providing legal services to low-income and indigent clients.		AF!, BR., \$\$
I believe that the State of California's bar license fees are already the highest in the nation. In considering this rule, please consider the impact that this will have on attorneys who perhaps do not qualify for a fee waiver, but work to advance the public interest or serve the State or federal government. Further, in subjecting attorneys to this new rule, please consider how to implement for those of us who maintain a California bar license yet practice exclusively out of state. Thank you.		OOS B., \$\$
1. Leave me alone unless you have proof I have committed a transgression.2. If you pass the rule, then make it easy for us to comply. Bring the fingerprinting operation to my office. Don't make me drive somewhere. Don't assume it is convenient for me to go to Court; many of us are NOT often in Court.		, BR.
The rule is unclear--if the State Bar already has fingerprints will the member be required to resubmit? If so, why? Fingerprints do not change.Are the attorneys supposed to submit their own fingerprints to the DOJ? That is unclear as well.This seems intrusive and a pain in the neck to address a very small part of our Bar		, AF!, BR., PRY.
Attorneys are subject to rigorous background checks through the moral character application. There are guidelines already set for for disciplinary review and reporting; the additional inclusion of re-fingerprinting is unwarranted and frankly unnecessary.		AF!, NO PP
There are ALWAYS reasons for making life more difficult for people. The key to good government is to do the hard work of figuring out how to make life easier for people. This rule, whose rationale is no doubt well intentioned, exacts a price in time and treasure well beyond the benefits it will confer. I could go on, but I'm sure you get my drift.		BR., NO PP
I have passed the character and fitness portions to be admitted to the bar, and both the Federal and California State governments already have my fingerprints for Global Entry, Notary Public, etc.If the law does not require the bar to re-fingerprint members of the bar, I suggest the bar pay for all of the costs to acquire additional copies of my fingerprints.		AF!, \$M
Based upon my reading of the proposed rule, there is no re-fingerprinting. It only applies IF the attorney DOES NOT have fingerprints on file in which case the cost should be borne by the complying attorney.If however the Bar wants to re-fingerprint attorneys who have already incurred this cost and whose fingerprints are already on file, then the cost should be borne by the Bar.		\$M
When I was admitted to the California State Bar Association, some 48 years ago, I had to submit fingerprints. I am assuming that requirement was not changed so why is it necessary for an active attorney to re-fingerprint again. I also seem to remember that when the fingerprint was submitted a FBI check was performed. This new request to have to re-fingerprint is an undue burden on active attorneys and is a duplication of what was already completed.		AF!, BR.
I would agree if you modify the responsibility for payment to the BAR or amend to have attorney's that have submitted fingerprints within last 2-5 years be exemptAdditionally, if the attorney has already submitted fingerprints prior, why not have the attorney sign a waiver allowing DOJ to provide criminal records to the BAR without having the re-submit fingerprints cards.		\$M, EX#

COMMENTS	ATTACHMENTS	CATEGORY
<p>I cannot believe that there is an actual need to fingerprint all existing attorneys to screen for criminals. I think that this requirement is unnecessary and wasteful. I was admitted in 1976 and remember having to be fingerprinted as part of the bar application process. Most California attorneys have been admitted after me, I assume with the same requirement. If an attorney is convicted of a felony, it is my understanding that the State Bar is notified. Do you really think you are going to find criminals hiding in the ranks of active members of the bar? Further, it is already too expensive to practice in California. We have to use special recycled paper that costs two to three times what other businesses have to pay. We have to pay for expensive MCLE courses. We have ethical requirements that require special security on our firm networks. Attorneys such as my wife and myself that serve on Juvenile Dependency conflicts panels are compensated by the AOC at a per case per month of \$58.17. Considering the hours put into a case, this constitutes an hourly rate far below California's current minimum wage. However, I make more than the minimal amount needed for fee scaling so would be required to pay for this under the rule as proposed. As this fingerprinting will be a requirement that is being placed on attorneys like me that have submitted fingerprints in the past prior to admission, but which the state bar has discarded for whatever reason, I think the costs should be borne by the State Bar or by the State of California. As it is touted as a protection for the general populace, it is only fair that the the general fund should bear the cost. If attorneys are to bear the cost, I would suggest that a fund be set up to pay for this by assessing each attorney an amount equal to .1% of their gross income from the practice of law exceeding \$100,000. While I recognize attorneys in large cities, and particularly in large firms, regularly making seven figure incomes are behind this, and will be little impacted by the costs involved, adding to the costs of practice for attorneys in depressed areas like California's Central Valley (with incomes less than Appalachia) is unconscionable, particularly those attorneys whose practice helps the poorest in society.</p>		BR., AF!, RR#, \$\$, \$M
<p>I think it is unnecessary. However, if implemented I believe the State Bar (without raising or including it in the fees charged to attorneys) should bear the cost. Attorney's are required to report any arrests or convictions, now they want to have attorneys pay for the State Bar to check to make sure they are telling the truth.</p>		\$M, RR#
<p>The rule is ridiculous. However, it the Bar nevertheless ignores the wishes of its members, the Bar should bear all costs rather than impose them on members.</p>		\$M
<p>Anybody that has severed in the military and or has received a passport has fingerprints on file somewhere. What is the specific purpose for wanting another set of fingerprints. There must be specific " need to know for anybody to have access". unless there are exigent circumstances the person whom fingerprints are requested must be given prior notice with specifics.</p>		AF!, NO PP
<p>I was admitted to the California State Bar in 1975. As I recall, I was fingerprinted then. (Maybe I wasn't -- I don't really remember.) To me it makes almost no sense to RE-fingerprint those who have already filed their fingerprints. How many criminals do you expect to catch? Compare that to the amount of fuss and bother and expense this will cause to tens of thousands of people. If, instead of paying for re-fingerprinting, every active licensed attorney put the same money into a giant kitty, the money could be used for far, far more important items -- like cleaning up the backlog of rape kits in our state. That is an effort that will catch far more criminals than the present proposal.</p>		
<p>I am an attorney and also a notary. I just renewed my notary and was fingerprinted. As a notary it is done every four years. I think my fingerprints should be accepted and I and other notary/attorney should not have to do it again.</p>		
<p>Stop. Just stop. I have been fingerprinted in two states. I am done paying for more crap. You already steal enough of my money. Fingerprinting me is already an invasion of my privacy. I refuse to do it again, especially when I'm expected to pay out of pocket. I owe \$371k for law school and it goes up by the second. I pay over \$1000/year to maintain my two licenses. You all absolutely suck for even considering anything other than lowering dues. All of you should be fired and your jobs permanently defunded. I hate all of you for even wasting our time with such a shitty idea, and I will be praying for you.</p>		PRY., \$\$
<p>First a question instead of comment. The proposed rule begins with: "Each active licensed attorney of the State Bar for whom the State Bar does not currently have fingerprint images shall ..." So does this mean that those who through admission process have already submitted fingerprint images do not need to re-submit new images after the rule takes effect? I took the bar exam during summer of 2016 and was admitted in December of the same year, and did go through the fingerprint submission process. If it is that all active licensed attorneys must re-submit the fingerprint images, I am wondering if the State Bar would have plan for attorneys currently sited overseas to comply with the rule. I am currently working for the legal department of a multi-national corporation and physically sited in Taiwan. It is not realistic to expect me to fly back to California simply for the purpose of having the fingerprints collected again, and I would imagine I will not be the only attorney who will have the same difficulty. Means to collect the fingerprint images remotely (e.g., physical card mailed to overseas location or online app) or otherwise waiver to comply with the rule should be in place to accommodate people in foreign countries.</p>		Foreign#
<p>The proposed Rule does not take into account the possibility that a member's fingerprints may not be obtainable. I am one such person. The last time I sought to renew my notary public, I was unable (because of age) to provide good fingerprints. notwithstanding going to two separate facilities to provide those fingerprints. The Secretary of State's rules provided a waiver for someone such as me. I see no such exemption in the proposed Rule.</p>		UNABLE TO PROVIDE
<p>This is simply a revenue bill for those who take fingerprints. I was first fingerprinted by the police in Mississippi when I was arrested there as a civil rights worker in 1966. If this becomes a requirement, I'll think of the State Bar in the same way I think of the Mississippi police in the era of state-imposed white supremacy. I was also finger printed and palm printed this century when I did a few stints as a substitute teacher. That was to protect the students from predators. This rule is totally unnecessary for my work as an attorney and, frankly, is insulting,</p>		NO PP
<p>I don't want to incur more costs to re-fingerprint and possibility annual fee associated to this program for storage/security. As always, there is a potential for cyber-hacking. I rather not have these personal information in some cloud based program; where it is vulnerable to hackings.</p>		\$\$, PRY.
<p>The proposed rule has no language on notice which attorney should comply. I was licensed on December 12, 1983 and recall that I did submit my fingerprints to the State Bar at that time. But I do not remember for sure. It would be helpful if the State Bar would notify those attorneys who should comply, as the proposed rule in the current form appears to exempt active attorneys who already have their fingerprints on file with the Bar.</p>		

COMMENTS	ATTACHMENTS	CATEGORY
All California attorneys were finger printed and had those submitted to DOJ when we applied to the bar. If DOJ lost or destroyed them the agency should bare the cost. Additionally, there is no costs in this proposal, no methodology listed, and no guarantee DOJ will assume this responsibility and do it without legislation. DOJ is not beholden to the Cal Supreme Court. It is part of the executive branch.		\$M
What are we trying to figure out by re-fingerprinting everyone? Seeking criminal backgrounds? Or criminal charges since their admission to the Bar? I would think that any type of criminal act that was already in a database would have been known and punished already. Perhaps if there were a connection between criminal justice and the Bar, there could be a notification process. However the proposed rule seems to affect only attorneys who do not already have fingerprints on file. I would agree to that, but once and once only.		NO PP
It is not a matter of me not agreeing with the proposed rule. However, the information can be obtained for the most part and is available to the State Bar directly from the Department of Justice (State DOJ) and FBI (Federal). Hence, the State Bar can inquire whether one or both of these two agencies have software (such as algorithms) that will automatically provide the State Bar of California with a criminal history report whenever there is an arrest, and of course, a conviction. The alternative is for the State Bar to have its IT Department create a "search program" that can automatically on their own obtain the information on a regular basis (whether once a month or more often).		AF!
I have already been finger printed once as a condition of being allowed to practice law in California, providing the state with private information at my own expense. I see no need to repeat the procedure or the expense as my fingerprints have not changed since 1990. This merely creates another opportunity for data breaches and further loss of privacy. The proposed rule is redundant and ineffective to weed out the few California attorneys who have been arrested or convicted and whose fingerprint are not already on file. Another wasteful solution in search of a problem.		AF!, PRY., SCY, BR., NO PP
Unnecessary privacy intrusion.		PRY.
To shift the burden onto the attorneys who have already paid for this with the exorbitant fees associated with the moral character is insulting. I'm addition, this rule appears to be an example of the state DOJ attempting to create a database of individuals that they should not have a right to. We are already obligated to submit any violations of moral conduct to the state bar. This is an egregious rule change and should be rejected as an indiscriminable attempt to create a database that the state DOJ and bar should not have.		\$M, RR#
I understand the public policy interest. However, this interest may fairly be said to extend a number of other professionals such as: doctors, nurses, pilots, and accountants. If the law applies to at least some other professionals I will not feel that attorneys are being singled out. I was fingerprinted when I applied to the State Bar and I would think those fingerprints are still around (were they given to the FBI or some such?). I certainly don't think I should have to pay to have myself fingerprinted at this stage of my career and membership. If that's going to be the case, then limit this to attorneys who have been disciplined on serious matters akin to crimes and are still in practice. Happy Holidays to All!!!		AF!, \$M, EX#
This is another attempt by the State Bar to view its members with disrespect. I understand that it is an organization paid for by attorneys for uniformity of rules and discipline and to protect the public but the State Bar is acting as an organization that is against its members for the sake of protecting the public. There is a difference. The AMA protects its members just as it does the public. Why should the State Bar not do the same? Why should the small number of bad apples within our membership who do not self report, cause the entire membership to be viewed with suspicion to the public. Certainly, with all the Internet media and information about everyone, including attorneys, the State Bar can have its organization contact an attorney for fingerprinting, if negative information is brought to their attention and if they share it with the attorney. This method is discreet and achieves the same result.		NO PP
As a prosecutor, I have already been fingerprinted and gone through an extensive background check. Further fingerprinting of prosecutor is duplicative and unnecessary.		AF!
I have no arrests or convictions. However, I see references in the materials about using the fingerprints to obtain information about arrests as well as convictions. Since many arrests do not result in convictions, for a multitude of reasons, my belief is that the fingerprints should only be used to obtain information about convictions and that including arrests within the permitted scope of use is an unwarranted invasion of privacy which provides information more prejudicial than probative in value.	<a href="https://fs22.formsight.com/sbcta/files/f-57-86-12862213_hP52zP6T_R_Greene_Comment-Fingerprint_Rule.docx">https://fs22.formsight.com/sbcta/files/f-57-86-12862213_hP52zP6T_R_Greene_Comment-Fingerprint_Rule.docx</a>	OB#, PRY.
Not sure whose agenda is served here! Typical gibberish from those who drafted this Orwellian nonsense. The DOJ wants to know more??		PRY.
Are you kidding? This is an example of an antiquated guild system, protected by political patronage, run amok. If this rule passes I will leave the CA bar. Shame on you. This organization is a waste of time and money. You parasites collect 400 dollars a year from us. You don't need our fingerprints, and we aren't paying for it. This isn't for public protection any more than licensing requirements for people who braid hair are for public protection. Please resign and do something useful for society.		NO PP
I recently had my fingerprints sent to DOJ regarding an unrelated matter. Since DOJ already has my fingerprints, I see no need for duplication. I suggest that anyone who can show that the DOJ already has his/her fingerprints be exempted from the requirement since it is just a waste of time and money and accomplishes nothing. Thank you.		AF!
This will be inconvenient with no corresponding benefit. I already had to get fingerprinted once. Surely, time could be better spent on something else.		AF!, NO PP, BR.
I don't think there are enough attorneys being convicted of crimes to justify the time and expense of re-fingerprinting everybody. Attorneys are already required to report arrests and convictions to the State Bar.		NO PP, RR#
Treat us like criminals. Start by fingerprinting all the judges and justices.		
Licensed attorneys should NOT have to bear these costs, these costs should be paid by the State Bar. Attorneys, to be admitted, already submitted their fingerprints to the Bar. That the Bar chose not to maintain these records is not a justification to impose further expense upon practicing members of the Bar (who already receive little, if any, support from the Bar). In fact, California Bar dues are already absurdly expensive, and much higher than many other states.		\$M

COMMENTS	ATTACHMENTS	CATEGORY
<p>If the DOJ does not have a record of a licensed attorney's fingerprints on file, then licensed attorneys should be re-fingerprinted. However, many licensed attorneys have submitted their fingerprints to the DOJ outside of the moral character evaluation. For instance, I was required to have top secret security clearance as a federal employee and a contractor, and those fingerprints were submitted to the DOJ. I recommend having the DOJ cross-reference the list of currently licensed attorneys to see who has fingerprints on file. Alternatively, I recommend sending a survey to attorneys to query whether they have sent the DOJ their fingerprints for other reasons, such as employment background checks. Upon receipt of such information, the Bar could forward a list of attorneys to the DOJ for confirmation of fingerprints on file. Our Bar fees are already among the highest in the nation. While requiring all licensed attorneys across the board to re-submit fingerprints appears to be the easiest way to ensure that the DOJ has our fingerprints, it is not the most efficient or cost-effective resolution. Requiring attorneys to spend more time and money to be fingerprinted costs us not only the cost of fingerprinting and submission, but we also lose income as a result of the time it costs to have this done. The result is that it will cost attorneys between \$49 and potentially a \$750+ loss (using one hour and a maximum billing rate of \$675 per hour, plus the \$49 fee) to re-submit. As an aside, it seems logical that the Bar would have had the foresight to maintain a contract with the DOJ, so that criminal activity of attorneys would automatically be reported to the Bar. The costs of this oversight should not be fully borne by the attorneys who have already submitted fingerprints at least once.</p>		SM
<p>I was finger printed when admitted. I am assuming that they are still on file. If not, then the state bar disposed of them. I should not be responsible to pay the costs as not in paragraph 3 for the loss, if any. Criminal processing costs should be borne by the attorney only in the instance of a failure to report a crime subject to discipline. Does paragraph 3 require the State Bar to acquire the criminal history of all current active and inactive members? If so, where the member has advised the State Bar of criminal behavior and the State Bar obtains the information it already has, is the member required to pay for that act? Why is that fair?</p>		SM
<p>Most of us have already had our fingerprints taken for the Bar. There is no reason to re-take those fingerprints. This is a waste of resources and an intrusion into our lives. It is a solution to a problem that hardly exists. There must be other methods for obtaining information that a member has been convicted of a crime. Please investigate those rather than proceed with this intrusive boondoggle.</p>		AF!, NO PP, PRY., Alt. OPTS
<p>There should be no need to re-submit fingerprints if an attorney has already submitted them. There should also be an exemption for CA attorneys resident outside the US, as getting fingerprints outside the US is not easily done.</p>		Foreign#
<p>I do not understand the benefit associated with this additional burden. The process for admission to the bar presently feels onerous and thorough enough. Where do we draw the line between fingerprinting several hundred thousand attorneys and simply finger printing every one in every job. There is simply a grossly insufficient explanation of the benefit to warrant further cost, inconvenience, and invasion of privacy to simply maintain oneself in the legal profession.</p>		BR., NO PP, \$\$, PRY.
<p>The potential for abuse by law enforcement and the State Bar is astronomical. Missing from the proposal is the actual number of lawyers effected. Since fingerprint cards have been required for quite a while to join the bar, this appears to be an unconstitutional effort to grab information from lawyers to share with a law enforcement data base. Until such time as the Bar reveals the number of lawyers effected, this matter should be held in abeyance.</p>		Unconst.
<p>The draft is unclear. Do you mean a full set (10 fingers/thumbs for most of us) or is a thumbprint adequate? If a thumbprint is adequate, does the Bar retain records of thumbprints submitted in the past (I recall being thumbprinted upon admission in 1981, but haven't thought about it since then so that may have been associated with taking the bar exam rather than with admission).Apropos of this formal question, it would be useful to disclose in discussion documents which cohorts of attorneys the Bar already has records for, and the time periods over which the prints were collected. If they/we are numerous and recent, then the proposal becomes more of a nuisance for attorneys than a possible contribution to public safety.</p>		
<p>I submitted fingerprints when I originally applied for the State Bar in 1991 so I am not sure why I, or anyone in a similar situation, would need to be "re-fingerprinted" as my information is already on file. If the new rule is implemented, then it needs to be clear that the State Bar will inform any attorney that he or she was never fingerprinted and is subject to the new rule. Conversely, the State Bar should notify all attorneys who already have fingerprints on file that those attorneys do not need to be "re-fingerprinted."</p>		AF!
<p>As you know, in order to practice law, I, without hesitation, underwent submission of finger printing. I had also been fingerprinted in order to teach in pursuit of a teaching degree. What I have a concern about is the ability to request from the DOJ subsequent arrest notification for active members who have not been involved in any criminal arrests or convictions along with those who have, including those falsely arrested. It would have seemed prudent instead for the State Bar to propose a plan to receive notification from the state or federal government as a result of a valid criminal arrest or conviction of an attorney. This proposal, to include those who have not been arrested or convicted with those who have, without further justification, is another intrusion and infringement of our constitutional privacy rights. I believe we have a good system in place where the State Bar properly monitors a practitioner's standing to practice law. In addition, the implementation of requiring ALL attorneys to pay for the costs of reporting criminal arrests or convictions, if any, instead of making it applicable to those who HAVE BEEN arrested or convicted, is an additional, unnecessary fee. I believe the better proposal would be to require those having a valid arrest or conviction to submit to new finger printing and bear the costs of such finger printing as well as the costs of providing criminal history information following their valid arrest or conviction.</p>		OB#, Unconst., PRY., EX#, AF!
<p>In the email you sent out concerning this rule, you repeatedly state that attorneys may be required to re-submit fingerprints. I do not have a problem with requiring attorneys to submit fingerprints in the first instance, but if an attorney's fingerprints have already been submitted, I strongly object to the bar making the attorney resubmit them at their own cost. It is the responsibility of the bar to maintain their records properly, and there is no reason an attorney should have to pay out of their own pocket if the bar failed to do so. The rule itself is silent re: resubmitting, and so if re-submission is going to be required in certain instances, the rule should be revised to state that and to clarify what those circumstances are.</p>		SM
<p>Will judges and legislators who are attorneys have to participate or have the legislators exempted themselves?</p>		
<p>This wastes valuable time and achieves nothing.</p>		BR., NO PP

COMMENTS	ATTACHMENTS	CATEGORY
<p>The proposed rule clearly states that attorneys for whom the State Bar already has fingerprints are exempt; therefore, those attorneys should not have to re-submit fingerprints."Each active licensed attorney of the State Bar for whom the State Bar does not currently have fingerprint images shall . . ."What would be the purpose of a requirement of re-submission of fingerprints that the Bar should already have? I see no good cause for that. Weren't we all fingerprinted when we took the Bar Exam? I know I was. In these times of juvenile dependency attorneys withstanding cut after cut of our pay - 40% over 4 years - by the State of CA, I am perturbed and offended that you would require us to spend more money on something you should already have.Sincerely,Allison B. Cruz</p>		
<p>This proposal is sloppily drafted for the following reasons.BACKGROUND: The purpose as stated in the 3rd sentence of this paragraph requires attorneys to submit or resubmit fingerprint records in order to receive potential subsequent ARREST and conviction notification criminal information. If this applies only to arrest information that resulted in a conviction--I have no objection. If it applies to arrests and/or conviction--the inclusion of arrest information absent a conviction is an improper request. An arrest does not constitute criminal information whatever that is supposed to mean in this context--whereas a conviction does.If the critical component of this is public protection and the strengthening of the State Bar's discipline system what relevance does an arrest not resulting in a conviction have to do with public protection and strengthening the Bar's discipline system?PROPOSED RULE: The language in paragraph no. 1 in the 3rd line; for the purpose of obtaining criminal offender record information regarding state and federal convictions and arrests is ambiguous for the reasons set out above.Criminal offender information regarding convictions is relevant and appropriate for the State Bar to have.Information regarding arrests not resulting in conviction is improper to obtain because it does not serve the stated purpose.The mere fact of an arrest not resulting in a conviction is probative of NOTHING!Also----the proposed language paints with a brush that is far too broad. The only information that the State Bar needs to strengthen its discipline system is offender information relating to MORAL TURPITUDE.</p>		OB#
<p>What happened to the original set of fingerprints I submitted on admission to the Bar? My fingerprints haven't changed. . .</p>		AF!
<p>I have no objection to fingerprinting of new or re-applying attorneys. But as to every other attorney besides these, why make them get re-fingerprinted, at their own expense, when every California attorney already has submitted his or her fingerprints to the State?The rule is drawn too generally, for some reason not stated apparently authorizing or requiring all attorneys to be re-fingerprinted to catch the bad apples, when presumably the prints of all CA attorneys could simply be run through a database or databases to see if there are crimes since then. This looks a lot like shifting the expense of a proposal to catch a few attorneys onto the vast majority of CA attorneys who have no criminal record or subsequent criminal record.</p>		AF!
<p>Once is enough. My fingerprints haven't changed. There is also a question of the validity of the supposed science. There have been errors.If identity is the issue, what about DNA profiles?</p>		AF!
<p>Every year, the State Bar suffers from the perception it isn't doing anything to protect the public and arrives at a half-arsed rule to ensure its status as a busybody organization no one takes seriously. I am not surprised by this idiotic proposal. A normal, sane group would simply suggest cross-checking registered lawyer names with federal and local criminal databases but where's the fun in such an efficient solution? Also, why would the State Bar avoid creating another ingenious way to waste the time of honest lawyers while simultaneously transferring more private funds into the hands of Sheriffs' offices statewide?</p>		BR., \$\$
<p>This will not affect me as I have been on voluntary inactive status for many years and do not plan to become active, but I had to comment. Why? Why impose this requirement on attorneys? Modern life is not bad enough, burdensome enough, bureaucratic enough, but attorneys have to get fingerprinted repeatedly? Why? What possible purpose could it serve?</p>		WN#, BR., NO PP
<p>This is a terrible idea.</p>		
<p>Why not fingerprint all voters before they can vote?</p>		
<p>It's unbelievable how lawyers and judges are infected with "blah, blah, blah" disease. This whole announcement should have been abbreviated to just notifying members of the STATUTE, which says, "The State Bar of California shall require that an applicant for admission or reinstatement to the practice of law in California, or may require a member pursuant to subdivision (k) or (l) of Section 6068, be fingerprinted in order to establish the identity of the applicant and in order to determine whether the applicant or member has a record of criminal conviction in this state or in other states."That's it. The statute authorizes this, and the Supreme Court has ordered it. (Oh, and please shut down the verbal malaria that is the AOC)</p>		
<p>I have been practicing for 35 years and now practice only part time. I think this new rule is burdensome unless it includes some exemption for attorneys over a certain age or who have practiced for a certain length of time.</p>		BR., EX#
<p>I would support the proposed rule, if includes a clear process for attorneys to submit fingerprints who are licensed in California, actively practicing law for a California client, but who are not physically present in the state. Otherwise costs would be unduly burdensome. Thank you.</p>		OOS B.
<p>There is no proportionate need for this rule. It will cost people and the state a lot of money and bring about a minimal benefit, if any.</p>		NO PP, \$\$, BR.
<p>What is with this Bar ? Why do they insist on the ever expanding bureaucracy? Have my finger prints changed from the last time I submitted them? 251. Fingerprinting—Search and SeizureThe Fourth Amendment does not bar the fingerprinting of a properly seized person. "Fingerprinting involves none of the probing into an individual's private life and thoughts that marks an interrogation or search." See Davis v. Mississippi, 394 U.S. 721, 727 (1969). So long as the initial seizure of the person is reasonable, as in a lawful arrest, subsequent fingerprinting is permissible. It is also possible that the requirements of the Fourth Amendment could be met through "narrowly circumscribed procedures for obtaining, during the course of a criminal investigation, the fingerprints of individuals for whom there is no probable cause for arrest." See Davis v. Mississippi, supra, at 728; see also Hayes v. Florida, 470 U.S. 811 (1985).What's next DNA?</p>		AF!
<p>HUH! I changed my fingers????Its not bad enough how much this profession takes out of people, you have to add yet one more aggravation? And, not only is there the expense of getting the prints, there is the time necessary to get it done.</p>		AF!
<p>This proposed rule will not accomplish any of the stated goals and is a unnecessary burden to place on attorneys who have already sworn under oath to uphold the law. It basically equates attorneys to sex offenders and felons!</p>		BR., NO PP

COMMENTS	ATTACHMENTS	CATEGORY
<p>I have four issues. First, and this is about the way the rule is presented rather than the rule itself, the rule does not mean have the same meaning as what is stated in the lead in. Second, requiring every licensed attorney to comply, which would include the most recent attorneys who obtained their fingerprint less than a year ago, is unproductive and a waste of resources. Third, the costs should not be the responsibility of the licensed attorney. Fourth, this initiative is not legally required. Finally, the idea that re-fingerprinting is a "critical component of public protection and strengthens the State Bar's discipline system" is not founded. The rule applies to attorneys "for whom the State Bar does not currently have fingerprint images". It "requires all active licensed attorneys for whom the State Bar does not have fingerprint images to submit fingerprints" (emphasis on 'for whom'). The lead in to the rule reads as if every licensed attorney, regardless of whether their fingerprint is on file, must resubmit their fingerprint. The lead in also states that, "Fingerprints submitted before the proposed Rule takes effect will not be valid for purposes of complying with the new proposed Rule," which is no where in the rule and confuses what the rule is intended to cover. Are fingerprints from attorneys that were just licensed valid? If no, why would they not be? Are all fingerprints on file going to be deleted so that the State Bar can claim it does not have fingerprints on file, thus ensuring the rule applies to all licensed attorneys? Does the rule cover all licensed attorneys or just the licensed attorneys for whom the State Bar does not have fingerprints? Please clarify this. Along the same lines as the first issue, if the rule were to apply to all licensed attorneys, then attorneys ranging from those who just went through the background check to attorneys who have been barred for decades will have to re-fingerprint. Putting aside the proposal to have the attorneys bear the cost, there will still be hours of man power and plenty of monetary resources sunk into this endeavor by the state or the State Bar to catalog the fingerprints. It is unproductive and irresponsible to have attorneys who just submitted their fingerprints as part of the background check to re-fingerprint. An exemption for licensed attorneys that were barred within the last 10 years or so would significantly reduce the cost of this measure. Placing the financial burden of this measure on licensed attorneys is craven. As is discussed below, this is not a legal requirement and thus the State Bar will be forcing its members to bear costs that it has unnecessarily created. Many attorneys will be fortunate to have their firms or companies pay for the re-finger print, but many more, who work in areas such as non-profit and public service, will be left to bear the costs on their own. If the State Bar is going to mandate an additional measure, it should have the courage to cover all of the costs. The proposed rule is not legally required to be in place. As stated in the background, Senate Bill 36 "authorizes the State Bar to require attorneys to submit or resubmit fingerprint records" (emphasis on 'authorizes'). Senate Bill 36 does not require, mandate, or in any other way demand that the re-fingerprinting be done. It merely gives the State Bar the authority to do so. The Chief Justice of the Supreme Court then wrote a letter that "directs the State Bar to require attorney submission of fingerprints to the DOJ". We have suddenly gone from mere authorization to a full fledged directive. In connection with the prior point, licensed attorneys should not have to cover the costs of an obligation that the state government is not requiring. The purported</p>		BR., \$M, 6054#, NO PP, EX#
<p>I absolutely object to this open ended boondoggle. I have borne these costs before. Now, through no fault of my own, I MAY have to bear them again. Nothing specifies how the individual attorney gets 'required' to submit. No cap is specified on fees. No amount is indicated. Nay, should your 'procedure' result (again) in a need for resubmission (example, you find the submitted for smudged), how much of that is borne by the attorney? How far the camel will put the nose in the tent is unclear. There should be provision for waiver of this 'fee' as well. Truly, this is a casually and carelessly proposed bit of rule making. In 'the name of good' the State Bar of California demonstrates poor rule making for its own members.</p>		\$M
<p>I was fingerprinted when I applied to the Bar in 1973. I recall my classmates who applied to the CA State Bar talking about going through the process as well. Is there a reason why the Bar wants its members to go through this process again? .</p>		AF!
<p>I disagree. This is overly burdensome; particularly for attorneys barred in the last five years. I am residing out of the country and this would be very difficult for me to comply with. So my fingers have to be registered, but not my guns.</p>		BR., Foreign#
<p>This Rule should only apply to attorneys that have had criminal action taken against them, since today's world has such a great ability to identify those who have been prosecuted and convicted of a crime. In today's internet world, there is no need to obtain an additional set of fingerprints of an attorney, since we were all fingerprinted when we did our original Bar applications - whenever that may have occurred. So, the State Bar only needs to share and scan the existing information with the DOJ and not require every attorney to redo what was done at the time of their admission.</p>		EX#, AF!
<p>This rule is an unnecessary waste of professional time and resources. All attorneys are fingerprinted when applying for admission to the bar. In addition, the bar checks our bona fides, i.e., am I indeed the person I am claiming to be. The bar also has an effective mechanism to suspend any attorney charged with a felony. Since the current system is working, the cost of implementing such a rule (several million dollars) far outweighs the benefit from implementing such rule, as the benefit would virtually be nothing. The Bar could just submit the names and/or fingerprints on file of all active attorneys to the DOJ. (If the bar is so concerned, why hasn't it done so already?) This rule is just a way for the legislature and the bar to pretend that they are doing something that actually matters. Out of, what, 150,000+ attorneys in California, how many miscreants do we expect to catch by re-fingerprinting everyone? If this rule is passed, the rule should be modified to state that the bar is required to notify every member of the bar on just how effective the rule is, i.e., how many bad guys were caught and what is the nature of the offenses. I am aghast at the logic that could think such a rule is worthwhile. There are so many better ways to use our time and resources.</p>		BR., \$\$, AF!, NO PP
<p>While the bar is well within its rights to ask for attorneys to be re-fingerprinted, and the justification given for the request is worthwhile, I think that attorneys ought not to be required to foot the bill for this re-fingerprinting themselves, especially those admitted only recently. As an attorney admitted to the California Bar just this year, I had livescan fingerprinting done for the Bar approximately one year ago as part of the Moral Character Determination process. I bore that cost myself without complaint. However, I see no compelling reason why I should pay again to be re-fingerprinted when the Bar already has a set of my fingerprints that are no more than a year old. Thomas K. Grant Bar No. 314451</p>		\$M
<p>The train has already apparently left the station, so there is probably little chance of detailing this. However, I will go on record as saying this seems like a solution looking for a problem, and now the 99% are going to be paying MORE for the errors of the 1%. Such a shame that our own State Bar cannot more simply address the matter of criminal convictions.</p>		
<p>Another silly attempt by the Bar to pander to someone or other. Why not mug shots as well, and DNA swabs? That way, whenever there's a crime committed somewhere, we can tell if a lawyer did it. Will prosecutors and members of the Legislature be subject to this new foolishness?</p>		
<p>I was fingerprinted 46+ years ago. I don't object to being fingerprinted again. I do object to paying for it. I paid for it 46 years ago., If the State Bar has lost my fingerprints, the Bar should pay for it. If law enforcement believes the previous fingerprints are now unusable, law enforcement should pay for it.</p>		AF!, \$M

COMMENTS	ATTACHMENTS	CATEGORY
First, I was admitted in 1982. It would have been nice to tell me ahead of time if you have my fingerprints. Second, if you don't, you screwed up by not complying with the law. Furthermore, if there was no requirement in 1982 to submit fingerprints, then I should be grandfathered in and not required to do it now. Also, why give the fee discount to sliding scale folks or others. This is an across the board issue. If you are licensed in California to practice law, one fee for all.		EX1989
I submitted fingerprints with my moral character application, which was required by the state bar. There is no explanation as to why the state bar needs new fingerprints from attorneys who have submitted them with their application.		AF!
I see no justifiable reason to add a fingerprinting requirement. Members of the State Bar are already required to self-report.		NO PP, RR#
The rule is hogwash. If the state bar wants to pay the fees of having fingerprints taken, then perhaps there is room to talk. But to require the fingerprinting of already licensed attorneys absent any probable cause to believe that something may have changed in their personal background, then the rule is unduly burdensome, and nothing but complete and utter HOGWASH.		\$M, NO PP, BR.
This seems like an unnecessary duplication for many, an expense we can do without and a burden on the agencies carrying it out. In particular, some of us have had recent fingerprinting and background checks for other purposes. In my case, I just finished with the same for purposes of renewing my status as a notary public. I'm sure that there are other situations that are similar. So, the rule should state that compliance for those who have been fingerprinted by LIVEscan and had their backgrounds checked for some other purpose within two years should comply simply by notifying the Bar of the approximate date of the scan and background check and the agency involved.		BR., AF!
I submitted my finger prints 36 years ago upon admission to the State bar,, they have not changed since then. If the DOJ wants another and redundant set,, then let them bare the costs.		AF!, \$M
I disagree with the rule. The state bar should not be collecting such data to be potentially used in criminal proceedings or adverse actions. Moreover, attorneys should not be forced to pay the cost of fingerprinting. If the state wants to keep track of attorneys' fingerprints, the state can pay for it.		\$M
Question: Did the California Bar obtain fingerprints from prospective attorneys at or before their admission to the bar? I don't recall. Would appreciate a reply. If the reply is yes, why is this necessary?		AF!
Every five or ten years, I have submitted live scan prints for notary. I am getting tired of going thru the process (and paying for it). I do agree that the prints I gave 33 years ago are outdated.		BR., AF!, \$\$
Once again, the state is passing laws that have no effect. I was already fingerprinted to become an attorney. I'm sure thousands of others have been too. I can already no longer walk into a court house without going through the same security as every plebeian on the street. I can not carry a firearm (or even a small pocket knife) in a courthouse thanks to the ridiculous laws of this state and the double standards imposed by PJs across the state in regards to law enforcement vs. the general public (despite attorneys already being background checked). It's to the point where I feel that every citizen is being treated as a criminal everywhere unless they somehow prove they are not. And, then, they aren't treated as free, they are just not as oppressed. So, I guess the bottom line is: what's the point? We already have to go through security in court. What good will one additional requirement be when we don't get any benefit from it? Will we be able to bypass security again? Nope. We'll still have to go through regular security. Will you be background checking every citizen who wants to walk into court? No? Then why attorneys? Especially when we've already been fingerprinted. Here's an idea? Why don't state agencies actually talk to each other? I get fingerprinted every couple of years for a CCW permit. If that's granted each time, why make me waste my time and money getting fingerprinted again to be a lawyer. I'm at the point where I'm not sure what I'm fighting for in court since my clients, even when released from custody, aren't truly free. They just get the same illusion of freedom that the rest of us have. You'd think an organization of lawyers would understand that and fight for true freedom. I guess even this group is corrupted.		NO PP, AF!
Frankly, seems like the Bar Assoc. is merely trying to get more money from lawyers for no justifiable reason whatsoever. All active lawyers have finger prints currently on file with the Bar. Otherwise we wouldn't be allowed to practice. Science suggests that one's finger prints do not change over time; that's why prints are so often relied upon by law enforcement, the FBI, the DOJ the CIA, the DIA, DOD, etc. Seems the Bar is merely trolling for an easy and lucrative method to generate income. Oh, and of course when the rule goes into effect - because of course it will, it's for the Bar to make money - I'm certain the fees will be super reasonable, right? WRONG!		AF!
Suggest a modification to exclude attorneys whose fingerprints are taken for DOJ purposes in any other manner. For example: I am a licensed notary; my commission renews every four years, and for the last 12 years (three renewals) I have had to be fingerprinted and go through the FBI/DOJ background check. Since I have been cleared as a notary, should not be required to re-submit as an attorney. There are other affiliations (i.e., volunteers for non-profit organizations, esp working w/ children, etc.) who have to undergo background checks and fingerprinting. Would seem reasonable to give access to the findings from other agencies if the attorney is willing to authorize the release of information.		AF!
I think it is disgraceful what the State Bar is proposing. I am against it and it is redundant if you know anything about how the criminal legal system works. It is a waste of time and money and you should be ashamed of your conduct. If the State Bar was a voluntary organization I would never be a member. I have been engaged as an attorney for almost 38 years and have never had a problem with the Bar or legal system. I will refuse to be fingerprinted and will bring a lawsuit if you force the issue. Csaba Palfi		BR., \$\$
Sad commentary on profession that a few can cause all such a disparaging intrusion. I will be fingerprinted, if someone comes to my home. I also find it ironic state bar and judicial system have taken no action and allowed certain attorneys who participated in terrorism and cover-ups of crimes to go unpunished and not be made examples of.		
The proposed rule doesn't say how often attorneys will be required to provide prints. If the Bar requires attorneys to provide prints annually I would oppose the new rule. If, however, the proposed rule requires new fingerprints every 5 years I would not oppose.		1#

COMMENTS	ATTACHMENTS	CATEGORY
It is not necessary to re-fingerprint active attorneys. Criminal records and other information is easily found online and shared between governments. I cannot with any reason agree to this. The career field is already over regulated and entirely too expensive with dues and MCLE requirements, now the state wants to add this additional requirement and cost?! Wome attorneys are barely making minimum wage and also have to pay student loans as well. Please stop with the over regulation of this career! Do medical professionals get fingerprinted constantly? Mortgage brokers? Investment professionals? Bankers? There is absolutely NO reason to require fingerprinting attorneys...again.		NO PP
What's wrong with the fingerprints I submitted with my original application for membership in the State Bar of California? I swear that I have not changed any fingers since then.		AF!
This call comes down to budgeting by the State Bar of California. I am licensed to practice law in both California and New York. New York charges me \$375.00 every TWO years to remain a member of its bar. California charges me more than \$375 ANNUALLY. Rather than make its members pay for its mistake, the California Bar should cut back on some of its expenditures and absorb the costs. If funding is an issue, then the bar should examine its budget and expenditures. Please make a call to NY to find out how they manage to run their bar for less than half the cost. Perhaps moving headquarters to a cheaper location, such as Sacramento, would cut back on salaries and overhead.		\$M
Another DUMB Idea by "our" State Bar. It assumes that all Attorneys are crooks and criminals, not to be trusted--and then, requires that we pay the Costs to Prove we are NOT GUILTY! So much for the presumption of innocence!		
As officers of the law, attorneys must be transparent and take responsibility when the lack of their judgment has led to convictions or other disciplinary actions.		
I am opposed to this on privacy and civil liberties grounds; I am against the mass collection of data from innocent, uncharged persons by the government. Mandatory re-fingerprinting of bar members, who were already fingerprinted once upon application for admission, is not necessary to comply with the revised Code or Supreme Court directive. The Code and directive require that fingerprints have been taken from active attorneys, not that they all be fingerprinted again.Re-fingerprinting is demeaning and beneath the dignity of an admitted member of the bar who has been practicing without charges of any kind being filed against them.		PRY.
I'm a California attorney. I already provided my finger prints and should not have to redo the prints and sure as hell not pay for it. Being treated like a suspected criminal by the Bar is also insulting as hell. What next? You want our DNA? Stop wasting our time and money doing things to us in an attempt to justify your bloated existance. Of course we know you have already decided your course of action and this public comment crap is a sham. It is insulting. Maybe all of the employees of the State Bar should be printed at their own expense so we can have them investigated for criminal acts?		BR., \$\$
Attorneys have already been required to submit fingerprints and Livescan prior to admission to the State Bar. It is burdensome to require attorneys to re-submit to fingerprinting, and should not be required. Additionally, since attorney's fingerprints should already be on file, it seems unnecessary and duplicative.		AF!, BR.
See Attached Letter	<a href="https://fs22.formsite.com/sbcta/files/f-57-86-12862051_h1aeZaFI_Metcalf_Comment_to_State_Bar_December_7_2017.pdf">https://fs22.formsite.com/sbcta/files/f-57-86-12862051_h1aeZaFI_Metcalf_Comment_to_State_Bar_December_7_2017.pdf</a>	EX#, OB#
Since all attorneys were required to submit fingerprints prior to admission why are we now required to resubmit new prints at our expense? Did the Bar not retain the submitted prints? If not, why not? If not, why should attorneys be required to pay for reprinting because the Bar failed to preserve its own records?		AF!, \$M
Hopefully you will include a provision where one can be fingerprinted in their own state withoutHaving to make a special trip to CA?		OOS B.
Why should we pay for this? Applying it to new attorneys is one thing but applying it to all active attorneys and then making us pay for it is ridiculous.		\$M
Please modify the rule to allow the fingerprints required of notaries public to be used--the Secretary of State already has my fingerprints on file. Why cause the additional expense and time of more fingerprints?		AF!
I support maintaining current biometric data on active attorneys using the best-available technology, as a means to protect the public. However, in my view the obtainment and maintenance of those data are (or ought to be) within the scope of the general licensing requirement funded by active attorneys' State Bar dues, and those funds should be used for this effort.		\$M
Unnecessary use of the state's money		BR.
Why would you waste your time and the State Bar money doing something this meaningless?! strongly object.		NO PP, BR., \$\$
"The statute is also silent in regard to how the State Bar may implement attorney fingerprinting requirements, including with respect to a compliance timeframe and who should bear the costs associated with the processing and furnishing of these submissions." -- This is a problem and should be clarified in order for the statute to be effective.With the understanding that the fingerprinting of active State Bar members is going to be required/mandated only in disciplinary proceedings, the State Bar, in my opinion, should front the costs of the fingerprinting, but if an attorney is found liable for the claims made against him/her, he/she should then be responsible for the costs of the fingerprinting. Even within disciplinary proceedings, I think that the fingerprinting requirement should only be implemented for certain kinds of disciplinary claims (i.e. claims about fee disputes with clients does not seem to warrant fingerprinting).		\$M

COMMENTS	ATTACHMENTS	CATEGORY
<p>I agree with the concept of trying to do a better job of tracking post-admission arrests and convictions. I worked for the State Bar for several years and could see that, despite the mandatory reporting provisions and out-reach work done by the bar, there were shortcomings in both self-reporting and reporting by courts. However, I think this is a cost the State Bar should absorb. Failing that, I certainly hope the bar will set the cost to reflect its actual costs and not view this as a potential revenue source. However, and my primary reason for commenting, is that I think what would be most important at this point would be to ask CA/DOJ if it would be reasonably feasible for them to simply design the necessary search algorithm to just tag each person who was originally printed for admission such that subsequent arrests would be reported. It may even be possible to run those hits against the bar's active membership list, which would avoid over-inclusion issues. Thank you for your consideration. Again, I am ok with the rationale but do have concerns about its execution.</p>		SM
<p>There should be an exemption for attorneys in government service who have already submitted their fingerprints and completed background checks with the DOJ through their employment.</p>		AF!
<p>Don't we have names, social security numbers, and other means of discovering if we have been arrested, convicted, etc. of crimes? Is this supposed to find people who have committed crimes without being identified? Don't I have the same fingerprints I had thirty years ago? Additionally, there is no limit on cost. We just have to pay whatever is charged? Why is that? What about someone like me, who had a criminal assessment last year in connection with a legal name change? Shouldn't I be exempt? It seems like this new requirement is not justified by any reasoning.</p>		AF!, \$\$
<p>This is incredibly intrusive and an invasion of privacy. I am appalled that an organization that is suppose to somewhat represents its members would be in support of this action.</p>		PRY.
<p>I submitted my fingerprints when I first applied to the Bar. My fingerprints have not changed. I still have the same hands and the same fingers. You have my prints on file. You should not be putting each and every attorney in the state thru the time and expense of a live scan if you already have the prints on file. Your talking about a \$35 expense and about 90 minutes or more of time for every attorney in the state. The cumulative effect of that is staggering. If you want my consent to run a criminal background check, I would be more than happy to sign a consent for you to do so and consent for you to use my existing prints, there is no reason you should need new prints. Gabrielle Tetreault</p>		AF!, \$\$, BR.
<p>This rule is unclear. What do you mean by any attorney who does not have active fingerprints on file? We were fingerprinted at the time we applied for membership. Has the Bar lost or destroyed these records? Why would a fingerprint file go "inactive?" How does one know if they are on file or not? I'm not sure what this process is in aid of. It seems unnecessary in the first place, and if it is necessary because some attorneys did not get fingerprinted then why not just notify those attorneys to come in for the process. The Bar ought to pay for it by the way. Especially if the attorney has already placed her fingerprints on file. Thank you.</p>		SM
<p>This is not only an invasion of privacy, but it also seems completely unnecessary. The assertion that the public won't trust lawyers unless we all get fingerprinted is ludicrous. Aren't enough people in the world already tracking every aspect of our lives? Why should I have to be fingerprinted like a criminal when I've done nothing wrong? Also, why should the attorneys have to bear the cost of this? If you want the rule so badly, YOU pay for it. If the general public wants it so badly, THEY can pay for it. California attorneys are already on the hook for several hundred dollars a year just for the privilege of keeping our licenses (the licenses that cost years of time and hard work and hundreds of thousands of dollars to procure in the first place). This rule is a terrible idea. What's next after this? Will you be demanding that we have our bar numbers tattooed on our wrists? Collect all our DNA to appease some lobby group? Moreover, how do you intend to safely secure our fingerprints? How will the State Bar be remunerating the members when all our personal identifying information is inevitably hacked and sold to the highest bidder? The State Bar should be standing up for the privacy rights of its membership, not imposing Orwellian rules that affect the entire active membership, even though this rule seems to be aimed at correcting the behavior of a tiny, tiny minority of attorneys.</p>		PRY., NO PP, \$M, SCY
<p>There has been no reasonable justification for this. The expense far outweighs the benefits. There is no justification for the further infringement of privacy rights.</p>		NO PP, BR., PRY.
<p>The underlying basis of the re-fingerprinting is that: In October 2017 the Chief Justice of California sent a letter to the State Bar regarding Senate Bill 36's amendment to Business and Professions Code section 6054, which authorizes the State Bar to require attorneys to submit or resubmit fingerprint records to the California Department of Justice in order to receive potential subsequent arrest and conviction notification of criminal information. The Supreme Court's Oct. 20, 2017, letter directs the State Bar to require attorney submission of fingerprints to the DOJ. It states: "requiring fingerprints of all applicants and active members is a critical component of public protection and strengthens the State Bar's discipline system." The letter further directs the State Bar "to consider and present to the [C]ourt any proposed court rules that may be appropriate to facilitate implementation of the fingerprinting requirement for all State Bar applicants and all active attorney members." However, like most other lawyers, I was fingerprinted as part of the initial vetting process. The State Bar was given my fingerprints. So, pursuant to the above, the State Bar can and should be able to fulfill the Chief Justice's letter requirements already, without charging me a basket of administrative fees. If the Bar has misplaced my fingerprints, why must I pay for this inadvertence? If the State Bar wishes my fingerprints in digital format, why does it not simply take my prints on file and digitize them? It appears that we are not receiving the full story on why the State Bar wishes to re-fingerprint its members. 1) It already has our prints, or we would not be lawyers. 2) It is shifting administrative costs to members who have already paid hundreds of dollars annually in renewal and license fees. 3) It has a less intrusive manner of digitizing the prints. 4) There is no clearly articulate reason for demanding a new set of fingerprints. I would agree if: a) the State Bar pays the costs; b) sends the fingerprinter to my office; c) states that it does not, nor has it ever been in possession of my fingerprints; and d) articulates the specific, limited use to which my fingerprints will be submitted. Thanks, John Whitcombe</p>		AF!, \$M
<p>In a position that required federal fingerprinting. Time is a problem when you have kids and a full time job.</p>		AF!
<p>When an attorney is initially licensed they undergo a complete DOJ background check including fingerprinting. The State Bar keeps these records on file. If lost by the State, then the attorney should not bear any cost of re-fingerprinting. The State also has the attorneys information on file and the DOJ could now easily forward any arrest records under the Statute without any rule modifications or additional requirements by active attorneys. As a solo practitioner it is yet another added cost of doing business when it is difficult to find clients and make a living as is. Therefore, I disagree with the rule. I also don't have any arrest records to worry about so this isn't an issue with me personally.</p>		\$M, \$\$

COMMENTS	ATTACHMENTS	CATEGORY
<p>Currently, the rule provides that "[e]ach active licensed attorney of the State Bar for whom the State Bar does not currently have fingerprint images shall, pursuant to the procedure identified by the State Bar, submit fingerprint images to the Department of Justice . . ." However, the rule makes no mention of how active members would know or find out whether the State Bar currently has their fingerprint images. Many members may no longer remember whether the State Bar may already have such fingerprint images, and without notification to active members, members may have to obtain new fingerprint images out of an abundance of caution. Alternatively, such images might have been submitted to the State Bar and subsequently lost. As the State Bar is in the best position to know what it does and does not have, the rule should require that the State Bar notify all active members who are subject to the requirement, either via email or the member profile of the active member. The State Bar should also notify all members for whom it presently has fingerprint images so as to avoid potential waste.</p>		
<p>As a federal government employee, my fingerprints are already on file with the Department of Justice. I do not want to incur the cost of submitting them again, just because the State Bar may not have them in its file. I believe the rule should be modified to exclude government employees who have already submitted their fingerprints to the DOJ and have them on file with that entity.</p>		AF!, BR., \$\$
<p>I have been practicing in CA for 25 years. Prior to going into private practice, I clerked two years for a federal judge. I have no criminal record or arrests. I object on privacy grounds, especially going into a national database subject to hacking.</p>		PRY., SCY
<p>Maybe the State Bar can instead look into a subscription that would allow them to do a search of every attorney's criminal background? Like using Lexis Nexus.</p>		ALT. OPTS
<p>Unnecessary waste of time and money.</p>		BR., \$\$
<p>As I understand the wording of the proposed rule is that the fingerprinting requirement only applies to members of the State Bar who have not been fingerprinted. If so, how is it that a person was admitted to practice without being fingerprinted? If not, why would a member have to be re-fingerprinted? This proposed rule should also include fingerprinting of the Judges</p>		
<p>1. State bar fees are expensive enough without adding frivolous costs.2. What benefits will be achieved from fingerprinting? Is fingerprinting the most efficient method?</p>		\$\$, NO PP
<p>I find this requirement to be an onerous and burdensome requirement.</p>		BR.
<p>This proposed rule is a entirely inappropriate attempt by the State Bar to foist the financial and administrative consequences of the State Bar's mistake upon its own members. Page 3 of BOT Agenda item No. 701 makes clear that, despite predecessor Section 6054's requirements that the State Bar retain fingerprint records of applicants "for the limited purpose of criminal arrest notification," the State Bar failed to make arrangements to do so. As a result, thousands of applicants/members, including me, took the time and expense to obtain fingerprints and submit them to the State Bar, only to see them disappear into thin air in contravention of existing statute. Now the State Bar, upon recognizing its mistake, seeks to place the financial and administrative burden for rectifying it upon its members. The financial costs associated with members having to re-process their fingerprints are bad enough, but the time and energy required to track down a fingerprint center, trek there during operating hours, and re-submit fingerprints are much worse - particularly for a profession in which, for the most part, every six minutes are precious. The State Bar's attempt to avoid responsibility is unacceptable; it would do well to remember that, amidst its various pursuits of justice in society, it is treating its own members - those whose interests it was founded to serve - shabbily. While the State Bar's candor in admitting its error is admirable, it's proposed remedy is not. The State should not further fail its members by forcing them to clean up its mess. It should return to the membership with a proposed rule that removes any financial burden on its members and minimizes to the uttermost extent possible the administrative burden - not least by inquiring with LiveScan whether it retains fingerprint records that can be forwarded to the DOJ again.</p>		\$M, BR.
<p>Dear California State Bar While I generally agree with a process for ensuring the safety of clients and others with whom we interact as lawyers, this rule could place a significant burden on those of us who live overseas. When developing a proposed rule, please consider implementing longer timeframes for compliance and acceptance of overseas (or other states) forms of fingerprinting. I am admitted in both California and Victoria, Australia. I have had to do fingerprinting for admission in both jurisdictions. In Australia, the process for obtaining fingerprints can take months (it can only be done with special machinery - ink fingerprinting is no longer done here - and the last time the issue arose for me in 2010/2011, the wait times were multiple months long to get fingerprinting done at the main police station and the costs were very high). This is understandable given the burden on law enforcement these days. Therefore, if the rule is implemented, I (and I am sure all of us who live and practice overseas or in other states) would be very grateful if any timeframes for compliance were extended for us and that the State Bar was flexible in accepting overseas records (ie, not requiring attendance at a California fingerprinting service or police station or particular forms of fingerprinting, which may not be available where we live). Thank you for your consideration. Kind regards Monisha</p>		Foreign#
<p>1-What happened to the fingerprints I gave 45 years ago? 2-How can any applicant for admission not have already provided fingerprints? I am unaware of any change in the requirements since I was admitted in the early 1970's and was required to submit such fingerprints. 3-If you don't still have mine, isn't it a bit late to start now, now that I am 67 and practicing much less than in the past? 4-What about the fact that I have a completely clean record during that time? 5-The Bar Journal contains notices of attorneys disbarred for committing crimes of moral turpitude and has for years. This implies there is a current reporting mechanism already in place. Why is another needed, with its attendant inconvenience and cost, which varies widely from place to place and from, agency to agency. Why did the legislature, in its abundant wisdom, not address those issues and set a uniform fee and agency to do this? 6-What security is to be provided and maintained to ensure that no unauthorized persons can access these records and who is to bear those costs? Is this just another unfunded mandate foisted on the profession by the legislature in response to a few vocal critics? 7-If an attorney is charged with a crime, they will be booked and fingerprinted at such time. This is totally unnecessary and serves no useful purpose, other than as window dressing for no real purpose. The CJ is doing the members of the profession a disservice by not pushing back against this.</p>		AF!, RR#, SCY, NO PP

COMMENTS	ATTACHMENTS	CATEGORY
<p>Fingerprints taken in the first place are a privacy overreach. If the government can't handle this sensitive information the first time, it shouldn't be entrusted again. Taking fingerprints of attorneys is irrelevant to the practice of law. We are attorneys, not criminals. This is just another way California implements a quick-money grab in forcing attorneys to bear this cost. I wonder if the LiveScan lobbyists simply want an enumerated pay day. This is an unlawful search and seizure that is not connected to any reasonable cause. If the Bar is concerned about criminals practicing law, they should look to state and federal background checks, and pay for the same. I protest this proposed "rule" and declare it to be unjustified and unconstitutional.</p>		PRY., Unconst.
<p>California has a long history of overreach coming from our legislators. We are taxed to death and regulated to death, which is why there has been a mass exodus out of California to more friendly states over the past few decades. California has gone from first to last in education and we are bankrupt. The far left liberal progressive agenda has virtually destroyed the State of California. Requiring all attorneys to spend time and money to go get fingerprinted again is likely to yield negligible results when compared to the burden you will have placed upon so many law abiding attorneys in the State. Bad idea. Reminder.....California has NO MONEY. We are bankrupt. No matter how good an idea you think you have, we have no money to implement it. The money we have paid in taxes to repair our roads was raided by our own legislators and now they say we have an emergency in repairing roads which is why we now face a huge gas tax. Stop imposing burdens on Californians and make this a more friendly place to live.</p>		BR., \$\$
<p>I was required to be fingerprinted (digitally) for my bar admission in 2011 and bore that cost. Why would I need to re-submit that? Individuals whose fingerprints are missing should be notified and only those individuals should be fingerprinted. I know by requiring everyone it captures everyone but it isn't cheap to do and is also very inconvenient. The bar audits for CLE's why not audit for fingerprints? Our bar fees are high, certainly our costs must be going towards something. If everyone was re-required I would disagree.</p>		AF!
<p>Fingerprinting was done as part of the application to the state bar. Should not have to be repeated.</p>		AF!
<p>The mass e-mail I received today from State Bar President Michael G. Colantuono and Executive Director Leah T. Wilson contained scant to no public/client safety justification or cost/benefit analysis for the new rule. I perused the 32 pages of linked PDF supporting documentation and found no discussion of client losses or injuries resulting from the lack of fingerprint data. The public benefit of this rule is entirely unclear. No attempt was made to quantify the true cost (in terms of lost billable hours) imposed on the bar membership in terms of traveling in person to a live scan facility to get the fingerprints taken. Thanks for the opportunity to comment.</p>		NO PP
<p>Finger prints never change. Unless the originals are lost or compromised, this sounds like an unnecessary expense gaining little, costing much, and undoubtedly passed to the membership in either increased bar dues and/or finger print exemplar expense. If the Bar seeks to digitize finger prints, gather digital prints from new admittees only.</p>		AF!, BR.
<p>I'm all in favor of the Bar collecting fingerprints for all applicants and monitoring arrest status of its members. There was such a requirement in place when I applied for membership in 1997 and I complied with it. Until now, I have assumed that such records have been maintained by the Bar. From the information provided with respect to the proposed rule, it is unclear whether the rule will apply to those of us who have previously provided fingerprints. However, it sounds like such attorneys may need to bear the time and expense of being fingerprinted (again) in the event that the Bar has not maintained images of such fingerprints, whether through negligence or design. I cannot approve of imposing duplicative costs on Bar members. If the rule does not apply to those of us who have previously provided fingerprints, then I have no objections to the rule and I would support it.</p>		BR., \$\$
<p>I paid for fingerprinting when I took the bar exam. If the FBI and local law enforcement failed to preserve my fingerprints, why should I have to pay to have them taken again? Attorneys are not all criminals and to presume all attorneys are criminals lessens our image before the public. There is no known problem for which this is a solution. Please stand up for the attorneys of this state who have committed no crime and are law abiding citizens. I was fingerprinted again to obtain an Alameda Security pass. This proposed law sounds like a huge waster of time and money.</p>		\$M
<p>As I read the text of Section 6054, it does not require the fingerprinting of ALL members of the state bar, only those who are "an applicant for admission or reinstatement to the practice of law in California." For those other members it appears to be discretionary. "(b) The State Bar of California shall require that an applicant for admission or reinstatement to the practice of law in California, or may require a member to submit or resubmit fingerprints to the Department of Justice in order to establish the identity of the applicant and in order to determine whether the applicant or member has a record of criminal conviction in this state or in other states." Moreover there appears to be no justification or reason in the bill itself or the letter from the court, why the fingerprinting of ALL active attorneys is necessary. Nothing in the bill states that there is a need to fingerprint ALL active attorneys in this state. Nothing in the letter from the court provides why this is necessary. Instead this appears to be nothing more than yet another attempt to create an even bigger bureaucracy at an unnecessary cost of millions of dollars, a cost to be borne by the individual attorneys. Additionally, the bill is clear that "All fingerprint records of applicants admitted or members reinstated, or provided by a member, shall be retained thereafter by the Department of Justice for the limited purpose of criminal arrest notification to the State Bar. Nothing is stated in the proposed rule address this requirement and there is nothing presented to assure us that our fingerprints will be used by the DOJ solely for this purpose. This is a gross invasion of privacy and overstepping by the court and state bar regarding the requirements of SB 36. If the legislature did not find the need to fingerprint ALL active attorneys, why do the court and state bar think that this "is a critical component of public protection and strengthens the State Bar's discipline system?" What has happened to suddenly require this action at a cost of millions of dollars and the need to employ even more people at the state bar to enforce this unnecessary rule?</p>		6054#, NO PP, PRY., SCY, WN#
<p>I have no problem with mandatory fingerprinting. However, I object to the attorney bearing the involved costs. (the amount of which appears to be unknown.)</p>		\$M, \$\$
<p>The rule is ambiguous: Does it require all active attorneys to be finger-printed, or only those who seek documents from the Dept of Justice regarding criminal offender information? I see no reason to require all attorneys to be finger-printed. I have no strong opinion if only the latter group are affected as there may be valid security concerns. I have no objection to requiring finger-printing for good cause on an individual basis (for example, parents who transport non-related children to sporting events are required to be finger-printed, as are prospective adoptive parents). I don't think it should be universally required of all attorneys.</p>		NO PP

COMMENTS	ATTACHMENTS	CATEGORY
I assume that re-fingerprinting is necessary because the Bar did not retain the original fingerprints. The obvious question is whether the Bar intends to retain these re-fingerprints. The proposal should address that question. I would favor the proposal if the Bar intends to retain these re-fingerprints.		
I was fingerprinted in 1988 as part of my application for the California bar. Going through this process yet again is unduly burdensome. Any attorney who has already been fingerprinted should be exempted from having to do so again.		AF!, BR.
Arresting authorities notify the state bar of arrests and convictions. This is a burdensome rule which will cost attorneys more money. It is outrageous fleeing.		RR#, BR., \$\$
It was my understanding that all attorneys were required to submit fingerprints to the State Bar as part of the process in applying for acceptance. The proposed rule mentions that only those attorneys for whom the State Bar does not have fingerprints are to pay for a criminal background search and fingerprints. However, the explanation states that any fingerprints done before the passage of the new rule would not be applicable and would not count. If fingerprints have previously been given, attorneys should not have to go to further expense and time to have this done again regardless if it was done prior to the implementation of the rule. Also, connecting the State Bar to the Department of Justice database seems to be overreaching and wrong, likely causing many more issues than what might be protected.		BR., \$\$, OB#
Between the annual fee we pay for our bar membership and the MCLE requirement as well as all of the requirements we had to fulfill before being able to sit for the bar, I find this proposal to be asinine and unnecessary.		BR.
An attorney who is also a active Notary Public in the State of California has already submitted their fingerprints when they renewed their notary license. Therefore the state bar can obtain their prints from the California Secretary of State. Amend the rule to add active attorney/notaries have complied with this rule.		AF!
Orwellian interferences with our private lives is becoming progressively worse. Government restrictions and oversight continues to generate abuse and a growing lack of trust in the law and our State government. Fingerprinting is used to invade our privacy and monitor what we do. Any benefit is far outweighed by the intrusive nature of a government increasingly occupied by less than stellar individuals with the capacity to serve the people well and compel political correctness to a restrictive group of politicians in law and government.		PRY.
Provide an exemption for attorneys who are notary publicly or have provided fingerprints to government for other valid reasons.		AF!
There seems to be a conflict between the letter you sent to me and the actual wording in the proposed rule. In the letter you state in a couple of places that the Bar is going to "re-finger print" active attorneys. However, the proposed rule specifically states that the Bar will require active attorneys who do not currently have fingerprints on file with the Bar to submit those fingerprints. The conflict is obvious. But the wording in the proposed rule should be the correct version. Peoples fingerprints do not change, so if the State Bar already has fingerprints on file for an active attorney, it seems ludicrous that attorney would need to have new fingerprints taken and submit the new ones. I recall myself having to go down to the Santa Barbara Sheriff's station to be fingerprinted and submitting those with my application of moral character. Thus, the State Bar already has my fingerprints on file. So I see no reason why I should have to be "re-finger printed" not only because you have them on file and they haven't changed, but the wording in the proposed rule says nothing about "re-finger printing." The rule only states that you collect fingerprints from those active attorneys for which the State Bar does not have a record of such. Therefore, instead of expanding the rule to fingerprint every attorney, I feel that it is incumbent upon the Bar to make the determination from their records which specific attorneys they do not have fingerprints for and notify those specific attorneys. In addition, the State Bar, as an adjunct of the State of CA should have access to all of the attorneys thumb prints already within a State Agency. The California Department of Motor Vehicles has required for a number of years that a drivers must have a valid thumbprint on file with the DMV. Of course the immediate reaction is that it is just a thumb print and not a full set of fingerprints. But the purpose of the new rule is for the State Bar to find arrest records based upon the fingerprints. That is easily accomplished with just the thumb print as an entire set of fingerprints is not necessary to search the arrest records data base. In conclusion, the State Bar is exceeding its authority under the proposed rule by "re-finger printing" all active attorneys; and the State Bar has a much less intrusive alternative to achieve their goals.		AF!, ALT. OPTS
Fingerprinting attorney's is an invasion of privacy. Attorneys are already subject to strict rules by the State Bar and must maintain high ethical standards. Attorney's who fall short of those standards can lose their livelihoods. Adding one more pointless burden to the profession is an undue overreach by the bar. As far as I can tell fingerprinting will not prevent bad lawyers from taking cases they cannot handle or misusing client funds. Fingerprinting seems like an invasive way for the board to look like they are doing something when in fact all they are doing is imposing costs and inconveniences for the rank and file members. Even Uber drivers don't have to be fingerprinted and they are physically in control of strangers safety. Maybe we should get Uber's governance to run the state bar so they don't make us jump through asinine hoops to make it look like they are doing something for the public.		PRY., BR., NO PP
This is preposterous. Place burdensome time consuming demands on all too busy attorneys (not to mention costs), who already have a duty to report crimes of moral turpitude and who have already passed a highly burdensome character test. This is nuts! There are also due process and 4th amendment issues for existing attorneys (i.e., we did not consent to such a "search" in advance). THIS RULE, if enacted, SHOULD APPLY ONLY TO ATTORNEYS ADMITTED AFTER THE RULE TAKES EFFECT.		BR., \$\$, RR#, Unconst.
Once again costs are imposed on the masses due to the bad behavior of a few. Why don't you charge the criminals 10x or 100x the cost and refund the costs paid for the law abiding?		
I agree with the general purpose of this rule. The comments I have are as follows: Not everyone gets submitted to the DOJ that is convicted of criminal type behavior. For example, one can be civilly convicted of sexual abuse of his/her child but never criminally convicted and thus never in the CACI system at the DOJ and therefore slip through the cracks. Also, while fingerprints are ran and done in the beginning, what is the follow up afterward in years to come if there is subsequent civil and/or criminal convictions of bad behavior?		
Having already provided fingerprint information, I am not convinced it is justified to continue providing the information every few years.		AF!, 1#
The State Bar is a bloated self-important bureaucracy that regards and treats its dues payers not as its constituents, compare the Texas State Bar, but as its enemies. The Bar will make this procedure difficult, complicated, time-consuming, and expensive. Moreover, the Bar will not give two hoots because the Bar earnestly believes that simply intoning, "It's to protect the public" is a magical talisman that justifies all. Respectfully.		BR., \$\$

COMMENTS	ATTACHMENTS	CATEGORY
Until the costs are more clearly understood and outlined, the rule should not be voted on or implemented.		\$\$
I would go further and require all active attorneys to submit a DNA sample.		
I am a licensed attorney in Massachusetts and California. Next year will be my 30th year as an attorney. My first comment is that the California state bar, not the practicing attorneys, but the administrative body is a disgrace. This is further evidence leading to that opinion, specifically the new bizarre, big brother proposal to take members fingerprints. Regardless of your decision, I will not be voluntarily producing mine, but instead will proceed with a federal lawsuit against the bar and if I don't prevail will resign my membership. Each month I am sickened to read your bar discipline reports about your harassment and rude treatment of attorneys for minor violations of your rules. Last year, for the first time in my legal career I was reported to the state bar for the first time in my career. I encountered rude and unprofessional treatment by the state bar, but fortunately had the financial resources to hire a prominent, politically connected lawyer and had the charges dismissed. I grieve for the sole practitioners in this state without the resources to fight the overzealous, fascist, beauraucrats that work for the state bar. You folks should truly be ashamed of yourselves. Back to the issue at hand, what possible valid reason could there be for this proposal? Let me speculate to your motives. Someone is arrested, oh look they're a lawyer and it's a minor offense, let's start a bar complaint, terrorize them and if they're without financial resources suspend them publish their names in our sacred journal and ruin their lives. In conclusion I will always consider myself a Massachusetts attorney, I only make money in this state and you people are neurotic, beauraucratic pieces of human garbage		NO PP
I have been a member of the California Bar since 1978, and paying dues since 1979, in increasing amounts, for what I regard as an ever-diminishing benefit. Apparently, the State Bar did not, during that time, bother to retain my fingerprints, although, apparently, they were supposed to, and although I continued to pay my dues through this year. Why am I being asked to pay for this?		\$M
You had your bite at the fingerprinting apple. If you want ANOTHER set of prints, then the State Bar should cover the cost, not the individual attorney.		\$M
I had to submit fingerprints to the State Bar as part of my application to the Bar. If the proposed rule requires me now to again pay for and submit information that the State Bar already has, I do not support the rule as written. Instead, the State Bar should use the fingerprints that were submitted to it as part of my bar application process.		AF!
It seems that this would be a undue burden on attorneys to have to be re-fingerprinted. Fingerprints do not change, Their fingerprints are already on file. Many attorneys are also Notary Public and already have to get fingerprinted every 4 years for that. I would disagree with forcing this upon attorneys. It is redundant work and unproductive.		AF!
I have nothing to hide, but this seems to be an unreasonable hassle and expense with little offsetting benefit given our existing ethical and legal reporting requirements. Thank you for asking and listening.		BR., NO PP
This is just one more thing that attorneys can be disciplined for failing to do. I assume that the state bar finds out if an attorney has been convicted of a crime. Why force us to be fingerprinted?		BR.
Some active attorneys such as myself are already in the DOJ system from other licensing on a current or recurring basis. For example, I am also a commissioned Notary Public (which requires regular DOJ fingerprinting for renewals) and a licensed certified public accountant. It would be nice if there was a mechanism for simply transferring over the fingerprints already on file as a Notary Public or certified public accountant without incurring these costs all over again. Thus, I am inquiring whether there is a central DOJ database that could be shared for those of us who have already recently be fingerprinted and screened. Otherwise, it seems a duplication of effort and costs.		AF!
What did the bar do with my old fingerprints which now necessitates me getting new ones taken? Also, why not ask for DNA samples while you're at it...		AF!
We paid a fortune for our background checks including fingerprinting, only to now discover that the Bar FAILED to maintain those fingerprints pursuant to THEIR STATUTORY DUTY. We should not be forced to bear the cost of the Bar's failure when we had no active role in the negligence. I do not have a problem with going to be re-scanned BUT I will NOT pay \$100 to fix your mistake. Either the Bar should bear the cost or have an alternative. I have two possible alternative options:1) The out of pocket cost for a new live scan is deducted from the 2018 bar dues for each affected attorney; or2) The Bar arranges for group live scanning in various locations for low cost (\$15-20 paid by the attorney). Those who choose not to participate in the Bar arranged scanning sessions may pay the whole cost out of their own pocket. Asking us to pay for your mistake is beyond appalling, especially given the high cost of dues we pay annually for our licensing and how much you pay the executive staff in annual salary.		\$M
To require California attorneys to bear the cost and burden of re-submitting fingerprints when they've already done so, due to the State's error, is wholly unacceptable. As an out-of-state attorney, the burden would be even greater. To undergo fingerprinting again--a difficult process in itself--would be bad enough. To force attorneys to shoulder the cost for the State's mistake is outrageous. I vehemently disagree with this proposed Rule.		\$M, OOS B.
This is a waste of time and money. My fingerprints are on record for being in the military, for being a member of the State Bar of California and for being a substitute teacher under CalStrs. My fingerprints have not changed and it is entirely superfluous to collect another set of fingerprints. If the State is going to require a redundant set of prints then they can pay for it out of their current budget without any new funds being collected from the public. If the Bar or the State can't afford that out of the current budget, then they can do away with the suggestion.		AF!
It is beyond appalling that the California Supreme Court and/or the State Bar of California would be allowing, let alone mandating, such an egregious assault on privacy. A refresher course on the 4th Amendment might be useful. Both entities would be serving a much more important function if they actually tried to promote less government possession of such personal information. Please, pray tell, reveal precisely, over the past twenty years or so, just how many "post-criminally-convicted" bar applicants would have been successfully thwarted in their attempt to become California licensed attorneys had the proposed new policy been in place? Here's one more reason why some people consider both these organizations to occasionally be a politically correct joke.		PRY., Unconst., NO PP
I was required to submit fingerprints when I was admitted to the State Bar of CA. As far as I know, they haven't changed since I submitted them and my understanding is that they never change. It is unclear why you need to have me resubmit my fingerprints at my cost. You've got them and if you lost or otherwise failed to maintain these records, then you should pay for the cost of having them resubmitted.		AF!

COMMENTS	ATTACHMENTS	CATEGORY
Any fee for obtaining fingerprints should be paid by the State Bar as part of the annual dues.		\$M
This rule would punish the vast majority of attorneys who have done nothing wrong, and do not deserve to have their privacy violated. Storing biometric data identifying specific individuals in a government database puts all attorneys at risk of a data breach potentially exposing them to identity theft, extortion, and blackmail.		PRY., SCY
Why don't you find a way to use the fingerprints already in file for other reasons, such as Real Estate licensees, etc. Save some money.		AF!
The State Bar repeatedly misstates the financial burden that this Proposed Rule would impose on active attorneys: "The proposed rule also includes a timeframe for compliance with this requirement and a requirement that licensed attorneys bear all costs associated with fingerprint submission." <a href="http://www.calbar.ca.gov/About-Us/Our-Mission/Protecting-the-Public/Public-Comment/Public-Comment-Archives/2017-Public-Comment/2017-15">http://www.calbar.ca.gov/About-Us/Our-Mission/Protecting-the-Public/Public-Comment/Public-Comment-Archives/2017-Public-Comment/2017-15</a> " The proposed Rule also includes a timeframe for compliance and a requirement that licensed attorneys bear all one-time costs associated with fingerprint submission. " Email from State Bar dated December 7, 2017. However, it appears that the State Bar actually intends for the members to pay for the taking of their fingerprints by a third party (presumably live scan fingerprints), the cost of print processing by the State Bar, including the cost of encoding the fingerprints, the cost of the Department of Justice running a records check, and the cost of an FBI records check as well. The estimated cost is not presented, only the misleading phrase "costs associated with fingerprint submission."		\$\$
Proposed rule should indicate what the Bar will do to examine its existing records and notify all members of the bar as to the status of the fingerprints they submitted when applying to join the bar. I recall submitting fingerprints in the year I joined the bar (1981), and I presume the bar has carefully preserved its records. Further, if mass fingerprinting is required, the Rule should require the bar to provide fingerprinting facilities or at least to offset the cost of fingerprinting.		
First of all, will the State Bar let each lawyer know if they have our fingerprints? This should be required, as I believe we had to do that when we were first sworn in but I do not recall. I have been fingerprinted probably no less than 20 times; when I went into the US Navy in 1969; when I got my top secret clearance; when I became a public official and numerous other times. So it seems like a waste of time or money if the Department of Justice already has the fingerprints of an active lawyer. The State Bar should be required to advise the Department of Justice of the names of the active lawyers and find out from the Department of Justice if they have the finger prints or not. Why should lawyers have to pay for the cost of filing the criminal background paperwork (whatever that is as it is not specified) as well as the cost of the fingerprinting if like me the DOJ has my fingerprints. So it appears from the wording that if the State Bar already has our fingerprints, it will not require re-fingerprinting and that should be a part of the Rule that is passed. Otherwise I have no problem with the Rule for those where the State Bar or the DOJ does not already have their prints. I doubt that any active member of the Bar has avoided his or her fingerprints being captured by the State Bar or the DOJ. Next, we will see some rule where every active member has to submit to DNA! Where will this stop then. Respectfully, Thomas R. Saltarelli, SBN 97889		
This is an ill-advised and misguided use of resources, and is an imposition on attorneys' time. This would maybe make sense if it were used to enable to creation of a state-wide attorney security badge, which would allow attorneys (who show proper identification and a bar card etc.) access to all state courts in California. However, we still have to go through security at most courthouses (except some counties that provide a security badge for a fee), and attorneys have already been fingerprinted. Meanwhile, the electronic filing systems in the various counties are a total disaster. The resources for this proposal could be used to advance the interests of litigants, attorneys, and the general public much more efficiently if they were used to create a well-functioning, statewide system that is comparable to PACER (CM/ECF in the various US District Courts). Instead, what has happened is that private companies have sold the various counties on ill-equipped and poorly-functioning systems, which charge exorbitant fees to access documents, which are not user-friendly, and which do not work well. An example of this is the Domain Web system in Alameda County. The system in San Francisco is also a disaster. There are too many additional examples to list here. How is it that the federal courts have been able to implement a system that is FAR SUPERIOR to any of the California County systems, which also costs a fraction of the price (The PACER cost is \$0.10 per page, with a cap of \$3 per document, except transcripts) for access to public filings? Why isn't the State Bar lobbying to increase the public's access to court records, and to improve the quality of electronic filing for attorneys and litigants in state court?		BR.
Perfectly idiotic. I would be interested to know what possible problem would be solved or prevented by implementation of this rule. The Bar already requires fingerprinting as prerequisite to licensure. Did someone lose the files?		NO PP, AF!
Why would there be a need to RE-fingerprint members of the Bar? Do fingerprint records go bad? Rather outrageous to impose the costs of this on the members, unless there is a specific failure by a particular member.		AF!
As an active attorney, I was required to submit fingerprint prior to be licensed. If additional background checks are needed, you should use the existing list at the State Bar's expense. Why should each active attorney pay not only to be fingerprinted but also the processing fee for a new background check. If you cannot use the existing records, you should state so. How often is this requirement going to be imposed? Will new fingerprints be required as part of MCLE requirements going forward, so that every three years, the attorney will need to provide a new fingerprint and pay for a new background check so that the State Bar has up to date records? If the above is the plan, this should be clearly stated as part of the requirement for MCLE and annual Bar dues.		AF!, 1#
We were fingerprinted before we could even sit for the bar exam. The State Bar of California is surely required to maintain these records just like any other business. With my fingerprints already on file, there is no reasonable purpose of me resubmitting. Just run my prints to see if I've been arrested. I've spend enough money and time jumping through hoops to be an attorney in CA. You have my prints on file. Use them. Don't ask me for them again.		AF!, NO PP
Waste of time and money		BR., \$\$
The finger printing requirement for active attorneys is an unjust encroachment on our right to privacy. It provides no more useful information about an attorney than already exists in the State Bar's data base. The justification as articulated is for expediency, not necessity, in investigating complaints against attorneys. If the State Bar wants to investigate an attorney it should first use the information already available to it, and if it determines that the present information was insufficient for the investigation, then to compel the subject attorney to provide a finger print. The present proposed rule is overbroad and seems like a solution in search of a problem.		PRY., OB#

COMMENTS	ATTACHMENTS	CATEGORY
There are both inactive or not eligible attorneys and not bar members using the bar number of deceased and retired attorneys. One example is Donna Cobe Stern who has signed documents (as read) D. Stern, similar to her spouse Daniel Stern. Daniel Stern (who has a separate law practice within his firm two to three attorney law firm Wasserman Stern) is the attorney who initiated hundreds of lease violation, not for unpaid rent, eviction filings in SF housing court, evicting many long time residents or requesting legal fees in the four figures. These legal fees were split with Park Merced's non-lawyer Client Representative (at settlement conferences) his spouse Donna Cobe Stern. Donna Beekman Cobe is listed on the attorney roll on Cal Bar's website and had her fingerprints taken when she was originally admitted. Donna Cobe Stern most likely had her fingerprints taken by CA Dept. of Real Estate or like State agencies in order to work within Property Management in this state.		
I passed the bar many years ago and paid for the bar exam and all the rest. As I recall I already had to have fingerprints for the bar exam. Why on this earth should I have to pay for this again. I keep the license active but make no money at all from practicing law. Is this another way to raise our dues? And for what? Use the fingerprints on hand and stop this nonsense or pay for it out of general funds.		AF!
In order to avoid undue inconvenience, and stress on traffic, I would suggest that the places where this can be accomplished be as numerous as possible. Sheriff stations, police stations, Local City Hall etc. etc. For example, my office is located in Agoura Hills. I would hope the procedure will be set up where I am not compelled to travel to downtown Los Angeles, where if this is set up in a fair manner, it can be handled at the local sheriff station or city hall.		
So let me get this straight: the State Bar screwed up by not retaining our fingerprints then got the state legislature to amend section 6054 so that we have to pay for the mistake? Section 6054 looks like it was drafted in 1986. Has the State Bar not been in compliance for three decades, or did someone just delete them all recently? Ridiculous either way. The law doesn't require active attorneys be fingerprinted; the California Supreme Court and State Bar shouldn't require it either. Let the problem fix itself as new members are fingerprinted and older ones retire. The \$15+ million this will cost outweighs any "benefits."		6054#, NO PP
If the fingerprints will use the LiveScan system, then I disagree with the proposed rule because the LiveScan system is problematic. I recently gave LiveScan prints for the CTC, and they were rejected by DOJ because of the quality of the print. I tried again and the second set of prints were also rejected. After two tries the DOJ does a records review. Since then, I have spoken to several people who had the same experience. In short, I do not think the LiveScan system is reliable enough to use. If the Bar uses another system that is more reliable, then I agree with the proposed rule.		Unrel. (LiveScan Issues)
Attorneys should be required to be fingerprinted but the costs of doing so should be borne by those found to be guilty/liable of not reporting offenses. Attorneys should get a credit for having to be fingerprinted on their bar dues and then the State Bar can collect from those attorneys who are caught.		EX#
The compliance costs are pretty high for this proposal. You hassle a couple of hundred thousand busy people to catch maybe one or two bad apples, if that. Bad policy. I would probably just go inactive. I have to travel to find a suitable finger print scanner. I already pay the dues and don't even practice. This is just another burden without much benefit that I can see. Rather insulting in fact. I would grandfather in everyone who has passed the bar and use new technology for the newly admitted folks. Leave everyone else alone. Thanks		BR., NO PP
I submitted fingerprints when I applied for admission 25 years ago. There is no reason to waste everyone's timing making people do it again.		AF!
This seems an unnecessary burden. I don't think it would materially help the profession nor the public, any such benefit would be marginal and as such unjustifiable in relation to the time and money that would be necessary for all attorneys to comply.		BR., NO PP, \$\$
I am interested in counter-protection of attorneys from absconding and/or derelict clients. As a solo/small firm attorney, I have been nearly bankrupted by clients that have literally stolen my legal services with no intention of paying agreed upon fees and costs incurred in their representation. The Bar should stop treating law abiding attorneys like criminals. If we are going to require fingerprinting of all active lawyers, I propose that we require the same thing of all active clients. Its not OK to steal from attorneys. It would be nice if the bar expressed any concern for its members.		
I was unaware of this proposed rule until today. I have not seen anything that justifies the expense and apparent overreach that it represents. I suppose the next step after this one will be to require DNA samples. Is there a similar "refingerprint" requirement for any other profession in California?		NO PP
I am totally against this new rule. It is an imposition and completely unnecessary. Another governmental intrusion on privacy and freedom.		BR., PRY.
While the State Bar has proposed many inane policies, this one has to rank near the top. I was fingerprinted about 43 years ago. During that time, my fingerprints have not changed. If you are concerned about a person assuming the identity of an attorney who has passed away or is no longer practicing law, this will not solve the perceived problem, unless performed on a yearly basis. On top of that, I am supposed to pay the cost of a background check. This is outrageous. The implicit assumption of this proposal is that (1) I am not who I say I am and (2) I am of poor moral character with a criminal background. Criminal defendants are not required to compensate those who are trying to convict of the accused crime. If YOU believe that I am not who I say I am and/or I am poor moral character and/or a criminal, it is incumbent upon YOU to bear the cost of proving it. It is not for me to pay to prove that I am who I say I am and I am morally fit to be an attorney. This is just another hair brain scheme by the State Bar to make the life of lawyers difficult. I find it very interesting that no other State professional organizations assumes the worst of its members. In my 43 years as an attorney, it is only the State Bar which feeds on its own.		AF!, \$\$
What is the point of collecting fingerprints. To see if there is a criminal record which is reported to who. Will the prints be kept on file? Who will cover the cost - the attorney? I completely disagree with this unless there is more information showing there is a problem and this is part of the solution.		
It is burdensome and unreasonable for the bar to direct lawyers who were already fingerprinted as part of our original licensing process to do so again. My fingerprints do not change. Further, if the bar elects to order us to do so, then it is only reasonable and appropriate that the cost of doing so should be paid for by the Ste Bar and not a lawyer who has already incurred this cost once before.		BR., AF!, \$M

COMMENTS	ATTACHMENTS	CATEGORY
<p>As an initial matter, the proposed rule is vague. There is no explanation regarding the "procedure identified by the State Bar" for obtaining fingerprints. I live out-of-state and it is unclear whether I will be required to travel to California to be fingerprinted. In addition, although it states that costs will be paid by the attorney, there is no information regarding the amount of these costs, which will include not only the cost to be fingerprinted but the time required to do so. It is also unclear whether the requirements for fingerprinting will change for future attorneys to avoid submitting multiple fingerprints. Until there is an explanation regarding the procedure and costs, I do not think anyone should agree to this rule change. Although it is unclear, it appears that I will be required to submit fingerprints, although I recently submitted fingerprints when I was admitted a few years ago. There is no explanation regarding why it is necessary to submit additional fingerprints. At a minimum, I think the rule should be amended to state that attorneys should submit fingerprints if they have not previously done so. I am licensed in two other states and have submitted fingerprints when I was first licensed for each state. No other state has asked for additional fingerprints after I was admitted, and I do not understand why it is now necessary to submit additional fingerprints in California. In addition, I do not fully understand the purpose and benefit of this rule change. There has been no explanation for the rule change except that the California Supreme Court recommended it. Are we doing this so the government may find an attorney(s) who may have committed a crime or to discover other fraudulent activity? How will our fingerprints be used? Who will have access to the fingerprints? How will this benefit the public and help our profession? Finally, I am concerned this rule could infringe on constitutional rights. Without more information, I do not think it is possible to fully analyze this issue, but I fear that this rule change could result in unnecessary civil rights litigation that would cost the State Bar and its members unnecessary attorneys' fees and costs. Until more information is available and the rule is amended so that it clarifies who must be fingerprinted, why they must be fingerprinted, how they must submit fingerprints, when they must submit fingerprints, and consequences for failing to timely submit fingerprints, I must respectfully disagree with this rule change.</p>		<p>IMPLEM., OOS B., \$\$, 1#, NO PP, UNCONST.</p>
<p>The proposed language needs to clarify that those attorneys who have already submitted to fingerprinting as part of the admission process will not need to submit again and the Bar shall make all prior submissions to the DOJ within the compliance timeframe.</p>		
<p>I am a solo practitioner. I believe in a well-regulated bar. However, the regulation of practicing law in California is already one of the most burdensome in the country. We already have some of the highest state bar fees in the nation, some of the highest CLE requirements, and some of the highest CLE costs. Fingerprinting -- including its time and cost -- adds to this burden. While I am not privy to statistics, I'm guessing it would be fair to say that only a very, very small number of practicing attorneys would be "caught" in a global fingerprint net. Frankly, the most common failings of the bar -- not returning calls or keeping clients informed, not zealously pursuing a case, not handling client trust funds appropriately, violating conflicts of interest rules, etc. -- would not involve fingerprinting or arrest records. Thus, the fingerprinting requirement would do nothing to address the most common failings of the bar, and would "catch" only a very tiny number of attorneys involved in non-practice-related arrests. While the cost and burden of the new rule is shunted entirely upon practitioners, that does not mean it has no cost. Has the state or bar estimated the global cost to its practitioners of this new regulation? If we assume a \$50 cost to fingerprint, given 167,690 attorneys in California, the global cost is just under \$8.5 million. If we assume \$100 (which seems more likely), the cost is \$19 million. If we factor in lost productivity, the cost dwarfs that, and probably exceeds \$50 million. In short, the new rule seems to me to impose a very high global burden on the state's practitioners, adding to an already high existing burden, while providing exceedingly little benefit to the bar or public. I do not see this rule passing a cost-benefit analysis. I am therefore opposed.</p>		<p>BR., NO PP</p>
<p>Ridiculous. Absolutely ridiculous. Invasive. Ludicrous. Absurd. How about intrusive and invasive. I the Bar royalty believes that lawyers are so dishonest that identities must be tracked, maybe it's time to say the hell with the Bar itself and kiss off the personal honor of those who choose this profession. Consider something useful re security: A Bar card with a passport type photo. My passport has one, my TSA card has one, my County Sheriff's ID card has one, my driver license has one as do my numerous CCW permits.</p>		<p>PRY., BR</p>
<p>Your email is entitled "Re-Fingerprinting of Active Attorneys," but the proposed rule states "Each active licensed attorney of the State Bar for whom the State Bar does not currently have fingerprint images..." must get finger-printed. If I'm an active attorney and I had to submit fingerprints at the time of my entry to the Bar, I don't believe I should have to get re-fingerprinted. That's a waste of time for active attorneys who have no disciplinary actions. You already have my fingerprints that can be run against a criminal database. If the rule is to require attorneys FOR WHOM THE BAR HAS NO FINGERPRINTS, to get finger-printed, then I'm in favor of the rule.</p>		
<p>The proposed rule is unnecessary, increases security risks and complications, and is burdensome. I am over age 65, my skin is thinning, my fingers and prints are well worn, and my fingerprints are almost non-existent due to over 50 years of using my hands, working with paper, wood, and other material. My experience during the past few years is that it is difficult or impossible to obtain a viable print from my fingers with ink or most scanners. The process does not work on iPhone security lock and I cannot use the fingerprint scan and must instead use numbers to secure access to my iPhone. Thank you for considering my comments.</p>		<p>SCY, NO PP, BR., UNREL.</p>
<p>Re-finger printing serves no legitimate purpose for the vast majority of lawyers. This is an outrageous waste of resources and time.</p>		<p>NO PP, BR., \$\$</p>
<p>Fingerprinting lawyers makes sense. I recall submitting a fingerprint card with my application for admission in 1981. Does the State Bar still have this and would it meet the requirements of B&amp;P § 6054 and Rule 701? If not, why not? If it doesn't, I suspect it's because the old fingerprint cards don't qualify as fingerprint "images." Regardless, someone should have tried to explain this, particularly section 6054 makes the fingerprinting of existing members discretionary. Apparently, the October 20, 2017, letter from the Chief Justice of the California Supreme Court obligates the State Bar to obtain fingerprints from active members, but the summaries I've read of this letter (I haven't actually seen it) don't explain whether existing fingerprints previously provided will meet this obligation and, if not, why not? So, the modification I'm requesting is in the form of clarification as to why previously submitted fingerprint cards are not sufficient (assuming that is in fact the case).</p>		<p>6054#</p>
<p>Agree for attorneys who reside and practice in California (in-state), but not for attorneys who reside out-of-state, due to the additional costs, time, and logistics involved in preparing and sending fingerprints to the California State Bar for nonresident attorneys. This is particularly true for attorneys who do not practice in California.</p>		<p>OOS B.</p>
<p>The Rule should specify where prints may -- and may not -- be made. For example, is only live-scan by a law enforcement agency acceptable? Would prints taken by a tribal gaming commission as part of its licensing process be acceptable?</p>		

COMMENTS	ATTACHMENTS	CATEGORY
<p>I think this is stupid. I submitted fingerprints when I first applied to be admitted in California in 1978. My fingerprints have not changed. Perhaps you threw them out? Otherwise, there is no reason you do not still have them. But if you do not have them and therefore require me to do something again because of the ineptness of the State Bar (which I have to pay for a second time) I would say that is par for the course, with the way the State Bar has functioned over the years. I think it is excellent that you will no longer have anything to say about the Bar Sections. Lisa Lisa A Runquist Attorney at Law 17554 Community Street Northridge, CA 91325 (818) 609-7761 (818) 609-7794 (fax) lisa@runquist.com www.runquist.com "Caring for those who care: Keeping Nonprofits Safe and Out of Trouble"</p>		AF!
<p>I paid for finger printing and processing in 1991. I will be retired and no longer actively practicing next year, so I will have no income to offset this new cost and I resent having to prove poverty to get a reduced rate. This was the bar's mistake and fixing it should not be my responsibility. Your presumption that we can afford to just absorb the cost is offensive.</p>		AF!, \$M
<p>In February 2017, I paid to the State Bar of California, \$500.00 for the submission of my moral character application and an additional \$25.00, as required by the application, to have a Live Scan Fingerprinting performed. In November 2017 I paid to the State Bar of California, \$215 for half a year's worth of Membership Fees, because I was sworn in one-month prior to the deadline in which fees would be waived for the year. In January 2018, I will need to pay \$430.00 again in Membership Fees. According to the bar, I could not become an attorney without paying these fees. In the span less than a year, I have spent over \$1,000.00 to BECOME an attorney, not including the student loans I took to attend law school or the thousands I have spent in Bar Review Courses, textbooks and other materials. The volunteer/internship positions available to law students paid little to nothing in order to offset these costs. The bar now proposes that fingerprints be performed AGAIN, without citing any legitimate reason as to why the fingerprints I submitted no less than 10 months ago are insufficient. This rule seeks to shoulder even more financial burden to members who are just beginning in the law and earning very low starting salaries at firms that do not cover such expenses. I cannot afford to pay any more to the Bar. I would agree to this rule only if the provision that "All costs of providing criminal history information to and the processing of fingerprints for, the State Bar, including print furnishing and encoding shall be borne by the licensed attorney" be modified as to impose no additional fees on members aside from annual membership fees.</p>		\$M, NO PP
<p>This seems like yet another example of government collecting data it does not need.</p>		
<p>Given that all attorneys were required to submit fingerprints at the time of application for admission as well as had to go through a background check, it seems appropriate that only attorneys with active discipline files should be required to provide another set of fingerprints. Fingerprints are housed at the Federal Bureau of Investigation in Washington D.C. As a former FBI employee myself, I have been fingerprinted numerous times for government applications as well as for admission to the CA Bar in 1991. For any attorney in good standing with no active or public record of discipline it appears to be overly burdensome. If this type of exemption is not offered, then I am against this proposal.</p>		EX#, BR., AF!
<p>Waste of time and money. Why not move the State Bar headquarters to a less expensive area and use THAT money to pay for the needless double finger-printing instead?</p>		BR., \$\$
<p>Did you explain the benefit to be derived from this process? Whatever argument may be made for keeping an attorney's fingerprints on file for the first few years of his career fall away if she/he conducts himself/herself appropriately during that period. In any event I suggest this requirement NOT apply to those who have attained a certain age. You pick the age but I don't read about geriatric legal criminals. If there is a requirement for fingerprints then an attorney should be able to authorize information sharing-- notably fingerprints maintained by the trusted traveler program or those maintained by another jurisdiction in which he is admitted. Either it is easy to share the fingerprints OR, if it is hard, they won't be very useful to law enforcement. If you are persuaded there is value in this program, why not bring it in to the 21st century with a retinal scan and other identification which has been shown to be more accurate than fingerprints. If this request is triggered because someone discarded the old prints, consider a more equitable way of apportioning the financial burdens of the new prints. Thanks for your consideration. Lawrence R. Barusch</p>		NO PP, EX#
<p>With apologies for being brief, while reserving the right to send in a more comprehensive comment later, the State Bar has totally failed to articulate any need for imposing a burdensome, hassling and costly new fingerprinting requirement on the 189,391 currently active members of the State Bar. The new legislation that is to take effect January 1, 2018 does not require that currently licensed members -- in contrast to new applicants -- be fingerprinted. While it does empower the State Bar to require fingerprinting, I find it extremely hard to fathom what problem the State Bar thinks it might be solving by requiring fingerprinting of lawyers who have already been admitted. Is there a clear and present danger requiring the imposition of this new requirement on active members? If so, it has not been articulated. Is there a legitimate fear, or reason to believe, that a sufficient number of active California licensed attorneys are imposters, or criminals on the lam, or perhaps even "illegal aliens" to warrant burdening ALL licensed attorneys? Has the FBI or the nation's intelligence officials requested that the State Bar fingerprint all active lawyers? (In the age of Donald J. Trump and Jeff Sessions anything is possible.) If not, what the heck are you doing? As an attorney first licensed in New York in 1964 (and still active there), and in California since 1991, who was fingerprinted numerous times, including when serving in the military (where I held a top secret clearance while serving with the Army Security Agency) and during federal employment (where I was an enforcement attorney at the U.S. Securities and Exchange Commission), and as someone who has actively participated in Bar activities in New York and California for decades, GRATUITOUSLY requiring each and every active member of the Bar to be fingerprinted -- something neither required by law or demonstrated need -- is highly offensive and will primarily serve to further alienate lawyers.</p>		NO PP, BR., 6054#
<p>If this rule is to be passed, it should exempt people whose fingerprints are already on file with the government. For example, I have been thoroughly fingerprinted (in a more comprehensive fashion) by the government for my Trusted Traveler card for airport security. No need to waste time, money, &amp; resources doing the same thing again.</p>		AF!
<p>I have already been fingerprinted once. No need to do it again. This is an unnecessary added cost and waste of time.</p>		AF!, BR., \$\$
<p>Attorneys have to be fingerprinted to be admitted, so the Bar already has the prints. Thus, there is no need for existing members to incur the expense again just to do LiveScan so they're digitized (since that is basically how all fingerprints are done these days). If any change is actually needed, it could simply be that the Bar can share the prints it has on file with the DOJ and request a search be run for matches on, say, a bi-annual or annual basis. For new attorneys, it wouldn't matter because they'd be using LiveScan and still only have to pay for being fingerprinted once.</p>		AF!

COMMENTS	ATTACHMENTS	CATEGORY
I think that the members are entitled to know what other means are available to ascertain which individuals are bar members and to report their arrest to the State Bar. Is there really a problem in identifying these individuals, or is fingerprinting a case of excess intrusion.		ALT. OPTS
I simply don't see why this is required. Is there some problem with attorneys being criminally convicted and not reporting it to the State Bar? I haven't heard of such a thing. As a CA licensed attorney in good standing for ten years, I am not happy about the time and money it will take to comply with this unnecessary rule. Compliance also seems unnecessarily difficult. Where would we even go to get fingerprinted? Are we going to have to wait in hours long lines at some DOJ office, like at the DMV? At the very least, if the Bar is going to require this, it should provide a convenient method of getting fingerprinted—and foot the bill.		BR., \$\$, \$M
This is an outrageous violation of the attorneys' personal rights, including the rights of privacy and the right to be free of government harassment and improper search. In effect the Bar and legislature are presuming all attorneys to be guilty of a crime until the attorney proves his or her innocence. I believe this to be a blatant violation of each attorney's constitutional rights and would expect a vigorous, lengthy and expensive legal battle if it is enacted.		PRY., UNCONST.
While it is obviously unfair to require attorneys to pay for something they have already paid for when they applied to take the bar (fingerprinting) the real issue is not who pays the cost but rather where the cost is reasonable. No matter who pays for the fingerprinting, this is an enormous expense when tallied in toto, with the need for this expense being negligible. The inconvenience to members of the bar, many of whom already juggle work, volunteer efforts, and commitments to family, is also quite stunning when the total time required by the members of the bar as a whole is tabulated.		\$\$, BR.
please don't make me jump through another hoop for this license.		BR.
I oppose the proposed rule. Law enforcement already has more than enough means to identify and charge alleged criminals. I already have given the State Bar my fingerprints which will show up in any state, local, federal or international data base. My fingerprints have not changed. This is an unnecessary cost to me. This is an unnecessary cost to the State Bar. Please vote down this ridiculous proposed rule. Thank you. Chris M. Bradford Attorney at Law State Bar #102561		AF!, BR., \$\$
Overreaching and unnecessary intrusion		PRY.
Requiring attorneys to be fingerprinted makes an attorney feel no different than a criminal. I find the proposed rule to be abhorrent, disgusting and belittling. I would rather not cooperate to show my disgust than to acquiesce. The California Bar should be fighting against this type of regulation rather than rolling over and agreeing to try to implement same in California.		
I disagree wholeheartedly! No, No, No!!!		
I understand the " need to protect the public". However, the public should be protected from all persons who are licensed by the state and not just lawyers. There should be alternative ways of satisfying this requirement. For example, I provided services to a school district and had to be fingerprinted and undergo a background check. That should satisfy the requirement. I also have been fingerprinted and passed a background check before I got my San Diego County Deputy Sheriff's Association badge. This should satisfy the requirement. Why should I have to do this over again? and at my expense. . The issue is older lawyers not being in the electronic fingerprint systems, those that are in the system should be exempt from this requirement		ALT. OPTS, AF!
I disagree with the proposed rule as written. I think the better way to implement fingerprinting is to require attorneys (either admitted or seeking admission) who have been involved in criminal or otherwise discipline eligible conduct to submit their fingerprints as a method for the State Bar to ensure that such individuals maintain the required standard of conduct to continue, or begin as it may, practicing law in the State of California. As it currently stands, I think a lot of information is missing from the proposed rule in order to gain the support of attorneys statewide. What are the ramifications of not having the fingerprinting rule in place? Is there an epidemic of attorneys being caught and investigated for criminal conduct that the State Bar is unaware of? Is that conduct then leading to unethical professional conduct? More importantly, is such lack of fingerprinting a cause of harm to legal services consumers statewide? Without such facts and statistics, this agenda of requiring all current and active attorneys to submit to any process without ample justification, just seems like a method of increasing revenue/capital reserves of the State Bar itself. If that is actually the case, and the issue is increasing revenue for the State Bar, I would much rather the State Bar just increase the annual dues. However, my caveat is that the State Bar needs to increase its public relations campaign for all attorneys in California, so that the stain caused by decades of anti-lawyer media publicity can be countered with actual facts about how attorneys serve the common good, or simply justice, if you will. The lack of capabilities at the State Bar level in creating better awareness of what attorneys really do was highlighted when the amendments to MICRA were not passed by California residents in 2014. The insurance industry ran hundreds of millions of dollars in a campaign smearing attorneys in order to prevent the amendments to MICRA from passing. We should do better to provide positive facts about the legal industry.		NO PP
Utterly absurd and unnecessary rule.		
It appears from the language drafted by the State Bar staff that it will seek fingerprint record submission/resubmission from all currently active members of the Bar. Business and Professions Code section 6054 only provides for the submission from Bar members for whom the Bar does not have current fingerprint records. It will be an undue burden for all active members of the Bar who have fingerprint records on file with the State Bar to resubmit fingerprint records. I agree with the proposed rule only if modified to exclude or exempt members of the State Bar who already have fingerprint records on file with the State Bar. It is not reasonable to request the resubmission of fingerprint files for those members the State Bar who already has fingerprint records on file.		BR.
Seems like a make-work stupid rule thought up by someone with too much time on his/her hands. Fingerprints don't change over time. Once is enough.		AF!
Would be helpful if attorneys living and working outside of California did not have to travel to California to have their fingerprints taken.		OOS B.
PLEASE NO. For the love of god and all that is holy, no, no, a thousand times no! How many times do I have to get fingerprinted by you people!? I would rather have you start giving bar admission to criminals than be fingerprinted again. I will chop off all my fingers first!		AF!
This rule seems unnecessary for those who have already submitted finger prints to the state. Rule should be more narrowly tailored to only those who do not have fingerprints filed with the state.		AF!

COMMENTS	ATTACHMENTS	CATEGORY
I was very surprised to receive this notification from the California State Bar. This seems like an excessive and over-reaching rule that will punish (and greatly inconvenience) upstanding and law-abiding members of the California Bar. It is already difficult to be admitted to the California Bar, our standards are among the highest in the state, and it is time-consuming to comply with the paperwork and CLE requirements, why are you adding more complicated administrative burdens to an already highly regulated field? This proposed rule seems like a severe case of legislating for the lowest common denominator, which, as any good law student knows, creates bad law. Bad facts make bad law. How many people does the California State Bar really think they will find with subsequent arrest and criminal records? Five people? Maybe ten? Why punish the entire state's bar for those few bad apples? As an attorney, I only do occasional contract work for a local law firm. However, due to the high barrier to entry to the CA Bar, I pay high annual fees (even with the reduced rate) and bear the cost and time investment of complying with my CLE to keep my active status. Most of the time, I spend my days as the mother of a 2 1/2 year old and I am 7 months pregnant. Complying with this rule will be not only incredibly burdensome (as getting fingerprinted was the first time to sit for the Bar), but also expensive when we are already stretched thin in this very expensive state (which is about to become more expensive with the recently-passed federal tax legislation). Please please consider how hard this will be for everyone to comply with and use your creativity to come up with a better solution for finding the few bad apples. Sincerely, Natalie Maki		OB#, BR., \$\$
The Proposed Rule states re-fingerprinting. However, it would appear that if the State Bar already has the attorney's fingerprints for any reason, there would not be a need to resubmit? Thank you in advance for the clarification.		AF!
Why do we need to submit our fingerprints to a "private" database? If the State Bar wants immediate and reliable reports of arrests, just increase the punishment for failing to report it to the State Bar. Or, conversely, partner with DOJ to run periodic checks based upon name/aliases. Names/aliases can accomplish just as much as fingerprints. Also, who is going to pay for fingerprinting of all attorneys? Who is going to pay to maintain that database? Money should be spent helping people in destitute with legal services.		ALT. OPTS
The State Bar of California would better serve the public by implementing discipline for misrepresentations made to judicial officers, particularly in the area of Family Law, where the creation of a coherent fictional reality by repetition creates mistrust in the public, than casting a net that engulfs every member of the Bar in California when the efficacy of such measures is conjecture.		NO PP
It is a waste of time and money.		BR., \$\$
I was fingerprinted when I first became licensed. If this only applies one to attorneys admitted before that requirement was implemented who have never been fingerprinted, then I would not be opposed. If however it is intended to be an ongoing periodic requirement I am strongly opposed. I already have to spend \$79 every four years to get fingerprinted for notary renewal. Being required also to be periodically fingerprinted by virtue of my license to practice law strikes me as an unwarranted effort to generate revenue for a "favored vendor group" rather than something that would benefit the public. All that is really needed is a requirement to provide information on any criminal convictions, etc., after the date of admission on pain of substantial penalties and possible loss of the license to practice for failure to provide the required information. Why should all law abiding members of the Bar be punished to prevent the transgressions of a few potential miscreants?		1#, AF!
Too much Big Brotherism for my tastes and beliefs.		
I was fingerprinted in the Navy, I was recently fingerprinted as a California Notary, I believe I was fingerprinted in 1981 when I applied for Bar Admission. I do not object to being fingerprinted and paying the cost. Small price to pay for the privilege of being an attorney and an officer of the court.		AF!
You don't need my fingerprints. And I certainly don't want to be forced to pay for something I don't want.		\$\$
I submitted fingerprint information when I applied for the Bar. Why should I have to shoulder the cost of the Bar's failure to keep this information? There is inadequate information provided to the members of the Bar, i.e., what is the cost of submitting this information to DOJ? If it's nominal, the Bar could pay it. If it's not nominal, it's unfair to make attorneys pay for it.		AF!, \$M, \$\$
Ridiculous. More overstepping by the State Bar and absolute waste of our dues. Just stop.		
What a waste of time! Also, quite ineffective. Not to mention insulting! I objected to this at the time of my admission and I still maintain my objections.		BR., NO PP
As someone who had to file suit against the INS (as it was called then) bc there was no alternative procedure for people with disabilities who lack fingerprints, I encourage you to establish a procedure for a waiver of this requirement or alternative process.		DIS#
I believe the rule should apply to those active attorneys who became licensed before fingerprint submission was required for new applicants. All licensed attorneys who have submitted fingerprints to the Bar via LiveScan or some other previously utilized technology should not have to resubmit. That information should have been retained by the Bar. The Bar already has rules that require self-reporting of convictions for licensed attorneys. That rule, coupled with new fingerprint information from previously licensed and non-fingerprinted attorneys should be enough to protect the public interest and our profession. Thank you.		EX1989, AF!, RR#
The need for re-fingerprinting is based entirely on the failure of the State Bar to accurately retain fingerprints of the attorneys. Attorneys have already had to bear the costs of fingerprinting (supposedly one-time then as well), and should not have to do so again because of the State Bar's failure. It is bad enough to require attorneys to be inconvenienced by this failure, but at a minimum the State Bar must bear the costs of their own errors. Dues to the State Bar of California are already significantly higher than those of many other states, so there must be room in the budget for the State Bar to cover these costs without imposing them on attorneys who have no fault for the situation.		AF!, \$M
This is first and foremost an invasion of privacy. I don't have a criminal record of any kind but this offends me and is yet another example of government over reach and opens up attorneys to loss of their bar cards if somewhere in their past they have a conviction that in no way affects their ability to practice law. Also as an attorney who makes just over the limit for scaling this is another cost that I must bear while I assume attorneys in PD offices and other offices will get their costs covered. If this is mandatory then the cost should come out of the bar dues I currently pay.		PRY., \$M
I'm also a licensed notary public, so the State already has my fingerprints on file. The cost should not be passed on to the attorney.		AF!, \$M
While I agree with the fingerprinting - I also feel that the State Bar should bear the costs.		\$M, NO PP

COMMENTS	ATTACHMENTS	CATEGORY
I do not see why it is necessary. If such a small percentage of attorneys are criminals or have committed crimes. You are talking about a high estimate of 9400 attorneys (crime committers) when you estimate 189,167 atty licensed in CA . So that is 4%of all attorneys.Attorneys back in 1975 had to be fingerprinted and run thru the DOJ. So if already finger printed will you advise that Atty that he/she does NOT have to do it again. I was sworn in in 1975.Finger prints do not change.So once again the majority of attorneys is being ruled by the need to weed out minority of Atty/criminals. Why not just have law enforcement NOTIFY the state bar when an attorney has been arrested and let the State of Ca pay for it not the individual attorney. Holly Hutchins		NO PP, AF!, ALT. OPTS
This is more antipathy by the bar, our supposed professional association, that uses a sledgehammer to kill a gnat. How many criminal convictions have gone unnoticed? I imagine it's very few.		NO PP
Re-finger printing is unnecessary. All bar members were finger printed on admission to bar. Finger prints do not change over time.		AF!
I do not believe that this proposed Rule is necessary or would provide a benefit significantly better than existing procedures regarding potential disciplinary matters.If the State Bar is to implement this proposed Rule, though, I believe certain factors or issues should be considered:(1) The procedure for attorneys working/residing out-of-state to provide fingerprints (i.e., information should be provided as to processing locations that are local to out-of-state practitioners);(2) Attorneys who have provided fingerprints to the DOJ or FBI in connection with their admission or practice in other state's bars should not have to pay for and provide them again - there should be a mechanism for the State Bar to determine who such attorneys are and to request the DOJ/FBI provide arrest records, etc.(3) It is not clear from the proposed Rule who will be maintaining the fingerprint records. As is evident from numerous instances of computer hacking and identity theft, digital records establishing an individual's identity must be maintained securely. The State Bar should not implement a Rule requiring submission of fingerprints until and unless it establishes procedures for ensuring the security of such information.Thank you.		NO PP, OOS B., AF!, SCY
There should be an exception for attorneys employed by the Federal government. Federal employees are already subject to background investigations and their fingerprints are on file with the FBI.		AF!
We already had to pay to be admitted to the bar. Part of our initial admission was to submit to background and fingerprint scans. Why did the bar not maintain the prints? Why is it now the burden of members of the bar to pay the cost of the State Bars failure to maintain fingerprinting records? Yearly membership alone is exorbitant. To add additional fees on the members when each and every one of us has been in full compliance is dead wrong. If the state wants us t be reprinted, the State needs to pay for it!		AF!, \$M
Please do not further waste money of the attorneys and the already high-cost State of California System.		\$\$
State Bar should pay for ALL costs related to fingerprinting. If the bar is making us do this the bar should pay for the costs and make necessary arrangements associated with getting attorneys printed.		\$M
Such a waste of State Bar funds and time.		\$\$, BR.
Please, you politicians are kidding. Let's spend a lot of someone's else's money, on the off chance that there lurks an undiscovered felon among the several hundred thousand practicing attorneys in California. This stupid idea, if it becomes a rule, will induce me, at the age of 74, to stop paying the license fee to practice law in California, a practice I retired from ten years ago. Just ridiculous.		NO PP
I find no justification stated for this egregious action. Is there evidence that there are attorneys not being found out to have criminal convictions? It appears to me to be an unwarranted fishing expedition, totally contrary to reason and fairness and the presumptive honesty of the profession. We already suffer the lifelong revelation of State Bar discipline, no matter how trivial. How many members of the Supreme Court actually practiced law in the private sector? They don't have any appreciation for what the private bar faces day by day. This is an egregious intrusion into privacy that cannot be supported by need in any form.		NO PP, PRY.
I've been a member of the Bar in good standing for more than 25 years. How about we not require needless expense and inconvenience? And if there is some great need for this hamhanded rule, you've done a lousy job of communicating it in your announcement, so by all means feel free to take a look at that and try again. Thanks for understanding.		NO PP, BR., \$\$
I strongly disagree with what the State Bar is trying to do. There is simply no good reason for it, let alone a compelling reason. Attorneys in California face some of the toughest regulations and Professional Standards out of any other profession in the state. We have the highest ethical standards (re confidentiality and conflicts, among many others), advertising restrictions, CLE requirements, professional fees/dues, and many other burdens to deal with as part of our profession. Joining the Bar is mandatory and not voluntary. And as a professional union, it seems like the Bar places every other interest before the interests of its owns members. This is just another example.		NO PP
Hasn't this already been required when attorneys took the bar exam? I know that I personally have paid for fingerprints on at least 3 occasions in one year when clerking for a judge, interning for the district attorney, and taking the bar exam. Quit imposing requirements and fees on attorneys under the premise that it looks good to the public.		AF!, NO PP
Another needless bureaucratic hurdle for attorneys to spend funds for something that the State Bar already has on file -fingerprints. The process unnecessarily requires attorneys to spend time away from their practice and spend funds for re-fingerprintin! - the amount and who pays "to be determined". Yeah, right! I haven't seen the State Bar pay for much, and I seriously doubt it will start with this. I believe it is another example of dunder-headed bureaucrats conjuring a meaningless way to justify their employment while not understanding the impact on the community. Dumb idea. Even, dumber idea, you have my prints on file, why not skip the imposition and send what you have to the crime search data base. Oh, sorry, if that eats into you break time.		AF!, NO PP, BR.
I am an active attorney licensed in California, but I live and work overseas. How will I be able to submit finger prints as I do not live in the United States? At what expense? I cannot afford to travel to give finger prints.		Foreign#
This is yet another example of government intrusion into the lives of private citizens and another way to milk fees from them. It will never stop until our privacy is erased from existence. I have not heard any reasonable argument that this is somehow necessary at this time.		PRY., NO PP
Attorneys are already a highly regulated field. The only justification provided is that it strengthens the ability of the DOJ. There has not been any mention or showing that attorneys are more prone to criminal acts than any other profession. Rather this is a further reach by Big Brother as it seeks to identify and track every individual in the Country.		NO PP
What happened to the fingerprints we already had taken? They don't disappear. Why should we be forced to pay for new fingerprinting when we already had them taken as required by the Bar?		AF!, \$M

COMMENTS	ATTACHMENTS	CATEGORY
I think that this is an undue burden and unnecessary expense on attorneys. Attorneys should be permitted to self-report, just as they are permitted to self-report MCLE compliance, and should be disciplined (severely) for any failures to report.		BR., \$\$, RR#
ABSOLUTELY RIDICULOUS!!!!		
I can't believe that there are a sufficient number of criminal attorneys out there unknown already to the State Bar. Fingerprinting us is an unjustified and totally unnecessary infringement of our privacy rights. If this law is passed, I will no longer practice, which is a shame because I care about my clients and their kids, and I am very good at my job. .		NO PP, PRY.
I see nothing in the proposed B&P section 6054 that would require fingerprinting of those who are already members of the bar. The Supreme Court letter is overreaching and leaps from attorneys applying for admission or readmission to "all attorneys". This is ridiculous and, on top of that, moving from the cost being born by the State Bar, to charging the individual attorney. What are our representatives at the State Bar doing????		6054#, \$M
Requiring attorneys to re-submit fingerprints is an unreasonable and costly burden for us to bear. It's expensive enough to enter the field, continue to pay bar dues and for MCLE courses, let alone this additional new cost. It's invasive enough as it is to have new attorneys submit their fingerprints into the system now as part of the process to become licensed. If there were a way to object entirely to this, I would have done so. Our criminal status should be reported to the Bar when and if it is relevant to the practice of law. Whether someone has a history of substance use or misconduct should not be relevant to the State if it does not impact the ability to practice. Attorneys who want to work for a governmental entity or other such organization that requires a drug test or fingerprinting are doing so voluntarily as a condition of their work. For the majority of attorneys who practice privately or in non-profit areas, there are no such obligations. Why should the State keep these private records on file that have nothing to do with work history or future work? It's an invasion of privacy and overreach by the State to come up with another way to charge attorneys for the basic privilege to practice.		BR., \$\$, NO PP, PRY.
Why must we submit new fingerprints? You already have my fingerprints, and last I checked they have not changed. Also, if it must be done, let the Bar incur the cost of this duplication.		AF!, \$M
I don't have a problem with this per se but really, aren't there other more important issues to deal with than re-fingerprinting a couple of hundred thousand attorneys to possibly weed out those few bad apples who have been charged or convicted of a crime and have not been found out or self reported? Isn't there an easier way to have folks self report under penalty of perjury or loss of their license instead of causing a couple of hundred thousand people to needlessly blow a morning or afternoon waiting in line to be printed and pay whatever fees are associated with this process? Is this rule going to apply to judges as well as attorneys? I think it is a huge waste of time, resources and energy, and that this wholly outweighs the modest potential benefit that this will have. Figure out a different way of getting bad apples to self report rather than inconveniencing hundreds of thousands of people with an expensive, time consuming and needless exercise in futility. That's my \$0.02 on the subject.		NO PP, ALT. OPTS, BR., \$\$, ALT. OPTS
I am also a taxicab medallion holder in San Francisco. SF regulates cabs operating here per state law and requires fingerprinting for background checks of drivers. The State PUC which regulates Transportation Network Companies (like Lyft, Uber) just renewed what it requires TNC's to do for background checks which does NOT include fingerprinting. Those arguing for fingerprinting as a more thorough, cited the case of People of California vs. Uber Technologies et. al; SFC&C Superior Court Case no. CGC-14-543120 (see first amended complaint) in which the SF and LA District Attorneys sued for misleading advertising and unlawful business practices, one being that the TNCs advertising that they provided the most thorough background checks (no fingerprinting) and thus the safest transportation. In the first amended complaint plaintiffs distinguished the differences between a fingerprinting background check and a non fingerprinting background check, giving examples of instances where the non fingerprinting background check did not catch offenses committed by TNC drivers who were allowed to drive, and which fingerprinting background checks would have caught. The case was settled favorably for the cities forcing the TNC's to pay millions and agree not to so advertise. Because it was settled and did not proceed to trial and judgment, the State PUC in its recent decision cited the case as being raised in comments to the rule making proceeding by those advocating fingerprinting, but correctly stated that even though the complaint alleged over twenty Uber drivers that had passed the company's background check had a disqualifying criminal record...this 2014 claim of unlawful and fraudulent business practices relating to the company's safety representations ultimately settled, resulting in NEITHER CONFIRMATION NOR REFUTATION OF THE ALLEGATIONS. at p. 21 of CPUC proposed decision that was later affirmed about a month ago. While technically correct, it ignores that fact that the many of the these finding of violations were made independently of being just asserted in the complaint, but arose from a TNC driver being stopped for example at LAX for a driver or vehicle violation, and a subsequent, presumably at the scene, of the enforcing police officer's fingerprinting background check in his vehicle showing that the driver should not be driving. The CPUC continues its shameful pattern of backing the companies it regulates' interests (UBER does not want fingerprinting background checks as it results not only in disqualifying its drivers, but delaying them from applying and driving the same day in furtherance of its business plan to get out as many drivers as soon as possible. Uber is a corporation advocating its economic interest. The CPUC is a public body that has a primary obligation to promote the health and safety of the public, not just the interests of the companies it regulates. I would ask the State Bar to bring attention to this shameful decision of the CPUC and what it has found as the better practice. It only takes one violation by a TNC driver of a passenger who should not have been permitted to drive based on an after the fact fingerprinting background check.		
The proposed rule states "Each active licensed attorney of the State Bar for whom the State Bar does not currently have fingerprint images shall, pursuant to the procedure identified by the State Bar, submit fingerprint images to the Department of Justice for the purpose of obtaining criminal offender record information regarding state and federal level convictions and arrests."The rule is ambiguous because there is no mechanism for an attorney to know whether or not the State Bar currently has fingerprint images for them.I submitted fingerprint images upon admission approximately 25 years ago. How do I know whether or not the State Bar still has them?The rule needs to specifically indicate what attorneys need to submit images, whether by stating admitted before a date certain or otherwise.		
You want my fingerprints, you pay for them. Stop making it more expensive to practice law.		\$M
Do not like the hassle of doing it, but it is a good thing for the protection of the public.		
As an attorney and a notary I believe in fingerprinting and background checks and request that attorneys who are also notaries only be required to submit once--notary requires it every 4 years--so that efforts are not duplicated. This would save money and time.		AF!, 1#
It seems only prudent that all attorneys who are active be fingerprinted. This will uphold the integrity of the profession.		

COMMENTS	ATTACHMENTS	CATEGORY
I have no objection to the maintenance of a fingerprint database. However, to the extent active attorneys have already paid for fingerprinting submitted to the Bar and the Bar failed to maintain such records, the State should bear the cost of re-printing.		\$M
This proposal seems like a colossal waste of money and time. The materials provided do not explain the point of the proposal. Most of us have already submitted fingerprints to the state bar. I imagine you discarded my fingerprints some time ago, apparently not seeing the value in retaining them at that point. Have you analyzed the value that would be added from this substantial effort by attorneys, and no doubt vast effort by the bar? I can't imagine the resources and time aren't better spent on other endeavors.		BR., \$\$, NO PP
Just another way to get more money out of us I swear. Fingerprints don't change.		AF!, \$\$
The rule should bear in mind those of us who do not have cars or drive and should make provision for having fingerprints taken at home or at the office. thank you John Gibson		
To reduce the associated time and expense and increase efficiency, the State Bar should obtain access (with the member's consent) to his/her fingerprints on file with the TSA through the known traveler program. There is no reason why the fingerprints already on-file and active with the TSA should not satisfy the requirements of the State Bar. Thank you. Marc R. Ward		AF!
The Bar has not explained why re-fingerprinting is required, if fingerprints are already on file. Attorneys that have already submitted fingerprints for admission to the California Bar or any other state bar have records on file, and shouldn't have to do it again. Steve Johnson		AF!
All current licensed attorneys should be exempt from this as we all provided finger prints previously, at great expense, I might add. It is not about a fee scaling or fee waiver, it is about the party responsible for the error or omission to bear the cost. And, did the Bar have insurance for this error? Has a claim been filed on the E&O carrier? In addition, it should not be incumbent upon the attorneys to have to incur the time (separate from the expense) to address this. If the Bar lost the previously provided finger prints, then those attorneys should be exempt. Please submit my objection.		AF!, \$M
I do not think it is a good use of the State Bar's resources, and it is an unnecessary inconvenience to members of the Bar.		BR., \$\$
Though I agree with the substance of the proposed rule, I disagree with the following provision: All costs of providing criminal history information to and the processing of fingerprints for, the State Bar, including print furnishing and encoding shall be borne by the licensed attorney. As a public interest lawyer, paying for the costs of additional fingerprinting would be prohibitive.		\$M
I provided the State Bar with my fingerprints, for which I paid the fee, when I was admitted to the Bar in 1975. If the Bar failed to preserve my fingerprints for some reason, the Bar should have to pay for me to get new fingerprints.		\$M
I am somewhat confused by the proposed rule. If I understand correctly, the proposed rule is to have all attorneys "for whom the State Bar does not currently have fingerprint images" be fingerprinted. However, the discussion of the proposed rule seems to indicate the plan is to have all active attorneys be re-fingerprinted. When I took the bar exam more than 30 years ago, part of the application process was for all applicants to be fingerprinted, and those records were sent to the State Bar with the application. Is the issue that the Bar no longer has those fingerprint images? or that they want lawyers to be fingerprinted using a more modern method? Based on my experience with a volunteer organization, I understand it is now possible to be fingerprinted using a scanner device rather than ink and paper. Is the Bar going to designate the preferred method for fingerprinting? While it would be a nuisance, I do not have a problem getting re-fingerprinted, but clarification of the proposal would be helpful.		
This is outrageous. If the bar wishes fingerprints of new applicants, that's fine with me, but unless there is a compelling need, such as attorney misconduct, it's an unnecessary imposition. Seriously! Steve Maier		NO PP
1. Attorneys should not be required to pay for repeat fingerprints 2. Criminal background checks are already triggered by hits when a fingerprinted individual is arrested 3. Redundant and wasteful if applied to current active members with fingerprints on file 4. If The Bar does not intend to use these prints in the manner intended for notice of subsequent arrests, don't bother to collect them. Thank you.		AF!, BR.
It isn't clear who you have prints on. I was finger printed when approved for admission in 1984 -- does that mean you currently have my prints on file? Or is there a time span from last finger printing after which everyone needs printed? If the attorney is out of state, clarification should be made that a local law enforcement agency shall take the fingerprints but attorney can mail them to you. You might also want some teeth in this about non-cooperative attorneys being put on involuntary inactive status, and the same with those whose prints you "currently have" that you process and find wrongdoing by them. Thanks for the opportunity to comment. Lee Horner 114408		OOS B.
As an active attorney with 40 years experience I say this proposed rule is insulting to the membership. Are we now considered potential criminals? What possible, unlikely benefit justifies this intrusive plan? California won't turn over criminal illegal aliens to the Fed, but we sure look after our citizens because we proudly fingerprint our crooked attorneys. This is Ridiculous! John G Newport, Esquire. 72098		NO PP
Attorneys were forced to give fingerprints when they applied to the bar. There shouldn't be now a penalty on lawyers for the Bar's mistakes on this issue.		AF!

COMMENTS	ATTACHMENTS	CATEGORY
<p>The proposed rule is fundamentally unfair and burdensome for newer or lower paid attorneys, is unnecessary for younger attorneys, and should not be implemented as proposed. Many new or newer attorneys (5 years or less) have recently submitted their fingerprints to the bar, paid fees for processing, and have recently undergone background checks. In many instances, these attorneys also make just enough to not qualify for fee scaling or a fee waiver, but also do not make enough to justify this expense as anything but a burden. After factoring in the extremely high student debt that many younger attorneys (10 years of practice or less) are burdened with and are currently paying, this fee becomes incredibly burdensome. I understand that the Bar values the integrity of its members, wants to protect public trust in our position, and wants to strengthen the discipline system. These are all valuable goals that we should aim to achieve. However, we should not do so at the expense of our younger attorneys, who are already suffering under a massive burden of student debt, a difficult job market, and who have recently submitted/paid for their fingerprinting. As currently written, this appears to be an effort which will disproportionately tax younger members for an unnecessary expense on their part in order to subsidize the updating of older, likely wealthier members' information. Further, if the goal of this rule is to update attorney fingerprints/arrest records, a narrowly tailored rule would better achieve that. For example, a rule could dictate that all attorneys after a certain period of time, such as those practicing for the past 10 years, and ensure that all attorneys update their fingerprints at such time prior to their membership being approved for that year. Rather, this rule is a "one-time" effort to update the attorney's information, which is not narrowly crafted. This creates a duplication of effort for newer members, and does not ensure that older members' background checks/fingerprints are updated with any regularity. It is an inefficient rule. When I take into account that the younger members have recently submitted/paid for their fingerprinting, combined with burdening an already overburdened population, I simply cannot support this rule as written. It comes across as tone-deaf for our current student debt crisis. If this rule were to be re-written to exclude members of the bar who have been practicing less than 10 years, or if costs were to be subsidized for newer members, or state that attorneys must update their fingerprints every 10 years, I would likely support it. However, as written, agreement is not possible.</p>		AF!, EX#, \$\$, BR.
<p>As an attorney who sat for, and passed, the California bar exam in 1981, I remember well being fully fingerprinted as part of my application, and being thumbprinted again while taking the July, 1981 exam itself. I was also fingerprinted in conjunction with my application for admission in Colorado the following year. I am presently an active member of the California bar, as well as the Colorado and other bars. Any rule adopted by the California Supreme Court/State Bar of California must make sensible provision for the re-fingerprinting of those of us who are active members of the California bar, but whose office locations are outside of the state. Ideally, the rule would provide either a period of up to one year for us to return to California for fingerprinting, or, better still, would allow us to be fingerprinted by authorities outside of California, and those fingerprints to then be submitted to California authorities, without undue difficulty. I am ambivalent on the issue of whether such re-fingerprinting is necessary or advisable. I am happy to comply with directives from the Court and/or Bar. Karl Kumli California Attorney Registration # 102096</p>		OOS B., AF!
<p>The proposed rule appears not to allow use of USG records already created for out of state attorneys licensed in California and instead requires the rather outdated "hard copy" of fingerprints be obtained by said attorneys for submission to the Bar. Specifically, attorneys who are enrolled in the DHS Global Entry system or previously worked for the USG have electronic fingerprints on file with the Federal Government. With appropriate consent form completion, those records could be made available to the State Bar for official purposes. This would allow fulfillment of the stated objective of running background checks on licensed attorney while cutting the costs of that fingerprinting and also streamlining that process by not waiting for hard copies to come in the mail and be input into the system. Because the proposed rule does not appear to leverage existing resources, and instead imposes new requirements with related costs on already licensed attorneys, I do not support this proposal. Should it be modified to permit more options to meet the stated objectives, in particular using current Federal records that should appear in an FBI background check, acceptance and compliance would be more feasible.</p>		AF!
<p>No, how much more do you want of us? Should I get my plasma ready?</p>		
<p>Just another bureaucratic job creation tactic at the expense of lawyers. This is a needless and silly idea!</p>		BR.
<p>This seems like extreme overkill. I have an idea--how about doing something that actually benefits California attorneys for a change?? Tell me why the state bar exists again??</p>		
<p>There is no compelling state interest that is furthered by having the fingerprints of any active attorney on file, especially in view of a multitude of alternate sources for identification that are readily available to identify an attorney requesting any official records. This is a clear overstep by the court and invasive of each bar members right of privacy in requesting this type of information. I vehemently disagree with the proposed rule!! Stephen Warhola #191431</p>		NO PP, PRY., UNCONST.
<p>The costs of fingerprinting should be absorbed by the State Bar with the money that is already paid to renew the paperless license.</p>		\$M
<p>The expense is prohibitive for me and some members. There is some contradiction about whether fingerprints submitted previously are required to be repeated. I took the bar in 1990 and fingerprints were required at the start of law school and again for taking the bar. This is a financial burden that should not be born by those who cannot pay. I live out of state like many members. Let the bar pay for it.</p>		\$\$, \$M, OOS B.
<p>I do not think a compelling argument has been presented to impose this rule. The rule, in my opinion, treats members of the bar like criminals to achieve a nominal benefit that has barely been articulated, much less demonstrated with any evidence. The expense, the burden, and the privacy risks imposed do not justify this rule. I urge that it not be adopted in its present form.</p>		NO PP, PRY., BR., \$\$
<p>Gentlepersons, I am up to my eyeballs in capital murder and serious felony litigation in Federal and State Courts. I have a wife dying of cancer, and am personally attempting to get her to doctors and hospitals in San Diego (280-miles round-trip) for infusions and diagnostic procedures. I have to attend the damn death penalty seminar in February to continue to represent clients in capital cases. I have to buy a special ID card to get through security in Riverside County Courts. ENOUGH! Regards, Alan</p>		BR.

COMMENTS	ATTACHMENTS	CATEGORY
<p>I haven't read all the information, but it is unclear to me what this is for. Is it to identify attorneys who have been arrested, which seems like it should be able to be accomplished without the fingerprints. Is it for some security purpose to ensure someone is an attorney when they request criminal background information about a client? As a non-practicing, but "active" attorney, I am not involved in activities that would implicate this need I wouldn't think. PLEASE provide some sort of similar exception for attorney's like me -- non-practicing but not inactive -- to not have to go through all this AND pay the cost for something that simply won't apply. It's bad enough I have to pay the \$500 or so in annual dues and CLE expenses to stay "active" even though I'm not practicing so I can maintain my license should I decide to practice in the future. Please don't add another unnecessary expense for something that does not apply to my situation. Thanks. GZ</p>		NO PP
<p>This information is not necessary for the protection of the public or related to the competent practice of the law. In addition, the costs should be the responsibility of those seeking the information not the innocent and non-consenting attorneys.</p>		NO PP, \$M
<p>I do not understand why attorneys who are licensed to practice need to be "re-fingerprinted". Did something occur the fingerprints that we were required to provide to the DOJ when we were first considered for admission? Nowhere is this explained or discussed. The Rule also fails to disclose how this will be paid for, i.e., whether practicing attorneys are going to be required to incur the costs for such procedure, or whether this is to be borne by the Bar from dues collected, or the Court from fees incurred? Finally, I am concerned as to exactly how this information (i.e., fingerprints) will be stored, used, disseminated and retained. The proposed Rule refers to existing laws, but is not specific enough in terms of protecting attorneys or candidates information (i.e., fingerprints) and whether such will be "shared" or otherwise made available with the person's knowledge or consent.</p>		WN#, AF!, SCY
<p>Submission of fingerprints has been a requirement. I submitted my fingerprints with my application and so it is unclear why any of us need to resubmit fingerprints. Moreover, if the State Bar is requiring us to resubmit then the financial on us should be on the State Bar rather than the individual attorneys.</p>		AF!, \$M
<p>I disagree with the State Bar maintaining a database of fingerprint records. All digitally maintained information is vulnerable to theft and misuse. If criminals gain access to the State Bar database of fingerprints, then they will have access to a growing number of resources that are protected with fingerprint identification (e.g. iPads and iPhones).</p>		PRY.
<p>If fingerprinting must be done, the cost should not be borne by the attorney.</p>		\$M
<p>I have already been fingerprinted if the bar somehow misplaced them the bar should pay for the entire costs</p>		\$M, AF!
<p>The fee for fingerprinting should be waived for public interest, government lawyers (DAs, PDs, pro bono attorneys, public interest etc.)</p>		AF!
<p>Attorneys have already paid these costs. It is unfair to require attorneys to double pay, because the bar association did not retain records it was required to retain.</p>		\$M
<p>SOUNDS LIKE A GOOD IDEA.</p>		
<p>I have practiced law since 1972 without interruption and I have never had a criminal or discipline problem. The fact that the State Bar is considering mandating that I submit my fingerprints as a condition of continuing with the profession is not only draconian but insulting. If you are serious in even considering this ridiculous proposition, why not limit it to those attorneys who have committed State Bar violations which arose to the level of suspension or termination. There may be some sense in that. Finally, who is it designed to protect. I have no idea. There is no rationale reason to do this and I strongly disagree. Pat Naylor SBN 55292</p>		EX#, NO PP
<p>I am an attorney. I submitted my fingerprints in connection with the Bar Exam. (In fact, there was a problem with the quality of my fingerprints, so I had to re-take them and resubmit them.) Now that the Bar has realized it should have kept them, it wants ME to pay to be printed AGAIN? This is nonsense. I support the State Bar having our prints on file, but all costs should be borne by the Bar as part of fees. The Bar threw them out the first time; the Bar should be responsible for the costs.</p>		\$M
<p>At first blush one would think periodic fingerprinting and background investigations are not needed for those in the lofty profession of law. But in reviewing in the State Bar Newsletter the attorneys who have been disbarred or otherwise disciplined, it's obvious this is unfortunately needed in this day and age.</p>		
<p>1. Many members previously submitted fingerprints to be admitted initially. The requirement to do so again is unwarranted. If the purpose is to know the criminal history of bar members, then make that a reporting requirement for members. Bar members already have to report MCLE attendance. This would simply be an additional reporting requirement. 2. The costs to members, if the rule is implemented, should not be ignored. Many members have their fingerprints on file already with other state or federal agencies or departments, e.g., the Department of Motor Vehicles, Homeland Security, the Armed Forces. At a minimum, the bar should coordinate with those entities, particularly state agencies, to provide a procedure so that members can authorize the sharing of their fingerprints.</p>		AF!, NO PP, ALT. OPTS
<p>I'm concerned with being able to do this while living out of state.</p>		OOS B.
<p>The California State Bar already has my fingerprints, as they were provided when I was admitted more than 25 years ago. I see no reason why those fingerprints won't suffice without putting me to the trouble of having to go somewhere to get new fingerprint records prepared. My fingers haven't change. Do what you need to do with the prints I've already submitted, but don't subject me to the expense, both in money and time, of having to get new ones prepared.</p>		AF!, \$\$, BR.
<p>I disagree with the proposed rule as expensive and fraught with the potential for error, as well as the potential for abuse and identity theft.</p>		PRY., \$\$
<p>I disagree that attorneys in good standing should submit to fingerprinting without any individualized suspicion of wrongdoing. The State Bar can identify existing criminal convictions by running standard background checks without subjecting attorneys to an unreasonable search. I disagree that attorneys should have to pay for the cost of complying with the State Bar's mandates. The rule should also ensure that the fingerprints not be added to any criminal databases for criminal investigations or other future uses. Without such a limitation, the Bar would be exceeding its authority to use the fingerprints solely to identify the attorney or discovering criminal convictions. It is unfortunate that the Supreme Court would elect to impose SB 36's optional fingerprinting without any input from the Bar members.</p>		ALT. OPTS, \$M, OB#

COMMENTS	ATTACHMENTS	CATEGORY
I am a retired Administrative Law Judge and of course, an attorney as well. I have been fingerprinted first as an attorney and then again prior to my appointment as a Judge. As such, the DOJ has two sets of my fingerprints. If an attorney has not previously been fingerprinted, I am in favor of the fingerprint requirement as it assures the identity of the attorney. However, if fingerprinting has already been submitted to the DOJ I believe it a waste of resources both economic and time to require a re-fingerprinting process. If this rule is passed in its current state, I would now be fingerprinted for the third time and have to pay the cost. This is an unnecessary waste of my time and an unfair burden since the state already has my fingerprinting on file. Thus, I would submit that the requirement only apply to those who have not been previously fingerprinted. Thank you. Judge Cohen (Retired ALJII)		AF!, BR., \$\$
Don't add more rules and beauracracy to our lives as California attorneys.		
I The Bar pays for it and doesn't make me pay for it through my Bar Dues		\$M
Although it is not a big deal, it is getting tiresome to have the State Bar come up with additional expenses for attorneys. If this is SOOO important, then pony up the dollars to pay for it and stop sticking it on the backs of members. It is the principle of the thing!		\$\$
Costs of background checks could vary and this would have an associated tracking of payment cost since it seems the Bar is submitting the request. Attorneys with no criminal record should not have to pay the cost of this background check. No issue with the State Bar having a system for maintaining fingerprints of active attorneys. This should only be a one time cost to an attorney of submitting the prints in some method.		1#
For many reasons, I overwhelmingly support the Proposed Rule that will improve the reputation and practice of the State Bar in the protection of the public that we serve, together with strengthening the State Bar's discipline system.		
I paid to submit my fingerprints when applying for admission to the California Bar nearly four years ago, as did all attorneys at the time that they were admitted. The California Bar was required to maintain those fingerprint records by law. We, the individual attorneys, should not now have to pay to resubmit our fingerprints in order to correct the California Bar's error.		\$M, AF!
I strongly oppose. I did this already. My fingerprints have not changed.		AF!
When I applied for admission to the State Bar of California, it was required that I be fingerprinted. Is that no longer the case? Have older fingerprints somehow been lost or discarded? It appears that many have been, but there is no explanation why that happened. I paid for the original set of prints, and do not see why I should pay for providing more prints plus the cost of searching my criminal history. I cannot agree with this rule change without knowing what happened between me being fingerprinted over 35 years ago and now. I always assumed my prints were on file someplace. Fortunately, my major offense was not coming to a complete stop at a stop sign, but it appears that the State Bar is contemplating charging me as if I had done something larger. Spending several million to duplicate what should already be on file seems like money that should be going someplace else, such as toward assisting low income people with the legal things that they need to address. Sincerely, Kathryn K. Andrews Bar number 104183		AF!, \$M, NO PP
I have not only been fingerprinted when I was admitted to the State Bar, but also every 3 years when coaching youth sports. While I am all in favor of the protecting the public from bad actors, just how many times do I have to get finger printed and pay for it every time? Seems like the DOJ should have my fingerprints updated plenty of times already.		AF!
If this rule does become effective, at minimum, there should be an exemption for federal government attorneys who work for agencies (e.g., DOJ) where a background check is already required and/or required to be updated periodically.		AF!
This is a stupid idea, and is surely only suggested so the Bar can add infrastructure, employees, and justify its already overly high fees. I can't recall if you have my prints (it was 22 years ago). If you do, use those. If not, screw you, and your proposal. Also, why should I have to pay for this (either up front, or with dues)? Get smaller, not bigger. Fire staff, sell buildings, quit funding D political campaigns. Have a nice day. Steve		AF!, \$M
The State Bar should bear the expense of using previously provided fingerprints to the DOJ.		\$M
I think that this rule is an expensive waste of time to be born by attorneys for no valid reason.		\$\$, BR.
Yes, this might be slightly inconvenient, but if this helps maintain the integrity of the profession, by all means do it.		
DEAR COLLEAGUES: MY OPINION IS THAT THIS MATTER SHOULD BE PUT TO A VOTE OF ALL ACTIVE MEMBERS.		
As a fairly recent admittee to the state bar who had to jump through all those hoops for approval including live scan, its insulting to be told that I should go get finger printed yet again and AGAIN at my expense. Attorneys should not be treated as criminals and we are not an endless pit of time and money to pay for the State Bar's endless endeavors. If we've already been finger printed we should be exempt. Fees for being re-fingerprinted should come from disciplinary sanctions instead of law/rule abiding attorneys.		\$M, AF!
You must have too much time. I WAS fingerprinted when i applied for Bar membership 42 years ago. It's been a long time, but my prints haven't changed. Now for some unknown reason you think it's a good idea to do it again, AND CHARGE US FOR IT? Really? Maybe government control of private life hasn't gone far enough with ubiquitous cameras, cell phones and computers tracking our communications and locations. But even though you've got fingerprints, now it's somehow important for us to take time, go to a fingerprint center, and do this again. Unbelievable. Stop. Just stop.		AF!, \$M
STRONGLY DISAGREE! 1) No real problem has been identified to mandate proposed re-fingerprinting requirement. 2) We have already been fingerprinted. Redundancy. 3) This bureaucratic requirement would be onerous in terms of time and expense; how many new Bar staff will have to be hired to implement and maintain this database? 4) Would not like to have law enforcement agencies to have unfettered access to such information (think Fourth Amendment). 5) There are no guarantees that this data would not be hacked in the future and cause an attorney liability and malpractice debacle.		WN#, AF!, BR., \$\$, UNCONST., SCY
I am an active, licensed California attorney (Bar No. 222,081). It sounds like this fingerprint requirement is only "for the purpose of obtaining criminal offender record information regarding state and federal level convictions and arrests." It follows that only a small subset of active California attorneys would ever have need of such information (I for one as a patent attorney have no need whatsoever to access this sort of criminal information). My opinion is that it is unjustified and illogical to require ALL attorneys to still go to the expense and inconvenience of re-fingerprinting on this basis. Can the rule not be written in such a way and enforced in practice such that attorneys seeking access to the indicated criminal records must have verified fingerprints on file with the DOJ? Then attorneys needing such access can take the necessary steps and those not needing access are not forced to take those pointless steps anyway. That would seem the most equitable and practical approach in my view, unless I am missing something.		BR., \$\$, NO PP
I am opposed to fingerprinting - members of the Bar should NOT be fingerprinted. That would be one more step in the invasion of individual privacy that began with the Patriot Act. Please do not adopt this rule.		PRY.

COMMENTS	ATTACHMENTS	CATEGORY
I am strongly opposed to this proposed change. The costs and inconvenience are not worth the alleged benefits of the change.		BR., \$\$, NO PP
Many years ago, while a student, at personal financial detriment, I did submit fingerprints to the Bar. It now seems that the Bar has, perhaps, LOST them. I do not see why I should have to fix this or pay for it.		\$M
I have no issue with the finger print requirement for the proposed purposes however, I do feel such costs should be either built in to Bar dues or be borne by the CA State Bar or DOJ. Fees have become increasingly unfair and coupled with donation requests, it makes it extremely difficult for those not working at large firms to absorb those costs.		\$M
If you are going to do this, you *must* provide a way for bar members who live outside of California to submit fingerprints without having to come back to California, such as going to a local police department to be fingerprinted and then sending the fingerprints back to the Cal Bar. For example, I live in Boulder, Colorado, but maintain my California license to practice law. That said, I have not had cause to come back to California for *years* (in fact this leads to another issue, that CA seems to think that I am earning money in California, because I keep my license active, but I have also not earned money in CA for years). In fact, generally, it seems that a retooling of how the CA Bar and the state treat non-resident bar members is in order (I'd be happy to be part of that effort). But to the original point, please figure out a way such that California bar members *not living in California) can satisfy this requirement without having to travel back to California. Thank you. AnneAnne P. Mitchell, Attorney at Law Author: Section 6 of the CAN-SPAM Act of 2003 (the Federal anti-spam law) Legislative Consultant/CEO/President, Institute for Social Internet Public Policy Legal Counsel: The CyberGreen Institute Legal Counsel: The Earth Law Center Member, Cal. Bar Cyberspace Law Committee Member, Colorado Cyber Committee Member, Elevations Credit Union Member Council Member, Board of Directors, Asilomar Microcomputer Workshop Ret. Professor of Law, Lincoln Law School of San Jose Ret. Chair, Asilomar Microcomputer Workshop		OOS B.
Unnecessarily burdensome to the lawyer, and unnecessary expense for all concerned. No reasonable factual basis has been advanced suggesting why this fingerprinting would be necessary. Time consuming and burdensome for the agencies designated to collect the fingerprints. A waste of time and money.		BR., \$\$, NO PP
I see no justification for the rule. Do fingerprint records degrade with time? Are they deteriorating? The lack of any explanation makes me wonder what is not being said. In the absence of any explanation, I disagree with the proposed rule.		NO PP
There has been no concrete rationale provided on why already licensed attorneys have to spend the time and money to go through a fingerprinting procedure. This additional requirement seems completely unnecessary and if the State Bar's concern is related to recent criminal activity, the State Bar should require attorneys to disclose any convictions when they renew their license. I strenuously object to this proposed rule and request the State Bar to pursue other means of "strengthening" the discipline system.		NO PP, ALT. OPTS
I am not in favor of the proposed rule as drafted. The rule requires each active licensed attorney "with whom the State Bar does not currently have fingerprint images" to submit new fingerprints, regardless of whether that attorney has recently submitted fingerprints to the state bar. I am an active attorney admitted to the State Bar of California. I have already paid for and had my fingerprints taken as a condition of my admission to the state bar merely two years ago. The State Bar should have properly maintained and preserved my personal fingerprint records, and if they have not, then I should not be forced to bear the burden of their intentional imprudence. Accordingly, I see no valid reason why I should be made to bear the expense of having such procedures done again, and therefore, I strongly disagree with the proposed rule.		AF!, \$M
Fingerprinting is a requirement for Attorneys at the time of admission. It is nonsensical to require a second set of prints - do new admittees have to pay twice? Perhaps if the cost of subsequent prints can be deducted from annual dues for active attorneys, this proposed requirement would be more palatable, but it would appear that the State is forcing members to bear the cost of its poor record keeping and retention. The State has not demonstrated sufficient "critical" circumstances to justify this requirement.		NO PP
This is reasonable and appropriate. I have been a licensed attorney for 38 years. I have also been a Notary Public for most of those years, and as such, have been required to be re-fingerprinted every 4 years to renew my commission. Members of the Bar should have some periodic checks.		
I strongly disagree with the proposed Rule. It places another burden on already overly burdened sole practitioners. I, for instance, do not practice criminal law, have no interest in seeing or examining criminal files, and should not be required to go through the added inconvenience and cost of fingerprinting. If you insist on recommending such a Rule, it should be required of ONLY those attorneys seeking to review criminal files you are concerned about and do not impose it on all attorneys.		BR., \$\$
It seems like overkill to constantly be re-fingerprinting attorneys who are active members of the Bar. Many attorneys, like me, are notaries, and we are already fingerprinted every 4 years to renew the notary designation. Perhaps have an exception for those who are already being fingerprinted every 4 years.		1#
The language suggests that if the State Bar already has fingerprints for the member, it does not need an updated set of fingerprints. If my interpretation is correct, my comment is what system will be put in place for an active member or one who is inactive but wishes to become active, to determine whether the Bar has the fingerprints? I was admitted in 1987, and recall obtaining fingerprints, but, even if my recollection is correct, that does not mean the Bar has a copy. Thank you, and happy holidays. Robert Nagle 132717		
Attorneys are officers of the Court and the proposed new rule is dangerous and degrading to attorneys. Attorneys with common names could become victims of the numerous errors in the federal NCIC system if the state bar solely relies on fingerprints and information from NCIC. Federal NCIC system is rife with errors. The state and federal court archives have the most accurate information about criminal proceedings, whether the proceeding is against an attorney or not. All attorneys should oppose this measure.		SCY
I don't know when the State Bar first started requiring fingerprints, but I submitted fingerprints for my application in 1990. Nothing in the proposed rule tells me whether the Bar retains fingerprints submitted previously so that this rule will have a limited application, or whether it's essentially going to require all current lawyers to get re-fingerprinted. The bill should clarify that it will only apply to attorneys who have not already submitted fingerprints to the Bar.		AF!

COMMENTS	ATTACHMENTS	CATEGORY
The cost of this fingerprinting initiative far outweighs any benefit. Spend less time worrying about criminal convictions of already-admitted attorneys, and spend more time working on admitting LESS attorneys by putting some restrictions on the the number of law schools/graduates in the state of CA. This state is producing far too many attorneys and there needs to be better regulation. If you want to do this, do it for newly admitted attorneys. Active attorneys should be grandfathered.		NO PP
I write to object to the proposal that the State Bar fingerprint active licensed attorneys. This is a terrible idea. It is costly. It is unnecessary. I do not understand why the California State Bar would want to be notified every time an attorney gets arrested. As lawyers, we should appreciate civil rights and privacy rights. We should have a particular respect for and understanding of "innocent until proven guilty." We should understand that our justice system is imperfect. It suffers from overt and subconscious, systemic and insidious racism and bias. People of color and poor people are disproportionately impacted. Until racism and bias are completely eradicated, the State Bar cannot and should not police mere arrests. That is completely ridiculous and objectionable. Not in my name. I am a law abiding citizen. I am a lawyer. However, I believe in civil disobedience in the face of unjust laws. Dr. Martin Luther King Jr. was arrested numerous times fighting injustice. I was not alive then. But now we have a Trump Presidency. And he is wrecking havoc on our society to the point where civil disobedience may not only be desirable, but necessary. To protect our environment. To protect the rights of NFL players to kneel during the National Anthem. To protect Muslims from being unfairly targeted and prohibited from visiting or immigrating to our country. Am I the criminal you seek to get notice of if I am arrested engaging in civil disobedience in the name of justice? Am I not suitable as a lawyer? This proposal appears to me to be addressing a problem that does not really exist. If I am arrested and prosecuted, there will be a prosecutor who has access to my fingerprints taken upon my arrest. It is a matter of public record that I am a lawyer. If I am convicted, the prosecutor can notify the Bar of the conviction. Done. The Bar should be doing more to encourage people of color to become attorneys. Not creating barriers to their inclusion. If you do pass some regulation requiring active lawyers to undergo more fingerprinting, I urge you to recognize a conscientious objection exception based on the First Amendment, Fourth Amendment, and Sixth Amendment to the U.S. Constitutions. Out of solidarity with my colleagues who are unfairly targeted by police because of the color of their skin, who are pulled over for "driving while black," I will not do it. I object. I strenuously, and passionately object. Not in My Name.		\$\$, BR., RR#, OB#, UNCONST.
The additional and unnecessary expense for submitting another fingerprint on top of the already existing costs of the profession is unwarranted.		BR., \$\$
There is no reason to submit attorneys to such a requirement. I find it offensive and a violation of my privacy as a long standing member of the Bar to be subjected to such a requirement.		PRY., UNCONST., NO PP
Terrible idea As written, the rule requires all attorneys "for whom the State Bar does not currently have fingerprint images" to submit fingerprint images. I have dug through my Calbar My State Bar profile webpage, and that information is not provided anywhere. Although I think this rule is unnecessary, I have no principled opposition to it. However, any rule the Bar or Court adopts should REQUIRE the Bar to provide all Bar members, both (1) by mail or email and (2) on their State Bar Profile, so that lawyers for whom the Bar already has fingerprints will not be required to submit new fingerprints. Experience teaches us that the Bar will not provide this information unless it is required to. Separately, I think this rule should exclude people who have been a member of the Bar for over a certain number of years. I think this is an unreasonable burden to put on attorneys who are nearing retirement.		
Sounds like a bunch of police-state bullshit to me. Besides, there's no real science behind the assumption that fingerprints provide unique identification.		PRY.
It is a great disappointment that the State Bar has been so lacking in competence as to not retain the fingerprints we have all been required to provide for many decades when we joined the State Bar. Obviously, these records represented basic information to be retained. Where State Bar administration and/or leadership failed on this issue would be worth publicizing and we should be entitled to know. With that said, if the fingerprints are in fact gone, it is understandable that they will need to be resubmitted. But the new program should require the State Bar to retain the records for a specified time period after the lawyer is deceased, if not indefinitely. so this failure is not repeated, and it should specifically state that once resubmitted, any future need of the State Bar to obtain new fingerprints will be at State Bar's expense. The new program should explicitly provide for a secure electronic backup of these records, if not duplicate backup.		
I think anything that encourages law abiding behavior and maintains the integrity of the law profession is a good move. There are already too many attorneys, many with questionable judgment, as evidenced by their criminal convictions.		
This seems like unnecessary overkill, particularly for those of us who have previously submitted fingerprints upon admission. As I read the proposal, it appears to require re-submission of fingerprint from attorneys who have previously provided the same.		AF!
I see no reason why an existing attorney should be required pay an unknown fee for implementing this requirement. The fee should be stated along with the process to submit paperwork. The way this is written an attorney might have to pay \$1,000 if that is the charge to submit finger prints that are already on file.		
What nonsense. Just make it so that fingerprints that are taken by a police agency are sent to the state bar for them to do whatever they want with it. Printing should not cost the attorney. Cost should be borne by the Bar Association.		\$M
While I agree with the rule, I think that it is equally, if not more important, to provide all active members information about and access to substance abuse treatment programs and support groups. The level of rigorous background checks required to become a member of the bar should not stop once you are admitted to practice. If anything, they should continue. There is a high level of substance abuse and dependency among attorneys and absent acknowledgment and proposed solutions it will only get worse.		
We were fingerprinted at admission and the rules specify what needs to be reported. That is sufficient.		AF!, RR#

COMMENTS	ATTACHMENTS	CATEGORY
<p>What is the significance of the new rule? Are there any attorneys whose fingerprints are not on file? If the bar doesn't have mine then the bar lost what it got in 1977 and I should not have to pay to replace what the bar lost. Is this just another redundant California regulation of the type which is driving everyone out of the state? What is the cost impact of this rule if it requires every lawyer to RE-submit fingerprints? To me this rule and its originating initiative make no sense at all given that it is my understanding that nobody has been allowed to take the bar exam or at least bar admission in the last 50 or more years without submitting fingerprints. If the bar wants to require replacement of what it lost then it should pay for the cost. The California Bar is charging way too much anyway. Nevada waived fees from me when I turned 72 and also waived CLE reports which were much more demanding than California's even though I continued in active practice. This looks like just another California boondoggle among others driving everyone to Texas, Oregon, Washington, Nevada and other sane venues. It proposes a charge which is made because they can charge it not because it should be charged. We need new people running this organization.</p>		<p>\$M, AF!</p>
<p>The proposed rule is unnecessary. Instead, the Bar should simply require attorneys to report convictions or else face disciplinary action. The cost of the rule also should be considered. The cost of fingerprinting may be upwards of \$50, which will not be reimbursed by my (public) employer. The cost to the bar to process all of the checks will be in the millions. I believe that the bar's resources are better spent elsewhere.</p>		<p>NO PP, \$\$, BR.</p>
<p>There is no need to have attorneys who have previously provided fingerprints in connection with original licensing to have to supply prints again</p>		<p>NO PP</p>
<p>This seems rather invasive of one's privacy. Having practiced law for over 25 years, it seems unnecessary to require full finger-printing at this point as a condition to continuing to practice. Asking attorneys to bear that cost seems to add insult to injury. Perhaps I'm poorly informed, but I've never had the impression that attorneys who are also convicted criminals were a rampant problem in California ...</p>		<p>PRY., \$M</p>
<p>The email is inconsistent with the proposed rule. The email says that the proposed rule will require attorneys to be finger printed again, "The State Bar of California plans to re-fingerprint all active attorneys and is seeking public comment on a proposed California Rule of Court on the matter." But the text of the proposed rule says this, "Each active licensed attorney of the State Bar for whom the State Bar does not currently have fingerprint images shall, pursuant to the procedure identified by the State Bar, submit fingerprint images to the Department of Justice for the purpose of obtaining criminal offender record information regarding state and federal level convictions and arrests." It appears that the State Bar membership could be confused by the email message vs. the text of the proposed rule which does not require re-fingerprinting of all members. It requires only those to submit finger prints who don't already have finger prints on file with the State Bar. As for as the rule, it is unreasonable. I can imagine the burden to submit finger prints to DOJ could be better handled by the State Bar who has all the finger prints of every active member, rather than requiring all its members to get finger printed again and then submit them again to the State Bar.</p>		<p>BR.</p>
<p>The State has images of my fingerprints as a notary. I don't understand why those of us who have been fingerprinted elsewhere and are in the database need to be separately fingerprinted, except that you all don't mind wasting my time. If it is simply a matter of noting a reference to a different source, which is also in the federal database, that does not seem like a big burden on the Bar.</p>		<p>AF!</p>
<p>I've been a licensed attorney for 18 years. I have an affirmative reporting requirement if charged or convicted of crimes. I and my colleagues take this requirement seriously. I have no problem with requiring new attorneys, as a part of their admission process, to submit fingerprints. However, as the mother of two young children who only practices part time, I prefer to not be bogged down with yet another requirement. Please do not pass this burdensome new rule. Thank you.</p>		<p>RR#, BR.</p>
<p>Dear Madams/Sirs: Although my admission to the California Bar dates back to 1978, my recollection is that I was fingerprinted at that time. As I read the 'preamble' to the proposed law, current fingerprinting would be limited to those circumstances where one was seeking "admission or reinstatement." If that's a correct reading of the proposal, it would not apply to members in good standing, so I would have no objection. If, on the other hand, the proposed fingerprinting requirement would also apply to Bar members currently in good standing, who were previously fingerprinted as part of the admission process, I would object to the proposal, absent a cogent argument to the contrary. Respectfully, Donald P. Miller California State Bar Number 84665916 North Laurel Avenue Los Angeles, California U.S.A. 90046-6922 (323) 654-2826 fax: (323) 654-3826</p>		<p>AF!</p>
<p>It is the State Bar who is mandated with the protection of the public, the stated reason for this rule change. Licensed attorneys already pay dues in order to facilitate this mandate. The Bar should bear the costs of this rule change out of the dues they already collect rather than requiring licensed attorneys to bear the costs. If the Bar requires additional funding toward this end, let it show cause before the Legislature and Governor via a request for a dues increase.</p>		<p>\$M</p>
<p>This is a ridiculous police state measure, and a solution in search of a problem. The Bar cannot cope adequately with the real disciplinary needs of the attorney business. Year after year, many dubious attorneys continue to practice. They are not dubious because they have been convicted of some crime, but because they are not emotionally or personally adequate to perform services for people. They will never be disbarred; even if caught, they will get some kind of weak suspension, or a second chance. The few attorneys who are convicted are already known to the Bar. All this rule does is impose a new expense and a new burden on the vast majority of diligent, competent, non-criminal lawyers. And it alerts us to what the Supreme Court thinks of the Bar -- a bunch of undiscovered criminals.</p>		<p>PRY., \$\$, BR.</p>
<p>There is no clear relationship between public safety and requiring attorneys to re-submit fingerprints, particularly given the privacy concerns inherent in having them on government databases and the lack of care government has shown to protecting such identifying data. Nothing in this proposed rule explains why attorneys should be especially easy to identify, since we can only be a danger to the public if we lead public lives -- and thus are easily identified.</p>		<p>NO PP, PRY.</p>
<p>Please provide for fingerprints to be submitted via a range of media, including ink on paper. Electronic scanner systems don't always take legible images!</p>		
<p>Strongly disagree with this proposed Rule. It's inconvenient, a poor use of my valuable time, and unnecessary for those lawyers who were fingerprinted for the moral character application AND when taking the bar exam. No more fingerprinting should be necessary.</p>		<p>BR., AF!</p>
<p>If implemented, please provide an exception process for those whose fingerprints are not detectable/readable.</p>		<p>UNREL.</p>

COMMENTS	ATTACHMENTS	CATEGORY
The text of the proposed rule indicates fingerprinting for all attorneys for whom no fingerprint information is presently on file with the State Bar. But language from the State Bar indicates that all attorneys must be fingerprinted re fingerprinted, regardless of whether they presently have fingerprint information on file with the State Bar. Can we please fingerprint only those attorneys who presently do not have fingerprint information on file with the State Bar? Otherwise it is a waste of time and money. Plus, the proposed rule itself demands this.		\$\$, BR.
I understand the need to maximize protection of the public. But you have plenty of information on licensed attorneys. This is an excessive device. Furthermore, while the time and financial cost of submitting my fingerprints will surely not be terribly onerous, nevertheless the rule skews to causing more harm to sole practitioners like me, while undoubtedly firms will cover the cost for members of a larger firm. <b>Smaller entities bear a greater burden again.</b>		\$\$, BR.
This is another example of a costly and time consuming rule designed to make the public feel safer which punishes sole practitioners who bear a disproportionate cost and where the vast majority of attorneys never represented a risk to the public; no less that requiring attorneys who do not drink nor use drugs to take classes telling us of the evils of doing something we have never done nor will do.		\$\$, BR.
Bad idea.		
This requirement is burdensome on attorneys cost wise and burdensome in having them defend themselves against records that they have no way of verifying if they were true or not. Arrest records are not perfect, and to inure attorneys with defending themselves against unwarranted charges.		BR., \$\$, OB#
As a registered nurse in the States of California and Nevada, I have been required to be finger-printed and have been required to be re-finger-printed. I find it to be onerous, expensive, and have yet to be convinced it provides any benefit at all to the general public. One more hoop to jump through for re-licensure.....		BR., \$\$, NO PP
If the State Bar and the California Supreme Court want to mandate that all current active attorneys have their finger prints scanned with the California Department of Justice, then they should find a way to pay for it, that does not involve the members paying for it. Their dilatory conduct in implementing an alleged rule that was supposed to protect the public, should not equate into forcing each member to bear those expense.And, if you really want to protect the public, no one should be exempt, including judges, legislative members, government employees, federal attorneys who practice in this state, etc.		\$M
Please tell me how requiring all Attorneys to supply new copies of their fingerprints will do anything other than increase the amount of cost and paperwork to Attorneys, which will then be passed on to the public.Unless an Attorney has altered, or had altered, their fingerprints, or unless the Department of Justice has lost all of our fingerprints, this will be another needless exercise.		NO PP, AF!
My recollection is that we were already fingerprinted prior to taking the bar exam.Is there an issue with fingerprints changing over time, or is there some real issue of attorneys conspiring to alter their fingerprints and commit heinous crimes afterwards? What will be next, mandatory drug testing at our expense? Mandatory inspection of our financial records?The issue of re-fingerprinting seems hopeless as far as being other than a fait accompli in any case, but I fail to see the need other than as another acknowledgment by the State Bar and the supporters of the rule that the profession should generally be held in utter disrepute, and to bolster the public's increasingly poor opinion of lawyers. This new waste of time and expense together with the "dumbing down" of the bar exam process, are evidence of further decay. Perhaps if the State Bar would consider supporting lawyers in the way the AMA supports doctors, rather than attacking them, the profession might enjoy a return of prestige and an increased ability of its members to make a decent living.		AF!, \$\$, BR.
Waste of time and money. GE		\$\$, BR.
I strongly disagree with the proposed rule. This proposed rule does not seem to have any significant benefit to the public or the Bar that does not already have an available remedy. On the contrary, the costs associated with compliance, as well as the lost revenue for individual practitioners and law firms is substantial. The expenses incurred by the administration of this mandate and the attorneys seek to maintain their standing is unfair and unreasonable. Furthermore, there is nothing within the rule that prohibits mandating future submission for fingerprinting.		NO PP, \$\$, 1#
It is ridiculous to force the hundreds of thousands of attorneys to get themselves fingerprinted to potentially catch a few bad actors. it is a terrible waste of time and resources.		\$\$, BR.
The State Bar fingerprinted every attorney in this state at the time of their Moral Character application. It is not the fault of practicing attorneys that the State Bar failed to retain those records. It's an undue burden on attorneys, many of whom work 100 hours a week and simply do not have the time to go get their fingerprints taken. Other attorneys may be less busy and have the time to go do it, but they do not have the extra money to pay for it. Given the State Bar's penchant for misusing its funds and lack of accountability, instead of rising our dues or adding another expense for its members by requiring we all go get fingerprinted again, the Bar should first get its affairs in order and prove itself to be a trustworthy organization again. Maybe then you can re-approach this issue in a few years once that has happened. .		BR., \$M
In federal service, we are regularly reinvestigated which includes fingerprinting. Federal attorneys should be exempt.		AF!
Aren't there less onerous ways to allow the Bar to update any records re: criminal convictions? Seems to me there is a burdensome alternative		BR., ALT. OPTS
1. The e-mail I received indicated that all attorneys will be "re-fingerprinted." As I read the proposed rule, it appears that is inaccurate and only certain attorneys will need to submit fingerprints. 2. It is unclear from the proposed rule and related information how many attorneys will be affected by this requirement. Many attorneys, including myself, previously submitted fingerprint images. Did the Bar not retain those images? I do not believe attorneys who previously submitted fingerprint images should be required to incur the expense and expend the time to do it a second time. 3. Attorneys who maintain active status but live and practice in another state obviously need to be able to comply with the fingerprint requirement without being required to travel to California.		AF!, OOS B.
I believe the state should bear the cost of fingerprinting. I already paid the initial moral character fee and I should not be required to bear a cost due to the decision to not have implemented an obvious rule years earlier.		\$M

COMMENTS	ATTACHMENTS	CATEGORY
THIS RULE WOULD COST CALIFORNIA ATTORNEYS OVER 15 MILLION DOLLARS OUT OF THEIR OWN POCKETS. THIS IS AN UNNECESSARY BURDON TO ALL THE ATTORNEYS, WHEN ONLY A FEW SHOULD BE ASKED TO RE-SUBMIT FINGERPRINTS. IT IS RARE TO HAVE AN ISSUE AS TO THE IDENTITY OF AN ATTORNEY. IF THIS ISSUE ARISES, THEN A RULE COULD BE PROPOSED THAT WOULD REQUIRE SPECIFICE INDIVIDUAL ATTORNEYS TO SUBMIT FINGERPRINTS. IT IS NOT NECESSARY TO REQUIRE ALL ATTORNEYS TO GO TO THE INCONVIENCE AND EXPENSE OF A LIVE SCAN.ADDITIONALLY, I AM A NOTARY AND MUST SUBMIT FINGERPRINTS EVERY 4 YEARS. THERE SHOULD BE AN EXCEPTION FOR ATTORNEYS THAT ARE ALREADY NOTARIES SO THAT THEY DO NOT HAVE TO DO THIS TWICE.		BR., \$\$, NO PP, AF!
I was fingerprinted before admission to the Bar and my fingerprints have not changes. What's the point in re-fingerprinting? Such a waste of time and money better spent on properly funding our underfunded courts, especially in San Diego county. We are so impacted that hearing that should have been set in a few weeks are set in months. No court reporters in Family law. Yikes!		AF!, BR., \$\$
All federal government employees are required to undergo a background investigation, including fingerprinting, as part of the standard hiring process. I ask that federal government employees be exempted from the fingerprinting requirement for active licensed attorneys in California since our fingerprints are either already in the possession of the Department of Justice or the Department of Justice can readily obtain access to them.		AF!
This is not fair that you feel the freedom to keep charging us more and more fees. I want to keep my license active but don't practice much and make very little money practicing law. Bar fees are already ridiculously high. I have already paid for fingerprinting once and that should be enough. Get that data and use it.If you implement this, at the minimum you should reduce bar fees for the year of implementation. Please think about us little guys who don't have huge firms and budgets supporting us.Thank you.		\$\$, BR.
If the fingerprinting rule is to be applied, it should apply equally to all active and INACTIVE attorneys. An inactive attorney who is a judge, law professor, or government employee can easily do more damage to the public than a single active attorney in private practice.		IA=
My recollection is that prior to my admission in 1981, I was required to submit a full set of fingerprints (perhaps as part of the requirements for law school students to do certain things after their first year; I'm unclear at this moment exactly when this happened, but it was represented as necessary in order to check our good morals). If I am incorrect, and I was never required to submit a full set of prints, then I don't object to doing so in the future. However, assuming the accuracy of my recollection that I previously submitted a full set of fingerprints, I strenuously object to being required to bear the cost of resubmitting them if the State Bar has failed to maintain its records properly to preserve that set of prints. (If the issue is that the prints previously supplied were taken with ink on a card, and the expense of scanning them is large, and can only be avoided by requiring the submission of a new set of prints taken using the modern "direct to digital" methodology, that would perhaps alleviate my objection on the resubmission - if but only if that was disclosed to members of the Bar ahead of time.) As a separate point, I also object to having the unstated cost of running a criminal history check on me, regardless of which set of prints is used for that purpose, imposed on me. How can attorneys reasonably be expected to agree or disagree about this, without knowing whether the cost to be imposed is \$1 per attorney, or \$1,000 per attorney, or some other number? Are similar requirements to pay for criminal checks imposed on medical doctors? Doctors of Pharmacy? Licensed financial advisers? Securities dealers? Child care center workers? Licensed psychologists? If not (and I sincerely doubt that the answer to any of those questions is "Yes"), I wonder if the proposal is consistent with constitutional requirements.		AF!, \$M, \$\$, UNCONST.
GOVERNMENT ATTORNEYS WHO SUBMIT FINGERPRINTS AS PART OF THEIR BACKGROUND CHECK AND SECURITY CLEARANCE RENEWALS SHOULD BE EXEMPT FROM HAVING TO SUBMIT FINGERPRINTS. AS PART OF AN ONGOING REQUIREMENT, LICENSED CALIFORNIA ATTORNEYS WHO WORK FOR A FEDERAL OR STATE GOVERNMENT AGENCY THAT REQUIRE BACKGROUND CHECKS ALREADY SUBMIT FINGERPRINTS. RESUBMISSION IS NOT NECESSARY. RECOMMEND THAT AN EXEMPTION BE MADE FOR GOVERNMENT ATTORNEYS WHO SUBMIT FINGERPRINTS AS PART OF THEIR SECURITY CLEARANCE PROCESS. (IN MY CASE, I SUBMIT FINGERPRINTS EVERY FIVE YEARS AS PART OF MY FEDERAL BACKGROUND CHECK).		AF!
Classic witch hunt. Remember Salem.		
If a member of the Bar already has submitted fingerprints to the DOJ or another agency, such as the Bureau of Real Estate, they should be able to indicate this and be exempted from further fingerprinting. This proposed rule, while potentially beneficial, is an unnecessary burden to the members as a whole, especially relative to the benefit conferred on to the public.		AF!, BR.
No explanation offered to determine which attorneys already have fingerprints on file and which do not. Having a set of fingerprints on file is something with which I concur, but not duplicating prints that the Bar already possess.Nothing stated about the cost of the fingerprinting other than the attorney will be responsible for the costs. How much will the costs be? Some might not object if the cost is minimal.Finally, nothing stated about in what manner the prints will be maintained and what leve(s) of security will attach to the maintenance of the prints.		\$\$, SCY
I SUBMITTED MY FINGERPRINTS TO THE STATE BAR WHEN I BECAME A LAWYER, IN 1980. THE PROPOSED RULE REQUIRES ONLY THOSE LAWYERS WHOSE FINGERPRINTS THE STATE BAR DOES NOT POSSESS TO RESUBMIT FINGERPRINTS. HOW DO I KNOW IF THE STATE BAR DOES NOT POSSESS MY FINGERPRINTS? IF THE STATE BAR HAS LOST MY FINGERPRINTS, I QUESTION THE FAIRNESS OF REQUIRING ME TO PAY FOR RE-SUBMISSION OF THEM.I HAVE NOT BEEN CONVICTED OF A CRIME AND REALLY RESENT WHAT APPEARS TO BE THE INCOMPETENT MANAGEMENT OF THE STATE BAR. IT IS AN INCREDIBLY EXPENSIVE LICENSING BODY AND FOR ITS COST IT SHOULD BE WELL MANAGED.		AF!, \$\$
I submitted my fingerprints to the Bar when I was licensed. I did this -- and paid for this -- because you required it. Since that time, I have paid about \$8,000.00 in bar dues. Part of that money had to include rent to store my fingerprint card. You, however, chose to pitch my fingerprint card, and use the money for storing it, for something else. Which is fine by me. Now you've changed your mind, and you want me to make it right, on my dime.Not cool.		AF!, \$M
Is this really necessary? It is difficult to believe there is adequate justification for this. On the negative side, it will be burdensome, time-consuming, and an unwarranted expense.At the very least, attorneys who have been in good standing and not once arrested for 20 or more years should be grandfathered in and exempted from this proposed rule.		NO PP, BR., \$\$, EX#
I passed a thorough moral character check when I applied to become an attorney. This is just another added layer of unnecessary bureaucracy.		NO PP

COMMENTS	ATTACHMENTS	CATEGORY
Unless there is statistically significant correlation between prior criminal conduct of an attorney and professional negligence or crimes upon clients, then this rule is a waste of time and money. I assume that the vast majority of all licensed attorneys do not have criminal records. Or stated in the reverse, the percentage of licensed attorneys who have criminal backgrounds has to be a very small percentage. This is the most ridiculous rule I have seen in 24 years of practice.		NO PP, \$\$, BR.
WHY DO YOU MAKE LIFE HARDER FOR ATTORNEYS. YOU WANT TO ENSURE QUALITY? SHUT DOWN THE WORTHLESS UNACCREDITED AND BOTTOM TIER LAW SCHOOLS.		BR.
The letter from the Chief Justice, the proposed rule, and the accompanying explanations all fail to provide any explanation as to why existing fingerprints do not provide the information needed for the process described. the use of the word "images" may imply an electronic method rather than the older ink pad process, but that is not clear. Further, and perhaps more importantly, it fails to mention fees [costs] for the process. Even of minimal it has consequences for those attorneys (seniors or otherwise) with minimal income.		AF!, \$\$
This rule is absolutely ridiculous. Attorneys had to jump through various vetting in order to be admitted in the first place. This rule is an absolute waste of every attorneys time and is an apparent money grab from those seeking to enforce it.		BR., \$\$
When I took the bar and passed and submitted the documents for the State Bar we were required to be fingerprinted. Once is enough. It is a cost we pay and when you start practice that is an expense. Unless the Bar has lost all the fingerprints for all of us senior members I think that once should be enough. More importantly I am tired of data mining. Finally, the bar does not explain why it is important to have fingerprints after we get initially fringerprinted.		AF!, NO PP
This is a terrible idea and a pointless waste of money. Whoever thought of this should be fired, immediately. If the State Bar has enough time and money on its hands to be the unwanted helper of the police state, it's budget is obviously too high. This is a non-problem that does not need to be addressed.		BR., \$\$
Ummm.....I thought the state bar of california's mission was to protect the public. How does this proposed rule actually further that mission? This proposed rule merely allows law enforcement agencies to have more information without actually proving that they need it. I really doubt many members of the bar are committing crimes. Thus, the cost of implementing this rule far outweighs any benefit it might have. It is ill advised and I hope it never takes effect.		NO PP
The proposed rule makes no exception for active attorneys working for the Office of the Attorney General. An exception appears needed because fingerprints are provided DOJ as a condition of employment as a Deputy Attorney General. Therefore, submitting fingerprints again to DOJ appears unnecessary and duplicative.		AF!
The State Bar should consider an exemption for government attorneys who have undergone background checks and finger printing w/in a period of time (to be determined by the State Bar).		AF!
Notwithstanding manifold practical considerations arguing against this folly, requiring attorneys to be fingerprinted undermines the integrity of the Bar. Even the extant mandate that lawyers be fingerprinted goes too far. The foundation of our roles as Officers of the Court rests on the personal integrity of each member of the Bar. We undergo lengthy background checks. We fill out endless forms--under penalty of perjury, no less. We take oath upon oath vowing to uphold the constitutions of both California and the United States. Would any person insist that Cardozo or Holmes or Marshall stand and be fingerprinted like a drug dealer? This measure should be called what it is: A grave insult to the personal honor of lawyers. Moreover, the idea of fingerprinting as a non-invasive measure cannot withstand scrutiny. It's not the ten minutes of applying one's fingers to a card or computer screen, but the whole day-ruining exercise of leaving work, driving, waiting, and so forth. There's a reason why the DMV is such a popular gathering place. Lastly, I have personally butted up against this lunacy in other forms. During a multi-year international adoption process, my wife and I were required to update our fingerprints multiple times. Yes, one can make the absurd point that arch-criminals may burn off their fingerprints with acid, but are these same vermin likely to invest the time and resources to then wade into the adoption pool? So too here: Are members of the bar--individuals purportedly already vetted by the courts--really the kind of thugs likely to mutilate their own fingers? If you would personally tell Chief Justice John Marshall his character was so wanting as to make his oath meaningless, then by all means, continue to insist that attorneys be fingerprinted multiple times. I am embarrassed for the Bar. John R. Bunker#237349 (inactive)		BR.
This is outrageous and an overreach. I have no access to such information nor will I and don't believe attorneys should be required to submit our fingerprints IN THE EVENT I EVER DO. COMPLETELY DISAGREE!!! .		BR.
That proposed rule is one of the most ridiculous rules the State Bar has ever proposed. To begin with, you already have a set of fingerprints that you should not. Requiring a convicted person to report his conviction or submit his or her fingerprints is one thing, but to proactively double check us like we are children is an insult and an embarrassment to the Bar and its members, but to the general public as well. If a member is not serving his clients that is another thing, but to go out on a witch hunt to see if a member has been arrested, not even convicted, that is another. Such conduct on the part of the Bar is unreasonable, unnecessary, and a waste of time. Moreover, to require that members pay for the privilege of being insulted is over the top. What is next, will you propose we submit DNA samples? If anything, the Supreme Court Justices and the President of the Bar and the Executive Director ought to submit their fingerprints to us along with their DNA samples. Re-fingerprinting adults will not serve any legitimate function. All you have to do is run a name and a date of birth if you are cross checking to see if we are behaving badly. If there is a match, check the address and the photograph or fingerprints at that time if there is a concern. Requiring adults to submit to fingerprint check is like Nazi and Gestapo tactics and techniques. Requiring adults to resubmit fingerprints is draconian, psychotic, and schizophrenic. I vehemently object to any such requirement, and you can enter me as inactive if that is the alternative. I object. I refuse to be babysat or supervised as though I am a child. Furthermore, I object to anyone touching me unless I am legitimately under arrest, dead, or a prisoner of war.		AF!, BR., \$\$, NO PP, PRY.
If I am reading the minutes correctly, it seems that the state bar did not keep the fingerprints that lawyers originally submitted years ago with our applications. Now, the state bar wants to enter into an agreement with a service that would notify them when a state bar member is arrested and they need us to send new fingerprints. First, I'm surprised that the state bar destroyed the fingerprints that were originally submitted with applications. I wonder why they were originally required if they were not kept and seem to have been of no use. Second, this seems like a major hassle. I would agree to this so long as the state bar sends someone to my office to take the fingerprints in a few minutes. I'm too busy to go get my fingerprints taken again.		BR.

COMMENTS	ATTACHMENTS	CATEGORY
Given the continued question of privacy and the inevitable, likely disclosure of such personal and private information of citizens to the public (by way and through computer theft), I believe that such big brother efforts go beyond what is both right and good. What true purpose does it serve? If it is merely political, please keep the politics out of the practice of law. Our job is to serve.		PRY.
Anything we can do to better our profession.Thank you!!!. M. Dion, Esq.Westlake Village, CA		
This rule does not impact me as my fingerprints were already on file. This rule places an unnecessary burden on attorneys solely for the purpose of witch-hunting. Only if attorneys did not have to pay the cost of their own witch-hunt would I find this rule acceptable.		AF!, BR., \$M
Although their status is purportedly "inactive," fingerprinting should be required for judicial officers as well. Just going through the same process will be humbling for them, and if this requirement for active attorneys is for public safety then judges should do it too.		IA=
Is that what I pay my bar dues for? Why don't you do something more constructive with all of that money we spend.		NO PP
Fingerprints don't change. Why do attorneys have to waste their time getting this done again? Did the State Bar misplace the fingerprints? Can't you get them from the DMV?		AF!
I thought that finger prints were already required to be submitted before admission to practice law in California by any person.If this proposed rule goes into effect, will current attorneys be notified by the State Bar whether they already have fingerprints on file, or not? And if they do have them on file, that they will NOT have to resubmit them?Also, why not have a rule that CA attorneys are required to notify the State Bar, that they were convicted of a crime, not just arrested, and that failure to do so may or will result in suspension of the right to practice law. Also, not all persons who are arrested are convicted. Something about innocent until proven guilty. So any new rule should NOT require notification that an attorney has been arrested; only a conviction should be reported!		OB#, ALT. OPTS
The notice for the proposed rule states thatPlease note that this proposed Rule is not yet in effect and a re-fingerprinting requirement for current active attorneys is not yet in place. Fingerprints submitted before the proposed Rule takes effect will not be valid for purposes of complying with the new proposed Rule. (Language immediately preceding Background)The proposed rule states that:Each active licensed attorney of the State Bar for whom the State Bar does not currently have fingerprint images shall, pursuant to the procedure identified by the State Bar, submit fingerprint images to the Department of Justice (Item 1)Comment 1: If fingerprints submitted prior to the final rule adoption are not valid for purposes of complying with the rule, what is the meaning of the language restricting the fingerprint requirement to members for whom the State Bar does not currently have fingerprints? Do all members need to comply, or only those that have not previously submitted fingerprints?Comment 2: If the final rule will only affect members that have not previously submitted fingerprints, how does a member determine whether the State Bar has copies of their fingerprints?Comment 3: The proposed rule also states that all costs of obtaining criminal history information and processing fingerprints shall be borne by the attorney. Please revise to read borne by the attorneys or their employer.		
This is profoundly offensive, even apart from its potential infringement on privacy. I have never been arrested or convicted, but nevertheless fundamentally resent being exposed to government thuggery. If this rule is adopted, I will take inactive status.		PRY.
Attorneys were already required to obtain and submit fingerprints upon admission to the Bar. To require resubmission and at the cost of the currently licensed attorneys to retain active status is unduly burdensome.		AF!, BR.
It should be made very clear that if an attorney submitted fingerprints with his/her application to the Bar, then the attorney does not have to do it again.I believe the write-up circulated said that attorneys do not have to get fingerprints if the Bar already has same, but that is not as clear as confirming that those of us who have gone to the effort of expense of already providing the fingerprints do not have to do it again.Thank you for your consideration.Best regards,Jeffrey Wittenberg		
This seems like a big undertaking, at a cost and inconvenience to all attorneys in CA. The only benefit would be to catch attorneys who commit perjury by failing to disclose their criminal convictions when renewing their license. Seems disproportionate to have 200,000+ attorneys do this in order to catch the handful of attorneys who commit perjury.		BR., \$\$, NO PP
"any attorney who has not submitted fingerprints", the answer should be ZERO. No one, as I understand it, has been admitted to the State Bar without fingerprints. IOW, a rule with no necessity. whatsoever UNLESS, unstated, the State Bar has negligently thrown out fingerprints and now wants the membership to pay for this mistake? The last I heard, "shall" is mandatory and "may" is permissive. Is the State Bar going to use "may" to cover lost fingerprints and force the cost on members? Why is "resubmit" used as something the State Bar "may" require when there is a secret intent of "shall"? I am inactive, long retired, 79 years old and will never return to active, so this rule does not apply to me. However, like most lawyers, I hate efforts which are sneaky and not fully disclosed. If I am wrong and there some years which did not require fingerprints before admission, let me know. If the fingerprints are lost, thrown out or unusable, let the members know this essential fact before forcing 200,000 members to incur this expense (and wasted time) due to not keeping the fingerprints on file. I am willing to guess that 99.99% of members will not object to this rule because he or she has been fingerprinted before admission to the Bar. When told, as I speculate above, the fingerprints are NO LONGER in the Bar's possession, 99.99% would scream long and loud about this rule. I represented many a client who was hoodwinked by slimey perps trying to sneak something by a trusting individual. I hope the State Bar is not one of those perps. .		6054#
1. If the Rule is implemented and active members of the California Bar are required to submit fingerprints, members who live outside California should be able to be fingerprinted outside California and not be required to travel to California to be fingerprinted.2. If a member of the California Bar now living outside California was previously fingerprinted in California for another purpose and those fingerprints are still available, the member should not have to re-submit fingerprints for purposes of the Rule.		OOS B.
I don't necessarily disagree with the proposed rule; however as I am not only a lawyer in good standing, but also a citizen in good standing, I hope that:#1 - investigation has been undertaken to verify that there is an actual need for resubmission of fingerprints by active state bar members, and #2 - lawyers such as myself, that have remained in good standing in both our professional and private lives, will not need to resubmit fingerprints barring good cause.Thank you!		EX#
I have been admitted since 1973 and never had a complaint or discipline. I believe I was fingerprinted when first admitted Since then I was printed when I went to work for the da's office and recently when I adopted my grandchildren. I believe further expense and inconvenience would be an imposition and unnecessary and should be waived for persons such as myself		AF!, BR.

COMMENTS	ATTACHMENTS	CATEGORY
This places another administrative burden on most of us who are busy and have to follow rules from different states. Why not place the burden on reporting limited to those attorneys who are charged or/and convicted of a felony, etc.? This approach makes more sense to me than requiring this of the entire bar. The time and cost we incur on this would be better spend on providing legal aid services for the indigent and underserved.		BR., EX#
Q: How many attorneys' that have been reprimanded for ethics violations have proven to have past SIGNIFICANT criminal convictions? How many of those with a SIGNIFICANT past criminal conviction would have been disqualified for admission to the Bar or disbarred? If the number of applicant/attorneys was significant, then I am all for the TREMENDOUS expense/time involved in then I would be FOR the fingerprinting. However, I suspect that this number will prove to be very small and insignificant considering the task to accomplish the mission. I am just not sure how many client ethics violations this new fingerprinting act will prevent. I am for prophylactic measures if indeed it will prevent SIGNIFICANT client ethics violations but otherwise consider this approach just one more step toward a police state.		NO PP, BR., \$\$
Licensed attorneys in good standing have already submitted fingerprints. If those record have not been retained, then I support replacing them, but the expense should not be borne by the attorneys. We paid once at the time of applying for admission. We shouldn't be paying again because the Bar didn't do things correctly Moreover, this will place a burden on busy lawyers to take valuable time away to get fingerprinted (which often means waiting in lines or inconvenient locations).		\$M, BR.
It is completely unnecessary to re-finger print active attorneys. The State Bar has alternate means of determining whether members have sustained criminal convictions, such as running rap sheets. Further, it is incomprehensible that the State Bar cannot use our fingerprints from our moral character applications. There has been no showing that there has been a failure by members to report legal issues. It is both illogical and unfair that all active members should be inconvenienced and forced to re-incur this expense.		AF!, NO PP, RR#, BR., \$\$
1. Can be impossible for overseas attorneys. As a California attorney who has lived and worked in Japan for many years, the only option for getting fingerprinted is at the U.S. Embassy or Consulate in Tokyo or Osaka, Japan. There are limited hours and substantial fees for the service. If you do not live near Tokyo or Osaka you would be required to travel there. The situation is similar for other countries. U.S Embassies may not exist in all countries.2. Strongly object on privacy and overreaching grounds. As an attorney, even if handling only pro bono cases, it is an overreaching invasion of privacy to have to keep a record of my fingerprints on file. Doctors, pharmacists, and other profession with direct impact on the life and health of people do not have this requirement.3. Object on fifth amendment grounds. If an attorney was an illegal alien who has committed no crime, keeping a data base of fingerprints that would be accessible by federal authorities could subject them to criminal sanctions and deportation.4. Fingerprints not a perfect system of identity. The accuracy and viability of fingerprints as a means of identification depend on how many points in the print match and how well they are taken. An inaccurate or mistaken mismatch could subject an attorney to costly, reputation damaging and even career ending consequences. Not worth that risk.		FOREIGN#, PRY., OB#, UNCONST., UNREL.
I had to get fingerprinted for my ID to go to court and it took me out of the office for 1/2 day! Is there reason to believe that a significant number of attorneys are engaged in criminal behavior which would could be detected by fingerprint evidence?		AF!, BR., NO PP
This is intrusive and expense with very little practical value to the state. Very few, if any other states require this. The DOJ and FBI are federal entities, why do they have any interest at all in obtaining the finger prints of private citizens licensed to practice law in California? Finger printing is already a requirement. Every attorney licensed has already gone through this procedure and provided finger prints to the state bar associate. Fingerprints don't change. There is no need for re-fingerprinting and no reason that DOJ or FBI need our prints. I oppose this proposal.		NO PP, PRY., \$\$, AF!
State Bar should bear any costs of fingerprinting.		\$M
I recommend modifying the rule to exempt military attorneys and federal government attorneys with security clearances. These attorneys would have already submitted their fingerprints and undergone an extensive background investigation, so requiring them to submit fingerprints again to the state bar is unnecessary and imposes an expense on attorneys serving in government positions that pay less than private employers.		AF!
This will be burdensome and seems unnecessary for active members in good standing with no suspicion of wrong doing.		BR.
My fingerprints have not changed in 40 years. The State Bar has them on file. The State Bar can run my fingerprints through the system at any time, periodically or randomly. What is this besides a boon for the fingerprinting industry? With all due respect, this plan makes no logical sense and is a waste of resources of the attorneys licensed to practice and of the State Bar. Judianne Jaffe #071333.		AF!
We have already meet the finger printing requirements. Why go thru the time, expense, filing fees, etc. again, other than to put further unreasonable demands on practicing attorneys.		AF!, BR., \$\$
This is a waste of time and money. We were all fingerprinted and background checks were done at the time of our admission to the Bar. The vast majority of attorneys are in good standing and should not have to incur additional costs. The percentage of attorneys who are charged, arrested or prosecuted for any crime is so minimal that it does not justify the expense and time.		\$\$, BR., AF!, NO PP
As a law-abiding citizen, I should not be required to submit fingerprints for any recording keeping. There is no legitimate purpose as neither I, nor anyone at my firm, has committed any act justifying a record of such sensitive and personal information. This seems to violate constitutional rights to privacy without any reasonable relation to how it can benefit the State. I intend to strongly object to this.		NO PP, UNCONST.
1. The rule appears different from the summary distributed by email to active attorneys. The email says ALL attorneys but the rule speaks only to attorneys for whom the Bar does not currently have fingerprints. Which is it?2. Fingerprints change little over the years. If the Bar has fingerprints on file the new fingerprints should be just like the old ones. 3. Looks like it is time to get rid of the Bar altogether. Based on the recent "social justice" nonsense that is roiling the Bar it seems that all someone should need to practice law is a big enough desire. We need to better validate the reality of halfwits, scowflaws and illegal aliens everywhere. This "professionalism" thing that I have adhered to for 37 years appears to be only a reflection of my white male privilege and I for one am happy to jettison it immediately. Let me know when I can. Thanks.		

COMMENTS	ATTACHMENTS	CATEGORY
<p>Requiring all attorneys to follow this rule is superfluous, and a waste of time and money. The State, and the Bar, already have this fingerprint information. If the collective wisdom of the Supreme Court is that such identification is needed to protect information rights, then this rule should be applied to those persons seeking that information, not a mass identification plan. Attorneys who have a right and a need for this kind of information, the Criminal Bar, should be required to submit this information. If an attorney is not part of the Criminal Bar, but suddenly finds themselves in valid need of this information, then they can submit the fingerprints at that time, and follow a reasonable waiting period before the records would be released. As a solo attorney who practices primarily in probate law, this is never needed information. If the Bar insists by passing this rule for all attorneys to submit, then there would be a process wherein the Bar pays for this process. With an annual fee in excess of \$500, mandatory, to an organization which provides little actual benefit to the practicing attorney, this should be an expense borne by the Bar. I am against this rule in its entirety. If the rule is modified, I would remove my opposition, although I find it unnecessary.</p>		BR., \$\$, AF!, NO PP, \$M
<p>With due respect to the legislature, the State Supreme Court, and the State Bar, this proposed rule is merely a thinly veiled attempt at extracting revenue from members of my profession. Given that Business and Professions Code Section 6054 does not REQUIRE this proposed action, given there has been no evidence proffered that attorneys are more likely than other members of the public to commit a crime (whether or not fingerprints are an integral component of same), given that submitting fingerprints for admission to the State Bar has been a requirement for at least the past 20 years, and given that fingerprints do not change appreciably with age, there can be no ostensible public policy benefit that flows from imposing this requirement. Indeed, the only resulting flow is that of funds from attorneys' pockets to the coffers of the State. That the State Bar did not contract earlier with the DOJ in order to obtain subsequent arrest notifications is not the fault of any member of the Bar and should not cause any such member to bear any additional cost presently. I strongly oppose the passage of this proposed rule. Find some other way to get your fiscal house in order. With due regards, John A. Zrnich SBN 189737</p>		6054#, AF!, NO PP, \$M
<p>The proposed rule does not make clear that the fingerprinting requirement is for all attorneys, but instead indicates that fingerprints only need be submitted by attorneys whose fingerprints are not currently on file with the State Bar.</p>		
<p>I have submitted LiveScan fingerprints over and over. The California DOJ should already have mine from submissions for prior groups, such as sports clubs and community groups that require it for adults having contact with minors served by their organizations. The last two I remember were the Jack London Soccer League in order to referee youth soccer games, and Oakland Rotary #3 in order to attend events and support high school Interact clubs. Will the DOJ or the State Bar search for prior LiveScan submissions?</p>		AF!
<p>The Government comes up with the Rule, The State Bar enforces the rule, The DOJ maintains all the fingerprints. But we have to pay for it out of our pocket. Nice. Another reason to wonder for whom the State Bar really advocates.</p>		\$M
<p>I agree with the general requirement, however, I think that having an annual requirement may be a bit excessive and unnecessary. I think that a requirement of every two or three years would be more fitting.</p>		1#
<p>For some reason, when I applied to Trusted Traveler (GOES), they were unable to obtain my fingerprints. They have actually worn down. Now I have been fingerprinted more than once previously, and they have always taken. So what are you going to do with attorneys like me? GOES made an exception and I was granted Trusted Traveler status. Will the State Bar?</p>		AF!
<p>This rule should be modified to apply only to future attorneys or inactive attorneys that wish to reactivate their membership. Current attorneys in good standing should not be subjected to fingerprinting. The rationale provided for having the DOJ store our fingerprints is suspect. The CA bar and CA law enforcement authorities should have enough resources to ensure attorneys are properly held accountable for any crimes committed. We were all subjected to a meticulous moral character application when admitted to the bar. Requiring fingerprints so long after the fact is poor policy.</p>		NO PP, EX#, ALT. OPTS
<p>California attorneys have always been required to submit fingerprints. One assumes when I submitted mine they were kept in a secure location "at the ready" should I commit a crime. I see no purpose in another law for the same thing other than to make those who propose the law feel as if they are doing "something." Laws should not be enacted to make people feel better but because there is a true need for the law. In this case, I see no need whatsoever as the proposed law appears to be redundant to existing law.</p>		AF!, NO PP
<p>Why are you treating us as criminals? What have I ever done or might do to require that I am to be treated as a criminal other than that I am a member of the State Bar.</p>		
<p>The process should not have to be paid for AT ALL by the individual attorneys.</p>		\$M
<p>The proposed rule appears to be another incremental intrusion on individual freedoms in deference to quasi-governmental regulation. Query: Will you disbar an active, praise-worthy attorney that refuses the additional fingerprints? Is this worth litigation? If so, why?</p>		
<p>The State Bar should be financially responsible for implementing the change. At the very least, if an attorney has previously sent in fingerprints to the State Bar for an application, and the State Bar has chosen to not retain them, the attorney should not be responsible for bearing the costs of resubmitting fingerprints. The State Bar should bear the financial burden of any such costs including the costs of the attorney's time for resubmitting fingerprints.</p>		\$M
<p>Seems like a privacy violation as well as unnecessary. Do we have an issue with attorneys that fingerprinting will resolve? What is that problem?</p>		PRY., WN#
<p>The State has been shockingly incompetent by not retaining the records of fingerprints for most of its active attorneys. What was the point of me paying for fingerprinting and going through the process 5 years ago if they wouldn't bother to keep the records? Disagree with the rule because it makes the attorneys pay out of pocket. The state should bear the burden of re-submitting. The attorneys already paid for the fingerprinting and already pay their fair share through yearly dues.</p>		\$M
<p>Well, this is a pain in the ass. Can we vote to eliminate the State Bar? Is there anyone smart enough to raise a 4th Amendment challenge to this? I'm not.</p>		UNCONST.
<p>I cannot imagine a more time-wasting, intrusive, repetitive, and costly exercise than going to get fingerprinted AGAIN, after getting fingerprinted years ago when applying for initial membership in the CA bar. Unless the State Bar lost my prior fingerprints, just use the ones you have. This over-regulation, picayune approach to managing members of the bar is another reason why the state of CA is going to hell. PLEASE do not adopt this regulation.</p>		BR., AF!, NO PP
<p>I see this proposed rule as unnecessary and an invasion of privacy.</p>		PRY., NO PP

COMMENTS	ATTACHMENTS	CATEGORY
I strenuously disagree with this proposed rule change. Do we really have an issue with lawyers who live a secret life of crime? This sounds like a solution in search of a problem.If fingerprints are to be obtained at all, it should be during the character & fitness background check to qualify a candidate for the bar in the first place. To continue to require fingerprinting makes it feel like the State Bar has no trust in us.		NO PP
I am not in favor of additional rules requiring attorneys to bear additional costs. This harms access to the justice for the poor by imposing additional overhead on attorneys. I urge the State Bar to reconsider the rule, to expand the fee waiver beyond what is currently proposed, and/or to consider some arrangement whereby some other entity bears the cost. Thank you.		SM, \$\$
<p>Too much bureaucracy</p> <p>I note that both the statute and the proposed rule of court state that the Bar may require Bar members to submit or resubmit fingerprints to DOJ. I understand that over the course of many decades the requirements for Bar admission and the practice of collecting fingerprints from applicants and members has changed. I think it is worth clarifying which Bar members do not currently have fingerprints on file at DOJ. I was admitted in 2006 and I was required to obtain digital fingerprints and submit them to DOJ with my application to the Bar. I don't know in which year this became standard practice or when the Bar first began requiring fingerprints at all. Questions that should be answered before finalizing this rule of court are as follows:1) How many current Bar members do not currently have fingerprints on file at DOJ?2) Why do the members not have fingerprints on file? Were fingerprints not required at the time of the member's admission? Did they submit fingerprints but the Bar or DOJ have subsequently destroyed or misplaced the records?If a member has never had fingerprints on file, then I support the goals of the statute and the proposed rule to collect and maintain fingerprints to establish identity and track criminal accusations and proceedings. If a member has already undertaken the expense of providing fingerprints to the Bar and to DOJ, then it is the prerogative of the Bar to require its members to resubmit them, but in this case the Bar should cover the cost of the re-submission. Members should not be penalized for the Bar's failure to properly maintain records that have previously been provided, at the Member's expense.Respectfully submitted,Kayte Fisher</p>		6054#, AF!, \$M
This rule seems to serve absolutely no purpose other than to make attorneys waste their time and money submitting fingerprints that the State Bar already has on file. If there is actually a reason for the law, it was not clearly expressed. It is important for attorneys to respect the State Bar, and it will begin to lose that respect if it passes silly laws that serve no purpose other than to annoy its members.		NO PP, BR., \$\$
I strongly disagree with this proposed rule. It creates a financial hardship on attorneys and the state bar, and appears to address an issue with only a very small minority of practicing attorneys. It is further unclear how having and keeping fingerprints will actually protect the public, and in fact, the deluge of attorneys seeking to have their fingerprints re-done, may harm the public as it takes away valuable police and attorney time. The cost / benefits of this rule do not seem to align.		\$\$, BR., NO PP
I am no longer practicing law, but am maintaining my active status. Instead, I am teaching. I was required to get fingerprinted as part of my teaching duties at the university. There should be a way to only get that done once and not additionally have to make the appointment, keep it, and pay for fingerprinting.		AF!
I respectfully submit that the proposed rule requiring fingerprinting and re-fingerprinting of all active attorneys is overbroad and unduly burdensome in its scope. I was admitted to the State Bar of California in 2011. As part of the application process, I was required to, and did, submit to Live Scan fingerprinting for the same purposes outlined in the proposed rule--i.e., to run criminal background checks and ensure that the Bar's Rules of Professional Conduct are enforced. Under my reading of the proposed rule, I would be required to again submit to Live Scan fingerprinting and bear the cost of that exercise, even though the Bar already has my Live Scan fingerprints on file. This seems unnecessary and imposes costs on me, and attorneys like me who were admitted after Live Scan was implemented, that are not justified by the stated purpose of this rule. Put another way, the purpose of the rule is to "obtain[] criminal offender record information regarding state and federal level convictions and arrests" and thereby strengthen the Bar's disciplinary system. The Bar currently has the ability to obtain criminal record information regarding attorneys, including myself, who have already submitted Live Scan fingerprints. Accordingly, requiring such attorneys to resubmit fingerprints does not enhance the Bar's ability to obtain criminal arrest and conviction records but nonetheless imposes substantial costs on individual attorneys, in terms of both time and money.Therefore, I respectfully submit that the proposed rule should be modified to require submission of fingerprints only for attorneys for whom the Bar does not currently have fingerprints on file. The Bar should be able to quite easily identify the attorneys for whom it does not currently have fingerprints on file, and notify those attorneys that fingerprinting will be required by a certain date. This could be done, for example, as part of the Bar's annual renewal notices for dues. This modification serves the stated (and perfectly valid) objective of the proposed rule as well as the current language, while avoiding the undue imposition of cost and burden on attorneys who have already submitted Live Scan fingerprints.For the above reasons, I respectfully submit that the proposed rule should not be adopted as currently written, but I would take no exception to it if modified in the manner set forth above.Respectfully,Dan J. Bulfer		OB#, BR., \$\$, AF!
This is enough already. Lawyers are subject to tremendous hardships as is. Enough. No other profession has the requirements we already have. This is becoming crazy. Enough!!!!!!!!!!!!		BR.
if they want to start this new process, then the DOJ should pay for the costs, not the attorneys.		\$M
Requiring the re-fingerprinting of current active attorneys is a needless duplication of time and expense. It is absurd to think that someone who already been fingerprinted would have changed fingerprints surgically or otherwise, and if they had done so, are probably in the criminal justice system files already.		BR., \$\$, AF!
The rule should be modified to take into account the Livescan fingerprinting system that currently has records on thousands of Californians and to allow an attorney to authorize the State Bar and/or DOJ to utilize the system rather than requiring attorneys in that system to be re-fingerprinted.Other than that administrative issue, the rule is wholly appropriate for attorneys practicing under the State Bar.		AF!
I don't see the need for it. There must be some less obnoxious way to check to see if an attorney has a criminal record and cannot or should be practicing. Seems like this is over the top.		NO PP, ALT. OPTS

COMMENTS	ATTACHMENTS	CATEGORY
<p>The proposed rule is an egregious invasion of privacy and will do nothing whatsoever to protect the public. Fingerprints are not an exact science, as any criminal attorney knows or should know, and there is no benefit to be gained from the mass collection of data that is unlikely to lead to any tangible benefit. Moreover, the mandatory collection of fingerprinting or other biometric data without any reasonable suspicion of misconduct is improper, particularly as applied to attorneys who have already been admitted to the bar and therefore did not consent to such a collection/search as a condition of their appointment as officers of the Court. The vast majority of actions for which the Bar undertakes disciplinary actions against attorneys involve actions for which there are no physical fingerprints - namely failure to contact clients in a timely manner, misappropriation or mischaracterization of funds, failure to maintain trust accounts with appropriate records, failure to disclose potential conflicts of interest, and improper business or personal relationships with clients. None of those issues, which are indeed injurious to our clients and the public at large, would be alleviated in any way by mandatory fingerprinting for all attorneys. The majority of those issues would not even appear in a criminal background check - e.g. an attorney who fails to maintain a client trust account correctly has not generally committed armed robbery or even embezzlement in the past. We are already required to submit to extensive background checks, including criminal checks, prior to being admitted to the Bar, which is designed to prevent known criminals from becoming licensed attorneys. To require such a check after attorneys have already been licensed and sworn, when we are at no more risk of harming the public through murder or armed robbery than any other citizen, is absurd and has no bearing whatsoever on the goals of "public protection" and "[strengthening] the State Bar's disciplinary system."</p>		PRY., NO PP
<p>I do not object to resubmitting fingerprints. I do, however, feel that it is unfair for those of us who have complied with the law by submitting fingerprints when applying for admission to bear the cost of a mistake (i.e., failure to retain those prints) that was entirely out of our control. Thus, I AGREE with the proposed rule IF it is MODIFIED to provide that the Bar will bear the cost of attorney re-fingerprinting.</p>		\$M
<p>Isn't this why we paid several hundred dollars for the moral character application?</p>		AF!
<p>This unnecessary and burdensome. Also, why do you need a NEW set of fingerprints? Our fingerprints are on file.</p>		AF!, BR., NO PP
<p>There should be an exception for attorneys who have submitted fingerprints (by LiveScan or otherwise) for other licensure requiring background checks within the last five years. In particular, all attorneys who are also commissioned Notary Publics should be exempt, as the Notary Public approval process requires the same background checks and fingerprinting as the proposed rule. There does not seem to be good cause for a duplication of the process and costs. Robert Taylor</p>		AF!, NO PP
<p>Added time and expense burden, and for what.</p>		BR., \$\$
<p>I will re-send my fingerprints in only if the State Bar bears the cost. It should not be incumbent on the attorneys to bear the cost if the State Bar already has the fingerprints on file. We already paid for it the first time. DOJ already should have my fingerprints on file.</p>		\$M
<p>What possible public purpose is served by the new fingerprinting requirements. You know where we live and where we work. Our work is dependent on an active license and without the license no legal work is available. My fingerprints haven't changed since being admitted to the bar. We can be run through the CLETS system with the data you have now. I can't imagine the need for this new requirement. How many fugitive warrants are you expecting in a year where you could not locate the licensed attorney by address and prior fingerprints. How many missing identities are you expecting to locate by use of updated fingerprints. Are you planning that I must now produce my fingerprints to enter a courthouse? Do you expect a rash of changed identities and their fingerprints among practicing lawyers? This appears to be requirement without merit or common sense. s/ Harold M. Thomas</p>		NO PP, AF!, ALT. OPTS
<p>Since the B&amp;PC amendment does not make re-fingerprinting mandatory, despite the letter from the Supreme Court, the Bar should recognize that the current reporting system is fair and appears to function well to protect the public while protecting the privacy of members who don't need to be in yet another data base subject to cyber attack and invasion. The benefits of the proposed rule are vastly out-weighted by the right of privacy of the bar membership. This proposed new Rule of Court effort is over-reaching, over-burdensome and unnecessary on the membership of the state bar.</p>		6054#, RR#, PRY., OB#
<p>Your fingerprints don't change. It's stupid and just another fee charged by the State of California.</p>		AF!, \$\$
<p>This is insane. I've already been fingerprinted while taking the Isat and the bar. And you want me to pay for it too?!?! You've got to be kidding me.</p>		AF!, \$\$
<p>I am not sure why this is necessary, but in any event, it will be yet another practical and financial burden on public interest and public sector attorneys. Attorneys in private practice routinely have such costs borne by and provisions made convenient by their law firms, or at a minimum are able to write them off as a business expense, but public interest attorneys always end up bearing the costs and inconvenience themselves. If this is necessary at all, I would strongly suggest that there be some provision made for free fingerprinting at least for public sector and public interest attorneys.</p>		AF!, EX#
<p>Please save the expense for this and instead spend on prosecuting persons, including lawyers, who are actual criminals. Have them pay for fingerprinting. Lawyers already have finger prints on file with State Bar and the DMV. However, if there is a rational need, make lawyers who have pending disciplinary actions against them fund this.</p>		AF!
<p>Do not feel it is necessary. My fingerprints are on file. Thank you, Jeffrey Samuels State Bar CA</p>		AF!
<p>CA DOJ employees (who have submitted fingerprints to the DOJ to become employees) should be exempt/the fingerprints they submitted to the DOJ for employment purposes should suffice. I and the DOJ shouldn't have to run those prints again, for cost-saving reasons. It's unclear from the current proposal whether this counts as "the State Bar currently [having] fingerprint images" on file. For example, I submitted fingerprints as recently as August 2017 to the CA DOJ to become an employee.</p>		AF!

COMMENTS	ATTACHMENTS	CATEGORY
The collection of fingerprints from licensed professionals is not a new concept, and in theory I agree with the requirement that all admitted attorneys must have fingerprints on file with the State Bar. However, requiring the resubmission of fingerprints for attorneys in active status who have already provided their fingerprints to the State Bar is uncalled for and creates an unnecessary burden on attorneys. Furthermore, that the attorney must bear the costs associated with fingerprinting further reinforces that the resubmission of fingerprints is unreasonable, as those attorneys will have had to bear the costs (time and expense) twice (time of application and at time of resubmission), while newly admitted attorneys only have to bear the cost once (at the time of application). If the State Bar insists on resubmission of fingerprints, the State Bar should pay all costs and fees associated with that resubmission. This requirement is going to cost millions of dollars of billable hours, and for what? What evidence shows that this process, this rule, and the refingerprinting are indeed worth the burden on the profession? I encourage the State Bar, and the Supreme Court, to remove resubmission of fingerprints from active attorneys from the rule. If that change is not made, then I encourage inclusion of a clause that states that the State Bar will pay the reasonable costs and expenses for attorneys who must resubmit fingerprints.		BR., \$M
I believe the law as currently proposed needs changing in regards to employees who are employed by the State of California. Just as those attorneys are exempt from the continuing education requirements imposed on private-sector employees, attorneys employed by the State should either be made exempt from this requirement, or the State should make arrangements for the AG's office to take these fingerprints at no cost to the employees.		AF!
I am attorney as well as a Notary Public. As a Notary, I am required to submit new fingerprints every four years when I renew my notary commission. I would like to avoid the time and expense involved in submitting duplicate fingerprints. Many attorneys are also California notaries, so I would like the proposed rule modified to provide an exception for current California notaries.		AF!
Unnecessary.		
There never should have been a requirement for fingerprints of attorneys. It is a gross invasion of privacy which serves an extremely limited interest...convenience...of the State Bar.		PRY.
I note that the alleged "purpose" of the rule is public safety. I am curious then as to why you will be seeking and reviewing ALL arrest records of attorneys. So, is an attorney who is arrested for something that is not a crime, something for which he is not even charged, and something which has nothing to do with protecting the public from unethical conduct a risk to the public? How so? Why do our courts and our government agents constantly slap us in the face with their obvious and obnoxious lies? Because they can. I hope it brings some happiness to their miserable existence.		OB#
Your email to State Bar members is inconsistent with the proposed rule in that the email says that the State Bar intends to re-fingerprint ALL active members, but the proposed rule says that the State Bar will seek fingerprints only from those members for whom the State Bar does not already have fingerprints. You should clarify which it is. I have been licensed to practice in California for over 30 years and submitted fingerprints as part of my application to be admitted to the bar over 30 years ago. Also, you should address whether there will be a cap on the amount that an attorney will be required to spend to obtain and submit fingerprints. The fee cap should be a nominal amount. In this regard, I suggest that any amount incurred in excess of the cap may be used as a credit against the payment of the next year's bar dues.		\$\$
This is a ridiculous rule. It is just another attempt by the bar to bill attorneys. Any time an attorney is convicted, the bar is notified. Law abiding attorneys like me should not be treated like criminals, because the California State Bar just wants to make a buck. If you do not have our fingerprints on file, it is because you failed to maintain the records. I was admitted here in California in 1988. You had a duty to maintain my fingerprint records. If you failed in that duty, it is your fault and we should not have to pay because of the incompetence of those who run the State Bar. You are supposed to be protecting the profession, not attacking attorneys without any substantial justification.		RR#, \$M
This would be another costly, cumbersome burden for those of us practicing pro bono law or, limited by other factors such as disability or illness. I believe the requirement should only apply to lawyers who have been subject to discipline or other complaints.		BR., \$\$, EX#
I vehemently oppose the proposed Rule as another tacked on cost of practicing law in California.		\$\$
what an utter waste of time, effort and money. Simply pass a State Bar rule whereby the attorney 'shall' have until 12/31/2018 to report all convictions for misdemeanors or felonies from the date of bar admission, together with the disposition. Then any attorney after 1/1/2018 shall have an affirmative obligation to report all convictions for misdemeanors or felonies within 30 days of the conviction together with a sentencing report. Failure to do so is automatic disbarment and return of all fees collected since the date of the reporting requirement. No stories - no excuses. Just because the State Bar did not retain fingerprint records does not mean we should incur the time and expense to have to do it again. If the Bar wants fingerprint records, then the Bar needs to pay for them. Why treat everyone as a criminal when you are trying to get at what? 1% of the bar at most? The law abiding 99% have to sacrifice for the mistakes of the few? This is not going to be free, either from the cost of actual fingerprinting, lost documents at the Bar, along with the lost time spent pissing away a couple of hours to satisfy bureaucrats who are still trying to justify their existence. How about an alternative? By 1/1/2019 a member of the Bar can submit their criminal record from the FBI database - that in conjunction with the reporting requirement should solve your problem. Please- stop trying to help us.		BR., \$\$, ALT. OPTS
I have watched the State Bar change from being an "association" of professionals, to what it is now, a licensing agency to protect consumers from attorneys. And along the way, becoming a completely screwed up bureaucracy that can't seem to stay out of trouble.		
does the state really need the money this bad?		
Did you idiots lose the first set of fingerprints we provided? Waste of everyone's time. Spend your "spare" money (which you never have) on contributions to the anti-handgun lobby.		
To Whom It May Concern: This is a terrible idea. This is nonsense. This would only increase the costs to poor attorneys and poor people who need legal assistance. Why increase the cost of being a lawyer. I have not been working much since cancer; my income is under \$5,000 per year. If you want me to quit, then maybe that is what I will do. Poor people are being denied legal services as a consequence of proposals like this, expensive bar fees, and excessive filing fees. The folks who get government checks and who work for rich people and big business do not experience any real pain to pay for these "new" programs. There is no real need for this program. Every judge that I have ever known would be able to see that the person before them is or is not a lawyer. We just do not need this! Respectfully submitted, Ross Paulson		\$\$

COMMENTS	ATTACHMENTS	CATEGORY
<p>My opinion is that this proposed procedure is a gross invasion of privacy of California Bar members, without a lot of benefit to the state. The stated purpose is to monitor arrest records of Bar members. Arrest records are not conviction records, and mere arrests are not a basis to discipline any attorney. Of course, an arrest is just an accusation, and moreover could relate to many things having nothing to do with the practice of law. Also, merely being arrested, last I heard, was not a basis for forcing someone to give a DNA sample, and biometric data like fingerprints is in the same category as DNA -- highly private. This is a slippery slope: what's next, do I have to give my iris print, or my DNA, just to practice law?The bar can already monitor convictions through existing records, without ordering thousands of innocent people to undergo fingerprinting. The proposed rule would force the 99% of Bar members who are good citizens and never had an arrest, much less a conviction, to give up their privacy rights to continue their profession. Absolutely outrageous, in my opinion.</p>		PRY., OB#, RR#
<p>I am concerned about the vagueness of the implementation procedure. In addition to being a licensed California attorney, I am also a registered nurse in California. I had to go to an inactive registered nurse status when the State of California implemented a fingerprint requirement because the State required that the fingerprints be taken only by a law enforcement entity in California. Because I live out of state, it was impossible to obtain fingerprints by a California law enforcement entity. I urge the State Bar to consider their active out-of-state members and permit fingerprint cards to be mailed to the California Department of Justice.</p>		OOS B.
<p>This is a positively fascist proposal by state bar prosecutors who are looking to justify budget increases. The bar has put me through at least one frivolous investigation before. I think they just want all our fingerprints so that they can search for new grounds to investigate attorneys with no complaints. This proposal is in line with unconstitutional Georgia law that required all candidates for public office to submit to drug testing. Chandler vs. Miller</p>		UNCONST.
<p>I am completely opposed to this rule change. As a practicing attorney, I was required to be fingerprinted and subject to a comprehensive background check upon admission. There is absolutely no legitimate purpose for this rule change. The State Bar should not be able to mandate updated finger prints on demand. Attorneys have an ethical obligation to report convictions to the State Bar. This should continue to be the case, and the State Bar should not be in the position of checking up on the members.</p>		AF!, RR#
<p>I know I was fingerprinted as part of my initial application to the State Bar in 1999. I therefore believe that the Bar already has my prints on file. While I do not have any objection to fingerprinting per se, I would like to see a statement from the Bar as to who, exactly, is to be re-printed; do we assume that if we were printed in the past that the Bar does not require our prints now? I do not think it is fair for attorneys to have to guess as to whether they need to get re-printed or guess as to whether the Bar already has their prints on file. Can the Bar just tell us when our fees are due, like it does with the MCLE groupings? In addition, there ought to be a point at which fingerprints from retired and/or deceased attorneys are destroyed by the Bar. How long does the Bar intend to keep members' prints on file? There is no reason we need to keep a dead man's (or woman's, for that matter) prints on file, unless there is some kind of exception. Given that maintenance of any database or file of members' fingerprints by the Bar will almost undoubtedly be paid for with member dues, I truly see no obvious point in paying to maintain indefinitely the prints of members who are retired or dead!</p>		AF!
<p>I don't agree that with the following provision:--3. Fingerprint Submission and Processing CostsAll costs of providing criminal history information to and the processing of fingerprints for, the State Bar, including print furnishing and encoding, as required by section 6054, shall be borne by the licensed attorney.The State Bar will cover the DOJ and FBI processing costs for licensed attorneys who have been granted a fee scaling or fee waiver for annual membership fees pursuant to State Bar Rule 2.15(A) or 2.16(C)(3)(c). These attorneys will pay for all third party print furnishing costs. --It is not the licensed attorney's fault that somehow the state bar did not keep hard copies of the fingerprints. I'm not sure why they should be required to pay for this. It doesn't seem fair.</p>		\$M
<p>This Requires practicing lawyers to pay for fingerprints and incite more costs other than annual fees and CLE costs. Additionally, California is a self reporting state and as professionals we should be entrusted to self report rather than impose more costs and time consuming rules do not seem to have a legitimate purpose but to place yet another financial cost on law abiding lawyers.</p>		NO PP, \$\$
<p>Why don't they require a mug shot and allow warrantless searches for attorney's offices while they're at it.</p>		PRY.
<p>There is no need. Since fingerprints do not change, the original fingerprints provided by each member of the bar may be used to identify subsequent arrests. This is an unnecessary burden on the attorney, and the State Bar as well as an unnecessary expense.</p>		AF!, NO PP, BR., \$\$
<p>When first licensed to practice law in 1990, I had to submit a fingerprint card. Is this in addition to that? If so, why? Wasn't that enough to determine whether or not I have committed any crimes now or in the past? It would be just another imposition to have to track down a 'live scan' facility (a police department?), like my criminal clients, to pay to confirm I am still a fine, upstanding and law-abiding citizen, as promised in my oath of office. It seems demeaning to the practice, especially since it was a part of the process to get the license in the first place.Sincerely, Stephanie Loftin</p>		AF!, BR., \$\$
<p>This is a ridiculous proposal. EVERY California attorney previously admitted to the Bar was required to submit a set of approved fingerprints to the State Bar; at least I know I was. What the State Bar did with those records was the Bar's problem. If the State Bar or the California Supreme Court AGAIN wants each California attorney to spend more funds to be re-printed, this should be done only at the State's expense. It is this kind of idiocy which has caused the recent litigation questioning the very existence and necessity of the State Bar. I did not previously support that litigation, but I may have to reconsider. STOP wasting our time and money!</p>		\$M, AF!
<p>Attorneys have already incurred the cost and inconvenience of being fingerprinted as part of the admissions process. There is no valid reason for having to incur these costs and waste of time again, particularly since the State Bar made the decision to destroy fingerprint records already provided to it. The State Bar should be required to incur all costs for this completely unnecessary process, particularly since any attorney convicted of a crime is already required to self report.</p>		AF!, NO PP, \$M
<p>This is idiotic, why should all attorneys have to go re fingerprint, because I already got a livescan to pass my moral character application, just because criminal attorneys need this?I rarely practice criminal law, and know few attorneys that do, this seems like an unnecessary expense to repeat. I'd be more okay with the law if you could use my former live scan finger print from my moral character. I do not want to spend my time or my money getting re-fingerprinted for an area of law that I rarely practice.</p>		AF!, NO PP, BR., \$\$

COMMENTS	ATTACHMENTS	CATEGORY
As an inactive California attorney who practices out-of-state, I question the convenience, cost, and utility of this rule. The rule indicates it is the attorney's responsibility to pay for the fingerprinting and background check. How much is this fee? Also, how does the Bar plan to implement it with out-of-state lawyers? Also, how useful will the information be to the Bar? If the DOJ gives information about convictions and arrests, will arrest information be treated differently than conviction information?		\$\$, OOS B.
As I recall, I had to be fingerprinted before being licensed to practice law. Perhaps I am mistaken but I have no way of knowing as it's been over 35 years ago. How do I find out if I must do this or do it again? Generally I agree that all actively licensed attorneys in CA should be fingerprinted as long as it's not twice.		AF!
The new proposed requirement of re-fingerprinting all active attorneys is a prime example of over-reaction and flies in the face of the national database that already houses each and all of our fingerprints if we were ever fingerprinted. It further places a burden on all active attorneys based on the perceived transgressions of a few. Is the Supreme Court and the State Bar so naïve as to think that implementing such a rule will result in those who are not reporting changes in their status to suddenly do so? We were required to and did provide our fingerprints when we were sworn in as attorneys. At that time, it was represented that our fingerprints would be maintained in the federal database. That database is a warehouse of all of the fingerprints previously provided. Why, if we had to consent to the fingerprints being warehoused originally, do we now have to incur the further economic and time burden of doing it again and placing the added burden on law enforcement agencies to do the fingerprinting? Fingerprints don't change. This is just another example of the fallacious and knee-jerk reactions so prevalent in government and group mentalities.		AF!
If the Bar wish to implement such a rule, it should be implemented on a rolling basis and the bar should shoulder the cost of the implementation. All members have previously provided finger prints and if the Bar wishes to require a second set, that cost should not be borne by the members, but by the bar itself.		\$M
This is pure insanity and an complete violation of privacy, not to mention an undue hardship on attorneys that are licensed by the State of California, but do not live in the state (like myself). From my understanding, the justification is that by collecting fingerprints, the rolls of the bar can be purged of any convicted criminals? This is completely unnecessary, as every attorney is listed on the bar rolls by their NAME, not their fingerprints. When you get arrested, detained, or convicted, your NAME is attached to that conviction. If the State Bar cares about purging criminals from their bar rolls, then perhaps they should do a NAME search of all convictions and compare that to the records. While there may be common names that overlap (where fingerprints would not) the ability to search and match fingerprints is not exactly a 100% certainty (there are numerous stories of fingerprint "matches" being thrown out because there is no accepted standard for how much of a "match" constitutes a match). So you'll rob privacy, add to the overhead of the State bar, and still not be 100% accurate. This is ridiculous and will likely result in a constitutional challenge that will cost the State even more wasted money.		PRY., OOS B.
Outrageous and totally unnecessary.		NO PP
I live in Mexico - this would be a HUGE BURDEN. Why is this necessary when my prints are already on file in California - twice! I had a Real Estate license before law school. This proposal is HIGHLY obtrusive and may lead me to go inactive or RESIGN completely. I am certain there will be FEES attached to this crazy new requirement. Please - JUST STOP IT.		FOREIGN#, PRY., \$\$
I respectfully disagree with the proposed Rule. I believe it is an undue burden to impose such Rule upon all active duty licensed attorneys in California unless there is some history of disciplinary action. I think the rule should be limited to attorneys with some history of disciplinary action. To apply this Rule on all active duty attorneys is an undue burden in terms of time and cost, and unnecessarily requires all attorneys to disclose personal information to a government entity. Thank you for receiving my comments.		NO PP, \$\$, BR., EX#, AF!
I live and work primarily out of state and highly disagree with the proposed rule to re-fingerprint active licensed attorneys.		OOS B.
Attorney's who were recently admitted should not have to do this. We just paid money for our moral background check and also for the bar. Now we have to pay our bar dues, plus admission to the District Court's. Now the additional fingerprinting adds another cost. Otherwise, I have no objections.		EX#
Incredibly invasive and expensive. A terrible idea. This is America, not Nazi Germany.		PRY., \$\$
The California State Bar has historically been called Bloated and Inefficient by several of California's sitting Governors. It is incredibly hard to find a single licensed California attorney who disagrees with that characterization. The practical reality of being a member of California's Bar is an endless series of pointless and petty hassles due to a bloated and inefficient organization. It is the only state to have a three-day long Bar Exam. It is the only state to artificially set the Bar Pass rate to 50% as part of a revenue generation scheme oppressive to Law Students, in particular. It is the only state bar to be repeatedly sued by its members for spending their money on political causes then shamelessly imposing these same fees as 'optional but suggested donations.' The annual CalBar dues are double to triple that of most other states, and the elaborate MCLE requirements, complete with licensed providers and many opportunities for backdoor graft, are a little bit of a joke - and very much a revenue generation scheme. I marvel at the State Bar's decision to have two separate offices, another point of uniqueness to any other State Bar. I oppose this rule because it imposes another cost on attorneys at a time where employment in the legal profession is uncertain and the bloated inefficiency of the State Bar is intolerable. Arrests alone carry no legal weight in our judicial system, yet in its infinite wisdom the State Bar has decided it must heavy-handedly intrude into the lives of its attorneys and fleece them for yet more money.		\$\$, OB#, PRY.
Another worthless waste of time and money unrelated to our practice of law or any real protection of the public.		BR., \$\$, NO PP
Is there a problem with lawyers convicted of serious crimes slipping through the cracks and practicing in California. This seems stupid. I was fingerprinted when I became a lawyer (actually I think it was part of the application process) and to re-fingerprint lawyers, of whom I am certain the overwhelming majority (probably in excess of 99%) have done nothing to warrant re-fingerprinting them seems burdensome and petty. If this is a realistic problem I might reconsider, but from everything I have seen it looks like a ridiculous requirement.		NO PP, AF!, BR.

COMMENTS	ATTACHMENTS	CATEGORY
Thank you for this opportunity to comment on the proposed fingerprinting requirement. I strongly oppose this proposal for several reasons:1. It is insulting and demeaning to require law abiding citizens who happen to be attorneys to submit their fingerprints to the State Bar of California in the unlikely event he or she might someday commit a felony.2. I believe the proposed fingerprinting requirement is an unconstitutional infringement on the personal liberty of all attorneys, violates their right to privacy, and impermissibly infringes on their procedural due process and substantive due process rights. I see no compelling state interest that outweighs these Constitutionally protected rights.3. It is difficult to imagine that the State Bar of California would not hear about an attorney's criminal conviction in the absence of this fingerprint requirement. That is to say, less invasive, intrusive, offensive methods of being notified of an attorney's criminal conviction exist.4. I have no problem with requiring attorneys to report any criminal convictions to the State Bar of California within seven days of being convicted.Clarke L. Young		UNCONST., RR#, ALT. OPTS
I am a member of the bar, but wish to remain anonymous. While I agree that identifying members of the bar convicted or arrested for criminal acts is a worthwhile objective necessary to protect the public from those in our profession that would do harm, I feel that the complete re-fingerprinting of all active attorneys is a largely unnecessary and unduly burdensome means of achieving that goal. Certainly there must be ways to identify attorneys who should be disciplined for crimes they may have been arrested or convicted for which would be more effective and less inconvenient to the entire bar. Perhaps this may include requiring re fingerprinting of only certain individuals.Further, I note that the letter and instructions from our honorable Chief Justice seem to go beyond what is required by the new B&P Section 6054 which does not mandate such action for active members. Members like myself who were admitted within at least the last 10 years have already been electronically fingerprinted and so I question the utility of doing so again. Finally, I believe that requiring all members to bear this cost themselves is inappropriate. Many members of the bar work in public interest positions or simply do not have the financial means to pay these fees. Mandating that individuals bear these costs themselves imposes unnecessary financial hardship on many members.		BR., ALT. OPTS, 6054#, \$M
Please don't. This feels like an Orwellian or Minority Report pre-screening for crimes by current members that is unnecessary. As crimes take place, take fingerprints as necessary and apply those to determinations regarding fitness to continue being a member of the bar. But, doing it preemptively, for all attorneys seems a dramatic overkill. I am not even sure I like the Bar holding on to fingerprints used for background checks at the time of admission, but that's another story.		ALT. OPTS
It is totally unacceptable to require attorneys like myself who already paid to be fingerprinted as part of the moral character application (less than ten years ago) to bear the cost of being fingerprinted again. The State Bar should be responsible for those costs.		\$M
I am a CA licensed attorney since 2001. I am also a domestic violence survivor and the founder of SOAR for Justice. My ex-spouse, also a CA attorney, was abusive towards me for 10 years. I obtained a domestic violence restraining order in against him in San Diego County and this did not impact his ability to practice law. If he had been required to re-fingerprint, however, the state bar may have learned about his moral turpitude. As a result of the violence, I have relocated with my child to Massachusetts to escape my abuser. He continues to practice law in San Diego. I believe the state bar should include the existence of a domestic violence restraining order as a basis for disbarment.		
Part 2(c) of the rule requires attorneys to pay to be re-fingerprinted. I disagree with this portion of the rule. I paid to be fingerprinted when I took the MCLE only a few years ago with the understanding and belief that the State Bar of California would keep my fingerprints on file. The State Bar failed to maintain a record of my fingerprints but would still like to pass the financial burden on to me to be re-fingerprinted. I do not believe this is proper and respectfully request that this portion of the rule be revised.		AFI, \$M
I have been an active licensed member of the California State Bar since I was admitted in January 1972. Since June, 1983 I have practiced law in the State of Texas, where I make my home. It has been over 40 years since I last actively practiced law in the State of California, and I have not been a California resident or domiciliary since May, 1973. (I maintain my California Bar membership, in case I should ever return to the State and wish to practice law there.) Would the proposed rule apply to active members of the California Bar who have not lived or practiced there for a long time? If this rule is enacted, would I have to travel to California to get fingerprinted? If not, would the California Bar make arrangements with Texas law enforcement agencies for me to get fingerprinted?I have no objection to the rule, provided it is modified so that it does not apply to active licensed members of the California Bar who do not practice in the State of California and who are not domiciled in that State.DAVID O. STEVENS CALIFORNIA BAR NO. 51650		OOS B.
A lot of attorneys, active and inactive, were fingerprinted as a requirement of employment in the public sector. For example, I was 'live scanned', all fingers on both hands, for the last position I had before I retired. To require them to be re-fingerprinted, at the attorney's cost, is, to say the least, ridiculous, as well as punitive.An amendment needs to be added to say that if an attorney has been printed as part of employment in the public sector, they need not be re-fingerprinted.Let's not waste everyone's time and more money where it is unnecessary.		AFI
Did the State Bar misplace fingerprints submitted with Bar applicants' moral character documents? If so, why are bar members required to bear the cost of replacing information mishandled by the State Bar?The State Bar needs to spend more time helping its members, instead of finding new ways to make members' lives and practices more difficult.		\$M
This is just dumb and serves no purpose. Plus , fingerprints are the last generations id. Why not just dna all attorneys? But what is the purpose?		NO PP
Attorneys already provide information on criminal backgrounds and moral turpitude issues in applying to the bar. This is an unnecessary hoop to jump thru. Also arrests and criminal issues don't necessarily preclude someone from practicing law. The time and cost involved in getting finger printed is not needed. At a minimum this rule should just be going forward and not retroactive to all practicing attorneys.		RR#, BR., OB#
Will it be a free service? Doubtful. Seems like a way to pad bottom line over at Live Scan.		\$\$
I've been practicing law for 25 years and have an unblemished record. To require ALL attorneys to submit to fingerprinting at their own expense is onerous and not necessary since the statute is permissive, not mandatory. The next step, of course, would be to threaten suspension or disbarment if an attorney in good standing did not timely submit fingerprints, a punishment unrelated to that person's competence. You need to explore more narrowly tailored options, such as not requiring fingerprinting at all, or only requiring fingerprinting in the event of a State Bar complaint.		6054#
Attorneys should not be required to pay for criminal background checks. Attorneys should be permitted to submit fingerprint copies taken by a licensed notary.		\$M

COMMENTS	ATTACHMENTS	CATEGORY
As a licensed attorney in California, I have no problem with the sentiment behind the rule. However to implement the rule by putting ALL of the costs on the ones affected by the rule is nonsensical. Since this is something the State and/or the State Bar wants they should pay for it. An alternative solution is to allow a deduction from the cost of the following year's dues of the amount spent complying with this rule. If these modifications do not happen, then my support for this disappears.		\$M
Is this some new way to justify the fees we pay each year? Is there some budget surplus that this is supposed to remedy? People's fingerprints don't change. We all had to get fingerprinted. This is a colossal waste of resources. If the State Bar can't find a way to spend all the money it is receiving, then please reduce annual dues.		AF!, NO PP
The proposed rule does not indicate whether the attorney will bear the cost of fingerprinting when the attorney has previously submitted fingerprint images to the state bar. However, the email sent requesting comment on this proposed rule refers to it as covering "resubmission" of fingerprints. To the extent that a bar member has previously submitted fingerprint images to the bar, and the bar for whatever reason has destroyed or misplaced those images, the cost of resubmission should be borne by the bar rather than by the individual attorney.		\$M
This is a total waste of time and money and will not ensure protection of the public. What other profession does this to themselves?		NO PP, BR., \$\$
This seems like an excellent modification of the rules. All active attorneys should have digital fingerprints on file with the FBI and State Bar. Young attorneys are already required to this. The same should apply to older attorneys.		
I find it absurd that the organization that I am forced to join to practice law in this state continues to further policies which perpetuate the public's low opinion of attorneys and does little to protect the public. There is in reality quite a low incidence of arrests of attorney and simply because there was an arrest should not affect an individual's right to make a living. If the bar believes such fingerprinting is required or they believe it is necessary, then the bar should bear the cost.		NO PP, OB#
I submit a full set of fingerprints through LiveScan each time I renew my commission as a notary public in the State of California. This is done as a part of the background check. I presume the state has my prints on file. Rather than pay again for the fingerprint submission, can the proposed Rule of Court allow an exemption if fingerprints are already filed with the state--as in my case?		AF!
The State Bar received my fingerprints in 2009 in support of my bar exam application. Requiring resubmittal would be an administrative burden and also requires a cost I shouldn't have to bear, especially considering the excessively high yearly bar dues we are already required to pay. You have my fingerprints on file; that should suffice for anything you need.		AF!, BR., \$\$
Please consider the burden on California licensed attorneys who live outside California. Please provide clear guidance and instruction about how to get fingerprinted, as well as transmission of the fingerprint images to the State Bar from outside the state. Thank you.		OOS B.
Based upon the exorbitant bar fees I now pay, the State Bar should incur the cost of such a requirement. Also, I have been fingerprinted (both hands) in the past (as a school district employee) and my prints are on file with the Justice Department. If you want an update to any criminal history, simply order the update and you (not me) can pay the fee. The alternative is to waive any such requirement for those attorneys who have been licensed for more than 30 years and are nearing retirement--and only require it for any new attorneys or those licensed for less than 10 years. People are leaving the state because of high taxes and fees--this idea is truly nuts!!		\$\$, BR., AF!, EX#
I do not support anything that would require me to resubmit fingerprints and pay for it myself. How much more money will you squeeze out of me?? I am a working mom who does not make anything near an attorney's salary but I make just over the amount to qualify for a waiver. I don't even want your stupid license as I am not working as an attorney. Yet according to your other dumb rules I am required to have an active license because I am working as a paralegal. I already paid to have fingerprints taken when I applied for bar. Did you not save these fingerprints? My fingerprints haven't changed. How many times do I have to submit them and constantly be harassed by the state bar? I can't afford to give you another dime on top of the already burdensome bar fees you charge every year. If the people of California are really this concerned about my fingerprints then let them pay for this.		\$M, AF!, BR.
While I do not oppose the proposed rule, I do oppose the cost aspect of the rule. I believe the rule should be modified so that attorneys without subsequent criminal records or arrests not be required to advance costs for a measure designed only to track and protect the public from those limited number of attorneys who may have subsequent criminal records or arrests.		\$M
What is the basis for fingerprinting all active attorneys? Are all engineers fingerprinted? All land surveyors? These are other people who hold licenses. I understand for certain categories of attorneys, based upon the specific work they do, that fingerprinting is appropriate, but I do not see the justification for printing someone just because they are active members of the state bar. This all feels like a violation of privacy rights without any reasonable justification. And further, what is the basis for making someone pay out of pocket for this? I am offended.		NO PP, PRY., \$\$
Re-fingerprinting acts that only to harass attorneys, and does not provide any real value to the community for safety purposes. As an attorney, I was fingerprinted once already, and my fingerprints have presumably not changed. Why do you need me to be re-fingerprinted in order to check for criminal activity? This should already be a capability since I was already fingerprinted. If you want to check my criminal record, please do so. You do not need me to be re-fingerprinted in order to do this.		NO PP, AF!
The proposed rule only appears to require an active attorney to be re-fingerprinted if the State Bar does not have in its possession fingerprint images respecting that attorney. How does one determine if the Bar does or does not have such images?		
In addition to being licensed as an attorney, I am licensed as a Notary Public. Every four years when I renew my Notary License, I am livescanned (fingerprinted) at my cost. It is a privilege to practice as a notary or attorney in this state and being fingerprinted is a small cost to pay for the protection of our clients.		
This rule appears to have no basis in reasoning and is ill formed.		NO PP

COMMENTS	ATTACHMENTS	CATEGORY
I disagree with the proposed rule for attorneys who have already submitted fingerprints as part of their CA Bar application, specifically in connection with the character and moral fitness section. It seems to me that if the Bar is concerned with determining subsequent arrest and conviction notification that it could reach a middle ground by asking the attorney about any subsequent legal troubles during the annual renewal. Further, the Bar could require that the representations regarding subsequent legal action must be affirmed under penalty of perjury. If someone lies and then is subsequently outed the Bar can institute harsh discipline. The additional fingerprinting is an unnecessary expense and burden when there are more reasonable and economical alternatives.		ALT. OPTS, BR., NO PP, \$\$
This seems to be a grandstandng bureaucratic move. Attorneys were already fingerprinted when they applied for Bar admission. No need to do it again. No need for the cost. No reason to increase bureaucracy.		AF!, NO PP
This feels like a cumbersome and unnecessary, step. We are all already trapped in a world where everyone is treated like a criminal, how about we don't treat lawyers, who are officers of the court, the same. Should I need to reactivate my license on an emergency basis, such as to serve as administrator of an estate, etc., this could cause a difficult situation to be worse. Further, it seems a short cut, or short-circuit to discipline, not all arrests, etc. leads to a conclusion that an attorney is morally unfit. As in Hallinan, where the essential distinction between "admission proceedings" and "disciplinary proceedings" is that in admission proceedings the burden is upon applicant for license for practice of law to show that he is morally fit, whereas in disciplinary proceedings the burden is upon state bar to prove that attorney is morally unfit. Hallinan v. Comm. of Bar Examiners of State Bar, 65 Cal. 2d 447, 421 P.2d 76 (1966) In that case, his protests to support racial inequality surely didn't show UNfit moral character.		NO PP, OB#
If attorneys have already been fingerprinted in the past and those prints are on file with the State then there should be no reason to fingerprint them again.		AF!
1. I am a California Notary Public and submit LiveScan fingerprints every 4 years in order to continue my Notary commission. It seems duplicative (both processingrecords and financially) for those who have LiveScan fingerprints done for Notary commissions to have fingerprints done again for the Bar.2. Weren't our fingerprints taken when we first were admitted to the Bar? Can't those records be re-checked without the need for payment of LiveScanning again? Are those the people the Bar has records for (as stated in the proposed rule)?3. How often is this going to be done? It seems it would be quicker and easier to have law enforcement and the Courts submit convictions, etc. upon their entry directly to the Bar.		AF!, 1#
This is just another ripoff by the bar. Fingerprints, what.s next hair? a solution is search of a problem.		NO PP
Only if the rule also requires fingerprinting -- or re-fingerprinting -- of each judicial officer, and each member of the Legislature, as well as the excessive numbers of "civil servants" in our bloated government, plus every welfare recipient and illegal alien.		
Please do not require attorneys who are current members of the Bar to undergo the procedure. I have done nothing wrong. I shouldn't have to pay for and go through the hassle of a new procedure.		BR., \$\$
Instead of requiring inactive attorneys wishing to go active to first submit their fingerprints, they should instead be given a reasonable period, such as 15 days, to submit their fingerprints. An inactive attorney may be required to return to active status on short notice, and the delay in submitting fingerprints may cause a problem. My understanding is that, currently you can return to active status immediately after submitting your additional fees.		
A FINE IDEA - CULL SOME OF THE RASCALS IMPERSONATING SOMEONE RETRIED/DECEASED, ETC. BUT I THINK THE STATE BAR SHOULD ABSORB THE COSTS FOR ALL WHO PARTICIPATE AND DISBAR THOSE WHO REFUSE OR "FLUNK".		\$M
The State Bar has provided no objective legal basis for this rule. Individual attorneys should not have to bear the cost of fingerprinting. If the rule passes, the cost of fingerprinting should be covered by Bar dues.		NO PP, \$M
The California Bar Association dues, registration fees, and bar exams are already astronomically expensive for practitioners not in private practice. Active attorneys have already undergone an background check and provided our social security numbers, as well as provided photographic identification. This proposed rule appears to be a knee jerk reaction not required by statute. Simply put, you have provided no evidence to believe that the even a small fraction of active members have committed identity fraud. Section 23.6054(b) states that the Bar Association "may require" members to submit fingerprints, in contrast to its requirements that new applicants "shall" provide such information. Simply put, the CA Bar Association's proposed rule is over-broad, unduly burdensome (financially and in terms of time), exposes attorney personal information to the potential for hacking, and is unsupported by record evidence. The rule should be amended to develop a criteria of risk factors that limit the universe fingerprinted active members to those with genuine risk factors of having committed identity fraud. Sincerely,Evan Oxhorn#288865		6054#, NO PP, BR., \$\$, OB#
This seems like a costly solution to a problem that doesn't actually exist.		\$\$, NO PP
I am a squeaky clean person without a record so I am not personally worried about this proposal. However, I STRONGLY DISAGREE. At some point, the State Bar would be policing us and overstepping its boundaries. If someone gets charged with a criminal conviction let the DA inform you. But, this is getting out of hand with the state bar. Thanks.		PRY., RR#
I agree with the rule if it does not require active attorneys who have already submitted their fingerprints to re-submit. I had to submit my fingerprints 3 times (due to clerical error on the state bar side) during my admission to the bar and it delayed my admission by over a year. So if it requires attorneys who have gone already submitted their prints to resubmit, which the language of the proposed law does not seem to indicate, I would disagree. If the proposed law is only for attorneys who have never submitted their prints then I agree.		AF!
attorneys already have enough rules and regulations and this would simply be a burden on professionals and would serve no purpose. Attorneys are already required to report these types of activity to the state bar. It would be a waster of time and money, both on the part of the attorney nd the state bar.		BR., NO PP, \$\$, RR#
I have already been fingerprinted, at high cost. I do not believe additional new costs should be forced upon attorneys that have already been finger printed in the past.		AF!, \$M
As a member of the California State Bar in good standing since my admission in 1975, I submitted fingerprints as part of my initial application process. What is not clear to me from these materials is whether re-fingerprinting will (or may) become necessary for someone such as myself. Why would my fingerprints not already be on file? Is the requirement for re-fingerprinting only applicable if, for some reason, my fingerprints have fallen out of the system? I think that this ambiguity needs to be addressed. I would appreciate a response, please. Thank you. Jeffrey S. Weiss Bar # 067979 jeffreysweiss.esq@gmail.com		

COMMENTS	ATTACHMENTS	CATEGORY
There would be no end to this. Will we have to do it annually? Every 5 years? Every 10 years. Is there some evidence that attorneys have committed crimes which are not reported to the bar? It seems unnecessary. Alternatively, there should be exemptions for folks who have been fingerprinted to live scanned for other purposes within some time frame, i.e. 10 years. I have been live scanned to be a 4H leader, to adopt my daughter and for a CCW. That process is a lot more rigorous and makes this redundant.		1#, AF!
I have trouble understanding this rule- I was admitted in 1988, I had to be fingerprinted to be admitted- what happened to those fingerprints? Who doesn't have fingerprints submitted to the Bar- admittedly I am not well versed on this issue- however- don't you have better things to do?		
This is a solution in search of a problem, and yet another cost that gets to be borne by an attorney practicing in this jurisdiction. This proposal boils down to forcing innocent people to provide information at their cost, without their consent. That is wrong.		NO PP, \$\$
As attorneys, I would think the people involved in communications of this information would write clearly. While the Rule seems to only apply to attorneys that the Bar does not have finger prints of [or seeking re-admission], the letter from the Supreme Court and other writings appears to require all attorney to submit finger prints at their own costs whether or not the Bar already has their finger prints [massive task with over 100,000 attorneys admitted]. We all know finger prints do not change during a person's life [maybe not as sharp]. If I am wrong, you need to clearly state that all attorneys will have to submit prints.		
That State Bar has failed to state any reason why this proposed rule is necessary. That is a significant and telling gap in information, given that this rule would impose a burden on each and every active licensed attorney in California. Why should each active attorney be treated as a potential criminal, particularly when we already submitted fingerprints in order to get licensed in the first place? Without being given a compelling reason to subject us to this indignity (and I certainly can't think of a good reason), I firmly DISAGREE with the proposed rule.		NO PP, BR.
It is not necessary to fingerprint again.		AF!, NO PP
I was fingerprinted when I was in law school for just this purpose. I don't understand why we have to do it again.		AF!
Why should the attorney have to pay for this? I would not object if the State Bar covered the cost. To me this is just another example of the State Bar and the Supreme Court passing the buck, and I do mean BUCKS, to the attorney. We pay more than enough in annual fees to cover this cost. Bg, Big and Bigger Brother strike again.		\$M
I oppose the rule requiring every active lawyer submit their fingerprints to the State Bar or the State of California. As part of admission process, lawyers have already submitted their fingerprints. Fingerprints do not change. This rule is an unnecessary burden. The bar, like the private sector, has ways of identifying criminal convictions without the necessity of requiring one's fingerprints.		AF!, BR., NO PP
I agree that all attorneys should have fingerprints on file with DOJ. But if the attorney already has fingerprints on file - from any source - they should be not required to re-submit fingerprints. This rule should be expanded to cover ALL public servants and representatives and not single out just attorneys.		AF!
The costs should be absorbed by the State Bar, not the individual attorneys. Finger printing was already completed.		\$M
It seems like a waste of time and excessive overuse of the law. It's understandable at the inception of the attorney's career however it makes no sense at a later point. Will everybody in the world need to be fingerprinted? Capture their DNA? Whose idea was this anyway? What's the reasoning? No please don't pass it		\$\$, BR., NO PP
There is absolutely no reason required for fingerprinting attorneys. Judges will require that attorneys inform the state bar when they have been convicted of a crime. This is unnecessary and redundant.		RR#, NO PP
Balderdash. The State Bar ran a full background check when I was initially licensed. This is just more bureaucracy and will increase our costs - without any additional protection to the public. Total nonsense.		AF!, NO PP
Attorneys already have an affirmative obligation to provide this information to the State Bar. Our whole profession is built on trust and candor but now we need to be treated like criminals? Additionally, this is an increased cost which will ultimately be passed on to clients. This is only making an already expensive service more costly to the average consumer. Perhaps if the State Bar actually did something with consumer complaints instead of passing over consumer complaints unless its a case where the attorney steals money from the client. We already have laws in place to protect consumers, why not enforce the ones we have before making more? Another concern is that in the current digital age, the State Bar cannot ensure that our information will be protected from unauthorized intrusions. We see it again and again in the news where a hacker infiltrates databases and uses the information for malicious purposes. What is the State Bar going to do to ensure that my information will be protected? What is the State Bar going to do for me when my information is stolen? I cannot place a hold on my fingerprints or readily order a new set.		RR#, \$\$, SCY
I became a member of the State bar of California in 2013. I distinctly remember being fingerprinted when applying for my moral character application for the state bar back in 2012. I do not think I could find the records of the fingerprinting or payment, as it was more than 5 years ago and I have moved to the East Coast since then. Fingerprinting is required for a moral character application for the state bar. The State of California has not provided any explanation as to why any of its current active attorney members would not have fingerprints on file. I am concerned that the State has lost some of these records and just wants to make the attorneys pay for the cost of resubmitting fingerprints. This is unacceptable. Both inactive and active members of the bar already pay high yearly dues, and it is ridiculous to make them 1) take time out of their workday and arrange for fingerprinting and 2) pay AGAIN for fingerprinting.		BR., \$M
This is not necessary. This information does not need to be shared with the DOJ. It is another burden on the profession that is not needed.		NO PP, BR.
How is an active attorney to know whether the state bar has fingerprints on file? In other words, will the state bar notify active attorneys if they don't have fingerprints on file? I was admitted to the Bar in approximately 1981-1982. I know I submitted my fingerprints at that time but I have no knowledge as to whether the state bar still has them on file. Please don't misunderstand my concerns. It makes sense that if the state bar already has one's fingerprints on file, that the active attorney should not have to go through the motions of providing them again. But we need to be notified as to our fingerprint status. Also, how often does one have to re-fingerprint? I don't know what the cost is now, but I also don't know where one can get finger printed at this time. Finally, how much time will active attorneys be given to get this process robe? Thank you for this opportunity to comment.		1#

COMMENTS	ATTACHMENTS	CATEGORY
Honestly, this is the biggest waste of time you've come up with THIS year. (There's always a new one). I propose if this is so important, then you take the fingerprints on file - the cost of which was borne by attorneys seeking to enter practice in California and enter those in whatever database you choose. This is a solution in search of a problem.		BR., \$\$
1. From media accounts, I understand that the State Bar took fingerprints from attorneys who were admitted to the bar, but then lost or disposed of them. If that is the case, the individual attorneys should not have to bear the cost of supplying the fingerprints that the State Bar had and then lost.2. The rule is unclear on the mechanism for supplying the DOJ information to the Bar. Does the attorney submit fingerprints, request that the DOJ send the attorney the information, and then submit it to the Bar? Does the attorney only need to submit fingerprints and a check to the DOJ? A requirement and deadline should not be imposed without a mechanism or guidelines in place for attorney compliance.		\$M, IMPLM.
Rule and description are confusing. Public announcement says this includes "resubmission" by active members, but proposed rule says it only applies if the State Bar "does not currently have fingerprint images". If the Bar already has them, why are we "resubmitting?" Does this rule require all active members to "resubmit" even though they gave the Bar fingerprints when they applied for license? The phrase "does not currently have fingerprint images" really confuses things...		
As long as it is done without charge to any lawyer, I believe ALL CA Bar members, active and INactive, should be fingerprinted.And, I wish to state for the record that I do NOT believe non-citizens should be admitted to CA's Bar or allowed to practice law in CA in any way. I know the SCOCA has ruled otherwise, but I strongly disagree with that opinion and wish to document my disagreement with it, so as to dispel any illusion, however contrived, that that opinion is unopposed.GM German		\$M, IA=
The background description of the proposed rule claims that the "that licensed attorneys bear all one-time costs associated with fingerprint submission." The proposed rule itself, however, does not contain language that makes clear that the cost burden is for one time only. The proposed rule merely provides that the burden on the attorney arises only when "the State Bar does not currently have fingerprint images." This leaves the attorney open to the risk of subsequent fingerprinting processes and costs if, for example, the State Bar misplaces or mishandles these records or decides later to impose an expiration date on these records. Framing the "one-time burden" in reference to the State Bar's possession of records is not an adequate safeguard from negligence or abuse of this policy.The proposed rule should be revised to make clear that the licensed attorney is to incur these charges only for one set of fingerprint images and that the State Bar should carry the burden for any subsequent sets of images that it may demand from that licensed attorney in the future.		1#, \$M
I do not see a provision for how this impacts California licensed active attorneys--can they be fingerprinted in their state of residence and have the fingerprints sent to the FBI? If out of state prints are taken, is the processing cost still waived for those with fee scaling?		OOS B.
I'm concerned about older attorneys like me who are out of state but still maintain an active license in California. First, the Bar already fingerprinted me when I was licensed. Why is re-printing needed? Did the bar lose the records / finger prints? What are the procedures for those who are out of state to get this done and how are they to be submitted and verified?I will comply with the law, and I don't have any crimes, arrests, etc. to be concerned with in my case. But I would hope and expect that if the Bar does move forward with this that there will be clear and easy to comply with procedures, and maybe even some age exemption for those over 60 or 65.		AF!, OOS B.
No problem with requirement		
My fingerprints have already been submitted and run through the relevant databases. If necessary, they can be run through the databases again as my fingerprints have not changed. If the State Bar has lost, misplaced, or damaged their fingerprint cards or other relevant fingerprint data, they should bear the full cost for ALL attorneys required to expend the time and effort required to submit a new set of fingerprints		AF!, \$M
This seems like a huge waste of time and resources, both of which can be used for other projects that would make a more significant impact on our society. Finger prints do not change as people age so there is no reason to 'refinger print' anyone.Also, I expect that the number of acting attorneys who have committed crimes in other states will be exceedingly low so there will be little immediate benefit from this action. Lastly, I doubt there have been any studies showing that fingerprinting has a deterrent effect on crime so requiring re-finger printing is not going to reduce the potential that attorneys will commit crime in the future.Please refocus resources to where they are really needed.		BR., \$\$, AF!, NO PP, \$M
I make almost no money as an atty. I am 70 years old and semi-retired. I resent that the Bar made this mistake, failed to do it right in the first instance, and now wants me to pay for fingerprinting a second time. Tell you what--refund my original fees to apply for the Bar and I'll pay the new fees. Otherwise the people who made the mistake should pay for it. I was fingerprinted for my first job at the bank, then for the U.S. Navy, then the Bar, and finally for the Los Angeles County Sheriff Department. If you want a copy of my prints go get one from any of these people.		\$M, AF!
I do not have any particular issue with the collection of fingerprints, but it is difficult to comment on the proposal when it is incomplete. As an attorney who lives outside California, I wonder what I will need to do to submit fingerprints and how much it will cost. The examples given for the cost of collection (Lassen County, Richmond) were all in California, leading me to wonder whether out-of-state collection is possible and whether the cost would be higher. Please make certain that this information is communicated to attorneys before the policy is implemented.I'm also concerned that shifting the costs of fingerprint collection and processing to attorneys skews the cost-benefit analysis that went into development of the policy. I understand that there would be some benefit associated with the collection of fingerprints, but would that benefit be worth it if the State had to bear the costs of fingerprint collection/processing? If not, then one should question the worth of the policy. It is too easy for the State to find that the benefits of the policy outweigh the costs when the State is not bearing many of the costs.		OOS B., \$M
I already paid for this to be done when I received my licensing fees. This new requirement serves no purposes and creates and necessary costly burden on attorneys. the Bar already requires mandatory reporting. Please stop creating new work for the staff at the State bar to justify its own existence.		NO PP, RR#
I do not want attorneys to have to resubmit fingerprints		
Are attorneys fingerprinted in connection with being admitted?I think this is nonsense for our state government to waste it's time with this.		AF!, BR.

COMMENTS	ATTACHMENTS	CATEGORY
This project will be massively expensive for both the State Bar and our many thousands of active members. Aside from the direct out-of-pocket expenses, there will be time lost for each active member who has to go out and find a place to get fingerprints. The total direct monetary cost and lost professional time will add up to many millions of dollars of waste. I do not believe there is any public issue related to the administration of the legal profession that warrants this expense. This is a solution in search of a problem.		\$\$, NO PP
Fingerprinting members of the State Bar constitutes an overreach with respect to privacy and presumption of innocence. In addition, requiring attorneys to pay for an edict that is of no value to the attorney is unreasonable.		PRY., OB#, \$M
"Re-fingerprinting". This doesn't seem like it should be on the radar screen. Aren't there more compelling needs to address? Perhaps these comments should be re-directed to the Legislature. . . .But it seems like a lot of time and money for minimal or no significant improvement in our system. After 38 years my fingerprint has never been an issue.		NO PP
What if DOJ already has the fingerprints of an attorney. Perhaps if the attorney works for a District Attorney, or the Attorney General, a law enforcement agency, or DOJ has the finger prints for any other reason, the rule seems to require re-fingerprinting. There should be an exception for this.		AF!
Putting aside the unnecessary intrusiveness of this Rule as it seemingly requires tens of thousands of attorneys to have their privacy rights infringed upon on the oft chance that a member is subsequently convicted of a crime involving moral turpitude and that this information would not be available to consumers under existing State Bar records, to then charge Members for the costs of being finger printed is inappropriate and unfair. State Bar Members already have annual fees that are among the highest in the nation and adding further costs to this is not justifiable in my view.		PRY., \$M
There does not appear to be a justifiable reason for this change. It will cause additional, redundant and unnecessary financial charges and time/effort to the attorney in question. If the information is already on file, there shouldn't be a need to capture it again, especially when there are costs associated wth doing so.		NO PP
This is unnecessary, burdensome and treats lawyers as existing or potential criminals. It will not protect the public and should be rejected.		BR., NO PP
The devil is in the details. I do not see any information about either the contemplated process for submission of the prints - in other words, will there be some authorized convenient agencies or other private services so that we can have the prints taken with minimal bother? Neither do I see anything about the anticipate cost to the member. It is one thing if we can quickly provide the finger prints at a local police station or "passport photo" type shop and spend no more than, say, \$100. On the other hand I can imagine rules and procedures requiring extensive time and inconvenience to comply with and considerable expense.-- Eric Olson 37630		IMPLEM., \$\$
I BELIEVE THIS IS ESSENTIAL FOR SECURITY, PROTECTION OF THE PUBLIC, THE ADMINISTRATION OF JUSTICE, AND REPUTATION OF THE BARTHANK YOU,		
This change proposes to treat all California attorneys as criminals by taking our fingerprints. Then when a crime is committed by the attorney the BAR can receive notice of the crime. Convenience for the BAR does not justify this invasion of privacy and burden of compliance. If fingerprints are the only way they can reasonably receive notice of relevant crimes then there is every justification for taking DNA while they are fingerprinting to be extra sure they receive notification. I disagree that fingerprints are required for the BAR to receive appropriate notification of convictions. Name and address, state ID number (which already includes a fingerprint), SSN, all exist to identify individuals and should be used for that purpose. Bio-identifiers are intrusive and are offered as the solution without justification for the purported purpose of receiving notice of a conviction. I am opposed to being treated as a criminal-waiting-to-happen by a professional organization that is supposed to be representing my interests and to which I am forced to belong in order to practice my profession.		PRY., ALT. OPTS
I don't have a problem with fingerprinting but I do have a problem with me paying for it. If you want to do it, by all means please do but then pay for it yourself.		\$M
This proposal is Orwellian. What's next? DNA samples, profiling? Ridiculous and a shame that this is even being considered.		PRY.
The state bar already has active my fingerprints. I was required to give them when I got my license. Use those fingerprints to do this. And if they are in a format that is not compatible with a new system, hire an IT guy to fix the problem. That will be much easier than requiring every active attorney in CA to trudge down to the DOJ or FBI again. And much less of a pain in the ass for us.		AF!
The FBI has my fingerprints when I submitted the Moral Character application.If you want my prints, go get them from the Feds.Oh, and issue REAL, PLASTIC BAR CARDS AGAIN....least you can do for the massive charges I pay each year.		AF!
California state bar dues are extremely expensive, especially for attorneys in the public sector and public interest law. The proposed fingerprinting adds another expense for those of us who already have too many expenses associated with dedicating ourselves to representing under-served populations. There are extreme economic disparities between the big law firm lawyers and those of us in the public sector and public interest law. The State Bar and State Supreme Court should be far more considerate of the financial needs of members. Will the finger-printing be deductible against the dues we already pay? Some professions in California only pay dues every-other year, and the dues for many professions are a fraction of what attorneys pay for licensing.		\$\$
This is a waste of tax payer money and the governments time. The law profession requires attorneys to be candid regarding their arrest records, if the state is going to require all attorneys to resubmit fingerprints just because of a few bad attorneys who fail to report arrests then the entire legal profession's ethics, including all admitted attorneys, are being called into question. Gone are the days where an attorney's oath to uphold their professional code of conduct was enough to satisfy the government, now we will engage in witch hunts to the detriment of the tax payer just because a few attorneys lied about their criminal records. This is frivolous and should be outright rejected. I hope our professions has not declined to the level that is suggested and implied by this new rule. WASTE OF MONEY!!! California needs to pay attention to real issues, this is NOT one them!		NO PP
No need to keep fingerprints up to date. Our fingerprints don't change.		AF!
I would suggest that the proposed rule be modified to clarify that the proposed rule is only applicable to those members who have been active prior to the State Bar of California's requiring of finger printing or Livescan as a part of the member's Moral Character Application (Admissions Rules 4.41(A)).		EX1989

COMMENTS	ATTACHMENTS	CATEGORY
One more thing? This appears to be a major bureaucratic mess to cover a very very very small, if any part of the population. We should get a credit on our bar dues (take it from the Supreme Court budget) if this goes through. Alternatively, and probably more constructively, if we have been lives canned because we are also notaries - why can't we just use those.?		NO PP, AF!
This is outrageous and unreasonable. We ALREADY submitted fingerprint cards for admission and underwent a rigorous moral fitness evaluation. It is commercially unreasonable to expect practicing attorneys to continually have to update such information, especially when it involves something as private as our fingerprints, of which the Bar proposes to store digital copies! First, the identity of the attorney should be established by no more rigorous a process than necessary, and certainly no more than that required for a State of California identification or to register to vote. If the State Bar is incapable of determining the identity of a potential attorney at application, burdening all attorneys to continually have to resubmit such info to catch any mistake by the State Bar's initial vetting process is unreasonable. Fix your own initial process. Don't burden me after 20 years as a practicing attorney. Further, criminal convictions are already a matter of public record. The State Bar can refer to those records to ensure there are no issues in this area. The reasonable position for the State Bar should be to automatically check those records periodically, and only request fingerprints or further information from names that appear as having a conviction. In addition and most importantly, I see ZERO provisions in the proposed rule to ensure the privacy and security of such information. If credit reporting agencies are required to comply with numerous rules regarding the privacy of our financial information (and even then fail tremendously, as the recent Equifax hack proves), then surely the storage of private, biologically relevant data such as our fingerprints should not be subject to collection and storage by an organization with NO thought given to the protection of such information. I find this unconscionable on the part of the State Bar to even suggest. I STRONGLY DISAGREE with the proposed Rule. - Ed Powell		AF!, BR., PRY., ALT. OPTS
My fingerprints are already on file with the Department of Justice (I am a CASA---Court Appointed Special Advocate). Yet, the rule seems to say that any previously submitted prints do not satisfy the new requirement. This rule presents an unnecessary inconvenience and expense and I am opposed to it.		AF!, BR., NO PP
The reality is that young men of color are consistently arrested in far greater numbers than any other group. The State Bar should not become a vassal of the police in harassing these young men, by making their arrests into a way to hinder them professionally as attorneys. There are plenty of white attorneys who take far more drugs than literally millions of young black men who are in jail. These white attorneys will never be arrested. Getting access to arrest records makes the State Bar into part of the machinery of racism. Also, the police often arrest political demonstrators, even though those demonstrators have not caused a breach of the peace. This new system will deter attorneys - who have a moral obligation to be the most vocal politically - from engaging in the political process and direct action. We are entering an era of potentially frightening and discriminatory government interference in people's lives. Attorneys should be at the forefront of resistance. This rule will have a chilling effect on that participation. Please reconsider. Thank you.		OB#
This rule violates the self incrimination clause. The attorney should not have to pay for fingerprinting.		UNCONST., \$M
We are sworn to uphold the constitution and all laws. We are officers of the court. But we have to submit fingerprints as if we had committed a crime? And then on top of that you want us to pay for process? We already submit our fingerprints to the DMV when getting a driver license. Isn't that enough? I say no.		NO PP
I believe I fingerprinted when I applied to the bar some 34 years ago. Why the Bar did not retain them, I do not know. But I should not be required to pay for fingerprinting now.		AF!
First, it is unclear the extent to which attorneys who already have their prints on file will need to re-submit fingerprints, and under what circumstances. My prints are already on file with the Bar so I don't see why I may be required to resubmit prints at the whim of the Bar and without a showing as to why they need to be submitted. Moreover, I think the Bar would be better suited spending its time and the dues money paid by its members to weeding out the members of the practice who should not be given the privilege of practicing law in the State of California. As an example, Bar # 132946 was TWICE deemed ineligible to practice law (for contributing to the delinquency of a minor [13 year old girl] and spousal abuse; there were also apparently significant allegations of substance abuse, as evinced by the 'numerous terminations' from the LAP) yet somehow was reinstated and is now on active status. Who decided that he should be allowed to practice again? In my opinion either of these charges should be enough to show the lack of moral character required of a member of the Bar, but allowing him to practice given the combination of the three combined is beyond the pale.		AF!
It is ridiculous that you should go through this expense to the State Bar and to licensed attorneys in order to have current fingerprints. I understand it's the State Bar's fault you lost our fingerprints or never kept them or whatever so if it's going to happen the cost should be born by the State. But it shouldn't even happen. We all underwent extensive background checks when we applied for license. We are all public figures with our profiles on your website. You have all our information. And if we do anything wrong you can disbar us and worse. This is totally unnecessary expense and waste of human time.		\$M, BR., NO PP
There should be a process or exception for those attorneys who already have to go through a comparable background check based on their current employment, i.e., law enforcement agency.		AF!
I was fingerprinted when I applied to take the Bar. These should still be on file. Who is going to pay for re-fingerprinting thousands of attorneys		AF!, \$M
Fingerprints are not needed to run someone's criminal history. The State Bar already has all of our names, DOB, birthplace, etc. If they need our SSNs, I would rather provide that than my fingerprints. While there is a low percentage of attorneys each year who commit crimes, the vast majority do not. This rule effectively makes all attorneys suspects to the commission of crimes and imposes a penalty (payment of the cost to obtain the fingerprints) on innocent, law abiding professionals. What is the good cause/probable cause/reasonable connection between needing the fingerprints of ALL attorneys? This proposed rule and directive is too broad. The law authorizes, but does not mandate, the collection of fingerprints. The Supreme Court and State Bar should decide to not require fingerprints.		ALT. OPTS, NO PP, OB#
I provided my fingerprints prior as required for licensing 10 years ago. The new rule provides no reason why anyone that has already submitted their fingerprints should bear the cost of providing them again. Assuming the current fingerprint records are preserved, there should be no requirement to re-fingerprint.		AF!, \$M

COMMENTS	ATTACHMENTS	CATEGORY
Requiring all active attorneys to resubmit to a fingerprint test would cause an undue hardship on those attorneys who are active, but currently practicing in another state, like myself. Additionally, attorneys who have already gone through the fingerprinting process, and paid for the background check would have to re-pay all the fees and undergo the entire process twice. Furthermore, many attorneys, such as myself have not been an active attorney for very long. I just passed my one-year active status. To require me to undergo fingerprinting again, after such a short period of time would be unduly burdensome. If re-fingerprinting is required, then it should be modified to include attorneys who have been active for at least ten years, OR attorneys who have not have fingerprinting done within the last ten years.		OOS B., \$M, BR., EX#, AF!
This seems obvious, and so may have already been addressed, but either in the rule or in the implementing procedures, there should be some way of contemporaneously verifying to whom the fingerprints belong, perhaps something similar to a notary requirement.		
The licensed attorney SHOULD NOT have to pay for the cost of the fingerprinting. If the State Bar wants to fingerprint attorneys, it can pay for it from the Millions of Dollars in funding it receives from the State and bar dues. The bar dues in this State are already exorbitant, and we should not have to pay a fee for something that that State Bar is choosing to impose on licensed attorneys.		\$M
Waste of time and money.		BR., \$\$
Re-fingerprinting of active licensed attorneys should be limited to those with a record of discipline. Existing Rules adequately require notice to the State Bar of any criminal convictions. Requiring hundreds of thousands of active members to submit new fingerprints is a colossal waste of time and money.		EX#, BR., \$\$, RR#
I vehemently disagree with this outrageous, insulting proposal. Why should attorneys have to be fingerprinted? Are other professions, such as doctors, accountants, etc. required to be fingerprinted? I doubt it. And, adding further insult is the proposal to require the attorneys to bear this cost. If the State Bar and Dept. of Justice want this, then at a minimum, they should pay for it.		NO PP, \$M
I am not interested in having to pay for fingerprinting that does not need to be done. I have been fingerprinted before, I will sign releases if you want to occasionally check criminal databases to see if I have a new conviction, but I am not a criminal. I have not committed a crime and I do not want to be financially punished, especially considering my crushing student loan debt and high cost of rent.		AF!, \$\$
Both myself and my wife and fellow shareholder were fingerprinted for admission to the State Bar of California in 1979. We have also been fingerprinted for the States of Wyoming and Montana and my wife, Anne B. Marshall, has been fingerprinted for the States of Washington and Texas where she is a member of those Bars.I was fingerprinted for the United States Marine Corps, the State of California as a Peace Officer and numerous times since.To apply this Rule to ALL existing Members of the California Bar is not how I read the Supreme Court's edict. As I understand it, this applies ONLY to Members who have not been fingerprinted when applying for Membership? To go beyond this is an abuse.		AF!
I strongly disagree with this proposed rule. What's the point of more regulation? The State Bar is an archaic and ineffective administrator of the legal profession. The Bar goes out of its way to be hostile to attorneys and the profession.		NO PP
Pointless, really.		NO PP
The proposed rule seems unnecessary given the many road blocks to becoming attorney including a multi-day test, character and fitness exam, and background check. It would add an additionally unnecessary cost to attorneys and simply puts another barrier to entry into the legal profession with little to no practical effect.		NO PP, BR.
I don't feel I should be fingerprinted for the few attorneys that this rule applies to. The courts should simply notify the State Bar when an attorney is convicted, assuming the attorney does not self report.		RR#
I already gave fingerprints when I registered for the bar exam. I find it highly offensive that the Bar wants fingerprints to check if the attorney has been involved in criminal matters. If the Bar kept the finger prints they had in a secured manner this wouldn't be an issue.In addition if the rule goes into effect the Bar should pay the full cost for all attorneys that have provided fingerprints in the past.		\$M
Sorry to say the idea of giving a set of fingerprints, with no consideration in return, does not look appealing. Would like to think that lawyers in good standing should not be required to provide fingerprints. If a lawyer is simply proposing to continue doing what that lawyer has been licensed to do for years, the request seems unjustified. It is a violation of a legitimate expectation of privacy, akin to requesting a home address or a social security number or a driver's license number without any sort of particular justification. If the average lawyer looks the other way regarding this request, what comes next? Retinal scan? Voice print? Pertinent computer passwords? DNA sample? The more private information that is put into circulation about an individual, the more that individual has a risk of identity theft. Exactly who is asking for this fingerprint information (what prosecutorial agency or police agency) and on what basis? Seems like a request motivated by junk science and likely to have unintended adverse consequences of significant magnitude. Thanks for giving this "big brother" type request for fingerprints a bit more thought.		EX#, PRY., UNCONST., SCY
convictions are already reported to the State Bar. Arrests should not count, innocent until proven guilty.		RR#, OB#
All costs associated with fingerprinting, processing, etc shall be borne by the State Bar.		\$M
This proposed rule would result in unnecessary more red tape. Very few attorneys are going to have any "hits" on any updated background checks. By contrast, it will inconvenience the vast majority of attorneys, who have no criminal record.		NO PP, BR.
I've already been fingerprinted. Where did those prints go and why can't they be run again? If prints are only checked when submitted, then how often are we attorneys going to have to resubmit prints? It is ridiculous to think that there are that many criminal attorneys running around to constitute a threat to public safety. This is a government scare tactic. Moreover, when I applied to state bar membership there were certain costs associated with membership and certain personal data collection requirements, and I complied with those. Now, the government wants to retroactively alter the terms of my original application to practice law. Originally, there was no requirement for me to spend money for additional fingerprints at the whim of government, to consume time doing so, and to submit to additional an ongoing personal data gathering. This is a waste of time and money, more government surveillance and overreach, and another reason to LEAVE California!		AF!, 1#
This is stupid and I hate it. Why don't you just search to see who has been convicted of a crime?		ALT. OPTS
All active judges should also be fingerprinted include supreme court judges.		

COMMENTS	ATTACHMENTS	CATEGORY
The rule needs to be clarified. I remember getting a set of fingerprints at the campus cops in 1978 which were submitted to the State Bar. There was in fact a snafu when the bar results were announced before all the fingerprints had been reviewed, but they swore the residual 10 percent in anyway. What has happened to those fingerprints in the intervening 40 years is anyone's guess. I also have no knowledge of any changes in the fingerprint procedure over the last 40 years. The problem with the rule is that it is written in terms of active attorneys "for whom the State Bar does not currently have fingerprint images." As an active member, how am I supposed to determine if the State Bar still has my fingerprints from 40 years ago? I don't object in principle to re-doing this process, particularly since the technology is a lot better than the ink pad and paper technology in 1978. But if you are going to make a disciplinary rule, you need to clarify how it applies to long-term attorneys who submitted their fingerprints long ago. If you just want every active attorney to submit new fingerprints, just drop "for whom the State Bar does not currently have fingerprint images" from the rule, or specify that active attorneys "who submitted fingerprints over __ years ago" have to re-submit. Thank you for your consideration. Charles E. Wheeler, SBN 82915		AF!
The proposed rule impacts all members of the bar rather than the miniscule number of bad actors who are also lawyers. It's just another way for the political elite to gain control over everyone.		NO PP
I am not a criminal and should not be treated as a criminal. If I was to break the law and was found guilty of a crime that requires fingerprinting or if I was arrested and fingerprinted then I would accept the rules. I think it is absurd to violate our privacy or coerce us and force us to get fingerprinted in order to do our job. There are other reasonable ways to apprehend or monitor those who waive these rights. I strongly disagree with this proposed rule. I am also against having to PAY for a process that strips away the rights of people who have done nothing wrong.		PRY., \$M
I am opposed to this proposed Rule. The burden on individual attorneys outweighs the any benefit to the public.		NO PP
Every attorney who has previously been fingerprinted is already in the system and a search can be done to determine subsequent criminal history on those people. Despite the unnecessary nature of this check, it would be acceptable to me if, and only if, the State Bar picked up the cost for all fees. All attorneys have already paid this fee once, some very recently, and others many years ago (those who haven't should be required to do so at their own cost), so to ask them to do it again seems a bit outrageous. If this issue is important, the State Bar should either utilize the money in its coffers to complete this goal, or lobby the State of California to allocate money for it, but passing along the cost to the attorneys is wrong.		AF!, \$M
New Attorneys should be fingerprinted, but not any Attorneys who have been active and admitted to CA bar for 10 or more years. This is more administrative nonsense which serves NO useful function if applied to tenured active Attorneys who have been practicing law for 10 or more years with no problems. It will be a pointless, expensive burden for the Bar to monitor this crap, and a nuisance for active Attorneys. Just another example of administrators with too much time on their hands, and too little ability to focus on meaningful matters, or substantive issues. Baloney or worse!		EX#, NO PP, BR.
I was fingerprinted in 2016. It really makes no sense for me to have to do it again.		AF!
Great, more fees and costs. What legitimate purpose is served by forcing active attorneys to do this every year? Ridiculous!		NO PP, \$\$
The Proposed Rule and letter from the Chief Justice obscure the fact that the State Bar completely dropped the ball here-- the Bar was always responsible for ensuring that DOJ retained members' fingerprints, but inexcusably failed to do so for many years. There is no reason members should have to pay to remedy the incompetence of the Bar's employees. I would amend the Proposed Rule to state that the costs of re-fingerprinting are to be deducted from each member's 2020 dues obligation.		\$M
First, we kill all the lawyers. Wait---I think we had better begin with fingerprinting.		
While I am opposed to the requirement to submit fingerprints entirely as a violation of my rights of privacy, as the law has been passed, it should be obeyed. I am, however, completely opposed to having to pay a second time to have my fingerprints taken. I was admitted to the bar only 8 years ago. At that time, I already paid to have my fingerprints taken. It is not my fault that the Bar was not in compliance with the law and did not retain the fingerprints. It was or should have been obvious to the Bar in 2009 that they should retain my fingerprints. It is immoral and unethical to require me to pay for their failure.		\$M
Please be sure there is a reasonable and cost-effective way for active attorneys who practice outside of the State of California to comply.		OOS B.
This is an expensive burdensome process that will do nothing but give the Bar the ability to hire new staff. The Bar already did background checks on its admitted attorneys, at attorneys' expense. And if the requirement was for the state background check, why are you including an FBI check as well? If the Bar failed to keep the records, the individual attorneys should not have to bear the time and expense of the State Bar's failures —either in personally having to pay for this, or to institutionally have the Bar staff do it (via fees). Your proposal costs millions to catch just a tiny handful of people - 300-600 a year? Who may already be in the system? Because there is no due date, a sensible middle ground is to ask attorneys to self-identify as those with subsequent convictions, during the next Bar Fee rounds. (And you can run an audit like MCLE if you doubt attorneys veracity.) Next, you can run the existing membership against the DOJ list - if there are any names, SS etc, in common, then get new fingerprints from those flagged members, rather than having all of us do this. Thus saving millions of dollars and hundreds of thousands of man hours (consider the amount of time you are demanding more than 100,000 attorneys to comply, in addition to the staff processing.) If none of that is possible, then do it on a rolling basis with MCLE years, and let vendors provide fingerprinting and the related security checks in a class, to be included in satisfying MCLE requirements.		AF!, BR., \$\$, ALT. OPTS
Don't bite the hand that feeds you. This is an incredible drain on the time of thousands of incredibly busy people. And if you're going to cause us to incur that time drain, you had certainly better provide vouchers to make the fingerprinting free.		BR., \$M
I believe the rule as proposed is ambiguous. It does not clearly identify who must be re-fingerprinted. After reviewing the materials, I am still not sure who has to be re-fingerprinted, although it seems to be related to when the bar signed the contracts with the DOJ. I suggest that the rule should state: All active members of the bar whose fingerprints were obtained before _____ [whatever date is appropriate] must submit new fingerprints on or before _____. All active members of the bar for whom no finger prints were required at their time of licensure must submit new fingerprints on or before _____. The balance of the rule is acceptable.		

COMMENTS	ATTACHMENTS	CATEGORY
ALL of us had our fingerprints taken and collected by the state bar WHEN WE BECAME MEMBERS. This "resubmission" is a MASSIVE WASTE OF TIME AND TAXPAYER RESOURCES. Is the State suggesting our fingerprints have changed since they were originally taken? Or is it instead the incompetence of some state employee (or more specifically state bar employee) that has lead to this issue (e.g., the state bar didn't keep the records the first time)? Requiring tens of thousands of individuals to submit duplicate records, presumably in connection with a required visit to a notary, is simply duncel, i.e., there has to be a way of meeting legitimate objectives without a massive waste of resources and time on the part of all involved.		AF!, BR., \$\$
I don't like being treated like a criminal just because i'm part of a profession. There are other ways to cross reference attorneys that might have a subsequent arrest record without dragging all of us law abiding attorneys through an idiotic process (and having us pay for the pleasure of doing so).Strongly disagree with the proposed rule.		ALT. OPTS
This is not necessary as we are already required to report.		RR#
This is a good idea. However, it seems unnecessary for attorneys who work for government agencies who are required to be fingerprinted, like District Attorneys, or Deputy Attorneys General. Perhaps there could be a provision akin to the MCLE exemption for those government attorneys with print clearance for their current employers.		AF!
Attorneys are officers of the court, and as such have a duty to report any convictions under CA Business & Professions Code Section 6068(o). As someone who is inactive and wouldn't be subject to this requirement as I have no intention of returning to active status, the idea that attorneys must now enter a criminal database--particularly with potentially inaccurate fingerprint analysis, is troubling. It borders on a violation of protected constitutional rights to privacy to submit to this check when there is no hint or suspicion of criminal wrongdoing, nor any indication that potential clients or consumers of legal services are being negatively impacted by attorneys who have unreported criminal convictions. This is a very backward thinking rule and should not be considered.		RR#, UNCONST.
Typical California. More rules and red tape with no benefit.		NO PP
This proposed rule is ridiculous. How many times is there a need to identify a lawyer by his fingerprint? In more than 40 years of practice, both in civil and criminal law I have never heard of any issue arising regarding the identity of a lawyer from his fingerprint. There is no such requirement for Architects, Certified Public Accountants, Real Estate Brokers, Pilots, Certified Flight Instructors, Trustees, Executors of wills, and a host of other professionals.		
The proposal is both too intrusive (we already undergo background checks to be admitted to the bar and annual dues are already among the highest in the nation) and ineffective (since unless fingerprints are redone regularly - or at least run on a frequent basis - they will only provide an accurate picture as of a certain point in time). I think the public would be better served and protected by NOT easing up in the requirements to become admitted to the CA bar in the first place (as many propose because too many bar exam takers are not adequately prepared for the rigors of practicing law) rather than imposing additional burdens, obligations and costs on those of us who have served the public honorably in various capacities for decades.		PRY., NO PP, BR., UNREL.
I remember being fingerprinted before being admitted to the Bar in 1979. I thought the Bar would already have fingerprints of every member and it certainly should.		AF!
I can understand the intent here, however I do not understand why fingerprints already on file may not be used. Further, I fail to see why this is being proposed while at the same time the Bar seems open to lowering standards for the State Bar Exam. Additionally, the costs/time associated with having the prints done could potentially be more burdensome for minority attorneys and also have a disproportionate preclusive effect on minority attorneys as the criminal justice system seems to have systematic issues.		AF!, BR., NO PP
What ever honor was presumed to exist in this profession is no longer a given to the State Bar. Lawyers have a duty to inform the Bar if they suffer a conviction. Because a tiny minority of members may be disobeying this requirement, the Bar is now going to treat all its active members as if they are being booked for a crime. It is an insult.		RR#
I completely disagree that attorneys should have to be fingerprinted.It is an invasion of privacy, outside the scope of practicing law and the information can be used for purposes beyond the scope of prior criminal behavior.Please note, I do believe in fingerprinting anyone that works or volunteer in any capacity with minors because it serves a legitimate state purpose. This proposed rule does not!		PRY.
Requiring fingerprints is an invasion of an attorney's privacy. It does not have a necessary relationship to the practice of law. I have been a licensed attorney in California for 32 years and I strongly object to this.		PRY.
This rule is an invasion of privacy with only the remotest chance of protecting the public but exposes attorneys to another risk of identity theft. Government databases have repeatedly been shown to be vulnerable to hackers and this one will be no different.		PRY., NO PP
It would unfairly burden active attorneys that do not currently live in California, but must maintain active California membership for employment, if fingerprinting must be done in California.		OOS B.
This would make Stalin blush. Forcing citizens to submit biological evidence to the police state to be used against them as a condition of work. It's just disgraceful.		PRY.
This is a horrible idea. Attorneys have enough compliance and procedural obligations to simply maintain bar membership. The CA Bar should be doing things to make it easier and cheaper on its members, not harder and more expensive. I am very disappointed by this proposed rule, and I lack confidence in the state bars ability to effectively govern it's members.		NO PP, BR., \$\$
This is ridiculous. The fact that licensed attorneys, WHO HAVE ALREADY HAD THE FINGERPRINTS PAID FOR, TAKEN AND SUBMITTED, will have to bear the fee for re-fingerprinting (especially when it is the State Bar that LOST the fingerprints) is absurd. You all should be ashamed.		\$M, AF!
The email notice indicated that re-fingerprinting would be required. It is unclear why that would be necessary. The rule should be modified to make clear that, if fingerprints were previously submitted to the California Bar, re-fingerprinting would not be necessary.		
I have been an attorney for close to 40 years. What a waste of time and energy. The State Bar should be working on issues that are more important and impact the community. If the State Bar has time for this matter, it should lose funding!!! No more volunteer contributions with my bar dues.		BR., \$\$
Active attorneys who have had no disciplinary issues should not be forced to take hours out of their day to go to an approved live scan fingerprinting facility. Further, the cost of the fingerprinting should not be put onto the attorney - who heretofore has done nothing wrong.		\$M, BR.

COMMENTS	ATTACHMENTS	CATEGORY
Do they require doctors, dentists, chiropractors to be fingerprinted? Many lawyers (me) have already been fingerprinted. Is there any study/information that the public has benefited from this invasion of privacy? Or of detriment caused by unfingerprinted attorneys? Do fingerprinted counsel provide more pro bono services? Busy-body justices need to focus on the training of lawyers to be, maintaining or increasing the required levels of competency. Stop worrying about the whorls on my digits--or preserving "historic courthouses." Does re-plastering of the ceiling increase access to justice for anyone? Neither will the fingerprinting of those with low Bar Numbers.		NO PP
I have no objection to being fingerprinted in support of maintaining my California Bar License. It's a good practice to review periodically the fingerprint clearance of professionals. I hope it could be done once every 7 years, rather than annually. I actually practice in the State of Arizona, but from time to time consult on cases in California and may move there in the next 5 years so I will at some point in the future be an attorney practicing in California. I am more than willing to cooperate with fingerprint requirements and pay a reasonable cost for same.		1#
Annual dues are extremely high and should this additional requirement be imposed, the cost of such additional requirement should be borne by the State Bar of California.		\$M
The cost of this re-printing should be born on the BAR. The cost should either be deducted from the attorney's annual dues or simply be covered by the State Bar.		\$M
I had to be fingerprinted prior to the LSAT and have been fingerprinted for professional licenses unrelated to the California Bar. I do not practice law as I have not lived in California for over 15 years. Fingerprint new lawyers moving forward.		
State Bar should bear the reasonable costs of implementing.		\$M
Every year this state makes it harder to earn a living. This a unnecessary hardship to the legal profession.		BR.
I disagree with fingerprinting of attorneys.		
I personally strongly disagree with this proposed rule. It suffers from the three fatal flaws of creating unnecessary hassle. without entailing any actual benefits, while simultaneously infringing on attorneys privacy in a draconian manner.		BR., PRY., NO PP
How will one know whether the Bar already has his or her fingerprints on file? I submitted my fingerprints to the Bar with my application in 2008. Do I now have to be re-fingerprinted? This is not clear. I have not seen anything that makes a case that this rule is needed. The accompanying literature simply takes for granted that it is needed without explaining what compelling reasons exist for re-fingerprinting.		NO PP
If an attorney has already been fingerprinted it is a waste of time and money to have it redone and to have the State Bar reprocess them.		BR., \$\$
we already did it when we took the bar so there is no reason to do it again. There is no issue with attorneys impersonating one another and non-attorneys impersonating attorneys so there is no reason to again get fingerprinted.		AF!
I have no objection to being re-fingerprinted provided that I do not have to pay for it, and that I am compensated for my time.		\$M, BR.
Not only have fingerprint analysis proven to be extremely unreliable for forensic purposes, it is adding another unnecessary cost and waste of time for attorneys.		BR., \$\$, UNREL.
I have been licensed 22 years and a victim of civil rights violations by City Attorney Mike Fuerer. My print info was sent to you but it falsely stated my arrest on a bogus infraction charge. I think this rule says "Our Bar is full of criminals!" Its an outrage to require every officer of the court in CA. who is CA. licensed (not out of state attorney licensees who practice here) to be BOOKED IN to keep their license! I am ashamed at this outrageous rule. It is offensive and will be the beginning of calls for permanent defunding of this Bar. No to this.		
1. It's my recollection that all attorneys licensed in California have previously submitted their fingerprints through a process that required the time, footwork, and expenditure on the part of the attorney. They should not now be asked to repeat the process, bear the cost in time and money resulting from the State Bar's inability to retain or properly index those records.2. Any additional compliance rules adopted by the State Bar should not require that the attorney provide the requested replacement documents (fingerprints) to a third party (Dept of Justice), but rather should require that the State Bar collect the repetitive data/documents it is demanding from its licensees, after which it can accept the responsibility of "sharing" that information with any other state agencies it deems necessary or appropriate.3. There is no reason to believe that there is or will be any serious misidentification issues relating to licensed attorneys in California that may possibly bear the same name as another person with a criminal record, but not the same address, social security number, or other identifying information readily available to clear up any such issue The imposition of additional burdens on the time and money of licensees is unwarranted and not well thought out..		AF!, \$\$, BR.
What a joke.		
I have submitted on October 15, 2017 and it was reopened on October 17, 2017. I know because the operator and transferred me to Benjamin Fuchs. And that I have already sent for an appeal and I believed my appeal had not been rejected. And here's the story at below: On October 12, 2017, Mr. Henderson reviewed my case and he sent me an email requesting proof of payment, which I already paid to Mr. Melchior. On October 13, 2017, Mr. Henderson said that my case is closed because I did not show proof of payment and he contacted Mr. Melchior (dated 6/29) whether I paid to Mr. Melchior by cash and defended mr. Melchior without looking at June 30's document and why didn't Mr. Melchior show this last email where he said that he will file a claim for me. So, when you have reviewed my case, Mr. Henderson's review was inaccuracy and so that's why my appeal went through on October 17, 2017 and Benjamin Fuchs refused to conduct an investigation. I also reported to supervisor Susan Chan and she defended Robert Henderson and said that he has accuracy review, but his review was based on whether I had paid Mr. Melchior and it went through intake by Kelly Gerner, in inquiry #17-15082 at calbar.ca.gov. so, I am not accepting their letter, saying, that my case remains closed on November 28, 2017.		
I absolutely agree with this proposal. By taking this route DOJ will discover those Attorneys that should not be practicing Law and who don't even have legal status in the USA to practice Law. Many shady Attorneys. Great idea in fingerprinting and also should collect DNA. Thank you for your assistance; Danny Mayorga Ret. US Dept of Homeland Security Los Angeles, CA (310) 658-8098		
I already submit fingerprints to the DOJ for my notary license. Please consider exempting all attorneys who submit their fingerprints for different reasons to the DOJ, e.g. real estate brokers, notaries, etc.		AF!

COMMENTS	ATTACHMENTS	CATEGORY
<p>Per the proposed Rule, you indicated that Senate Bill ("SB") No. 36's recent amendment to section 6054 authorizing the State Bar to require attorneys to submit or resubmit fingerprint records to the California Department of Justice ("DOJ") in order to receive subsequent arrest notification for these individuals. Arrest Notification far exceeds the scope of protecting the public, especially in light of EXTENSIVE bias in arrests against persons of color. (Certainly, if an attorney is convicted after availing themselves of their rights per our justice system, that is a different matter. However, as presented, the broad scope of notification of ARREST ONLY supports a slippery slope of "staggering disparity" whereby the State Bar itself will align itself with racial, ethnic, and geographic discrimination. To be clear, minorities and those living in low-income geographic areas are profiled and subject to arrest at an obscene level compared to overall population percentages. See Research Links below. I strongly disagree with the Proposed Rule.  <a href="https://santamoniacpd.org/uploadedFiles/Police/Reports/Demographic_Reports/ARR-Demographics-2017.pdf">https://santamoniacpd.org/uploadedFiles/Police/Reports/Demographic_Reports/ARR-Demographics-2017.pdf</a>  <a href="https://www.usatoday.com/story/news/nation/2014/11/18/ferguson-black-arrest-rates/19043207/">https://www.usatoday.com/story/news/nation/2014/11/18/ferguson-black-arrest-rates/19043207/</a></p>		OB#
<p>The bar does nothing for practicing attorneys. Aside from collecting dues it provides no other services. That being said, the message that the bar sends to its members and the public, is, "we do not trust attorneys." The rules that are usually enforced relate to trust account infractions. Criminal violations seem to make it to the bar, (if the discipline list is accurate), so why fingerprint? Is it to once again send a message to members and the public about how little trust the bar places in its members? Will fingerprinting stop crime? Why not take a DNA sample too? Fingerprints have long been required of various members of the public, how many crimes have been prevented? I will venture a guess that the answer is none. Perhaps if we ear tagged attorneys, that will make the public feel safer. But, I doubt it. As with most things, this is an overreaction to a few bad apples. It is just another way that the bar demonstrates that its interests lie not with its members or the public for that matter. Would the money to be spent on this poor idea be better spent by offering some free, but mandatory education??</p>		NO PP
<p>If the State Bar wants all active licensed attorneys to be finger printed, then it should pay for any and all costs associated with the fingerprinting costs. This new regulation seems to unnecessarily increase DOJ staffing levels as someone (or more than one person) needs to keep track and monitor who has been finger printed and not finger printed and to obtain criminal history. I believe there is self-reporting rules that address this issue and this is unnecessary regulation. If the State Bar is conducting a legitimate investigation into an attorney regarding his criminal conviction(s), then it can request the attorney to submit to being finger printed. Law enforcement sometimes makes erroneous arrests. To allow the State Bar and DOJ to obtain an attorney's arrest records is intrusive. Arrests do not equal moral turpitude or lack of fitness to practice law.</p>		SM, RR#, PRY., OB#
<p>Are they not finger printed already, in order to get a license? Would that not already be a requirement? I would assume that you want to make sure the one applying for the license is the same person with whom the name they are using? Do we not have to give a finger print to get a driver's license? Does little to no good to have someone new to retake their prints unless you assume that it is not the same person. If you do not work with other agencies or States what good is it to anyone, except in this State? You're the one demanding it or rather the Court is, so let the State take the bill for the process. Explain how you can determine if an attorney is who they say they are or if they have been convicted of a serious crime if it was in another state? You would first have to be attached to the Federal ID system and in contact with Federal as well as other State agencies to even make it worth the time! Setup so that your work is automatically sent to every state and federal agency and that way if there are prints that could not be matched before can be done now, if that person left those unidentified prints in another state?</p>		AF!
<p>I currently hold an insurance license and a notary commission in the State of CA (requires live scan), and I also hold several non-resident insurance licenses in other states that required fingerprints. The duty to the public that I have under both the insurance license and notary is held at a much lower bar than the duty to the public of a licensed attorney. Using this logic, any state agency that issues licenses to practice a specialized skill that contain high risk and a great duty to the public should require fingerprinting. I am currently in law school and believe that all licensed attorneys should be fingerprinted along with meeting the moral/character fitness requirement. The costs for live scans and fingerprinting services is always the burden of the licensee, and this process should remain as long as other state-issued licensing maintain this same process.</p>		
<p>If you are an employ of the State of California fingerprinting should be a must.</p>		
<p>I oppose as a matter of principle the acquisition by the government of fingerprints of people who have not been convicted of, or at least arrested for, criminal offenses. Unless and until a practicing or prospective lawyer has committed a crime, the government (and therefore the state bar) has no legitimate purpose in requiring that lawyer to submit fingerprints. I recognize that there is a potential that a person, either already admitted to practice law in California, or prospectively applying to do so, may be arrested, or may have been arrested, for a crime and for which he or she is or has been fingerprinted, and that the state bar may not be aware of this fact. I have no problem with a law, rule or regulation which requires law enforcement agencies to notify the state bar of any arrest of a person found or believed to be licensed to practice law in California; in fact, I would support such a rule. I would also support a rule which would require any attorney or prospective attorney who has been reported to the state bar by any law enforcement agency pursuant to any such law, rule or regulation to then submit fingerprints to the state bar for comparison with those obtained by the law enforcement agency. James T. Reilly, Attorney at Law California State Bar No. 67254</p>		OB#
<p>I think it's a good idea to check fingerprints because I am finding out that I have been totally set up by x family members. and can't believe matters have gone through court without any of my knowledge. Many false claims have filed against me that I would have fought but had no knowledge this was going on. this is so wrong. I seem to now have a criminal record for crimes I've never done. I think this has been done by x family members and don't know what to do.</p>		
<p>I am deeply disappointed with the State Bar of California regarding this proposal. In September of 1998, I prepared all necessary paperwork and fingerprint cards as required by the State Bar's Office of Admissions. Now, I have learned that the State Bar has not followed the law and has not implemented the law as written regarding fingerprint cards. Due to the mistake, I will now be required to resubmit at my own cost a fingerprint card and pay for any associated fees. The State Bar should pay for its own mistake, not the membership. The burden should fall on the entity that did the wrong.</p>		SM

COMMENTS	ATTACHMENTS	CATEGORY
<p>Digital fingerprints are personally identifiable biometric information. The Bar cannot guarantee that this personal information it plans to store will be 100% secure and cannot be hacked, stolen or used other than for its intended purpose. Has the Bar legitimately determined that unreported convictions are a significant problem in the legal community? Has the Bar considered a less intrusive alternative? This seems to be an overreaction to a perceived problem based on speculation, and most importantly an undue invasion of privacy for the overwhelming majority of licensed attorneys who have no criminal record.</p>		<p>SCY, ALT. OPTS, PRY.</p>
<p>Generally, prior to becoming attorneys, all bar applicants must submit fingerprints as part of the moral character determination process. Despite that, however, fingerprinting active attorneys who are currently licensed is just as crucial. A comprehensive fingerprint record-keeping system will help ensure all licensed attorneys in California maintain the requisite moral character and fitness required in order to practice law. In addition, from a policy perspective, this system would be great because it would help identify active, licensed attorneys who repeatedly commit crimes. If any licensed attorney in California is currently a habitual criminal, it's probably best for the State Bar to know this in order to properly regulate and protect the integrity of the legal profession. Moreover, creating a registry of attorney fingerprints will help protect Californians at large because it will decrease the number of licensed attorneys who repeatedly commit crimes. (i.e., recidivist attorneys). All in all, I agree with the proposed California Rule of Court regarding fingerprinting of active licensed attorneys.</p>		
<p>The cost and nuisance to already over- vetted and supervised attorneys is not worth the limited benefit.</p>		<p>NO PP</p>
<p>Even after reading all the attached material, I am still unclear why the State Bar would need me to re-submit fingerprints nearly 30 years after being admitted to the California Bar. During my application process, I vividly recall having all ten fingers and both palms inked and printed for submission to the Bar Examiners. I'm not sure what more I can or should have to provide. I strongly disagree with this proposed rule.</p>		<p>AF!, NO PP</p>
<p>The State Bar was never required to indefinitely retain the fingerprints of applicants until Business &amp; Professions Code §6054 became effective on January 1, 1988. Accordingly, as to all Bar applicants admitted before that date, the Bar was never required to maintain their fingerprints indefinitely. It is therefore unconscionable to require attorneys admitted in 1987 and prior to resubmit fingerprints to the State Bar - - and even more so to force us to pay a new fee and incur new expenses - - ostensibly in order to bring the State Bar into compliance with Bus. &amp; Prof. Code §6054, given that the Bar was never out of compliance with any obligation to permanently retain those fingerprint records in the first place. The new Rule should only require re-fingerprinting of Bar members that were admitted on or after January 1, 1988.</p>		<p>EX1989, \$M</p>
<p>First, your explanation says that this will apply to attorneys whose fingerprints are not on file. However, you do not explain what that means. I took and passed the California Bar Exam in 1990. At that time, as part of the application, I was required to submit my fingerprints. I did so, and as far as I know you still have them on file. In the event that you do not have them on file, I will not pay a second time to have my fingerprints taken. So if that is your intention, I disagree with the proposed rule. You already nickel-and-dime us on the Bar dues, for which I receive no benefit. I am not paying another fee for fingerprinting.</p>		<p>\$M</p>
<p>I have no problem with the fingerprinting requirement provided that a licensed attorney who has previously submitted Live Scan fingerprints to an Agency of the State of California should be permitted to authorize the State Bar and that Agency to share the Live Scan images without further expense to the Licensed Attorney.</p>		<p>AF!</p>
<p>Really, it's ridiculous enough that I had to submit fingerprints to originally take the bar exam and be admitted 33 years ago.</p>		<p>AF!</p>
<p>The current regime in Washington, and in particular the current Attorney General, have shown such hostility to the rule of law and the rights of citizens, there is no reason to think the Justice Department will use the fingerprints for public safety, or any other legitimate pursuit. If there were some evidence that a significant number of persons whose criminal backgrounds should bar them from the practice of law are in fact candidates or lawyers, I'd reconsider.</p>		<p>PRY.</p>
<p>I agree with the fingerprints requirement of the proposed Rule. I believe I was fingerprinted as part of the character and fitness evaluation in connection with the licensing process in all of the states in which I currently am licensed to practice. Any attorney who currently is licensed who did not submit fingerprints at or before his or her admission to practice should be required to do so. Integrity and the ability to obey the law are critical aspects of the privilege of holding a law license, and that privilege should be suspended, withdrawn, or otherwise called into question following the commission of a crime by a licensed attorney (depending, of course, on the nature of the crime and other circumstances). Too many attorneys commit crimes or engage in unethical conduct but nevertheless are able to fly under the radar of the State Bar for some time, so I am in favor of any measure that will increase the accountability of those attorneys who choose to engage in such conduct. Notwithstanding the foregoing, I do not think that any additional fees should be imposed on licensed attorneys to support this endeavor. Compliance with the remaining provisions of the proposed Rule is enough, and I believe that the already significant licensing fees, especially for active attorneys, do not need to be increased for any reason at this time. Thank you for considering my comment.</p>		<p>\$M</p>
<p>I consider this an inappropriate rule for the following reasons: 1) Attorneys are already fingerprinted as part of the moral character portion of their application to be admitted to the bar and remain on file with the DOJ. 2) This is an added and unnecessary regulation designed to increase fees to the practitioner while causing the practitioner to lose income from their practice. As such it will reduce state revenues from income tax. For example, if 189,000 attorneys lose two hours of billable time at an average of \$200/hour that would be \$76.5MM in gross revenue and at a 6% tax rate would unnecessarily cost the state revenues of \$4,536,000 in lost revenue to the general fund. Furthermore, there would be added losses attributable for itemized deductions to state tax returns of an unknown amount because the proposed rule does not limit the costs the bar may choose to impose. 3) This will take money from the State Bar budget to implement. As such it can only be seen as an attempt to enlarge the State Bar's number of employees beyond what is necessary to administer the regulation of practitioners in their practice of law. 4) There is no justification for the bar to hold such highly confidential information in a database administered by anyone other than law enforcement and creates an added risk of disclosure should the holder of the information find their data breached by an intruder, consultant or employee.</p>		<p>AF!, BR., \$\$, SCY</p>
<p>A solution looking for a problem. Is there any evidence that the State Bar is having a problem learning of criminal convictions of its members?</p>		<p>WN#</p>

COMMENTS	ATTACHMENTS	CATEGORY
<p>i CAN'T BELIEVE OUR OWN TRADE ORGANIZATION IS TREATING US LIKE COMMON CRIMINALS, AND MAKING US PAY FO THE PRIVILEGE. I FIND IT EQUALLY BIZARRE THAT MEMBERS WITH NO DISCIPLINARY HISTORY WHATSOEVER ARE BEING REQUIRED TO PRESENT THEMSELVES AT A YET TO BE DETERMINED AGENCY FOR FINGERPRINTING WHEN THERE ARE NO DISCIPLINARY CHARGES PENDING OR PAST AGAINST THAT MEMBER, THIS SMACKS OF A PRESUMPTION OF GUILT WHERE THERE IS NONE. FURTHER, I SHOULDN'T HAVE TO HAVE AND DON'T WANT MY FINGERPRINTS TRADED ABOUT IN THE ETHERNET, WHICH IS PRECISELY WHAT WILL HAPPEN NO MATTER WHAT THE BAR STATES IN ITS PROPOSED RULE REGARDING A LIMITATION ON THE USE OF MEMBER FINGERPRINTS TO DISCIPLINARY PROCEEDINGS, ONCE THE DOJ HAS THE PRINTS THEY WILL USE THEM IN THEIR DATABASE FOR ALL PURPOSES. AS LONG AS THEY'RE AT IT, THE BAR SHOULD ALSO CONSIDER FORCING ITS MEMBERS TO SUBMIT DNA SAMPLES TO THE DOJ, AS ALTHOUGH DNA SAMPLES OR FINGERPRINTS CAN'T BE COMPELLED BY ANY LAW ENFORCEMENT AGENCY ABSENT AT LEAST AN ARREST, IF NOT A CONVICTION, IN OUR CASE THE ORGANIZATION TO WHICH WE PAY OUTRAEGEOUS YEAR DUES FOR THE SOLE PURPOSE OF DOING EVERYTHING IT CAN TO CALL US IN TO DISREPUTE AND IMPAIRE OUR ABILITY TO PRACTICE OUR TRADE BASED UPON SOME SKETCHY "PROTECTION OF THE PUBLIC" GROUNDS IS LUDICROUS, ESPECIALLY WHEN WE ARE ALREADY REQUIRED TO REPORT ANY CRIMIANKL CONVICTIONS, MISDEMEANOR OR FELONY TO THE BAR. WHOMEVER DREAMED THIS FIASCO UP SHOULD BE SENT TO A MENTAL FACILITY FOR A 90 DAY STUDY, AND THEN BE FORCED TO RETAKE CONSTITUTIONAL LAW, THE PROTECTIONS OF WHICH APPARENTLY APPLY TO EVERYONE EXCEPT THOSE WHOSE JOB IT IS TO DEFEND THEM WHEN THOSE PROTECTIONS ARE CHALLENGED. I AM NOT AMUSED, I AM ASHAMED OF OUR BAR AND OUR SUPREME COURT FOR ADVOCATING SUCH A BLATANT DISREGARD OF OUR INDIVIDUAL RIGHTS IN FAVOR OF CLEANSING THE GROUP OF WHAT IT DETERMINES ARE UNDESIREABLES, WHEN AS INDIVIDUALS, WE HAVE DONE NOTHING WRONG. THIS IS A HORRIBLY BAD IDEA, CONCEIVED WITHOUT ANY CONCEPTION OF HOW INSULTING IT IS TO INDIVIDUAL MEMBERS AND WHAT A BLATANT ABUSE OF UNCHECKED POLICE POWER IT APPEARS TO BE AND IS. HOW DARE YOU. STEVEN D. VIEN # 89690</p>		SCY, PRY., NO PP, RR#
<p>No.</p>		
<p>1. Unless there's proof that the State Bar has problem keeping track of convictions suffered by lawyers, and there does not appear to be, this rule is an unnecessary intrusion. It is collecting personal information for no rational reason other than the creeping authoritarianism which is destroying freedom in America.2. If the State Bar wishes to conduct Gestapo tactics on its members, it should pay for the process. It is unfair to require that lawyers pay to give fingerprints that are of no articulable use to the State Bar, the requirement being nothing more than a paranoid fantasy of overpaid, stupid bureaucrats who feel the pressure to justify their existence -- since they can't make it in the real world.3. Where does this fucking stop? When will I have to give some DNA, or let the State Bar put a camera in my office, or let the State Bar approve what I eat?</p>		NO PP, \$M, PRY.
<p>This is a blatant invasion of the privacy of every active attorney in CA. I find it incredibly frightening that we are being asked to submit such private information pursuant to a new CA Rule of Court when the courts do not follow the rules already in place. I am referring to CA Rule of Court Rule 3.1385(c). (Please note that many CA Superior Courts routinely ignore this rule and require the dismissal of conditionally settled cases before the settlements are completed (Los Angeles, San Diego, Orange County, etc.)This rule would allow the Bar to access ALL criminal histories of practicing attorneys, with no filter from the DA and possibly limited public access information to the types of crimes and the resolutions of the criminal cases involved. I see this as opening the door to the wrongful imposition of disciplinary proceedings based on crimes that were not successfully prosecuted or which did not involve moral turpitude.I seem to recall that I paid for and submitted my finger prints upon applying to be an attorney in CA. If the bar has subsequently lost this information, why should I or any other attorney be required to re-submit it, at our cost? (It is supposed to be the Bar's cost in the statute.)This is wrong. Is there a similar requirement for all members of the State Assembly that are not attorneys?</p>		PRY., OB#, \$M
<p>I would like to know if this fingerprinting proposal would be applied to both State and Federal Judges as well as attorneys. I also have concerns with Judges who were appointed and at the same time undocumented. Would your modified plan catch and report these Judges and attorney as well? I look for fairness in the application of this proposal, however, I do not see a though-out or complete and thorough plan. I will look for a study, if there is one, and look at the raw data to see the percentages of offenders in either the lawyer category as well as the judge category.</p>		
<p>I believe that attorneys who have already been fingerprinted should not be required to re-submit fingerprints.</p>		AF!
<p>Attorneys already need to submit fingerprints when applying to the Bar in order to take the Bar exam. I see no reason why another set is required. If this is a concern, then State Bar should submit the Fingerprints received during the application process to the DOJ.</p>		AF!
<p>After almost 30 years of membership in the California State Bar, I can't recall whether I was fingerprinted by the Bar specifically. But, I worked for the Alameda Co. Bar association and was fingerprinted. I worked for an SEC registered broker-dealer and was fingerprinted. I was employed by a FINRA member and was fingerprinted. And, I'm pretty sure that I was fingerprinted as part of the authorization to be a chaperone for my children's schools.I must not be the only attorney who has been fingerprinted for lots of different reasons. This seems like yet another "frolic for full employment" by the Bar and its staff. Why am I having to work with a licensed attorney in this state who is abusive and has been suspended three times by the Bar? Because the Bar doesn't enforce the rules that it has in place?Why is there more regulation required, rather than simply using the rules that you have and enforcing them?What a mess of an organization . . . I disagree with the need for this additional burden and expense. What exactly is the Bar doing with all the dues that are paid each year? Oh I remember, paying themselves and their Board.</p>		AF!, NO PP, BR., \$\$
<p>The rule should require only that members of the State Bar who are parties to a pending State Bar disciplinary action related to criminal wrongdoing or who are seeking admission or readmission to the State Bar be required to submit or resubmit fingerprints; and that, likewise, that the State Bar be permitted to access such information from law enforcement agencies, etc. only in the same circumstances. The rule should require only those people to pay the costs of fingerprinting, etc. The costs should be set at a fee not to exceed \$75.</p>		EX#
<p>I completely disagree with this proposal. It is another avenue for the eradication of privacy and will do absolutely nothing to enhance the discovery of wrong-doing that is already provided for. It allows another method by which the state invades our privacy and lends itself to abuse considering the advent of bio metric data security. We have all had enough of government overreach!</p>		PRY., NO PP

COMMENTS	ATTACHMENTS	CATEGORY
If this rule is ultimately adopted, please make provisions for attorneys living and practicing outside California to complete the requirements without having to travel to California. I work for the United States Attorney in Philadelphia, and California is my active bar membership. It would be costly and inconvenient to be required to travel from Philadelphia to California solely for the purpose of providing fingerprints. I am sure that arrangements can be made for me to give my fingerprints here in Philadelphia and submit them to the bar. I am sure that there are a significant number of bar members who live out of state who would have the same request. Thank you for your consideration of this request. - Albert S. Glenn		OOS B.
Ah yes, if you are arrested you must be guilty. Why else would you be arrested. The police, FBI, etc never make mistakes. Let's have a perpetuation of records and a scarlet letter for everyone arrested. I don't practice and will be changing to inactive status rather than capitulate to the witch hunt. This rule will be costly to the bar as many members will change status rather than incur additional fees on to of the expensive bar dues. The bar has always been a something to fear and has provided no benefits. It is only in existence because the "better the devil I know, than the one I don't know" voters won back in the '90's.		OB#, >INACTIVE, \$\$
There is no legitimate need to have active members of the Bar submit fingerprints. We all went through a thorough vetting process to be admitted. It is appropriate to have proposed admittees submit to a DOJ background check.		NO PP
Waste of public resources. Not needed, another ridiculous idea.		NO PP
As an attorney who came from another state, I took the attorney exam in Feb 1999. I paid to be fingerprinted and submitted my fingerprints with my CA bar application. I do not believe I should be required to pay to be fingerprinted again because the CA bar lost my fingerprints or didn't process them in a timely manner. If the CA bar wants me to be fingerprinted again, they should pay for the fingerprinting process for me and all Attorney similarly situated. I greatly respect the CA Bar and have been active in Section work for over a decade. As an individual I believe the position I advance in this public comment is just and equitable. Thank you.		\$M, AF!
I submitted fingerprints to the State Bar when I was admitted, in 2000. If the State Bar has not retained a member's submitted fingerprints, then the State Bar should be responsible for the costs of (re-)obtaining same. My concern is that the SB will have the power to require a member to re-submit fingerprints for no particular reason. If the SB suspects fraud (e.g., identity theft), then I would understand. However, attorneys in good standing, who have already submitted fingerprints to the SB, should not be required to re-submit. thank you.		\$M, AF!
It is reasonable to have attorneys fingerprinted. However there is no legal authority to assess fees for the fingerprinting. The bills are silent. Under statutory caselaw if the bill is silent you cannot assess a fee without legislative approval. Additionally this would be a public relations nightmare if suddenly attorneys are required to pay a \$100 assessment.		
I and many others like me have been practicing for a great many years and to now require us to bear the burden of time and cost to get re-fingerprinted is outrageous. I could understand requiring the prints of all new attorneys but not of those licensed for years.		BR., \$\$
When I passed the 'character and fitness' portion of my qualifications for the California Bar I provided the State Bar a completed fingerprint card for its use in completing a background investigation. As the State Bar already has this information I find it incredulous that the Bar needs this information again. And why, as a dues paying member would I be required to independently pay to provide this information a second time? Shame on you for your willingness to pass these unnecessary costs to your members for something you already have.		AF!
Cannot agree with an increasing bureaucracy.		
I was required to supply fingerprints when I was first admitted to the Cal Bar and don't see any need to do it again at my cost. Bar dues, MCLE and other related costs are already overburdening attorneys that are only receiving limited income from the practice of law. Please don't 'fee us out of existence'.		AF!, \$M
As an active attorney [Bar No. 155212] I strongly disagree with the proposed rule. Insofar as I am aware, attorneys do not present such a threat as to require fingerprinting based solely on status. Expect extensive litigation if the Bar goes through with this.		
Bar should bear all the cost. Attorneys who previously provided prints as applicants should not bear the cost of the Bar's failure to take the correct steps to see that the prints were maintained.		\$M
Fingerprints are required to be admitted to the Bar. We all have enough to do without having to deal with this again for no rational purpose. If an attorney is arrested and it's relevant to practicing law the Bar will know about it. It's a public record and those of us not arrested shouldn't have to have the hassle of new fingerprints. You can require attorneys to report arrests like MCLE.		NO PP, RR#
I think that a fingerprinting requirement is anathema to the role that an attorney plays in our society.		
According to the numbers quoted in the documentation regarding this proposed rule, The State Bar's failure to maintain fingerprint records implicates more than 157,000 active attorneys. It is highly likely that a significant percentage of these attorneys are already enrolled in either TSA Pre✓® or DHS Global Entry, or both (because Global Entry includes TSA Pre✓®). There is no obvious reason why the State Bar cannot or should not provide in its rule for member attorneys who are enrolled in either of these programs to authorize release of existing fingerprint records already on file with TSA or DHS to the DOJ for purposes of Subsequent Arrest Reporting. This would have the significant benefits with respect to both (1) security of personally identifying information, (2) quality control, and (3) avoidance of duplicate and potentially inconsistent sets of fingerprints. That is not to mention savings in time and expense for affected attorneys. For once, can we try to make things easier on members, not harder?		AF!
It is another hurdle and barrier to entry to practice law. I disagree because I don't want to get fingerprinted and go through the process, it's a waste of my time and I don't see the benefits as you have described them.		BR., NO PP
The Bar has for many years, and in many circumstances, required that members submit fingerprint information. It is inappropriate for the Bar to require members who have previously submitted fingerprint information, which the Bar either lost or destroyed, to incur the cost for resubmitting fingerprint information. So, for those members who are being required to provide a second set of fingerprint data the bar should incur the full cost of such RE-fingerprinting.		\$M
I think it's overkill. We don't need this. It's another added expense. I saw no valid argument re any actual need for this that isn't handled in some other fashion. It's just more bureaucratic hoops for no good reason, It won't only be an added expense to attorneys, there are going to be additional administrative and implementation costs that will ultimately have to be paid for by attorneys. Don't do it.		\$\$, NO PP, BR.

COMMENTS	ATTACHMENTS	CATEGORY
<p>This would impose a substantial and unnecessary burden on tens (hundreds?) of thousands of attorneys in order to assist the discipline of a few non-reporting criminal offenders per year. First party reporting is flawed, so copy the IRS, who has already solved this issue by requiring third party reporting. Following the IRS's proven model, a much better (cheaper, less invasive, less 4th-Amendment destroying, less insulting, less burdensome) option would be to mandate reporting by the prosecutor (or trial judge) of any criminal action involving a defendant who is a licensed attorney. That'll also help detect CRPC violators even when they don't end up with a final criminal adjudication. Establishing a huge, expensive, inherently error-prone, civil-rights violating database of incredibly personal information is not the solution. Additionally, this rule is overly invasive. To accomplish this goal, all you need is to provide Cal DOJ with a list all attorneys, and have a subsequent arrest notification based on that list (cross-checked with a date of birth for two-factor identification). That reporting system will be sufficient to accomplish this (dubiously necessary) goal of establishing a database for subsequent arrest checks without creating some sort of Orwellian biometric database.</p>		BR., NO PP, ALT. OPTS
<p>This seems entirely unnecessary and burdensome. The legal profession has operated for many years without this requirement. There are many other safeguards in place to address ethics concerns.</p>		BR., NO PP, WN#, RR#
<p>I absolutely object to this additional burden and invasion of privacy. I was admitted to the Bar as a qualified applicant. There is no valid reason that having a fingerprint of mine makes me more or less qualified or trustworthy. The collection of private data by companies has gone too far and this is another extension into the private lives of citizens who have already met the requirements to practice law. This proposal essentially will make it so I can no longer practice law unless I give up my prints. What is next? DNA samples to prove we are who we say we are? Absolutely do NOT let this happen</p>		BR., PRY., NO PP
<p>The following language clearly establishes that DNA samples and testing for mental illness would also be at least justified, if not mandated."The information obtained as a result of the fingerprinting of an applicant or member shall be limited to the official use of the State Bar in establishing the identity of the applicant and in determining the character and fitness of the applicant for admission or reinstatement, and in discovering prior and subsequent criminal arrests of an applicant, member, or applicant for reinstatement."DNA testing for identity and mental illness would far more accurately "establish[] the identity of the applicant and ... determine[] the character and fitness of the applicant."I also note that it now states that each attorney individually must pay for this expense. I hope the Bar is going to go after any firm that pays their attorneys' related fees.</p>		
<p>When I was admitted to the California State Bar in 1977, I submitted fingerprints. The proposed court rule to implement a fingerprinting requirement for active licensed attorneys suggests that the State Bar at some time after I was admitted stopped requiring new members to submit fingerprints. The proposed rule should be amended to require the Bar to pay for the resubmission of fingerprints of members who previously submitted them but which the Bar did not keep.</p>		\$M, AF!
<p>The criminal arrest records: there needs to be a degree of the criminal records able to be disclosed. If a corporate lawyer has a DUI, does that change his knowledge or ability to practice corporate law? If a DUI defendant is represented by an attorney who has recently received a DUI, does that hinder his ability to defend said client? The problem I see with no clearly stated degree of criminal convictions is an attorneys privacy is being violated and reputation damaged, affecting client retention, when the crime committed has no bearing on whether the attorneys can do the job they have been asked to do. does it matter if my real estate attorney received and pled guilty to urinating in public? No, it doesn't and it's no one's business if he did.</p>		OB#
<p>I have been a member of the State Bar of California for over 21 years. I have no record of discipline. My career includes a long list of happy and satisfied clients. Each year I pay substantial dues for my fair share of a portion of the Bar's costs to investigate and prosecute attorneys who have committed violations of various laws and ethics rules. I think the vast majority of attorneys, like myself, who faithfully uphold the laws and ethical rules of this State, should not be required to incur yet another expense when we have not broken any rule or done anything that would create a risk to the public. Accordingly, I believe that the fingerprint rule should only apply to those attorneys who are being investigated by the State Bar for possible discipline, and the costs should be borne only by those attorneys. Attorneys with many years of trouble-free practice and not under investigation should be exempt. Thank you.</p>		NO PP, \$\$, EX#
<p>This rule is long over due, criminal behavior should not be tolerated when your an Officer of the Court. Being able to identify when a member is on a criminal lifestyle serves the public interest as to prevent that behavior from escalating.</p>		
<p>To require fingerprinting of all attorneys, most of whom are law abiding citizens and many of whom have been in practice for a long time, is overkill and not warranted. Identity can be established in other ways, and criminal history can be researched in other ways. Many individuals, such as those involved with youth groups, already have fingerprints on file, yet nothing in the proposed rule utilizes the existing records. This is just make work and an expensive inconvenience for numerous people due to a few bad apples.</p>		NO PP, ALT. OPTS
<p>Doesn't the BAR have anything better to do than come up with trivial fixes for non-existent problems?!</p>		NO PP
<p>It is wholly unnecessary; would be a burden on the members of the state bar and applicants. Further it is an unreasonable invasion into members' privacy which is not outweighed by the purported benefits. I stridently oppose this proposed rule and will be severely disappointed if it is enacted.</p>		NO PP, PRY.
<p>Current screening process is sufficient</p>		RR#
<p>There are far less intrusive ways of ascertaining a member's identity and accessing relevant arrest records. There is no reason for the state bar to require members to submit fingerprints - with little to no guarantee that such information is kept in any secured manner.</p>		ALT. OPTS, NO PP
<p>Unnecessary requirement that imposes additional burdens on practicing attorneys.</p>		NO PP, BR.
<p>I disagree with the language "All costs of providing criminal history information to and the processing of fingerprints for, the State Bar, including print furnishing and encoding, as required by section 6054, shall be borne by the licensed attorney." Attorneys are not requesting this or benefitting from it. Also, the vast majority of California attorneys have no undisclosed criminal record, yet they would be required to pay for the program. If this is a public-welfare or policing measure, the cost should be borne by the State.</p>		\$M
<p>To require all CA attorneys to take the time and to bear the cost of obtaining fingerprints for the convenience of the CA State Bar, seems unreasonable. My suggestion would be to have each practicing attorney sign a declaration under penalty of perjury, that they have not been convicted of a felony during the period of time they have been licensed as an attorney in CA.</p>		BR., \$\$, ALT. OPTS

COMMENTS	ATTACHMENTS	CATEGORY
While I do not object to submitting a fingerprint exemplar to the Bar, I do object to having to pay for it again. As I recall I paid for it already when I originally made application to the Bar for membership. The expense should be borne by the Bar not it's current membership.		\$M
The proposed rule's invasion of privacy does not justify the burden imposed on the attorney.		PRY., NO PP
The rules is not necessary, will add to the expense of practicing law, and is a threat to the privacy of attorneys as it results in one more agency unnecessarily having their biometric information.		NO PP, PRY.
I am writing to comment on and object to the proposed California State Bar fingerprinting rules for active attorneys. Amended Business and Professions Code section 6054, effective Jan. 1, 2018, would authorize, but not require, the State Bar to mandate that all attorneys submit fingerprints to the Department of Justice ("DOJ"). By letter dated 10/20/17, the California Supreme Court has directed the Bar to require this. These comments are an objection to both the court's direction and the proposed Bar rules. According to the Bar's 11/3/17 memo to the Board of Trustees, there are about 189,000 active attorneys authorized to practice in the state. Very few are ever convicted of crimes. Not all of these crimes are of interest to the Bar. And most convicted attorneys report to the Bar, as required. Rather than the Bar fingerprinting 189,000 attorneys, it would make much more sense to require the DOJ to report to the Bar the relatively few convictions of attorneys. True, DOJ may not always be aware that a convicted defendant is an attorney—though it would be easy enough in most cases to check. But even in cases in which the crimes of non-reporters are of interest to the Bar, where is the quantitative evidence showing how many clients have been subsequently harmed by the failure to report? Collecting and maintaining fingerprint records, especially in electronic form, on 189,000 people is an imposition on liberty. Plus, every electronic database is subject to hacking and unauthorized disclosures, as we have learned of late. We all, including the Bar, need to be much more cognizant of the gradual but constant loss of liberty that results from increasing surveillance. On the same day that I learned of the proposed fingerprint requirement, I also learned of the "Real ID" requirement that will force most drivers in California and the country to re-verify their identities in person and obtain new licenses with electronic data that can be shared nationally and possibly with Mexico and Canada. It is in essence the national identity card resisted by civil liberties groups for so long. Add to that the ubiquitous surveillance cameras, and the fact that most commercial transactions are carried out now by credit card—which tracks exactly what is obtained, where, when, and by whom. Electronic toll-takers on some bridges photograph license plates and track the time of passage; and there are legislative proposals for tracking drivers in order to tax them based on mileage. While not responsible for these other phenomena, the Bar, through its proposed requirement for fingerprinting 189,000 innocent people, would contribute to the accelerating loss of liberty in our society. As argued above, this is unnecessary, and in any event, outweighed by more important interests. In submitting these comments, I understand that the fix is in, and that the new requirement will be imposed regardless of what anyone says.		ALT. OPTS, NO PP, PRY.
I believe I was fingerprinted in 1984 prior to admission to the bar. I don't have a problem doing it again but a provision should be made for us out of state folks to have a local law enforcement agency do the fingerprinting so it's clear we don't have to travel to CA to get fingerprinted. I think it's a good idea with that clarification.		OOS B.
This is problematic for attorneys that are active but practicing out of state, especially those that are practicing outside of the United States. If residing and practicing outside of the US, it will be difficult to submit fingerprints. Therefore, an exception should be made in the proposed rules exempting active attorneys practicing outside of California, or at least outside of the United States, from providing fingerprints. Moreover, the process of fingerprinting itself is time consuming, expensive and non-effective. A more cost effective approach would be to have newly admitted member fingerprinted.		OOS B., FOREIGN#
I agree for new attorneys or those who have been sanctioned. BUT I have been one since 1986, am now 76 years old and hope to retire soon so I take exception that those of us in good standing with so many years should not be required to do anything more. If you didn't trust us when you licensed us, that was the time to do the fingerprinting, and seems to me it was done if I recall. So please amend to exempt some of us. Thank you.		EX#
If the State Bar imposes this requirement on active attorneys, the State Bar should bear all related costs and/or provide for "free" fingerprinting by all local law enforcement agencies.		\$M

COMMENTS	ATTACHMENTS	CATEGORY
<p>I agree that licensed California attorneys should be required to report convictions to the State Bar. However, I unequivocally disagree with the proposed rule to the extent it requires licensed attorneys to pay another fee to the California State Bar, to remedy a problem created by years of mismanagement. I find it outrageous that my duly licensed colleagues and I should be required to ignore client matters and consume what little free time we have reserved for family and friends, to fix yet one more State Bar misstep. As a licensed attorney in California, I already pay nearly twice the annual fee charged by other state bar associations. Additionally, my initial licensing fees and costs when I first applied for admission to California far exceeded comparable fees for admission to other state bars. Even so, the California Bar now asserts duly licensed attorneys must take time away from clients and family, and must pay yet another fee to take another set of fingerprints, because they failed to comply with their own rules, to submit them to the California DOJ, and to keep the original set paid for and submitted with my original application for admission to California. Enough is enough. Why should my licensed colleagues and I be penalized with having to take time away from clients and family, and to pay another fee to the California State Bar to cover their mistakes and incompetence? The bar needs to live within its means, and trim its expenses just like the rest of us, if it needs to recover from its years of neglect and mismanagement. The licensed bar should not have to pay for incompetence and malfeasance. I will fully support the proposed class action lawsuit that some have suggested, to obtain a writ to accomplish as much, and will maintain vociferous opposition by way of my elected representatives, in hopes of reigning in such ludicrous penalties. The State Bar should not be able to step away from its failures and impose the financial consequence of such on its licensed attorney constituents. Far too many "managers" at the State Bar earn far too generous compensation packages, for obviously inadequate knowledge, skill, and expertise. Consider this: If I had mismanaged a client's funds as poorly as the State Bar has managed its annual receipts from its licensees, I have no doubt the State Bar would see me disbarred without hesitation. I am bewildered that the State Bar and its management and rank and file employees, should not be held to a similar standard. Anything less, at best, enables continued malfeasance, caprice, and avarice, and at worst creates an appearance of corruption. Either circumstance does little to support a perception of the integrity, ethics, and professionalism that I would hope my State Bar would promote. If our elected representatives believe in earnest that the public is best served by re-fingerprinting each licensed member of the Bar, then the public treasury should bear the burden, so that the constituents of our legislature can hold their representatives to account, and perhaps force them to hold the State Bar "managers" to account for their imprudence. I hope the Bar has the courage to publish this on its own, as I intend to submit it to our various statewide OpEd editors in hopes of encouraging all to reject the imposition of this ridiculous fingerprinting time requirement and additional fee.</p>		<p>\$M, BR.</p>
<p>I believe we all had to submit fingerprints when we applied for admission. Shifting the costs of submitting new fingerprints to the attorney, when the costs are unknown, is unacceptable. If the State of California wants this after acquired information, they should assume the cost of obtaining it.</p>		<p>\$M</p>
<p>All attorneys already had their fingerprints taken for the Bar Exam. Many have had their prints taken for various other engagements - youth sports, Pro Tem judge, etc. This is a waste of time, money and resources.</p>		<p>AF!, BR., \$\$</p>
<p>The idea of requiring licensed attorneys to submit fingerprints is preposterous. We are attorneys; not criminals. One of the factors considered when admitting attorneys to the California State Bar is our character and fitness. This concept of requiring fingerprints basically cuts against the core of the basic principle that attorneys possess candor and good moral character (it basically creates the presumption that attorneys are not honest and do not possess good moral character, and that fingerprints are needed because attorneys will not otherwise comply with the ethical rule requiring disclosing of arrests and convictions to the State Bar). There also appears to be a total lack of rules in place for who the State Bar can require fingerprints from and under what circumstances. This is particularly problematic because it basically gives the Ethics Committee unfettered discretion to do whatever it pleases. For example, under the proposed rule, there seems to be nothing to prevent the Committee from requiring fingerprints to all state bar members who are of a particular race, sex, sexual orientation, etc.</p>		<p>RR#</p>
<p>Before curing a problem, one should define its scope. Is there actually a problem with convicted criminals becoming members of the bar? I read the discipline notes every month. I do not recall any disbarment for failing to disclose a prior conviction. Similarly, do we believe that convicted criminals are not reported to the state bar currently? I have difficulty with the State imposing an invasion of California's Constitutional right to privacy without an actual and substantial governmental interest. In the papers provided here, there is no indication of any problem which fingerprinting everyone would address. This is merely the state mandating action because it has the power to do so. I am not afraid the State Bar will misuse the information. I am afraid that the State Bar and the Supreme Court, who should be the first organizations to bristle at the unreasonable collection of personally identifying information, are organizations uncritically complying with a dumb idea which will provide little or no benefit to the State Bar at an extra cost. Do you recall Brandon Mayfield. He was an Oregon attorney, who converted to Islam. The FBI found a 100% match of his fingerprints with those on a bomb from a terrorist act. Subsequently, he was exonerated and someone else convicted using the same fingerprints. I was a Navy officer. My fingerprints are on file, because I had a security clearance. The FBI interviewed my third grade teacher. Thus, I am not concerned about this issue for my own personal reasons. The validity of fingerprint identification is under attack. Errors occur at so many levels of the fingerprint recognition process--not to mention that the match, even after a computer analysis constitutes only an expert's opinion. As a "science" it is neither reliable nor valid even after over 140 years of use. The State Bar ought not voluntarily invade the privacy of its members without good cause. We who are members enjoy more than just the privilege to practice, but a vested property right interest in continuing to practice. The State Bar as a hybrid organization must protect the public and its members. No prima facie showing has been made that this speculative proposal would protect the public, much less a cost benefit analysis to justify the expense. And, The Supreme Court's weighing in to assert that this process is critical to protecting the public raises more questions than it provides guidance. The Court ought not be vouching for a system which is under attack when the Court knows it will be facing such an issue in the near future.</p>		<p>NO PP, WN#, UNCONST.</p>
<p>This proposal invades attorneys' individual privacy rights and is far too overreaching. It violates the 4th Amendment as well as California's constitutional protections against illegal searches. It violates the 5th and 14 Amendments requiring due process. It is fundamentally unfair to require active attorneys to give up their constitutional rights in order to practice law. I became a member of the California Bar in 1992. I submitted the required fingerprint card at that time as part of the application process. I strongly object to any additional fingerprinting requirements.</p>		<p>UNCONST.</p>
<p>It is a good idea to have attorneys fingerprinted. Negotiate a cheap price so it is not a financial burden to do so.</p>		<p>\$\$</p>

COMMENTS	ATTACHMENTS	CATEGORY
<p>In my opinion, attorneys should not have to be fingerprinted. This proposal is yet another invasion of privacy and liberty. If attorneys have to be fingerprinted, then everyone should have to be fingerprinted—including children. What's next, we all provide dna samples. Certain jobs might require fingerprinting. I had to be fingerprinted 50 years ago when I worked for a school district for the summer, but that was a job requirement. But I should not have to be fingerprinted when working as a private attorney in a civil law practice.</p>		PRY.
<p>Attorneys in the State of California have to comply with numerous laws and regulations. This proposed rule is just one more regulation - another hoop to jump through - that will do nothing further to protect the public. Attorneys already get fingerprinted when they apply for the State Bar. After that, they must comply with any number of ethical and legal obligations set forth in the California Rules of Professional Conduct and Business &amp; Professions Code. Local, state, and federal law enforcement agencies are required to provide information to the State Bar about attorney convictions, and attorneys themselves are required to self-report as well. I am not aware of a single situation in which an attorney "flew under the radar" and was not disciplined by the State Bar in a timely manner - and even if that were the case, there is no evidence that keeping attorney fingerprints on file would have remedied this situation. Are there going to be State Bar officials routinely running attorney fingerprints through local, state, and federal databases? Finally, there must be some recognition of the right of privacy in this State. This is a constitutional matter. Will the State Bar start keeping DNA files on attorneys as well? What about hair samples or a requirement that attorneys upload a recent photo every year? What possible purpose could such requirements serve? On the other hand, fingerprints are increasingly used to open electronic devices, such as smartphones and door locks. It would be all too easy for a hacker to access fingerprint files through a civil agency's server, download fingerprints, and use those to access files. Perhaps not in the immediate future, but certainly in the not-too-distant future. In summary, there is no evidence that keeping attorney fingerprints on hand will help protect the public, but there is a very real risk of an invasion of privacy on the part of attorneys who will have to submit to (and even pay for!) fingerprints to be submitted on a regular basis. This is one more regulation in a state of too many regulations, and should not be passed.</p>		NO PP, RR#, UNCONST.
<p>I agree with the objective and procedure of most of the rule, but I believe that attorneys that qualify for a fee waiver or fee reduction should not be required to pay any costs associated with fingerprinting. As an attorney who has qualified for this relief, although it is appreciated that the State Bar intends to pay DOJ/FBI processing costs for those qualifying for fee reduction, print furnishing costs too are among the many seemingly "trivial" expenditures stacked upon attorneys with limited income which serve to make practicing law in any capacity at all very expensive, in addition to MCLE classes - the cost of which can be exorbitant -, access to critical secondary sources such as Rutter, the ever-increasing annual renewal fee, bar association memberships, even now charges for a laminated Bar card that used to be gratis (which I myself feel compelled to pay for next year as clients seem to see a printed paper Bar card as unprofessional), etc. The direct monetary cost of not only applying for admission to the Bar but practicing law on a daily basis is very high for attorneys to begin with, particularly when an attorney must spend more and more on seemingly non-required resources - like legal research subscriptions and so forth - to be minimally competitive and competent. Continuing to impose more and more costs on the backs of attorneys that are already struggling to keep up, including for many attorneys - like myself - that willingly forgo a higher income in order to serve clients of limited means, only serves to make the practice of law materially less attractive in an era where the desirability of practicing law for the best and brightest is at its nadir. In an era of renewed vigorous attacks on the viability of programs to benefit the poor, attorneys that answer the call to serve this population nonetheless should be subsidized by the Bar as greatly as possible as the ranks of attorneys willing to do this critical work diminishes every year. The balancing test between the minimal costs for the Bar to cover print furnishing of fingerprints for those that the Bar has already determined should qualify for some assistance with respect to fingerprints and the costs to the already-impacted attorney as described above should be decided in the attorney's favor.</p>		2.15B#, \$M
<p>I HAVE BEEN PRACTICING SINCE 1987. I OBVIOUSLY PASSED ALL THE BACKGROUND CHECKS AND HAVE HAD NO DISCIPLINARY ACTIONS. HOWEVER, I HAVE VIRTUALLY NO FINGERPRINTS ANY LONGER BECAUSE OF THE AMOUNT OF PAPER WORK I HAVE DONE THAT HAS "SANDED" OFF MY PRINTS. I HAD PRINTS TAKEN 3 TIMES IN (I THINK IT WAS 2011) TO MAINTAIN MY NOTARY LICENSE. EACH TIME THE PRINTS WERE INSUFFICIENT. SO FIRST, WILL WE ALL GET NOTICE THAT WE MUST SUBMIT TO NEW FINGER PRINTING? SECOND, WHAT WOULD THE PROCESS BE IF OUR PRINTS DON'T SATISFY THE COUNTY LAW ENFORCEMENT BECAUSE AS IN CASES SUCH AS MINE ... I DON'T HAVE ANY? WHAT THEN?</p>		AF!, DIS#
<p>This is an outrageous violation of privacy and overreach by the state bar wherein attorneys are being treated like felons by their own organization. I know of no other bar that engages in such police state tactics. There is a high risk the data gathered will be misused.</p>		OB#, PRY.
<p>Look at the situation in Turkey regarding the arrest of judges and attorneys. Use of fingerprints is another mechanism of control of the independent bar and should be resisted in every respect.</p>		PRY.
<p>Awful proposed rule. More unnecessary government intrusion into our private lives. No means of enforcing its alleged limited use.</p>		PRY., NO PP
<p>This rule requiring fingerprints of all attorneys smacks of fascism. Moreover it is irresponsible and shortsighted. We all know that there is no such thing as a secure database. What happens when our biometric data is hacked? You can change bank account numbers, you can even change social security numbers, but you can't change your biometric data. Why should attorneys be forced to compromise on common sense principles of data security. It's ridiculous. As non-criminals, we should not be forced to hand over our fingerprints to put into an insecure data base in order to be allowed practice our profession. Furthermore, for individuals who already use fingerprints to open their phones be aware that the justice department will be able to use your finger print data to open your phone. That should not be acceptable for anybody, particularly for attorneys, because our phones are filled with confidential attorney-client communications. It is not just our own identities and confidential information at stake, but also that of our clients. There will likely come a time in the not too distant future, where our business and consumer technology (smartphones) no longer even allows a choice between passwords and biometric data — we'll have to use fingerprints. Law enforcement cannot compel you to give up the password to your phone, but there will be little to stop them from using "voluntarily" provided biometric data from their database (obtained under this proposed rule) to get into your phone. This rule is being promulgated because of a letter sent to the State Bar from the California Supreme Court? Why? A letter is not the law; push back on it. Tell the California Supreme Court "no" and provide the reasons. The State Bar should have the courage to push back on this, and decline to implement such a rule. We are the ones who are supposed to PROTECT the public from such nonsense, not implement it! Are we attorneys, or spineless sheep? I find this whole notion to be completely outrageous.</p>		PRY., SCY, NO PP

COMMENTS	ATTACHMENTS	CATEGORY
<p>Attorneys should not be required to pay the cost of fingerprinting. The State Bar has had financial mismanagement issues for many years and these are known to attorneys and some of the public. The State Bar now has approximately six (6) employees being paid more than the California Governor. What do they do? There have been "wars" between numerous factions of the State Bar almost continually. Obtain fingerprints at the time of Bar application paid for by applicants. The various sections of the Bar have now split off from the State association. The State Bar has fought with previous governors, the legislature and everyone else it deals with. This proposed legislation is unnecessary; dangerous to attorneys as a result of an irresponsible State Bar seeking more power and showing less responsibility, discipline and management ability. The trustees have totally failed in their oversight of the State Bar as it operates as a "loose canon". A REAL OVERSIGHT GROUP IS NECESSARY TO STRAIGHTEN OUT THE STATE BAR. At this point the State Bar is a quasi public agency out of control. RESULT - they want to fingerprint attorneys. Next will come DNA, I suppose, along with increased salaries etc.</p>		SM
<p>Clearly, you don't have enough to do. Another intrusive unnecessary rule to harass the forced members of this wasteful group.</p>		PRY., NO PP
<p>1. Are in-house counsel and foreign legal consultants subject to the same requirements? 2. Are military agencies going to furnish the State Bar with disciplinary proceedings relating to applicants for State Bar membership?</p> <p>I suggest modifying the rule and amendment to provide for fingerprinting current Bar members on those for whom there has been some criminal charges filed. I also oppose the requirement that the Bar member must bear the cost of this process. If this latter objection is overruled or ignored, I suggest that there be a cap on this expense be established for which the member is responsible, and that such cap be publicized while the comment period is still open. At a minimum the estimated amount of this expense should be immediately publicized so that all stakeholders understand the time and money burden this will entail.</p>		EX#, SM, \$\$
<p>I agree in principle with the Proposed Court Rule as a good means of protecting the public and maintaining the ethical standards of the California Bar. However, I have a concern regarding the lack of specificity in the Proposed Rule regarding the actual cost involved in this fingerprinting process, which, per the Proposed Rule, is to be borne solely by the attorney. I am on a fixed income and have been granted a fee scaling limit of my State Bar Annual Fee by the State Bar, and it is very important to me to know precisely how much this process will cost. I strongly feel that an identified fee certain should be included in this Proposed Rule.</p>		\$\$
<p>My comment does not concern the balancing of privacy interests and public protection that underpins the scope of the proposed rule. My observation is more fundamental. Can the State Bar be trusted not to mishandle or misuse the extensive information this rule would allow the agency to gather? Unfortunately, the answer at present is no - emphatically. This is not the time to increase the State Bar's powers. I would be much more comfortable, and I doubt I am alone, in funding California's highest court to play a greater role in the minutiae of attorney discipline as in many other states. The State Bar's history is marred by scandal, political and turf squabbles, repeated inability to retain a top prosecutor for professional discipline, and ineptitude in mismanaging, most notably, public funds. The State Bar should not be in the news. Yet, it is all the time and for all the wrong reasons. All government agencies by definition must be careful stewards of the public fisc. If the State Bar cannot do even this much reliably, how wise is it to entrust the State Bar with police-like powers as though deputized by the Attorney General? Not wise at all. This proposal requires more thought and deliberation. It should not be rushed through to approval. If the State Bar is to possess anything close to this authority, there must be safeguards against abuse of power and misuse of information. The State Bar has given California lawyers (and legislators, if they are paying attention) no choice but to push back and protect the agency - which should set the standard for moral opprobrium and professional competence - from its tendency to screw things up. Respectfully submitted, Kevin Green</p>		SCY
<p>I object to the proposed requirement that active members of the State Bar, currently in good standing and not seeking readmission after a period of separation from the Bar, ALSO now be required to submit fingerprints. When I was licensed to teach school, I was fingerprinted. I had no objection to that, because there has long been an active subculture of people who victimize children, and the potential harm to relatively defenseless children from not detecting such people (at least those who already have a record) greatly outweighed the personal time, cost and indignity involved in being fingerprinted, something usually reserved for people for whom there is probable cause to believe they have committed a crime. And since fingerprints can be used to identify people who have been merely arrested, even if not prosecuted or convicted, it seemed like identifying people who have even been arrested in connection with a crime against a child was, arguably, useful because it allowed school districts to make sure such persons, even if hired, did not have unsupervised access to children. However, at that time, in the 1970's, I had not been to law school and did not understand the important differences between mere arrests and convictions. This proposed rule has nothing to do with protecting children. The people who deal with attorneys are adults, not children. Children with legal issues who deal with attorneys do so via another adult, a guardian ad litem, a social worker, etc. The purported purpose of requiring all attorneys to submit to fingerprinting, according to the Chief Justice, is this: to receive subsequent ARREST notification for these individuals. (My emphasis.) Obtaining mere arrest notifications is NOT the primary justification given by the State Legislature, but in order to establish the identity of the applicant and in order to determine whether the applicant or member has a record of criminal CONVICTION in this state or in other states. (My emphasis.) A conviction, not a mere arrest. An existing member of the State Bar has already been vetted by the Bar examiners as to his or her identity, as well as by, in most cases, the DMV and the State Department for passport holders. Records of criminal convictions are also a matter of public record that can be accessed without use of fingerprints. If a name is common, the person's identity is further narrowed down in criminal records by such information as date of birth. The State Legislature has protected other Californians from being asked, in connection with their employment, if they have ever been merely arrested. Under current employment law, once an employer makes a conditional offer of employment, it may ask about and consider the applicant's conviction records, but arrest records that did not lead to conviction are off limits at any point in the hiring process. I think attorneys are entitled to the same kind of treatment as their fellow Californians. Requiring them to be fingerprinted so their mere arrest records can be found is insulting and, to some extent, irrational. An arrest is not proof of any wrongdoing. I speak as someone who has now been improperly arrested twice in California for exercising my First Amendment rights in a public setting. Both arrests were pursuant to perjurious citizen complaints. One such arrest resulted in no charges being filed and a civil lawsuit that was settled to my advantage, and the other is one in which the public entity never filed charges and voluntarily agreed not to release the booking photos and fingerprints that were improperly taken, and in which I still have time (and the intent) to file a civil suit against the perjurer. I think it reflects poorly on the State Bar to act as</p>		NO PP, OB#, EX#, AF!

COMMENTS	ATTACHMENTS	CATEGORY
The proposed Rule has not exception for individuals who are physically unable to provide a fingerprint scan because of their age. I held a notary public's certificate for several years. On my more recent renewals, the Secretary of State required a fingerprint scan. I was unable to provide one because, so I was told, it is not unusual for someone of advanced age to be unable to provide a scan. The Secretary of State had a process in place to renew the certificate for such individuals and my Certificate was renewed without much hassle other than two separate attempts at two separate sources to obtain a good scan. Although not applicable to me, will there be any exemption for those members of the Bar who are unable to physically present themselves to a fingerprint scanning agency for a scan? Thank you. Sandor T. Boxer		UNREL.
Even as an inactive member, I would be willing to drive over to El Centro within a week from my home near Phoenix if this were required of me. This rule is reasonable in scope and purpose for public protection.		
Enough fingerprinting already don't you screen them initially anyway?		AF!
I agree that fingerprints for attorneys should be maintained. That is why I was fingerprinted when I applied for membership years ago. I do not agree, however, that I or my firm should have to pay for fingerprinting again when the State Bar lost or did not maintain the fingerprints. It is not my fault that I may need to be fingerprinted again. And, by the way, doesn't the State Bar have insurance for its errors and omissions that might cover this cost?		SM
It's an overreach that has no causal connection to public safety. Why not require the submission of a blood or DNA sample or a retinal scan? It also seems unclear what issue this speaks to -- ethics based on an arrest? An arrest without charges brought (let alone a conviction) says what about the morality of an active member? If the State Bar is looking to weed out unethical lawyers, start with taking current complaints against attorneys seriously. I helped a client file a complaint against an attorney who charged her \$150,000.00 for a sham appeal, sham lawsuit, and took \$40,000.00 from her without stating/disclosing that \$40,000.00 was received on the client bill, and the State Bar has done nothing. I understand that a fingerprint run through a database requires little to no effort, as well as little cost, but if the State Bar was properly funded to investigate, prosecute, and enforce current complaints, then that would help make a more ethical profession; not fingerprints.		NO PP, OB#
In addition to my membership in the state bar, I am an attorney licensed to practice before the United States Patent and Trademark Office, which requires that I maintain my state bar membership as a condition on my practice as a Registered Patent Attorney, even though I am an out-of-state resident and no longer practice in California. While I do not oppose the proposed Rule in principle, I am very concerned about its implementation. I have read Board of Trustees Agenda Item 701 and its attachments. While there are two very brief, peripheral mentions of out-of-state attorneys, there is no indication that I can find that suggests that the compliance concerns of out-of-state attorneys has been given any consideration in the rulemaking process. In order to avoid significantly disproportionate impact(s) to out-of-state attorneys, I request the following: (a) that the staff be directed to prepare proposed rules for compliance by out-of-state attorneys, if necessary taking into consideration the availability of acceptable fingerprinting services in jurisdictions outside California; (b) to the extent necessary to avoid disproportionate impacts, that the Bar enter into working agreements to make fingerprinting services reasonably available to out-of-state attorneys in the jurisdictions in which they reside; and (c) that the final rules package provide clear and specific directions to out-of-state attorneys for compliance. Thank you for your consideration.		OOS B.
The proposed rule leaves attorneys, or at least me, and I am an active member of the State Bar of California (SBN 56741), ignorant of whether the State Bar has my fingerprints on file. Therefore the proposed rule should require the State Bar to notify all lawyers for whom the State Bar does NOT have fingerprints on file that the notified lawyer's fingerprints are not on file and therefore that the notified lawyer does have to get fingerprinted and submit his/her fingerprints to the State Bar. If the proposed rule is modified to require State Bar notification, as described in the preceding section, that would make the proposed rule at least minimally acceptable to me. The proposed rule would be even better if it also required the State Bar to notify lawyers whose fingerprints are not on file with the State Bar of where the lawyer could go to get fingerprinted and otherwise comply with the proposed rule. I for one have not a clue where I should go to comply with the proposed rule if my fingerprints aren't currently on file with the State Bar.		IMPLEM.
Absolutely not. Completely ridiculous rule and a violation of privacy. The pinheads in the State Capital need to focus on real issues.		PRY.
In the age of Donald Trump I find this one more offensive intrusion into my civil rights. I was finger printed when I was first admitted and frankly I found that offensive.		PRY., UNCONST.
This is an unnecessary invasion of privacy intended to solve a problem that does not exist.		PRY.
When I applied to take sit for that bar exam, and then applied for admission to the bar in 1988, I submitted a full set of fingerprints, taken by a licensed facility, as required. I understood that my fingerprints would be sent to the FBI, and used in a criminal history check as part of the determination of my moral fitness for bar admission. I have no reason to think that the FBI has misplaced my fingerprints, or that they have changed since then. I have always understood the bar would have access to my criminal history as needed for its lawful purposes. I paid \$30 for the fingerprinting service. I also understand it is my obligation to notify the bar if I am charged with a crime. I have great respect for the chief justice, but I do not agree that all active lawyers should have to pay for additional fingerprinting.		AF!, RR#
This proposal moves California and the California Bar ever closer to a fascist police state. Here we have yet another rule that affects 100% of proposed attorneys and existing attorneys, no matter how long the attorney has practiced and no matter what the attorneys records are with respect to the State Bar. We have a State Legislature that delights in passing rules, mandatory vaccinations, mandatory finger printing and the like. More and more information and data is collected, and with all the errors, the data gets hacked and stolen and sold. This proposed rule eliminates all privacy. This proposed rule includes in its scope all unrelated and irrelevant matters that may be learned by forced, coerced fingerprinting. The State Bar lacks any spine. Lawyers no longer get those wonderful publications that had scholarly and beneficial articles. The State Bar has little else to do than browbeat and batter its members. The State Bar is a bunch of worthless bureaucrats who need to get a real job. While I might be convinced that fingerprinting is required before joining the State Bar, I would still object to the betrayal of privacy and the obvious probability of irrelevance. I don't trust the State Bar to hold these records in confidence.		PRY., NO PP, SCY
Utter waste of money and resources. Appears driven by paranoia that numerous criminals are practicing law in California. Resources should have been dedicated to more productive endeavors for the public weal.		NO PP, \$\$
For what reason or purpose is the rule? To protect the public? Why would fingerprinting help in any way protect anyone from doing anything. I don't agree with this proposal.		NO PP
I've already paid once to give the State Bar fingerprints. If you want a second set, the DOJ or State Bar should pay.		SM

COMMENTS	ATTACHMENTS	CATEGORY
I was very sad and shocked to hear about the proposed finger printing requirements. I strongly disagree with the proposed Rule.		
I need more information. To my knowledge, one must submit fingerprints in the application to become an attorney. I do not understand the circumstances under which there would not be fingerprints for a California Attorney, hence why this is necessary.		AF!
Attorney applicants undergo a background check before licensure. There is no justification for fingerprinting applicants.		AF!
I remember being fingerprinted when I first applied for membership in 1975. Did those fingerprints get lost? Unless this procedure has been abandoned you should have what you need.As to criminal convictions, it would be simpler to allow the State Bar access to the DOJ criminal files where everything is disclosed. Your computers should be up to that.The apparent intent of the people who control the State Bar (and I am not sure who THEY are except that they exist) has been to close down the practice of law outside of (1) government and (2) large firms. Country practitioners like me are almost extinct because the whole process of existing has become too burdensome. Thank goodness 2018 will be my last year.Douglas Buchanan65341		AF!, BR.
I don't agree that the State Bar should use ARRESTS prior to convictions for discipline. The fact of the matter is this: More and more we live in a police state. Police officers are human beings, too, and, when offended, will arrest a citizen who has done no more than offend or anger the officer. I've had officers tell me, "I don't like attorneys." And I believe them. Arrests are irrelevant. Beginning any inquiry or disciplinary proceeding prior to a conviction is very dangerous and portends to remove those lawyers who would zealously and, as perceived by law enforcement officers - successfully, from practice. This reminds me of Shakespear's "CADE'S REBELLION" where the oft-quoted line, "The first thing we do, let's kill all the lawyers" is said by conspirators who want to overthrow a democracy and who aptly see that lawyers are the people who will fight most effectively to save the democracy. Allowing police, who have the power of arrest at a very low bar - suspicion of a crime, to cause an investigation into a lawyer or a suspension based on an arrest is a dangerous way to silence lawyers who are doing their constitutional duties. Police arrest. Courts convict. Until courts convict, there is NO REASON to institute State Bar proceedings. And if we allow discipline based upon arrests or even disciplinary investigations based on arrests without convictions, we are progressing down a very slippery slope - and like the 1930s and 1940s in Europe, citizens who see their neighbors arrested won't realize what's going on until they themselves are arrested. A police officer does his or her job when s/he makes an arrest. Further investigation into an arrested individual's behavior gives to police power that is not authorized under law. There is no "guilty" until proven.		OB#
The government has no legal right to fingerprint me except upon arrest. I am not going to submit my fingerprints to State Bar bureaucrats. To paraphrase Mr. Cohen, of Cohen v. California infamy, Fuck the Bar!		UNCONST.
The standards to become and maintain good standing as a member of the Bar are one of the mostly highly regulated standards in the country. By and large attorneys are ethical and law abiding citizens and finger printing serves no worthwhile public purpose. I feel requiring finger printing is a demeaning requirement and one the California Bar ought not to subject officers of the court to have to endure. Thank you for your consideration of my opinion.		RR#
This is an invasion of privacy. The information sought as to whether an applicant, or a current attorney, has a criminal record is already easily discoverable through available methods that do not require individuals to subject themselves to the degrading process of finger-printing.Given that criminal records can be searched without fingerprints, this proposal would have no net effect of revealing criminal records, but rather would create an unnecessary cost and inconvenience for practicing professionals.		PRY., BR., \$\$, ALT. OPTS
I think fingerprinting attorneys has its good points. There is an area that troubles me about the proposal. As in the 1960s, this is a time when politics pervades public life, although now there is much more surveillance. I do remember in that turbulent time, lawyers - and even lawmakers - were often arrested sometimes brutally by police for protesting and exercising free speech. I have concerns that such protests by lawyers who represent clients in efforts to make effective political change (by attending marches etc.), could be fingerprinted and arrested. The threat of reporting to the State Bar regarding such arrests his could have a chilling effect on attorneys participating in social change, or negatively affect their zeal in representing clients who participate in such civil disobedience.I believe that provisions should be made in the proposal that protect attorneys when they participate in reasonable protests, with or without clients. Attorneys have a role to play in protecting free speech at rallies, and it is clear that civil disobedience results in arrests of attorneys attempting to protect the public in such scenarios.Thank you for considering this aspect of the proposed rule		OB#
I didn't realize that the Bar was not already notified of convictions occurring after admission. So, this just takes us to where we should have been all along.		
Unnecessary. Do not attempt to become a pseudo-police agency. Live off your budget and do not continue to build a behemoth organization.		NO PP
I submitted fingerprints at time of admission (1987); my concern is the PRIVACY PROTECTION OBLIGATIONS of the State Bar to protect improper access to my fingerprint records by criminals, marketing organizations, etc. Fingerprints are sensitive privacy data, given cell phone locks, car locks, and other devices accessed via fingerprints due to their unique protective and personal nature. I have never received any Privacy Policy notices or disclosures from the State Bar regarding my fingerprints, and believe they are considered "public information" like my name, address, etc. Given the State Bar's unfortunately inept management and controls over the last few years, I am very concerned as to who may acquire access to my fingerprints and for what purposes.I do not believe the proposed Rules adequately address this issue, and need to be supplemented by regulations concerning privacy including creation and mailing of a Privacy Policy relative to same. I have no problem with law enforcement access to my fingerprints, but I do not want anyone else having access to them absent my informed consent.Thank you.		PRY., SCY
The State Supreme Court's letter of October 20, 2017, obligating the State Bar to require attorney submission of fingerprints constitutes a misreading of the statute. While section 6054 authorizes the State Bar to require submission or resubmission of attorney fingerprints to the DOJ, it does not obligate the State Bar to do so. Moreover, the authorization to require submission of fingerprints is tied to initial application for membership in, or re-application to join, the State Bar. The legislature did not intend to obligate all active members of the State Bar to submit fingerprints to the DOJ.		6054#
The costs/burdens of requiring nearly 200,000 licensees to resubmit fingerprints (due to no fault of their own) outweighs the benefits of the proposed rule.		NO PP
An ill-conceived and half-baked idea at best, neither need nor justification has been shown.Further, if Bar nevertheless seeks the information, it should bear all costs.		NO PP, \$M

COMMENTS	ATTACHMENTS	CATEGORY
What happened to the fingerprints I had to submit almost 45 years ago when I applied for admission to the State Bar? No explanation is offered as to that. This is totally unnecessary and a complete waste of time and money. It is burdensome and the expense is unwarranted, unless I can subtract the costs from my next due bar bill.		AF!, BR., \$\$, NO PP
Terrible idea! Treating professionals as criminals AND collecting another potential "secret" identifier (e.g., iPhone) is buckets of mischief waiting to happen.		
I disagree strongly with the proposed rule that members of the State Bar be fingerprinted. Such a rule would be an unwarranted an invasion of privacy. I've seen no evidence that there is a compelling need -- or indeed, any need at all -- for such a rule, which would violate all members' rights.		PRY., UNCONST.
Considering the large number of attorneys in California, requiring fingerprints of all active members would impose a heavy burden on the Department of Justice and other agencies. Attorneys would also be subjected to the expense and inconvenience of obtaining fingerprints -- even though they have already submitted them when they were admitted to practice. Presumably, the DOJ's arrest notification service would already alert the State Bar if an attorney has been arrested. A "re-fingerprint everybody" rule provides no additional benefit. I would like to see some evidence that the proposed rule is needed. How many convictions of licensed attorneys would the proposed rule have turned up? I suspect this rule is a solution in search of a problem.		BR., \$\$, AF!, NO PP
I gave fingerprints to the State Bar when applying for membership in 1980. Once is enough. I should not, at the age of 65, be required to resubmit, especially after 37 years with no disciplinary issues. This requirement is unnecessary bureaucratic nonsense, the benefits of which to the public will be minuscule and the costs in terms of time and expense to members of the bar and avoidable administrative costs to the Bar excessive.		AF!, NO PP
Please allow out of state attorneys to submit fingerprints from out of state. Don't require us to come to a California location to have fingerprints taken.		OOS B.
This is a huge administrative and time cost to the State Bar and its members for a tiny return on investment. The vast majority of currently licensed California attorneys were finger printed at the time of the Character and Fitness investigation prior to admission. Doing it all over again will not provide any appreciable gain to the body of the State Bar membership. I am against it for these reasons.		NO PP, AF!, BR., \$\$
I having been practicing in California for twenty-five years. I have no arrest record. I have passed a background check both for the State Bar and as a volunteer for Planned Parenthood, I have never been arrested. Requiring fingerprinting for attorneys is a invasion of my privacy.		AF!, PRY.
This rule seems yet another frivolous burden on the Bar's members. Although the requirement may state that it advances the goals of discipline, this seems illusory. The same would apply just as well to plumbers, hairdressers, and California state personnel, such as Supreme Court Justices. There is no particular reason to single out lawyers. These are good reasons to avoid this scheme:1. Lawyers would have their fingerprints monitored, in the same way that registered sex offenders and violent felons are monitored. At every crime scene, the prints found would be matched against all CA attorneys. Fingerprint comparisons are notoriously unreliable, and attorneys would be exposed to suspicion and unjustified arrests.2. As all lawyers should know, an arrest simply means that an officer of the law felt that he or she should detain you, for good reason, bad reason, or no reason IN my own experience I have seen people arrested for driving while Black, parking while Latino, and walking while gay.. An arrest per se is not grounds for discipline. If the Bar and the Court have reason to believe that there is a serious problem of convicted Bar Member felons causing trouble, they should say so; they do not, because it is not a problem. Indeed, it is questionable whether even convictions unrelated to the practice of law should be grounds for discipline, but in any event, being arrested, something that every police officer has the right to do to any and every person, does not constitute a ground for putting all attorneys in the position of convicted felons.3.The costs and difficulties can be serious. My fingerprints were submitted before I sat for the Bar Examination, in order to verify my identity. I was allowed to go to any police station and was charged nothing. I would assume that the same thing could happen here: I could show up at any police station in the state and have the process done free of charge, in 5 minutes. If the costs are greater than zero, I would expect my already ample dues should cover them, I should not need to travel farther than the nearest police station. i should have a year to get them done. The responsibility for processing should lie with the Bar and with the State,. But the tenor of your proposal implies substantial costs and great difficulty.4.This whole procedure will expose the Bar and its members to the mockery of lawyers in the rest of the country, who already regard us as overcharged. I cannot think of a single person, outside of Sacramento, who thinks this a good idea. Please reconsider. Otherwise I see a future in which CA attorneys hate and resent their own Bar Association,I suspect that this whole business is just another attempt to squeeze more money out of us.		OB#, NO PP, AF!, BR., \$\$
I agree with the proposal that attorney fingerprints be submitted and retained for purposes of public protection.I disagree with the proposal that all costs be borne by the attorney if the attorney previously submitted fingerprints and the State Bar failed to retain them. It seems unfair that such attorneys would be required to pay fingerprinting and background-check costs twice when the State Bar could have avoided the imposition of a second round of costs by retaining the originally submitted fingerprints.		\$M
Attorneys are professionals. There is a dignity to being a professional which is cheapened by fingerprinting. I am strongly against it.		
Another solution with no identified problem. What do you want to bet the Judges will not be subjected to the same requirement?		NO PP
NO NO No this would only serve to increase costs to clients. The fingerprinting process is expensive for a part time attorney who serves low income clients. As it is the clients pay very very little to the attorney. the rule would only serve to prevent attorneys from working with low income clients, due to every increasing costs of doing business. it is not just this. its power, rent everything. costs that are related to running a law practice is increasing in Calif, at rates far above the general rate of inflation. don't make this situation worse, and cause ever more of a legal shortage for low income people. please		\$\$
The tentacles of the police state continue to probe into the remote recesses of everybody's life. This rule will deter no crime nor uncover wrongdoing. Instead it will give law enforcement increased private information and deter nothing. What is needed is credible state bar discipline when a member has crossed the line (lacking currently)		PRY., NO PP

COMMENTS	ATTACHMENTS	CATEGORY
Requiring current, practicing, attorneys who have never been disciplined, etc. to now be required to submit and pay for the state bar to have fingerprints is an insult. Also, as we have seen numerous times, it is unlikely any government or quasi-government organization (such as the state bar) will adequately safeguard the information (including fingerprints) that they have. I vote NO.		SCY
Above a certain age, fingerprints no longer work as well. At my gym, the fingerprint reader cannot read prints on my thumb or any finger. My computer's fingerprint reader cannot read my prints.		DIS#
This requirement, if enacted, should exclude active duty military members who already have fingerprints on file and have been screened (and are continually screened) for criminal convictions.		AF!
I have requested information (Robert McPhail) about the destruction of fingerprints, and discussion and issues surrounding the push of cost to members to replace those prints which the Bar ordered destroyed or through other process destroyed. Assuming all this is true, it is outrageous to think that the Bar, a governmental agency, would loss or destroy member fingerprints, and then want the members to pay the cost to get them back into the Bar system. What is particularly offensive is that nothing has been provided to the members or public on these facts, assuming them to be true.		\$M
As proposed, only those who have NOT previously submitted fingerprints would berequired to now do so. This brings those non-printed attorneys into the same compliance as all others whose prints were previously obtained, generally at time of admission.Modification - clarify fingerprint submission shall be a one time requirement		1#
The proposed rule is OK in principle, but it lacks sufficient detail. Will each attorney be advised if he or she does not "currently have fingerprint images" on file with the state bar? The prints will apparrently not go to the state bar, but to the DOJ. So will there be a procedure and standard fee set up,or will that be left up to the DOJ and whichever police station does the scanning? What about transportation and assistance for the handicapped?		IMPLEM.
There is no more need to obtain this information from licensed attorneys than there is to obtain it from physicians, tree surgeons, computer programmers or just about anyone else. We are heading toward a world in which everyone's DNA, iris scans, walking gait, and personal preferences will be digitally captured. The data will be available to the empowered, and denied to almost everyone else. I vote NO.		NO PP
Given that many currently licensed attorneys were already required to pay for fingerprinting and background checks as part of the application process, it is unreasonable to force those attorneys to again bear the cost because of an error on the part of the State Bar in failing to recognize that those records should be preserved.		\$M
What problem is this rule supposed to solve? How many instances of unreported or undisclosed criminal proceedings against California attorneys have occurred? This strikes me as simply imposing a burden on attorneys so that the Court and the Bar can say to non-attorney stakeholders, "look, we've made life more difficult for lawyers." I'm pretty sure that I was fingerprinted when I applied for admission to the bar a long time ago. The bar has probably lost the record of fingerprints, and I will probably be asked to pay for re-submitting the prints.This really strikes me as regulation for regulation's sake. If there is a widespread problem of lawyers' undisclosed criminal proceedings, someone would say so. Otherwise it seems like just another piece of the transformation of the bar from a professional association into a regulatory and enforcement bureau, with a few new employees and supervisors added and another increased cost imposed on California lawyers.		NO PP
This is an idea that presupposes that lawyers and applicants to the Bar are criminals. We are not.The Bar is paid by attorneys and should be devoted to making our professional lives easier and more fulfilling. There is almost nothing done by the Bar that is visible to us practicing attorneys that is done with that aim.Spending more money and effort on putting us under the thumb of the Bar is insulting to the profession.Use that money and effort to making our professional lives better, instead.We are your providers, not your slaves.		
I'm all for upholding the integrity of our profession by patrolling for those among us with criminal backgrounds that have gone unreported or overlooked. To this end, it makes sense to share our fingerprints with the DOJ.But please don't make us get fingerprinted again if you already have our prints on file. It's onerous and costly. I would ask to modify the rule to clarify that those of us with fingerprints already on file may have their prints shared with the DOJ, at the Bar's discretion, and will not be required to get prints taken again. Thank you for considering.		AF!, \$\$
My fingerprints have been on file with the State Bar of California since 1982. My fingerprints have been on file with the California Dept. of Insurance since approximately 2003 (licensed real estate broker), and may be on file with the California Dept of Insurance (former licensed insurance agent Allstate Insurance), and I believe my fingerprints are also on file with The California Teachers Association since about 2000 (substitute teacher). And I believe they are on file with the U.S. Navy (veteran).I was a notary public from approximately 2007-2010 until I was required to submit a new set of fingerprints to the Secretary of State. At that time my fingerprints failed to record with Live Scan after I paid \$75 for the privilege. I then went to the Cathedral City Police Dept who tried to lift my prints but they also failed. As a result, I was stripped of my notary commission because I don't have any fingerprints.After 35 years of shuffling paper I don't have any fingerprints. I have considered embarking on a life of crime since the police would be hard pressed to lift my prints at any crime scene.In any event, If you want my prints I authorize you to obtain them from any of the agencies listed above. The rule should be modified to exempt people whose prints are already on file with you. Besides, when I renew the DRE license and CTA credential I have to disclose my arrest/conviction record for the prior year. I'm sure you'll find out if I have been arrested or convicted of anything. If you want I'll forward a copy of my dental records.Signed,The Shadow		AF!
When I practiced in Detroit, I was in one of the criminal courtrooms one day and I saw a well dressed Black gentleman shackled to the counsel table. His case was he was wanted on an extradition warrant. It seemed that he escaped from a New York prison, assumed the identity of a dead New York attorney, moved to Detroit and successfully ran for Congress on the Democratic ticket. He insisted that the case was "racist" and demanded that the Judge set a bond pending a trial on the issue. The Judge set a bond of \$100,000 thinking no one would post it. Within two hours, Doc Savage a bondsman showed up and took him out. That was the last that anyone ever saw of Mr. West. It turned out that he gave \$150,000 to the bondsman to not only cover the bond, but to delay his hearing so he could make his getaway.I am sure than is not the only example. I have also heard of phony attorneys here in California taking advantage of people. That should make the case.Stephen		
I worked as a local prosecutor when I began in 1986 and all Deputy DA's were fingerprinted and photographed at DOJ. I wondered then, why this was not required of all attorneys.		

COMMENTS	ATTACHMENTS	CATEGORY
<p>This proposed mandatory fingerprinting rule is a solution to an imaginary crisis or controversy, and would entail an additional unnecessary expense atop the substantial annual fees and MCLE requirements and other restrictions and obligations imposed on active, practicing members of the State Bar of California. Such a radical transformation from the historic status quo requires more than the State Bar's authorization to impose fingerprinting. Nothing presented by way of explanation or justification seems persuasive to this practitioner for requiring counsel to make arrangements for being fingerprinted. Members of the legal profession are extensively regulated. Lawyers in private practice are not living large in a lawless, licentious laissez-faire world. In addition to the general laws and regulations binding on any citizen, and those mandated by governmental authorities, we as legal professionals have taken oaths at the time of admission to the state and federal courts, we take Ethics courses as part of Mandatory Continuing Legal Education, we are bound by the Code of Professional Responsibility, and are subject to the authority of any judge or commissioner in whose courtroom we appear to ply our trade and profession. Those who have not been convicted of any felony or misdemeanor should not be forced to submit to this coercive act. Fingerprinting of innocent professionals is overreaching and smacks of police-state tactics.</p>		BR., \$\$, NO PP, OB#
<p>Dear CA State Bar - I write to object to the imposition of having all active members of the CA bar submit fingerprints at their own expense. Which fingerprints would then be used to search for evidence of criminal convictions (at whose cost?), and if criminal convictions were found, then what? The CA bar will then either have to determine if those criminal convictions have any bearing on that attorney's continued ability to practice law in CA. There's a huge cost to that determination, not to mention potential liability of the CA State Bar, if they decide someone is unfit or fit on the basis of a criminal conviction. Again, the potential costs are huge, and the undertaking is incredibly time consuming for both the individual attorneys and for the CA Bar. The attorneys of the State Bar will wind up paying for all of this as already high bar dues soar higher. And all for what negligible gain? A few less attorneys actively practicing who have convictions of which the CA bar was not aware, which somehow is supposed to reflect better on the rest of us who have no convictions. In short tremendous waste of money, time, and an imposition on civil liberties, for an unimportant and uncertain potential gain. And a potential process which can and will lead to still more time and money when those disbarred sue, or the bar is sued for not disbarring someone. Thanks - Gilman Miller, San Francisco</p>		BR., NO PP, \$\$
<p>Attorneys hold special positions of trust and authority as officers of the court. Many professions with attributes of authority are already fingerprinted as a matter of routine: military officers, law enforcement officers, certain governmental positions, etc. There is no good reason why all California attorneys should not be subject to the same fingerprinting requirements.</p>		
<p>Can't believe this hasn't been the rule for many years. I see no objection and no grounds for objection.</p>		
<p>Since the already licensed attorney is responsible for the cost and time of re-fingerprinting, this is effectively an additional unfunded mandate. Additionally, the proposed rule subjects all active licensed attorneys to an ongoing dragnet, with the always present associated risk of false positives. Finally, many CA licensed attorneys live and/or work out of state, which may present additional difficulty in compliance. I would agree with a rule allowing the bar to request re-fingerprinting from an attorney, when merited on a case by case basis.</p>		
<p>The proposed fingerprinting requirement places an unreasonable time and cost burden on busy practicing lawyers. It may add to the time required to vet bar applicants. Surely there are less burdensome ways to vet bar applicants. Whatever the decision on the rule, currently practicing attorneys should be grandfathered.</p>		BR., \$\$, ALT. OPTS
<p>I could not more strongly disagree with this proposed rule for the following reasons: First, requiring our fingerprints would be an unnecessary invasion of our privacy. We are not working with weapons or in positions that require security clearance or extreme secrecy, so there is no need to gather our very personal information like fingerprints. Second, this proposed requirement would be unduly burdensome for many attorneys. The State Bar's standard for fee-scaling is a mere \$40,000 per year income, which is below average individual income here in the Bay Area. This requirement would force attorneys who earn as little as \$50,000 per year to pay the entire costs and expenses of fingerprinting. Additionally, attorneys would be forced to waste valuable time getting fingerprinted and submitting their fingerprint images to the Department of Justice. Considering the realities of our bureaucratic systems, the time required for this would almost certainly be substantial. Third, fingerprints are not reliable as evidence. Reliability of fingerprints has been questioned for more than 15 years, as stated in a New York Times article of April 7, 2001 by Andy Newman (attached). The only truly reliable forensic identifying evidence is DNA. Please keep in mind that the use of fingerprints for identification was strongly advocated by police and police-type organizations, not scientists. In fact, scientists have said that they felt bullied by the police into accepting this method of identification. Finally, I have not seen any evidence that there is a problem that fingerprinting would aid or resolve. This is nothing but police-state mentality combined with a solution in search of a problem. I urge you in the strongest terms to reject fingerprinting of all attorneys. We deserve our right to privacy, should not be unduly burdened by this meritless requirement, and there is absolutely no need for this.</p>	<a href="https://fs22.formsite.com/sbcta/files/f-57-86-12765834_4tF0H6Z6_Fingerprinting.pdf">https://fs22.formsite.com/sbcta/files/f-57-86-12765834_4tF0H6Z6_Fingerprinting.pdf</a>	PRY., NO PP, BR., \$\$, UNREL.
<p>It is an unnecessary invasion of privacy and a violation of every California attorney's constitutional rights.</p>		PRY., UNCONST.
<p>We are not criminals. We should not have to submit to fingerprinting. What is next?; DNA testing to ensure were not in a criminal database? We already have to pass a character examination. That should be sufficient.</p>		AF!

COMMENTS	ATTACHMENTS	CATEGORY
<p>This requirement imposes undue burden on attorneys, especially for their profession. Unlike any other professions, attorneys are prone to arrest for the work that they have to do. Attorneys in human rights and constitutional law may sometimes engage in civil protests that result in arrest. Attorneys may also have to advise clients on matters that may be seen as collusion with the client to violate the law. Such examples include attorneys serving the marijuana industry, attorneys who have to counsel client to violate laws that are unconstitutional to gain standing to sue on these cases. Ultimately, these charges will fall through, but meanwhile these attorneys face discipline issues. This will further affect the public's right to access legal counsel and representation. Attorneys are also prone to arrest by mere contempt of the court, usually happens because of the client's, and not the attorney's, behavior; something that will not happen to any other professionals. By imposing this fingerprinting requirement on attorneys, the State Bar will receive records of attorneys who are arrested for merely doing their work. This will place attorneys in further endangering their licenses, resulting in attorneys not wanting to represent individuals that may pose a danger to their ability to continue practice. This in turn affects the public's ability to access legal representation. The moral character requirement prior to admission can be easily satisfied with background check prior to admission. Finger printing sent to the Department of Justice and sending arrest information to the State Bar do nothing but to further limit attorneys' ability to protect the public and further limit the public's access to legal representation, especially in constitutional cases and controversial cases - which tend to be landmark cases.</p>		BR., OB#
<p>This is an unnecessary waste of Bar resources.</p>		NO PP
<p>This seems intrusive and expensive. On many things, the Bar requires the attorney to provide accurate information. Failure to provide accurate information may be a basis for discipline. That process should be relied upon in this case as well. Rather than require fingerprinting, the Bar should use the less intrusive means of requiring Bar members to identify if/when they are subject to convictions. This could even be done as part of the renewal process. If the Bar later learns that someone failed to disclose a conviction, that could be a basis for discipline. This process would be consistent with how the Bar has previously handled these types of issues. It would be less expensive than requiring fingerprinting of everyone. And it is far less intrusive.</p>		PRY., \$\$, RR#, ALT. OPTS
<p>I was fingerprinted as part of the application process.</p>		AF!
<p>While I understand the necessity of keeping fingerprints for all lawyers, I disagree with having to pay for another set of fingerprints when I already had to pay for a set of fingerprints when I applied for entrance to the State Bar. If the State Bar failed to keep those fingerprints, that is a circumstance out of my control and I should not be punished by having to pay for a second set.</p>		SM
<p>It should not be necessary for currently licensed California attorney's to submit new fingerprints since the state bar should have all licensed attorneys fingerprints that were submitted when applying to the state bar to be a licensed attorney. If the courts want to make sure that all crimes committed by CA attorneys are submitted to the bar then the legislature should demand that law enforcement departments should submit all criminal enforcement against a licensed attorney to the state bar. There is no reason to burden all attorneys with the cost of re submission. We also know that fingerprints do not change.</p>		AF!, ALT. OPTS
<p>This rule appears unnecessary, because lawyers are ALL fingerprinted when admitted to the bar. I was fingerprinted in 1975 when I was admitted to the Calif. bar. The rule allows the bar to require any member at any time to be refingerprinted for any reason, or even no reason. Read literally, it allows the bar to require every lawyer to be refingerprinted at tremendous expense and inconvenience, for any reason, no matter how far fetched. The rule is overbroad and oppressive. There is no reason for it.</p>		AF!, OB#, BR.
<p>Attorneys should not be required to pay for the resubmission of fingerprinting. We have already paid for it before, and it is not the attorneys' fault that the State Bar failed to maintain the records as required, thus forcing this resubmission process. Attorneys should not be forced to bear the costs of a mistake that was made by the State Bar, and was no fault of the attorneys.</p>		SM
<p>I am a licensed attorney. California Bar # 123233. I am also a licensed notary. California Notary # 2095405. As part of the notary renewal process, I had to submit fingerprints to California DOJ via live scan. So DOJ already has my fingerprints on file. What is the procedure for attorneys such as myself who already have fingerprints on file with DOJ? Do I have to submit another set of fingerprints to DOJ specifically for the State Bar? Or can the State Bar use my fingerprints which DOJ already has for the Secretary of State (notary)? My fingerprints are not going to change. The fingerprints I submitted to DOJ for the notary renewal are the same fingerprints which I would submit to DOJ for the State Bar. Is there some reason why the State Bar can't use my previously submitted fingerprints? I ask because the live scan is not cheap. It would be helpful if the State Bar could use fingerprints which were previously submitted to DOJ using live scan. My next live scan submission of fingerprints to DOJ will be in the summer of 2018. I will submit a renewal application for my notary commission in the summer of 2018. As mentioned above, the Secretary of State requires live scan fingerprints to be submitted to DOJ as part of the notary renewal process. There needs to be information provided for individuals in my situation. Fingerprints are already on file with DOJ. However, the fingerprints were submitted for another state agency (such as Secretary of State) and not specifically for the State Bar. Donna E. Warren California Bar # 123233</p>		AF!
<p>This new Rule will require additional expenditures either by the individual members, or the CA Bar itself (which eventually will pass those costs to the members). I am objecting to the proposed Rule on the financial grounds.</p>		\$\$
<p>Databases with fingerprints of persons who are not criminals are a foundational element of a police state.</p>		PRY.
<p>This proposal is not necessary and an undue invasion of privacy and identity theft risk. Our fingerprints are already on file with the State Bar when we are admitted. Additional fingerprinting and the expense and time involved is not justified.</p>		PRY., AF!, NO PP
<p>I submitted my fingerprints to the State Bar when I was originally licensed in 1988. How do I know whether they still have them? Why should I bear the cost and inconvenience of new fingerprinting if the State Bar didn't preserve mine? This rule should apply to new attorneys only!</p>		BR., \$\$, AF!
<p>This proposal seems to me to be a totally unjustified exertion of power on the part of the Supreme Court and/or State Bar. I have not seen nor heard of any justification being offered for such a rule. The Court and the State Bar seem all too willing to place yet another financial burden on attorneys licensed in the state of CA. I'm almost 72 years old, have been licensed since 1972 and have never been arrested or cited for any criminal and unlawful activity or the subject of any disciplinary action. This seems to me to be a total waste of time and my money. Respectfully, Karl Keener</p>		NO PP, \$\$, BR.

COMMENTS	ATTACHMENTS	CATEGORY
The proposed rule is unnecessary and burdensome to practitioners. Also, implementing it is undoubtedly going to result in considerable expense to the Bar. Bar dues could be much better spent on other matters, such as assisting in delivering legal services to the poor.		NO PP, BR.
The privacy impact should be minimal, given where else my prints have been:--I had to be fingerprinted for both my federal civil rights enforcement job,-- and my state labor law enforcement job. -- I regularly give my prints to Homeland Security in return for identifying my membership in Trusted Traveler program (which gets me around the long lines at customs when returning to SFO).--Like many attorneys with a cell phone purchased in the last few years, I've given one finger's print to my cellphone (and thus both Google and the Apple Store).		
I would like to see an exemption for attorneys who work in law enforcement. As a prosecutor, I have already had to undergo a thorough background investigation prior to employment and work under rules that require me to report ANY negative law enforcement contact (including a citation) to my employer. Additionally, given the costs and time required for this procedure, I feel that should the Bar implement this, there should be an offset in costs against Bar fees, or that local law enforcement be required to collect these free of charge.That's my two cents worth.Other than that, have a good day!!Dave		AF!
The California State Bar already has enough needless bureaucracy and make-work nonsense that the attorneys of California (as well of the people of California) are expected to foot the bill for. Enough is enough.This is a silly proposal unlikely to be of any benefit to the members of the California State Bar or the citizens of California as a whole, and should be discarded immediately.		NO PP
Enough safeguards are in place. The "risk" does not warrant the invasion of our privacy, not to mention the cost. Utterly ridiculous. Is there really a problem here that needs to be remedied?		PRY., NO PP
Other than keeping the new-rules guys employed, what specifically are the wrongs being done in significant numbers which wrongs the proposed rule is intended to stop or reduce?Do we have a large number of person running around pretending to be Cal attorneys? If so, what are the types of bad things are these persons are doing; besides falsely claiming to be Cal attorneys?Will the proposed rule likely stop this bad activity?		NO PP
I do not agree with subdivision 3 regarding processing costs being borne by attorneys. I believe I already paid processing costs for my fingerprinting when I initially applied for admission to the Bar. If the Bar failed to hold on to that information, as I believe it was required to do, that mistake should not be paid for by me or other attorneys.		\$M
Before becoming an attorney, all prospective candidates were required to submit finger prints. Assuming that these old and/or new fingerprints have not changed, this new requirement is of no value and should be abandoned. If some fingerprints have been lost of misplaced, the Bar can request replacements.		AF!, \$M
Those of us in federal public service are reviewed every five years with a background check by the FBI and I have fingerprints on file. Might we be considered for an exemption? The U.S. DOJ requires this if me.		AF!
I agree that fingerprints should be on file, but many members, including myself, already supplied the State Bar of California with our Live Scan fingerprints during the moral character application process, which was not inexpensive. Poor management, and an apparent failure to negotiate a contract with the California Department of Justice, is at fault for not requiring the retention of fingerprints, and members should not have to bear the cost of fingerprinting, or for the processing and the retention thereof.While many employers may bear the apparent one-time cost of the State Bar's umpteenth mistake, I work for the U.S. District Court and pay all of my own membership fees without reimbursement, such that an extra hundred dollars here and there is not insignificant. Please consider the effect that passing on these costs would mean to members like myself, particularly when we did everything right and the State Bar is at fault for not retaining the fingerprint data.		\$M
The State Bar should have the right to require attorneys under investigation to provide updated fingerprints upon a showing of good cause.I disagree that all active attorneys must go through the hassle and expense of providing updated fingerprints. It is a burdensome requirement.		EX#, BR.
Greetings:I agree that the State Bar must take appropriate steps to ensure compliance with DOJ requirements. While I do not have an issue with attorneys being re-fingerprinted, I do not agree with the proposed requirement that all active attorneys must resubmit fingerprints at their own expense. This improperly penalizes attorneys whose fingerprints and criminal background check were properly submitted as part of the admissions process but were not retained by the State Bar. The proposed rule states, "All costs of providing criminal history information to and the processing of fingerprints for, the State Bar, including print furnishing and encoding, as required by section 6054, shall be borne by the licensed attorney." I suggest that the rule be rewritten to impose the costs on licensed attorneys only if they did not submit fingerprints at all during their admissions process, e.g. they were licensed prior to a time when fingerprints were required. If a licensed attorney did submit fingerprints as part of his or her admissions process and those fingerprints are no longer part of the attorney's State Bar of California record, I believe the cost of fingerprinting should be borne by the State Bar as the State Bar is presumptively in control of their own files and what happens to the contents. It is inappropriate to require a licensed attorney to pay the costs of fingerprinting due to decisions made by a government entity that turned out to be erroneous. Thank you.		\$M
Section 6054 of the CA Business and Professions Code already requires fingerprinting be submitted with the application to the Bar. It also provides for resubmission of fingerprints under the same circumstances as the proposed rule. The fingerprints are processed by the DOJ and FBI. This proposed rule adds additional unnecessary burdens, such as financial costs, on the attorney and is redundant because the agencies already have a full set of fingerprints. Further, the penalty for not getting fingerprinted a second time is overly harsh and for all these reasons I disagree with the proposed rule.		BR., \$\$
I am concerned the rule will be interpreted broadly, and will open up floodgates to a plethora of privacy violations.		PRY., OB#
<b>COMMENTS RECEIVED VIA E-MAIL OR U.S. MAIL</b>		
The proposed Rule is ambiguous in one regard. I submitted fingerprints when I applied for the 1994 Bar Examination. It is not clear whether I and similar active attorneys will have to be re-fingerprinted if this Rule is passed in its present form, nor is it clear about what sort of notification active attorneys who do need to be fingerprinted (or re-fingerprinted) will receive.		

COMMENTS	ATTACHMENTS	CATEGORY
I object to this requirement, not only because it is invasive but because fingerprints have been famously found to lead to injustice due to lack of proper standards in interpretation. Increased police state tactics do not protect the public. Requiring them in a profession where it is understood that the named attorney will not even be the one to do the actual work or have client contact, especially in large firms, serves no public purpose. Thus the identity of the attorney is not crucial nor are arrest records or conviction of any crime not directly linked to the practice of law. In fact to protect my clients, I do primarily criminal defense, a rule allowing and requiring education and licensing of jailhouse lawyers, limiting perhaps their practice to assisting in habeas cases, would make more sense.		PRY., UNREL.
Im at a lose to understand why the State Bar needs my finger prints. This amounts to invasion of my right to privacy. This is just another step that the Bar is taking to become a quasi police organization. The discipline system is unnecessary, very costly and clearly violates members constitutional rights. To disbar a lawyer amounts to a form of economic death. The fingerprinting of lawyers is one more step towards a police state.		PRY., UNREL.
I am opposed to this rule. If an attorney is arrested and convicted in the State of California, both the defendant and the prosecutor or court notify the State Bar of the conviction. As a former prosecutor and a current defense attorney myself, I see people arrested without cause too often. Rather than subject all of us to invasive and expensive fingerprinting and its related costs, the Bar should devise a more precise or narrow method to improve self-reporting and reporting from the courts.		ALT. OPTS, PRY., RR#
MY FINGERPRINTS HAVE NOT BEEN CHANGED. YOU ARE GOING TO INCONVENIENCE HUNDREDS OF THOUSANDS OF ATTORNEY FOR SOME USELESS REASON???????????????????? THIS IS ABSOLUTELY RIDICULOUS. IT'S NOT GOING TO STOP ANY CRIMES OR DETER ANY CRIMES. IT'S JUST GOING TO BE A PAIN IN THE ASS. THE NEXT TIME STATE BAR DUES ARE GOING TO BE VOLUNTARY, EXPECT TO SEE \$0 FROM ME IF THIS RULE GOES THROUGH.		AF!
Another great idea to waste money and time by our State Bar who attack solo practitioners in favor of big firm folks. Anytime a Government agency is involved in anything, grab your wallet and run for the hills.		NO PP
1. Unless there's proof that the State Bar has problem keeping track of convictions suffered by lawyers, and there does not appear to be, this rule is an unnecessary intrusion. It is collecting personal information for no rational reason other than the creeping authoritarianism which is destroying freedom in America. 2. If the State Bar wishes to conduct Gestapo tactics on its members, it should pay for the process. It is unfair to require that lawyers pay to give fingerprints that are of no articulable use to the State Bar, the requirement being nothing more than a paranoid fantasy of overpaid, stupid bureaucrats who feel the pressure to justify their existence -- since they can't make it in the real world. 3. Where does this fucking stop? When will I have to give some DNA, or let the State Bar put a camera in my office, or let the State Bar approve what I eat, or force me into re-education to think better of them?		PRY., NO PP
I can't understand why the state bar wants to make all practicing attorneys be fingerprinted again. we had to be fingerprinted to get our license. Do you think some people are practicing under someone else's name? who are the people who are requesting this? What is their logic?		NO PP, AF!
I fail to see why I need to be fingerprinted again.		
i vote no on the fingerprinting.		
Sounds like 99% of all attorneys would be forced to be re-fingerprinted because 1% of us might get arrested and forget to report it to the Bar. I object because if it becomes routine to expend great resource to achieve small goals we'll never be able to serve the public the way this profession is intended for.		NO PP
Please explain in detail the rational for requiring all attorneys to be fingerprinted?		NO PP
I think this smells of a police state. It is an insult to members of the bar to have a proposal to get them fingerprinted again after passing the bar. I never ever use my fingerprint in practicing law so why should I submit to this insulting and degrading process. What's next, drug tests, biometric eye scans. Come on. It is highly inconvenient for very busy attorneys to do this. I strongly oppose this		NO PP
This is very concerning. I am extremely busy and you should have this info on file. Thank you		BR.
This appears to be unnecessary. I already have been fingerprinted in order to obtain my license to practice law. I submitted my fingerprints with my application and paid a fee for the FBI to perform a background check on me. Why should I have to go through this process all over again? It is redundant and unnecessary and a waste of time.		AF!
I am not sure what problem you are trying to fix, but as an active attorney, in good standing, I find this proposal to be pointless, burdensome and demeaning. I am a professional, why are you treating me like a criminal? If you want to fingerprint, make it a requirement for all new applicants to the bar. As for me, I am already burdened enough with the other requirements of running a business, performing continuing legal education and practicing law.		NO PP, BR.
The.fingerprint law is an invasion of the privacy of the members of the State Bar. It might make it possible for attorneys who are arrested for crimes to be identified, but an arrest is not the same as a conviction, is it? I oppose this proposed rule. What is next, collecting DNA samples from attorneys and retina scans? Implanting chips in their necks so lost attorneys can be returned to their owners?		PRY., OB#
I was recently informed of Senate Bill ("SB") No. 36's recent amendment to section 6054 authorizing the State Bar to require attorneys to submit or resubmit fingerprint records to the California Department of Justice ("DOJ") in order to receive subsequent <b>arrest notification</b> for these individuals, including to "...discover prior and subsequent criminal arrests" (not convictions, not charges, but ARRESTS.) After more than a decade co-hosting a public radio program addressing inequality issues, and having both statistical knowledge as well as personal knowledge of disturbing facts and figures relating to the disparity of arrests and discrimination of persons of color, I want to confirm whether my understanding of the proposed Rule is accurate...Per the information provided by the State Bar, the Rule proposes that fingerprinting requirements will be used to report ARRESTS (not just convictions, not even charges, but a mere ARREST). In my experience representing clients, police can arrest anyone for almost ANYTHING, regardless of whether a person actually engaged in any wrongdoing, or whether that person is even charged with a crime following the arrest, and those arrests tend to be disproportionately of people of certain racial, ethnic or socio-economic backgrounds. If that is the case, then certainly the State Bar of California will be (whether inadvertently or otherwise) sanctioning more discrimination and unfair treatment of persons of particular ethnic or racial backgrounds, as well as persons who happen to live in low-income neighborhoods. However, perhaps, I am mistaken in my interpretation of the language provided on the State Bar website. As such, please advise whether the fingerprinting requirement will be used to report ARRESTS (as compared to convictions following a person's right to defend the charges against them in a court of law.) Thank you in advance for taking the time to illuminate and clarify the term ARREST as intended in the proposed Rule.		OB#

COMMENTS	ATTACHMENTS	CATEGORY
I write to express my opinion in opposition to the proposed rule that all CA admitted attorneys be fingerprinted (again). The State Bar has the fingerprints of all members. I do not see any good purpose for what I imagine will cost us already overtaxed resources.		NO PP
I am writing to you to provide comment regarding a proposed rule regarding a fingerprinting requirement for active licensed attorneys under the recent amendments to Business and Professions Code section 6054, effective Jan. 1, 2018. I support the fingerprinting requirement for active licensed attorneys, and for those who are to become licensed attorneys as a requirement at the onset of their initial licensing. This fingerprinting requirement is consistent with licensing requirements for other professions. For example, certified nurse assistants ("CNAs"), registered nurses ("RNs") and other healthcare professionals who are entrusted with caring for ill, disabled and elderly patients, sometimes in the patient's own homes, and alongside the patients families, are required to submit LiveScan fingerprints in order to obtain professional licensing. This fingerprinting requirement for active licensed attorneys makes good sense and helps the licensing agency oversee its licensees, ultimately for consumer protection. "While section 6054 authorizes the State Bar to require submission or resubmission of attorney fingerprints to the DOJ, it does not obligate the State Bar to do so. The statute is also silent in regard to how the State Bar may implement attorney fingerprinting requirements, including with respect to a compliance timeframe and who should bear the costs associated with the processing and furnishing of these submissions. The statute also removes language mandating that the State Bar bear costs associated with the processing of applicant fingerprints." With respect to the paragraph above, I suggest that compliance for attorneys be mandated to occur within 30 calendar days as a requirement by the State Bar. I presume the "costs associated with the processing and furnishing of these submissions" refers to administrative costs incurred by the State Bar, rather than costs associated with the fingerprinting process. I believe it is reasonable to request that licensees bear the cost of the fingerprinting itself. I strongly support the fingerprinting rule and advocate for its immediate adoption. I firmly believe that this rule will enable greater accountability from licensees and may streamline data collection efforts on behalf of the State Bar for its licensees. Since the State Bar states that its mission is to "protect the public" this rule unequivocally serves that goal. As a member of the public and consumer of legal services, I must say I find it absolutely appalling that I (unknowingly) was subjected to a pattern and practice of behavior by a licensed State Bar attorney, Paula S. Grohs SBN #232329, that is consistent with her past criminal history related to substance abuse and dangerous and unethical conduct. My legal matter was substantially impacted when Grohs dropped my case shortly following her arrest in early 2015 and failed to return a cohesive and complete case file to new counsel, and I was further negatively impacted by Grohs' drunken conduct throughout the case, which Grohs likely does not recall because memory loss is a common feature of substance abuse, including alcohol abuse. I was unaware of Grohs' criminal record prior to my hiring her. Had I been aware of her drunk driving arrests and ongoing abuse of alcohol, I would not have ever hired this attorney and signed any agreement with her for legal services. This was a clear bait-and-switch, and fail to disclose information that clearly impacted the representation I received. I should have been informed and also given the choice as to whether I wanted to hire a criminal. Unfortunately, I was not provided that choice nor the information to make an informed decision. Further, I had mistakenly thought		
I was admitted in the mid 1980s. It has been so long ago that I have forgotten if I was fingerprinted then or not. Is there some way of finding that out.		
I believe there should be an exemption for those government attorneys who, based on job requirements, have submitted fingerprints as a requirement for the position as well as the agency receiving notification of an arrest. Just draft language compelling the agency as well as DOJ to notify the Bar. It would be efficient and economical.		EX#
Another burden and time consuming chore that is a real imposition. Is this done with physicians?		BR.
Hello my comments are that it is redundant because if you get fined sanctioned or arrested the court inform the state bar automatically and the attorneys get disciplined why do we need additional fingerprint checks?? It seems like we keep getting more and more restrictive with more hoops to jump through who is going to pay for the fingerprints?? How many times a year do we need to do it? Federal employees are not required doctors are not required no other profession is required to do it why are we required to do it? seems to be against equal protection and a higher price to pay to renew a license I would object to the requirement just on principle thank you		RR#, 1#
Requiring attorneys to pay to be re-fingerprinted constitutes a disguised fee increase... within the province of the legislature. Therefore, the annual bar fee payable should be reduced accordingly. Moreover, attorneys should not be subjected to Big Brother-style presumptions of criminality. Attorneys should be allowed to submit alternative evidence that they have already based a recent background check. For example, I have a current US global entry card. I passed a fingerprint/background check in 2014 for the San Diego Community College District, when I began tutoring US Citizenship classes pro bono. I passed another to serve as a judge pro tempore in the San Diego Superior Court (also pro bono). I had a background check before I became an attorney, and am required to report convictions. What is the factual basis for presuming failure to report/dishonesty of all attorneys? I pride myself on following high ethical standards.		NO PP
I think requiring attorneys to resubmit fingerprints is a colossal waste of time, money and resources.		BR., \$\$
Instead of re-fingerprinting attorneys, upon yearly registration you may want attorneys to declare under penalty of perjury that they have had no arrests/convictions.		ALT. OPTS
I am a licensed attorney, SBN 177963. I have been an active peace officer in CA for the past 28 years. We should be exempt from this requirement and the subsequent expenditure of money upon proof of peace officer status. (Copy of current ID card front and back). I know it is convenient for the State Bar to have the fees be "borne by the attorney" but not all of us make big lawyer dollars. In fact, many of us do not get ANY benefit from being a member of the bar. If we are licensed and don't really practice for a living, we pay hundreds of dollars every year for the "Privilege" to be associated with the CA Bar. Its a joke actually. Years ago, we could have fees reduced with an affidavit that we didn't make a lot of money practicing law, but you stopped that which created a hardship for people like me. It is too great a hassle to go inactive so I pay every year to be active for this awesome privilege.		EX#
I am writing to offer a comment on the proposed fingerprinting requirement. The Bar has handicapped members like myself to whom transportation poses special issues or, often, sizeable expense. If enacted, the rule should provide a system under which the disabled could have their prints taken at home.		
The fingerprinting requirement is not objectionable. Many of us have worked for state agencies (in my case the Sacramento District Attorney) and were required to provide two full sets of prints. My objection is that there appears to be no limit on the use of the fingerprint data. Law enforcement should have access to the data if appropriate to an investigation. However, unfettered access by anyone carrying a badge, by bureaucrats, or nosy State Bar employees would be inappropriate. Where is the language in the statute limiting access and use of the data to appropriate law enforcement activity?		SCY

COMMENTS	ATTACHMENTS	CATEGORY
The fingerprinting is unduly invasive, and also too costly. I am generally for the idea of keeping better tabs on attorneys. However, this could better be done by integrating the list of admitting attorneys into law enforcement databases. While the operators of Live Scan stations would be quite thrilled to have a hundreds of thousands of new (albeit forced) customers, it is entirely unfair to attorneys who already paid significant sums to get admitted, and each year pay significant sums to stay licensed and insured. This is compounded by having to repeat the process periodically. I have seen nothing to suggest that the enormous cost of this program across the legal profession would result in net benefit to the public even close to the cost. Again, it's invasive – a fishing operation. If this is implemented, attorneys should not have to write checks for it.		PRY., \$\$, ALT. OPTS
What garbage, when did our fingerprints change? already did that, you pay if you want another set		AF!
This is an unnecessary procedure and cost to attorneys. My fingerprints are already with DOJ from date of admission to the bar. Subsequent criminal history could be ascertained by state bar request to DOJ for an update of my record without resubmitting my fingerprints. If I had been arrested I couldn't use a false name because my booking fingerprints would reveal the true name. My thumbprint is on my driver's license. Would fingerprints have to be resubmitted annually? This seems like a costly regulation which would reveal nothing. I'm 65 and mostly retired so any extra cost is too much.		AF!, RR#
another bureaucratic intrusive unnecessary politically correct intrusive bit of bull s---t.		PRY.
New fingerprinting is stupid. Fingerprints should be forever, or aren't they?		AF!
My name is John Lawrence Gaddy (74431) I am an active member of the bar since 1977. Do you know if I have my fingerprints of file already. If fingerprints were required from 1977 to today, then you should have them on file somewhere. Please let me know if my fingerprints are on file already.		
I reviewed the proposed rule for fingerprinting attorneys in California. When I was admitted in 2012, we were fingerprinted prior to sitting for the bar exam. Do you know if the proposed rule contemplates a waiver for those individuals who have been fingerprinted in the last 5 years (or other time period?)		
I believe that I am in the vast majority of my honorable colleagues who attended law school to help those less fortunate than ourselves. To wield the special power of the law to benefit the oppressed or disenfranchised otherwise overlooked and forgotten without enforcing the maxim that no person is above the law or, inversely, no person should be below protection from the law. I have never complained about the invasiveness of the character and fitness portion of the bar – a tedious process I have gone through in four states. But the fact is that my colleagues and I have passed the California Character and Fitness requirements. My fellow attorneys have passed the character and fitness requirements and are required to report our involvement in any potentially criminal act. The purpose of character and fitness requirements is to safeguard and inspire the public to trust the members of this bar. Requiring fingerprinting – and whatever future 'reasonably calculated' additional sampling follows – presumes a failure of members of this bar to follow their duty to self-report. That is a presumption guaranteed to not inspire public trust. This is all the more troubling for the fact that I, like the vast majority of attorneys, am a private individual with a constitutional right to privacy or as Justice Brandeis wrote, "the right to be let alone." I have seen no more evidence of widespread failures to report that of systemic voter fraud. The decision to fingerprint all active attorneys – at our own expense – is as unnarrowly tailored to an evidenced problem as strictly requiring a photo ID from each individual attempting to vote. Such measures reeks of a fundamental distrust of the institution they purport to safeguard. Without compelling evidence to support the need for this invasion on our collective liberty, the funds earmarked for this measure should be used for a project serves the public and demonstrates the goodwill required to inspire public trust that this measure misguidedly seeks.		UNCONST., AF!, RR#
Mailed letter stating the proposed re-fingerprinting is "draconian, psychotic, and schizophrenic" among other such comments.	Copy of letter available upon request	AF!, NO PP, BR., OB#
Recent bar examinees had their fingerprints taken before the exam, at their own cost. I don't understand why this particular group of lawyers would need to spend any time or money doing this again. My fingerprints have not changed. I apologize if I am missing something from the proposed regulation that may address the above concern.		AF!
I object to the idea that attorneys should be fingerprinted. There is no basis for doing so and this is an intrusion into personal information. If the goal is to find attorneys who commit crimes, the State Bar would be better off running a search on Google for criminal acts done by attorneys. The number of California attorneys who may commit a crime after taking the bar is miniscule. And fingerprinting will not act as a deterrent; if it did, there would not be any instances of public school employees committing crimes against children. I urge that this proposal be rejected.		PRY., NO PP
We were all fingerprinted before admission to the bar. Why do it again. This is silly. You already have the fingerprints and can do whatever search you wish with them. BTW, I was also fingerprinted as part of the Global Entry Program and underwent a full criminal record search. This should be an exception in any event.		NO PP
I approve the re-fingerprinting of all attorneys		
I would only request that the bar accept fingerprinting from any law enforcement agency within the US. I travel a great deal and currently live outside the State of California.		OOS B.
Why?		
Every licensed attorney has already been fingerprinted. What is the justification for spending thousands of dollars and thousands of man/woman hours doing it all again? I've been fingerprinted for a Top Secret Clearance, for a gun permit, for my law license. If someone can't check me out with all that, there is something wrong with the system. Please explain the necessity for spending more time and money. Fuck dat shit, y'all ain't getting me in the system		AF!, NO PP
What are the expected costs of fingerprinting? Why must attorneys bear the cost?		\$\$
This seems wrong as they already have our fingerprints, what is wrong with those - they do not change. And on top of that they want us to pay? OMG		AF!, \$\$

COMMENTS	ATTACHMENTS	CATEGORY
<p>The State Bar should establish a list of attorneys of whom it has finger prints, with name and bar number. This list should be accessible on the internet. This way every licensed attorney can easily determine whether he or she needs to be finger printed or not. It would be helpful if the sheriff's office in major courthouses could provide space and facilities for attorneys to be finger printed, and accept credit card payment for the cost. Other police and sheriff's stations should also be available for this purpose and accept credit card payment. Some identification procedures should be considered to assure that the finger prints submitted are the actual prints of the named attorney and not or some stands-in or impostor. Regretfully, if someone has something in his criminal background he or she wishes to hide, it is not impossible that the attempt would be made. If the purpose is to screen out "bad apples," then the screen should be effective.</p>		
<p>This is a positive proposal and will have great benefits, for everyone! We wouldn't see any attorney having problems with this unless they are involved in activity they should not be involved in!</p>		
<p>This is an outrageous proposal from the State Bar. Without due process protections to use such protected information under clear rules from charging fees and costs be paid by the membership to use our private information illegally after it had been obtained for carefully defined legally defined and justified as well as limited and protected from any such unauthorized use not contemplated at the time of obtaining said private information in random, unauthorized use of information is as said above outrageous. This is investigation without any cause for unknown use. I strenuously object to the proposal.</p>		PRY.
<p>I am opposed to the proposed rule on re-fingerprinting active attorneys and making the active attorney bear the cost. My recollection was that in 1977, when I was admitted to the Bar, I gave my fingerprints to some agency as part of the admission process. Will I now be required to resubmit and pay? The practice of law at the sole practitioner and small firm level is not presently a good business model. Please, no more fees and no more regulations.</p>		AF!
<p>I am a member of the Bar -- #168028. Under the current proposed rule, all attorneys are subject to a fingerprint submission if their fingerprints were not received by the Bar prior to the enactment of the rule. I would suggest a modification to the proposed rule wherein if the Bar has previously received a fingerprint submission from a licensed attorney, those attorneys would not need to re-submit fingerprints.</p>		
<p>I am a member of the Bar -- #263203. Under the current proposed rule, all attorneys are subject to a fingerprint submission if their fingerprints were not received by the Bar prior to the enactment of the rule. I would suggest a modification to the proposed rule wherein if the Bar has previously received a fingerprint submission from a licensed attorney, those attorneys would not need to re-submit fingerprints.</p>		
<p>I already submitted a comment, but had a call from an irate friend and fellow attorney who says that the State Bar needs the fingerprints so it can immediately be notified by the DOJ if an attorney is merely arrested, regardless of whether they are subsequently charged, prosecuted and/or convicted. The information provided in the request for public comments says the Bar intends to submit "fingerprint records to the California Department of Justice in order to receive potential subsequent arrest and conviction notification of criminal information." Not just convictions, but arrests AND convictions. And all arrests? Traffic arrests too? It is ironic that an institution that should support the principle that everyone is presumed innocent now wants to be notified when an attorney is merely arrested. It is also ironic that, as an attorney, I have found that one of the "problems" with being an attorney is knowing the law, and knowing when your civil rights, specifically one's First Amendment rights, are being violated by government officials, and therefore being willing to be arrested to make the point that the government is breaking the law. I am curious about what the State Bar intends to do when it receives a report that an attorney has been merely arrested. The information provided to support adoption of this rule is silent about that issue. Are attorneys going to be questioned by members of the Bar's staff before they've even been charged? Will they have the right to invoke the Fifth Amendment? Will their silence be used against them by the State Bar? In other words, the whole idea of the State Bar getting involved at the mere arrest level seems fraught with potential legal problems. If the Bar would limit its request for info from the DOJ to convictions, I'd be okay with this proposal. But once the Bar takes fingerprints, it will probably ask for all fingerprint-related info. For all I know, once fingerprints are used to locate records, the DOJ automatically sends all of them, regardless of whether there's a conviction.</p>		OB#, UNCONST.
<p>Wow! Someone's not busy enough.</p>		
<p>I am a bit confused about the proposal. Does this mean that a licensed attorney (2012) who has already been fingerprinted will have to be fingerprinted again for license renewal? If so, I am against this. I feel that attorneys are no more likely to have a criminal issue than the general population. I know that I do not need to be fingerprinted to maintain my veterinary license. Moreover, I feel that if the bar wants attorneys to do this, we should not have to pay for it.</p>		
<p>Thhassle and cost may push me to an inactive status. I am 83 years old; member since February 1961. I now longer represent clients; only reason I have paid dues for active status is that I occasionally act as a mediator or arbitrator, which the Bar wants active membership - but if the parties don't care; neither should the bar.</p>		BR.
<p>If an attorney has an active Notary Public License (for which fingerprints are already on file) can they be submitted to State Bar to avoid costs and inconvenience of having to RE-fingerprint? please advise...</p>		AF!
<p>I have been a member of the State Bar of California since 1994, although I have never lived in California, and indeed, have never lived in the United States. I now live between London, United Kingdom, and Buenos Aires, Argentina. I haven't even been in the United States since 2013, and I currently have no intention of returning to your country, beautiful as it is, in the future. Even if such an invasive intrusion into my privacy is approved, how am I supposed to comply with such a Draconian directive? While the cost of an attorney resident in California showing up to have fingerprints taken at a local police station might be quite low, you are intending to place an unreasonable burden on those members of the State Bar of California who will have to travel to the United States to get this done. I would urge you to abandon this preposterous idea. You already have my fingerprints on file, and it's not like they've changed. Unless this is just some obfuscation because actually, you've lost them?</p>		PRY., FOREIGN#

COMMENTS	ATTACHMENTS	CATEGORY
<p>The proposed regulation seems to say that new fingerprints are only required if none are on file. The way the Bar seems to want to enforce this is to require ALL lawyers to submit fingerprints regardless, period. This enforcement seems to say one of two things, neither are complimentary about the way the Bar is operating. One says the Bar has lost, misplaced or mishandled fingerprints submitted over the years and they do not want to admit this. The other possibility is the Bar wants to convert to digital fingerprints as is currently required by the State licensing agencies. In so converting, the Bar does not wish to spend the money to have the paper fingerprint cards scanned and, without saying such, has decided to shift the financial and time burden to all active lawyers. If either of these are the motivations of the Bar, too bad for lawyers and the public who thought the operation of the Bar was transparent. You know, no smoke and mirrors. Maybe it is time for the Bar to be reorganized like the State did several years ago with the old State Boards and make the Bar a State agency, part of the Department of Consumer Affairs and make lawyers licensed instead of members of a closed "club". This would ensure a bit more transparency and allow oversight by the public instead of a group protecting their own self interests.</p>		
<p>All attorneys must submit fingerprints in order to obtain a license in California, at their own expense. State Bar dues are higher than other states and the requirements for continuing education is more expensive than other states. Now you want all attorneys to submit new fingerprints to the Dept of Justice, at the attorney's own expense? I have a small practice and all these fees are eating away any income I may have and I personally can't afford more expenses in order to continue practicing law in this state. How often will this occur? Just once, or, as with everything else in California, it will become a yearly occurrence. I am of the opinion that since we must report any arrests to the State Bar, that should be sufficient. I do not feel we should have to spend more money for fingerprints, since if there is an arrest, it would be reported anyway. In essence, I object to the fingerprint requirement.</p>		1#, \$\$, RR#
<p>I submitted my fingerprints when I first joined the Bar more than 30 years ago. It was a requirement then, and I'm surprised to learn that it had stopped being a requirement at some point. So if you have my fingerprints on file, why wouldn't that suffice? Also, I have never practiced law in California, and I'm now considering retirement or inactive status in January/February. It seems there should be some exception or exemption for those who don't practice law and aren't going to practice law. It also would seem a logistical nightmare and totally unnecessary to have everyone fingerprinted again, especially those who have not been, are not now and won't be handling any criminal cases. Had I never been fingerprinted or were I practicing law, I would have no problem with a new requirement to submit fingerprints.</p>		AF!
<p>Please consider this as a comment on the proposed Rule: The proposal contains this language: "[fingerprinting] shall be limited to the official use of the State Bar in establishing the identity of the applicant and in determining the character and fitness of the applicant". This provision is separate from the purpose of revealing criminal records. I believe such language authorizes a much broader range of inquiry into personal and professional political and social activism and goes beyond any legitimate interest in obtaining criminal histories of malefactors.</p>		
<p>This is ridiculous. We have been fingerprinted. If we get arrested etc. the Bar gets notified. This is just another money making scheme that will take up more time. I am not in favor of this.</p>		AF!, RR#
<p>The Notice is not clear. It refers to re-fingerprinting, but the proposed rule only refers to attorneys whose fingerprints are not already on file. Which is it? Are all attorneys to be fingerprinted, or are only attorneys for whom the Bar lacks fingerprints to be fingerprinted? If it is the former, why is it necessary for those with fingerprints on file to be fingerprinted again?</p>		
<p>Why is this necessary? Applicants are printed in law school and when they take the Bar.</p>		AF!
<p>Our legal system must keep up to date. Our active licensed attorneys must regularly demonstrate, through the most stringently available security measures, that they are free of conflicts of interest and commissions of crimes that would endanger their clients either in person or through having a ruling overturned because of a discovered ethics or legal conflict. Regular fingerprinting and security clearances should be mandatory for those charged with providing justice, who travel inside our courts and jails and that should include all attorneys, judges, and officers of the court)and Yes, Judges, too, must be so screened! The AMA should do the same. Too many licensed professionals can commit crimes in other States or Countries and then come back to California and perpetrate these same criminal acts on their patients or the communities in which they practice, and the results are not discovered for years, unless someone is disfigured or commits an act of revenge because of psychological trauma or dies.</p>		
<p>This is really confusing. Don't you already have fingerprints from everyone who has a license? Why does the header reference "re-fingerprinting"? There doesn't appear any indication in the body of the email that fingerprinting would be required for anyone who already gave you their fingerprints. I gave you my fingerprints when I got my license. Did you lose them? Does any of this apply to me in any way?</p>		
<p>Colleagues: Since 1976 my law practice has been generally limited to employee benefits and some general corporate law. In the 45 years I have been practicing law, I do not recall one time where I requested criminal offender record information regarding state and federal level convictions and arrests. Since I have not and do not intend to practice criminal law and will likely go on inactive status in the next few years, I wonder if this requirement would apply to me. Can I ignore it? Has my thumb changed since 1972? Not really clear from the material. Regards, jak</p>		NO PP
<p>I was admitted in 1971. I submitted fingerprints to the State Bar at that time. Has the Bar purged those fingerprint cards requiring me to submit to the new requirement to submit?</p>		AF!
<p>(blank e-mail)</p>		
<p>How will we know if you have our fingerprints and are not required to resubmit? I submitted mine back in 1998, but I have no idea if the State Bar still has them.</p>		AF!
<p>One of the stupidest things the State Bar has done.</p>		
<p>Dear State Bar, I am in favor of the proposed rule regarding fingerprinting of active attorneys. I was admitted to the Cal. Bar in December of 1974, and intend to remain active. I think the proposal is reasonable and necessary. Thank you for your email.</p>		
<p>Attorneys who submitted fingerprints to The State Bar of California as part of admission process and who have maintained uninterrupted Active Status and Good Standing shall have deducted from Annual Membership Dues any fees incurred as a result of required resubmission of fingerprints.</p>		\$M

COMMENTS	ATTACHMENTS	CATEGORY
While your letter outlines some of the history, and I appreciate that, I am wondering how this is needed now . Is there some way that I can receive hard copies of the information and public comment form since I just returned from the store where I purchased the current computer and printer and the replacement equipment was not available in two of the store locations and would like to be able to receive the documents on the "information " line and if it is possible a copy of the "Online public comments form".?? If you can, you may consider this email part of my initial public comment pending my receiving additional information so I can contribute with more substantive comment...		W/N#
Your information is too long. I recall providing fingerprint cards in relation to being admitted to practice law in 1962. Actual admission was in January, 1963. Do I need to provide new fingerprint cards under the proposed rule?		AF!
<ol style="list-style-type: none"> <li>1. How is a member to know if the State Bar has a member's fingerprint images? Does a proposal include the Bar's notification to each member that it does or does not have a member's prints?</li> <li>2. Since the law states that prints are a "critical component of public protection and strengthens the State Bar's discipline system" the collection of prints should be focused and tailored narrowly to those who run afoul of the State Bar. It would be cheaper, more effective and well within the spirit and letter of the law to assert that if the State Bar disciplines a member then, and only then, should prints be obtained.</li> <li>3. Since there is no requirement that prints be obtained I am opposed to the Bar demanding it from me or any other active member. Furthermore, to suggest that the Bar can impose a cost on members that is not required by statute is problematic.</li> <li>4. What safeguards are there to prevent the prints from going anywhere that they are not intended to go?</li> </ol>		EX#, \$\$, 6054#
Don't bother me.		
I believe I already provided my fingerprints in 1966 when I was admitted. Do I have to do it again?		AF!
Each passing year since my membership ( 1/6/1960 ) what was a platinum profession has eroded into just another commercial business activity. Who thinks up these inane ideas? Just what great trouble ever existed in identifying an attorney who was charged with a crime, especially, one that led to a conviction. As I read the current proposal, an innocent person, wrongfully arrested will now have this mistaken event posted on his or her chest via a scarlet letter. I would like to have someone advise me, just how many arrested and convicted California Lawyers have managed to escape disclosure and continue to practice. While on this mission of collecting data, you might also ascertain how many of these individuals went on to harm the public in their practice. . If the number is great then this inane idea may have some merit. I would also like to see some data on how many disciplined and/or disbarred attorneys for unprofessional conduct had a prior arrest and conviction before they committed harm to others, especially their clients. Do you know just how many attorneys have escaped disclosure of being convicted of a crime that bears on their professional abilities to render competent advice and counsel? Again, what great purpose is going to be achieved by a blanket finger printing of all active attorneys?		OB#, NO PP
What? Did we change our fingerprints? Nonsense...		AF!
Don't support this. The Bar has my fingerprints. I do not want to put the time and money into giving you second set of prints. They have not changed.		AF!, BR., \$\$
How much would it cost per attorney? And where would the location be?		\$\$
Lawyers' fingerprints haven't changed. The only reason I can think of for re-fingerprinting is that they would be digitally scanned and therefore easier to research than using older non-digital methods. But what do I know? Not an issue that concerns me here in CR.		AF!
I think this is wholly unnecessary. California lawyers are already one of the most regulated professions on the planet. Fingerprinting smacks of criminality, and it's meant to. How many of the ~200,000 active California-licensed lawyers are convicted criminals? How many are arrested for crimes? Not as many as the general adult population. So why are attorneys singled out for this regulation? This fingerprinting process will cost us lawyers over \$6M. It's a waste of money and time, and it's an insult. Thank you for your consideration. Ridiculous.		NO PP
I submitted fingerprints when I applied to the bar 40 years ago (I'm still active). Will I need to resubmit?		AF!
I think its outrageous that I should have to submit to this in order to continue to work and bear the costs. What a police state directive, come in, pay to be fingerprinted like a criminal because we dont trust you and wonder if you have been committing crimes. Incredible nerve. We did it to get a license, but now we are supposed to do it again, 30 years later like convicts. Always the excuse given is public safety. If one is arrested the records are in the NCIC DATABASE LOOK IT UP. You want us to submit our body parts to investigation to work. I didnt think we lived in Nazi Germany,but I guess I am wrong. Find something useful to do.		AF!, PRY.
I do not have a strong objection to the proposed rule, but it may be unnecessary. If all attorneys fingerprints are on file with the State Bar, they can be submitted to the California Department of Justice and the U.S. Department of Justice. Fingerprints do not change over time. Also, there are many attorneys, such as myself, who have undergone background checks for their current positions. For these attorneys, electronic fingerprints are already on file with the FBI. There should be a corresponding ID number. All arrests are entered into the CAL DOJ and FBI database via fingerprints and other identification. Thus, any arrests, and hopefully the convictions as well, would be linked to the attorney in question. (Incidentally, I do not have a criminal record.)		AF!
It is my understanding that fingerprints themselves don't change. Do we need to be re-fingerprinted because previous prints on file decay or are discarded? Because if not, the new rule can be satisfied by simply running the existing finger prints on record through the database again, and not costing attorneys unnecessary time and fees.		AF!
Maybe you could require every member to tattoo their bar number on their wrists.		
Branding and micro-chipping are sure to follow.		
State bar payment of DOJ and FBI processing costs should not be limited to attorneys who have been granted fee scaling or fee waiver of annual fees and should be absorbed by the State Bar in its entirety for all attorneys who declare they have no criminal record. That would suffice since, if an attorney subsequently acquires a criminal record, that must be reported to the bar in any event.		EX#
Hell "No!". Enough of this state intrusion into the private practice of law. Keep your nose in your own pants.!		PRY.
The rule does not say the same thing. The rule says "attorneys who do not have their signatures on file with the State Bar". You are proposing to have all attorneys resubmit signatures.		

COMMENTS	ATTACHMENTS	CATEGORY
Receipt acknowledged.		
<p>This is in response to the request for public comment. I am a retired, inactive attorney (SBN 184761), 76 years old, and have no intention to resume practice. Thus I have no personal interest in this issue. Fingerprints do not change. All or at least almost all active attorneys have their finger prints on record. It thus seems ridiculously burdensome to re-fingerprint every active attorney. Re-checking criminal records for active attorneys is a good idea. But that can be done with existing records. There may be attorneys whose finger prints are not on file – perhaps those initially licensed in another state or country now practicing in California, or some very old attorneys who never had them done during admittance, or perhaps some whose records are lost. Any such persons should be subject to finger print ID and back ground check. But to impose the cost and imposition of re-doing what is already done for the vast majority of practicing attorneys is a waste. It is my recommendation that the proposed regulation be tailored so as to limit the requirement to those who do not have fingerprints on file.</p>		AF!, NO PP
No!!!!		
It's a bad idea. It violates my rights of privacy and 5th amendment rights. I refuse and will not provide my fingerprints		UNCONST.
Absurd. Therefore, certain to be imposed.		
<p>where is the need? what do we have as evidence that there is wide spread fraud among non-admitted persons acting as members? this is just another tax on our ability to earn a living in our chosen field. if you are going this route, please take it to the end zone and do DNA testing, retinal screening, and voice identification. better yet, any time someone passes the bar have a chip inserted in their left hand so every time they appear in court the chip can be scanned. why take half measures? what will you control freaks think up next?</p>		NO PP
<p>I, Frederick R. McClelland, #145964, passed the Bar and was notified in November 1989 that Committee of State Bar Examiners were to do background check in determining my moral character before admission. I submitted proof of all my prior criminal history which included felony conviction in Arizona. After review of all matters submitted, it was determined that I be allowed to practice and was sworn in on April 2, 1990. In the early 2000's subsequent fingerprint requirement by the local public indigent panel, Private Conflicts Counsel, which I was member for many years, determined that I was unable to be provided a county card for access into Court by attorney line because of criminal conviction in Arizona after fingerprinting revealed such criminal conviction. I felt discriminated and the mandate was subsequently changed. I have been a licensed attorney in California since being sworn in and have had no further adieu...convictions/arrests with criminality. Am I shielded from recrimination/protected from discipline when the proposed fingerprint requirement becomes law and reveals my prior conviction history? The Committee of State Bar Examiners had approved my acceptance in 1990 having known of my status. I feel injustice would occur if I am subject to unwarranted further scrutiny? Can you guide me to what further action is/may be needed? Is anyone on my side?</p>		
<p>Thanks for the update but there seems to be an inconsistency between (1) the language of the proposed rule and (2) the first sentence of this email. The proposed states that it applies ONLY active attorneys "for whom the State Bar does not currently have fingerprint images" will need to be fingerprinted. But the first sentence says that "The State Bar of California plans to re-fingerprint all active attorneys." I submitted fingerprints when I was admitted to the California Bar in 1999. Based on the text of the proposed rule, it appears that I will NOT be required to submit new fingerprints. Would appreciate clarification on this.</p>		
Inactive. N/A		
Seems Dumb. My fingerprints have not changed.		AF!
<p>With all due respect, this seems to be a waste of time, money and resources. Why don't you just figure out which attorneys don't have fingerprints on file and seek fingerprints from only them? Why do 200,000+ attorneys need stop what they're doing to potentially spend time and money (again) to get new prints? I would think much less time/resources would be needed to check the current status, unless of course, the records are not accessible or unorganized to efficiently do so.</p>		
<p>I do not mind the re-finger printing.. I am not sure why you feel this is necessary... BUT my problem is I am active and live in FL and never go to CA.. So if you are going to do this you must make it easy for those of us who don't reside in California. I could qualify for reduced fees as I mainly help out friends and family for no charge but rather than playing the game I pay the full fee. I am in the process of more MCLE right now. So I spend quite a bit to retain my active status and hope you can, at least, make this fairly painless for people like myself. I would appreciate knowing how this will be implemented ASAP...</p>		OOS B.
I have not been an active attorney for many years.		
why don't you concentrate efforts on fingerprinting all the illegal aliens in California first		
<p>I am speaking for myself solely as a licensed attorney and NOT on behalf of my employer: I think fingerprinting attorneys for the reasons specified is a good idea, but it would be good to have a ballpark estimate of the current expected cost of the fingerprinting to the licensed attorney.</p>		\$\$
How about an exception for California notaries? Us notaries provide fingerprints every 4 years and for the last 2 times they're digital...		AF!
Thanks, Keith		
<p>I'm just curious if those of us who were fingerprinted with our applications in recent years need to go through that process again. As an out-of-state practitioner, I'm loath to have to revisit my local police department. They're not exactly set up for this process and, while friendly enough the last time, it's not something I really enjoyed. Or want to have to pay to do again.</p>		AF!
Once we do this re-fingerprinting, can we get thru court security checks easier like the old days?		
<p>The scope of this solution is beyond the pale in addressing whatever problem you think this is addressing. So... what is the problem this solution is addressing?</p>		NO PP
<p>Only comment I have is to suggest that fingerprints are already on file for another purpose, that those fingerprints can be used for this purpose also.</p>		AF!
<p>Were fingerprints required when applying to take the CA bar exam? If yes, if this rule passes will fingerprints need to be submitted again? If a CA licensed attorney lives out of state then would it suffice to have a local police department (in another state) take my fingerprints and submit them to CA State Bar?</p>		AF!
<p>Will you let us know whether or not you have our prints on file? I'm sure I provided prints when admitted to practice in 1991. Is that sufficient? Please advise.</p>		
Why?		WN#

COMMENTS	ATTACHMENTS	CATEGORY
I object to having to be finger printed again. I have kept my license active and taken my continuing education classes for over 20 years with no income from legal practice. I do not know how to fill out the form. It is bad enough to have to pay the utilities for San Diego much less more expense for the state Bar.		AF!
so which is it: 1. The State Bar of California plans to re-fingerprint all active attorneys 2. Each active licensed attorney of the State Bar for whom the State Bar does not currently have fingerprint images shall, pursuant to the procedure identified by the State Bar, submit fingerprint images These are 2 very different scenarios. If the latter scenario is what is being discussed, shorthand text similar to the former scenario is misleading at best and factually wrong at worse. Would expect more from the staff of The State Bar...If the former is the requirement (and the latter was incorrect), note this seems to be a tremendous waste of time and money, especially since you want us attorneys to foot the bill.		
A Retinal Scan would be better and easier to use Statewide.		
I am active (SBN 61002). I seem to recall being fingerprinted at the time of application to the Bar or swearing in. The proposed Rule says all active attorneys, "...for whom the State Bar does not currently have fingerprint images": How will I know or will I be notified at my Bar Profile if the Bar currently has my fingerprints?		
Is there any provision being made for attorneys on active status who no longer live in California? Is there a time frame proposed for compliance?		OOS B.
I read the fingerprinting rule as proposed. I also read the amended statute and the Supreme Court requirement. Why didn't the legislature just legislate that all attorneys shall be fingerprinted? Why didn't the Supreme Court mandate this without a required rule adopted by the State Bar. I'm sorry but i don't think that this rule is necessary. Either the legislature should mandate this or the Courts should do so. As i see it the Bar is being coerced into this and really has no way out. It's nuts in my opinion. I read the Nov 2016 opinion of the Bar Assoc. Counsel. I get why this is being done but I would much prefer it not be done. There are other ways to cause this same result. Why do we have a State Bar Assoc? Right now all it is is an enforcement agency to get rid of bad lawyers. Let's let the DA's of every county do this and get rid of the Bar. If I were a Trustee of the Bar I would seek to dissolve the Bar.		6054#
NO ONE HAS BROUGHT FORTH ANY DATA THAT SHOWS THAT FINGER PRINTING IS NEEDED OR DESIRED UNTIL SUCH DATA IS AVAILABLE THIS PROGRAM SHOULD BE PUT ON HOLD		NO PP
OK, so where would I go to get the fingerprinting and have is sent to you as a member that's been granted fee scaling?		IMPLEM.
I have read the proposed rules for fingerprinting of active attorneys. I have been licensed since 1975 and am close to retiring. I have some concerns over the proposed rule changes. while i understand the purpose of protecting the public regarding illegal activity or convictions of an Attorney, i am concerned over requiring an attorney to do so which may be against his right and protection under the 5th amendment against self incrimination. While one cannot be compelled to incriminate himself, by requiring such an atty to do so, would have this effect. I guess the equities of doing so has to be weighed . I question if an attorney who has such a conviction, would voluntarily submitt which could have the effect of bar discipline and could result in termination or suspension of ones license . I look forward to further discussion on this issue.		UNCONST.
I am not sure whether the State Bar has my fingerprints. Will those of us for whom the State Bar already has fingerprints be notified that we don't need to be re-fingerprinted? Is re-fingerprinting a one-time thing or will we be required to repeat it every year or two?		1#
All current licensed attorneys should be exempt from this as we all provided finger prints previously, at great expense, I might add. In addition, it should not be incumbent upon the attorneys to have to incur the time (separate from the expense) to address this. Please submit my objection.		AF!, \$M
For many reasons I overwhelmingly support the Proposed Rule that will improve the reputation and practice of the State Bar in the protection of the public that we serve, together with strengthening the State Bar's discipline system.		
Why on earth do we need to be re-fingerprinted? I already went through this when I was sworn in. Did you people lose the fingerprint cards? If so why are we paying for this?		AF!
I find this proposal suspicious and unnecessary. At first glance, it seemed like this proposal was to request fingerprinting for those who never submitted fingerprinting at all. However, other parts of the proposal and subsequent comments/emails about this proposal seem to want all licensed CA attorneys to go through this process. When I submitted my Moral Character Application, which was quite extensive, many years ago, it required Live Scan Fingerprinting. Why would you want attorneys, like myself, who had to submit Live Scan Fingerprinting to submit it again? That extensive Moral Character Application should be enough as it took months for a determination. I find no reasonable or legitimate purpose for this proposed rule. And, you want to submit our fingerprints to the DOJ/FBI? What are you really trying to accomplish here? Has the state and federal government somehow deemed us CA attorneys a group of individuals who are extremely likely to commit crimes and therefore need to safeguard the community/country? Are we such a threat that we need to make it easier for the government to find and convict us? And, to top it off, you want us to pay for this process? What do you want to do next - Require us to have mandated psychological evaluation and drug testing to keep our license?		NO PP, AF!
Our State Bar is very slow on the uptake of new technologies and threats, the State Bar should have long ago issued photo ID to all licensed attorneys and collected not only fingerprints but DNA samples as well. Why not show some real Leadership Michael, and think outside that old Box you guys have been stuck in for a hundred years.		
My reaction: One word: Stalinism People who believe in libertarianism including myself and the Founding Fathers are rolling in our graves at the way our cherished values are going down the police state/communism toilet in our cherished USA. "Any society that would give up Liberty for security will deserve neither and lose both."		PRY.

COMMENTS	ATTACHMENTS	CATEGORY
<p>I write to object to the proposal that the State Bar fingerprint active licensed attorneys. This is a terrible idea. It is costly. It is unnecessary. I do not understand why the California State Bar would want to be notified every time an attorney gets arrested. As lawyers, we should appreciate civil rights and privacy rights. We should have a particular respect for and understanding of "innocent until proven guilty." We should understand that our justice system is imperfect. It suffers from overt and subconscious, systemic and insidious racism and bias. People of color and poor people are disproportionately impacted. Until racism and bias are completely eradicated, the State Bar cannot and should not police mere arrests. That is completely ridiculous and objectionable. Not in my name. I am a law abiding citizen. I am a lawyer. However, I believe in civil disobedience in the face of unjust laws. Dr. Martin Luther King Jr. was arrested numerous times fighting injustice. I was not alive then. But now we have a Trump Presidency. And he is wrecking havoc on our society to the point where civil disobedience may not only desirable, but necessary. To protect our environment. To protect the rights of NFL players to kneel during the National Anthem. To protect Muslims from being unfairly targeted and prohibited from visiting or immigrating to our country. Am I the criminal you seek to get notice of if I am arrested engaging in civil disobedience in the name of justice? Am I not suitable as a lawyer? This proposal appears to me to be addressing a problem that does not really exist. If I am arrested and prosecuted, there will be a prosecutor who has access to my fingerprints taken upon my arrest. It is a matter of public record that I am a lawyer. If I am convicted, the prosecutor can notify the Bar of the conviction. Done. The Bar should be doing more to encourage people of color to become attorneys. Not creating barriers to their inclusion. If you do pass some regulation requiring active lawyers to undergo more fingerprinting, I urge you to recognize a conscientious objection exception based on the First Amendment, Fourth Amendment, and Sixth Amendment to the U.S. Constitutions. Out of solidarity with my colleagues who are unfairly targeted by police because of the color of their skin, who are pulled over for "driving while black," I will not do it. I object. I strenuously, and passionately object. Not. In. My. Name.</p>		BR., \$\$, NO PP, OB#, UNCONST.
<p>My fingerprints have not changed since I entered the Bar in 1993 thus there is no need to re-fingerprint. Thank you.</p>		AF!
<p>Although my admission to the California Bar dates back to 1978, my recollection is that I was fingerprinted at that time. As I read the 'preamble' to the proposed law, current fingerprinting would be limited to those circumstances where one was seeking "admission or reinstatement." If that's a correct reading of the proposal, it would not apply to members in good standing, so I would have no objection. If, on the other hand, the proposed fingerprinting requirement would also apply to Bar members currently in good standing, who were previously fingerprinted as part of the admission process, I would object to the proposal, absent a cogent argument to the contrary.</p>		AF!
<p>My name is Katherine Cohan SBN 269337. I believe your office already has my finger prints. Please advise if I should submit to finger printing again.</p>		AF!
<p>Does state bar have my fingerprints from when I was sworn in November 1978?</p>		
<p>You have got to be fuckin kidding me. When does it end? My fingerprints are on file. You have access 24/7. Is the current federal administration and the right wing lunatics that pervasive into our lives. Why don't you get a search warrant and comply with the 4th amendment? Yikes. With much disrespect, er, respect,</p>		AF!, UNCONST.
<p>That's insulting and pointless.</p>		NO PP
<p>What will the CalBar DO with these fingerprints? Will they be stored permanently? Under what security? Why are fingerprints even needed? What problem do they solve? I view this is a rather negative development, and a rather negative message, from the CalBar.</p>		SCY, NO PP
<p>I'm sick of the State Bar always trying to protect the people versus their own members the attorneys I gave my fingerprints when I applied to practice law so if you've lost them that's your problem but I'm not going to resubmit fingerprints I'm sick of the bar you've never done anything for me in my 25 years or 28 years whatever it's been at any rate that's my comment have a great day</p>		AF!
<p>This seems like a silly, expensive, wasteful misuse of technology in response to a highly theoretical threat. Does the State Bar have any factual information on how its current archive of active attorneys has created problems for anyone that re-fingerprinting would help resolve?</p>		\$\$, NO PP, BR.
<p>Hello. I submitted a comment via the State Bar's Web site when I first learned about this proposal. Have previously submitted public comments been maintained, or is your message announcing a new process/comment period?</p>		
<p>I cannot imagine why I should be put to the expense and time of b I get re-printed. Are you claiming that they lost our finger prints? If not, I am opposed to this un-necessary and duplicative demand. What purpose does it serve? Can't my bar dues be better used, for instance, in dealing with abusive judges, the other bar or something that is actually vital? Shameful waste of time and money - big brother gone awry and lost track of what matter.</p>		NO PP, AF!, BR., \$\$
<p>It would be nice to know what these costs currently are. For the vast majority of us who have no criminal records and for those of us who are sole practitioners, this is a significant consideration.</p>		\$\$
<p>Every year there is more bull and hoops to jump through, for what purpose? Our politicians dishonor women and apparently try to take bribes from foreign governments, and I believe one of the highest State Bar employees/officers of my other bar, the Washington State Bar, has embezzlement issues causing her to resign...I have been an attorney for over 40 years, and have a concealed weapon permit for which I was fingerprinted 6 months ago, in WA state. This is just another waste of time and money.</p>		NO PP, BR., \$\$
<p>I am on inactive status and nearly retired, However, I don't understand the requirement. When I passed the CA Bar in 1985, I was fingerprinted and had to pass a complete background/clearance test - going back to all the address and employers I had since high school. People I knew were contacted about me. It was like getting a secret clearance from the government. Has this changed? Are attorneys admitted to the Bar in CA no longer required to complete this background check? And if the fingerprinting and background check were eliminated, I would like to know why?? If still implemented, what is the need for re-fingerprinting?? Please respond</p>		AF!
<p>I'm sure this will reduce the number of sleazy lawyers. Geez.</p>		NO PP
<p>What a terrible profession!</p>		
<p>Where will it end? DNA as well???</p>		

COMMENTS	ATTACHMENTS	CATEGORY
This proposed rule and your explanation of it is a bit confusing. I have been a member of the CA Bar since 1995. I don't recall if I was fingerprinted as a requirement for background check, etc., but I'm assuming I was. In your description of the rule, it sounds like everyone has to be either fingerprinted or re-fingerprinted. However, in the proposed rule it indicates that any attorney "for whom the State Bar does not currently have" fingerprints will have to be fingerprinted. So, which is it? If you have our fingerprints, will we have to be re-fingerprinted or not, assuming the passage of the rule?		AF!
I don't like it. It puts the burden of expense on the attorneys. It requires all existing attorneys to submit to this. I've been practicing 40 years and I think this is an unnecessary burden on attorneys that are retired or near retirement. I think it would be simpler to pass a law that says if someone is arrested the record of arrest will be sent to the State Bar. I can see this for new attorneys who are being looked at to confirm their moral character for admission to the Bar, but not for attorneys like me who have been practicing for 40 years and are simply keeping the license alive just in case they need to start practicing again for financial reasons. Don't like it...and if it must be done let the State pay for it and supply convenient access to places where this could be accomplished. Overall not happy with the idea.		BR., \$\$, \$M
Mailed letter: "any attorney who has not submitted fingerprints", the answer should be ZERO. No one, as I understand it, has been admitted to the State Bar without fingerprints. IOW, a rule with no necessity. whatsoever UNLESS, unstated, the State Bar has negligently thrown out fingerprints and now wants the membership to pay for this mistake? The last I heard, "shall" is mandatory and "may" is permissive. Is the State Bar going to use "may" to cover lost fingerprints and force the cost on members? Why is "resubmit" used as something the State Bar "may" require when there is a secret intent of "shall"? I am inactive, long retired, 79 years old and will never return to active, so this rule does not apply to me. However, like most lawyers, I hate efforts which are sneaky and not fully disclosed. If I am wrong and there some years which did not require fingerprints before admission, let me know. If the fingerprints are lost, thrown out or unusable, let the members know this essential fact before forcing 200,000 members to incur this expense (and wasted time) due to not keeping the fingerprints on file. I am willing to guess that 99.99% of members will not object to this rule because he or she has been fingerprinted before admission to the Bar. When told, as I speculate above, the fingerprints are NO LONGER in the Bar's possession, 99.99% would scream long and loud about this rule. I represented many a client who was hoodwinked by slimey perps trying to sneak something by a trusting individual. I hope the State Bar is not one of those perps.	Copy of letter available upon request	AF!, \$M, 6054#
I have one very simple comment. Why should I pay the cost of this?		\$M
Where the hell does it the proposed rule require RE-submission. According to your summary below, the applies to attorney "for whom the State Bar does not currently have fingerprint images shall And people wonder the why the state bar is hated so very much. You are useless.		
Interesting. Please make clear which precise DOJ office these prints must be submitted to and where in each state one may get them. Does one go to a police department to get them or are there private services that do background checks or other places to get them that suffice? Are they anticipating massively arresting attorneys any time soon? I am wondering what prompted this. Thanks for the update.		WNN#, IMPLM.
Mailed letter that discusses his experience as a P.I. and mental health clinician (he's not an attorney). He summed his letter up with these sentences: "It is imperative that cases coming to the attention of the State bar via this proposed fingerprinting requirement, are not subjected to the duplication of such an established program with documented compliance. Programs related to public protection, must be considerate of the clinically indicated parameters and should not impose unnecessary burdens on participants via the duplication of a treatment protocol."	Copy of letter available upon request	AF!
Mailed letter, this is the "Conclusion" at the end: I am profoundly puzzled by the lack of analysis and discussion about (1) the availability of CORI data without duplicative, live scan fingerprinting and (2) any empirical study of the costs and benefits of this new proposal. I spoke to the consultant who advised the legislative committees about Senate Bill 36, and she was completely unaware of the provisions recited above and the decisions in my case. Before moving forward, the SBC should address these issues and authorize a proper empirical study of the costs and benefits of the Proposed Rule.	Copy of letter available upon request	AF!, NO PP, 6054#
Mailed letter from The National Employment Law Project and the NAACP Legal Defense & Educational Fund, Inc. signed by attorneys. They disagree with the proposed rule, but alternatively would agree to modification. The cover e-mail states: To whom it may concern:  The National Employment Law Project (NELP) and the NAACP Legal Defense and Educational Fund, Inc. (LDF) provide the attached comments to the proposed California court rule regarding the fingerprinting of active licensed attorneys. As described in our letter, NELP and LDF disagree with the proposed rule. Alternatively, we recommend specific modifications to the rule to ensure that individuals with arrest and conviction records—disproportionately people of color—are not unfairly deprived of the opportunity to practice law in California.	Copy of letter available upon request	
Thank you for the opportunity to provide comment to the rule.		OB#
I support the fingerprinting of lawyers		

COMMENTS	ATTACHMENTS	CATEGORY
<p>Looks like I missed the commenting deadline by just a couple hours, but this is the first business day after a long three-day holiday weekend, and I had previously contacted the Office of General Counsel earlier this month requesting clarification of the application of this proposed rule, and have not received any response yet.</p> <p>As a busy attorney in private practice with unusual and significant family obligations, I haven't had time to fully and thoroughly review this proposal and all the associated documentation, but I am concerned and dismayed by what appears to be a proposed requirement that despite being fingerprinted when we were admitted to the bar, we are now going to be required to be fingerprinted yet again. That seems extraordinary, and I fail to see the existence of extraordinary circumstances which would warrant such an intrusion and inconvenience to the tens of thousands of law-abiding licensed attorneys in this state.</p> <p>I think it's a safe bet that lawyers, with their years of training and education, proven skill &amp; knowledge, and their having passed a rigorous background check, are far less likely to commit crimes than the general population. And yet it seems we are to be treated like criminals, or at the very least, like highly suspicious persons whom Big Brother needs to keep an especially close eye on.</p> <p>How often are we going to be required to undergo a new fingerprinting process? Every ten years? Every five years? Every year? And what happened to the fingerprints you took when I was first admitted? Have you lost them? And what next? Are you going to require DNA samples? Retinal scans? Where does it end? It seems that the State Bar, like all law enforcement agencies, is never satisfied with the level of control and authority they have acquired, and are always seeking more. And more, and more, and more.</p> <p>I'm all for public protection, but when do you say enough is enough? When do you say "stick a fork in it, it's done"? Apparently the answer is "never".</p> <p>I oppose this duplicative, redundant, intrusive, and unnecessary proposal.</p>		NO PP, AFI, BR., 1#
<p>This is a completely unnecessary undertaking and more "make work" for the already bloated staff of the state bar. After thirty seven years it appears as though the state bar doesn't have, and hasn't made arrangements to maintain, a copy of my fingerprints in its files? Somehow I can't help but think if the bar couldn't find my fingerprints, with which it has already been furnished, and really wanted to locate them, it could do so with a rather moderate degree of diligence. No "make work" would even be necessary.</p> <p>There are, of course, reports by the courts to the bar about miscreant attorneys as well as self reporting requirements to the bar which eliminates a to a substantial degree this repeat fingerprinting undertaking, which right at the outset is not necessary or desirable.</p> <p>If the bar failed to have arrangements with DOJ for reporting requirements by DOJ to the bar that is the bar's failure, and at a minimum the bar needs to show good cause why it did not do so and why, with some level of due diligence, why it can't remedy its own self created problem.</p>		NO PP, \$M
<p>Dear Members of the Committee:</p> <p>I write solely on behalf of myself, an attorney admitted to practice in 1994. To begin, it strikes me as sad and unfortunate that members of my profession have collectively reached such a nadir in ethics that they are now considered a risk to the public, worthy of being monitored by the DOJ. Just out of curiosity, what other professions require all of its practitioners to be fingerprinted?</p> <p>Aside from my general discontent and disappointment with this proposed rule, I wonder whether members of the State Bar don't already pay enough in fees and dues to cover this additional expense. I would respectfully suggest that if the State Bar is required to implement this new rule and mandate its members to comply, it should at least share in the cost, if not bear it fully. More importantly, the Bar should endeavor to save its members' precious time and make this process less burdensome. Does the Bar plan to provide a list of fingerprinting service companies, notaries public, or other facilities qualified and authorized to do this project? What procedures will be followed on certifying the identity of the person(s) submitting the fingerprints? What enforcement tools and penalties will be utilized to ensure compliance by all the active Bar members? I would suggest that if the Bar moves ahead with this requirement, that it also strive to make this as convenient and painless as possible.</p>		\$M, BR., IMPLM.
<p>Judge Juhas sent a 2-page letter on behalf of the California Commission on Access to Justice. He ended it by saying that the State bar should "extend coverage of the DOJ and FBI fees to all attorneys whose dues are scaled under both Rule 2.15(A) and (B)."</p>		2.15B#
<p>Mailed letter on behalf of IOLTA-Funded California Disability Advocacy Organizations. The bottom line was a recommendation to modify to the rule to ensure no discrimination against lawyers with disabilities.</p>	Copy of letter available upon request	DIS#
<p>The expense of this fingerprinting would fall on the Bar to organize and catalog the prints. That is an unnecessary expense in these times of lack of funds.</p>		BR.
<p>Mailed letter on behalf of the Legal Aid Association of America. The last line states: "We urge the State Bar to extend coverage of the DOJ and FBI fees to all attorneys whose dues are scaled under both Rule 2.15 (A) and (B)."</p>	Copy of letter available upon request	2.15B#
<p>This is, in my opinion, a waste of however many active attorneys time, times the money for a slight possibility of getting notice of crimes for which the bar probably already has access to. Hundreds of thousands of dollars of assets wasted to learn of hundreds of dollars of information.</p>		BR., \$\$, NO PP, AFI!
<p>I have been finger-printed 5 times already by DOJ. Twice as part of my employment as a prosecutor, once for my employment by the State ALRB, and of course, once upon my admission to the Bar. Other than being an incredible pain in the ass, what conceivable rationale is there for taking the time and expense to do it again? MY FINGERPRINTS HAVE NOT CHANGED! As best I can tell, after 43 years as a member, the State Bar has done nothing for me other than charge exorbitant fees which it then mispends, and keep track of my MCLE, which I admit is appropriate. What is the purpose of this latest farce?</p>		AFI!, NO PP

COMMENTS	ATTACHMENTS	CATEGORY
<p>This is another example of the "Big Brother" syndrome that poses as protecting the public. I have been practicing law for almost 40 years and the only time that my fingerprints have been taken have been to get admitted to the Bar in 1979, to sit on an advisory committee to the Long Beach Police Department and to get my concealed weapon permit in 1994. This is not to protect the public but to harass the bar.</p> <p>As to funding this endeavor the bar should pay for it. The attorneys' are being penalized in this manner because of the mismanagement of the State Bar. If the Bar wanted to help fund this then cut down the director salary to the of Governor Brown and that should apply to the rest of the bar management positions. This is just another rip off by the Bar and because of my position and comments of this I expect action will be taken against my practice.</p>		NO PP, \$M
<p>Because many mutant attorneys (especially Martians and Vegans) can twice-yearly change their genetics and prints, we should never wait forty-two years between tests. I recommend fingerprints, blood tests, and orifice swabs every forty-two days. I don't know how to cope with counsel from Betelgeuse, Betelgeuse, Betelgeuse.</p>		
<p>The Amendment to Section 6054, part (b) reads:</p> <p>The State Bar of California shall require that an Applicant for admission or reinstatement to the practice of law in California, or may require a Member to submit or resubmit fingerprints to The Department of Justice in order to establish the identity of the applicant and in order to determine whether the applicant or member has a record of criminal convictions in this State or in other states. The information obtained as a result of the fingerprinting of an applicant or member shall be limited to the official use of the State Bar in establishing the identity of the applicant and in determining the character and fitness of the applicant for admission or reinstatement, and in discovering prior or subsequent criminal arrests of an applicant, member, or applicant for reinstatement. The State Bar shall notify the Department of Justice about individuals who are no longer members and applicants who are denied admission to the State Bar within 30 days of any change of status of a member or denial of admission. All fingerprints of applicants admitted, or members reinstated, or provided by a member, shall be retained thereafter by the Department of Justice for the limited purpose of criminal arrest notification to the State Bar.</p> <p>The operative language of the Statute appears to me to be in lines seven (7) and eight (8), wherein it states, "... Discovering prior or subsequent criminal arrests of an applicant, member, or applicant for reinstatement." This statement begs the question, "Prior or subsequent to what?" The only answer that is reasonable is, "Prior or subsequent to the matter for which the applicant, member, or applicant for reinstatement is currently engaged with the State Bar and/or State Bar Court. The rights of individuals are not abrogated simply because they join(ed) the State Bar. There must be a balance between maintaining proper Disciplinary Standards and those individual rights. If the matter involves Moral Turpitude, than submission of Fingerprints would be warranted to accomplish a thorough investigation.</p> <p>Adopting an interpretation which allows "Blanket Collection" as suggested, not only takes "Overreaching" to the level of an "Art Form", but suggests that Members are crossing State Lines to engage in "High Crimes and Misdemeanors", and then returning to California to practice law!?</p> <p>Right now, in our Country, lack of respect for the law is running rampant, even to its highest levels. If we are to regain that respect, part of that must include respect for the people who practice it.</p>		OB#, NO PP
<p>My fingerprints haven't changed. Of all the stuff that needs correction, this is not anything we need.</p>		AF!
<p>I'm an out of state inactive California lawyer, when is registration?</p>		
<p>I think this is a good idea. It will preserve the ethics in the profession.</p>		
<p>I strongly object to this rule. I am against any rule or law that would further erode my rights to privacy and further endanger my personal information, identity theft etc. Vote No!!!</p>		PRY., SCY
<p>A very expensive and time consuming solution to a non (or very minor) problem.</p>		BR., \$\$, NO PP
<p>To whom it may concern;</p> <p>I am writing to provide public comment on the proposed rule regarding a fingerprinting requirement for active licensed attorneys under the recent amendments to Business and Professions Code section 6054, effective Jan. 1, 2018. I am AGAINST requiring attorney's to provide this information as it is both a violation of our Constitutional/privacy rights and an improper financial burden.</p> <p>First and foremost, there is absolutely no reason why attorney's should be made to provide this information. Although the Bar's desire to obtain criminal offender record information is understandable, the proposed methodology for doing so is draconian and adversely effects the vast majority of innocent attorneys to hopefully catch a few. It is completely unnecessary, wasteful and horribly invasive.</p> <p>Second, requiring me, a small business owner who is already struggling to provide for my family etc., to pay for this unwarranted violation of my right only adds insult to injury.</p> <p>If this has to be done at all (it doesn't), there has to be a different way.</p>		BR., NO PP, \$\$, ALT. OPTS
<p>I am totally unclear as to the reason for this- and for what purpose? As I recall fingerprints are now on file with you and with the USA. What is the recent change in the law that calls for this? what does the bar use fingerprints of members for? where are they stored? who has access to such information? whose form is used for taking the prints? What is wrong with the old prints? thank you for advising me and others who probably have the same questions. sincerely, CHV</p>		NO PP, WN#, AF!, SCY

COMMENTS	ATTACHMENTS	CATEGORY
<p>The proposal is outrageous. Having practiced for nearly 30 years, without complaint or malpractice claim, under the active auspices of the California State Bar, you are proposing to have me pay for the privilege of having my fingerprints recorded and processed by the DOJ? Really? How many practicing criminals can afford to go to law school and then pass the rigorous bar exam and background check? Or is are we attorneys committing murders, rapes and burglaries after we get our license?</p> <p>If you are concerned about bar card holders developing into a criminal class, why not just swab our DNA while you are at it?</p> <p>This is a fishing expedition, pure and simple, looking for quick ways to access fingerprints of law abiding licensed professionals for law enforcement purposes and has nothing to do with ensuring that Californians are represented by qualified educated professionals.</p> <p>If the goal is protection of the public against predators, then the state of California should pay for the processing of the fingerprints as part of its licensing administration. To shift the costs of law enforcement fishing expeditions to licensed practitioners is appalling. If law enforcement wants my fingerprints, they should apply for a warrant on good cause and pay for the privilege of processing my data.</p> <p><u>Shame on the State Bar for falling for such a pathetic ruse and incursion on attorney privacy.</u></p>		NO PP, \$M, PRY.
<p>I am not sure who gets this email but I have been an attorney for 20 years and never been disciplined. However, over the years I have noticed that are personal freedoms have been taken away and we consider it anyone's right to test, fingerprint or otherwise infringe on the rights of others. Frankly, this fingerprinting will not change my life since that was all done prior to certain permits I have obtained from the government but I am saddened that the State Bar is choosing to do this to it's members. It's not the reporting part, it's the fingerprinting part that is intrusive, costly, unnecessary and a little humiliating. Attorneys get enough grief from clients, judges, bailiffs, etc. without the State Bar piling on.</p>		UNCONST., PRY., BR., \$\$
<p>I oppose the new rule regarding fingerprints.</p> <p>The Bar's proposal does not discuss how many lawyers this rule would impact. Nor does it explain how much cost, time, and inconvenience will be imposed on lawyers.</p> <p>I was admitted to the California Bar in 1975. To even apply for admission I had to submit my fingerprints. To my knowledge, every lawyer who ever applied to take the California bar examination had to be fingerprinted.</p> <p>The rule speaks of "re-fingerprinting". This brings up the question-- What did the State Bar do with all of our fingerprints? Are all California lawyers going to be put to the trouble and expense of being fingerprinted because you lost our fingerprints, or because you don't want to run your copies of our fingerprints through this criminal database?</p> <p>If the State Bar wants our fingerprints, you should pay to get them. This is a general issue of police power, and 99.99 percent of all California lawyers have no undisclosed criminal convictions.</p> <p>The lawyers targeted by this rule are not suspected of any offense, and if their fingerprints are not on file, they are blameless. Innocent lawyers, who are also citizens, should not pay for the general screening and surveillance programs of the state.</p>		AF!, IMPLM., SCY, \$M
<p>On November 14, 2017 I was fingerprinted at the time I submitted my application to renew my Notary Public license. This was done by LiveScan and I understand it was submitted to the California Department of Justice and the FBI. I paid \$80.00 for the service.</p> <p>I have no issues with fingerprinting attorneys.</p> <p>I think that a fingerprint submitted to the Department of Justice within a time period before application of the Rule should suffice and satisfy the fingerprinting requirement for attorneys, particularly if it is done after the Supreme Court mandate.</p>		AF!
<p>Are you out of your collective minds? You have my prints since 1982.</p>		AF!
<p>Fine by me.</p>		
<p>I am not clear, and the article does not state, why active attorneys who were fingerprinted previously (such as when they were initially licensed, as I was in 1987) have to be re-fingerprinted. What happened to the previously submitted fingerprint records?</p>		
<p>Oh Oh</p>		
<p>What is the point to having resubmission of fingerprints already on file?</p>		AF!
<p>Response to Fingerprint Submission: From my perspective, I do not believe it is necessary for an active attorney to submit to a fingerprinting process. I consider this a violation of the right of privacy. This is strictly my opinion and thank you for your consideration.</p>		NO PP, PRY.
<p>Mr. MacLead, I may have missed the comment deadline, but who made it during the Christmas Holiday? Why is there no explanation why this is necessary or who is supporting the plan? Seems to me there needs to be serious discussion why this is necessary by the members, not the Bar officials.</p> <p>I have been a member for 35 years and I strongly oppose fingerprinting. Why should I be fingerprinted after 35 years? I was already fingerprinted when I joined. I guess DNA will be next. Maybe you could just brand us like cattle. You have always treated members as potential criminals.</p> <p>I have no history of complaints or violations. Why now when i am semi-retired? What a insult and slap in the face this is after all these years. I suppose the Bar has found some way of making money from this.</p>		AF!
<p>Mailed letter stating his reasons why he believes the State Bar should not enact the proposed rule.</p>	Copy of letter available upon request	6054#, \$\$, NO PP, EX#, RR#
<p>Mailed letter stating his reasons he disagrees with the proposed rule.</p>	Copy of letter available upon request	BR., AF!, \$M, \$\$, EX#

COMMENTS	ATTACHMENTS	CATEGORY
<p>Dag:</p> <p>I would like to submit the below comment on the above issue. I previously left a voice mail message for Ms. Wilson during the comment period seeking additional information; that message was never returned by Ms. Wilson or Cal Bar staff.</p> <p>COMMENT Re: Proposed California Rule of Court Regarding Fingerprinting of Active Licensed Attorneys</p> <p>I write in OPPOSITION of the proposed rule, which seeks to shift millions of dollars in sunk costs to licensed attorneys, with additional unknown up-front and ongoing costs in terms of added Cal Bar staff, with little insight into any purported benefit to the public or the profession. Indeed, it is unknown how many "hits" will be generated and require investigation.</p> <p>The proposed rule is especially galling given that the failure to already have active fingerprint records and alerts is due to the incompetence of the Bar leadership and personnel. Indeed, the Bar failed to execute a simple contract even though it was already mandated to do so. Changing the law to allow cost-shifting to the membership, and then issuing a mandate under the guise that the change in law suggested the need for a change in procedure is less-than-transparent. That Ms. Wilson's office did not return phone calls seeking additional information on this proposed rule or comment period underscores that the Bar is not forthright or taking responsibility for its long-standing failure to carry out its duties.</p> <p>PROPOSED SOLUTION: Rather than requiring all members to incur the cost of background searches, rolling fees, and lost time in correcting the Bar's mistake, the Bar should instead implement a rolling test period.</p> <p>For example, like MCLE, the Bar could request that some subset of attorneys certify whether (or not) they've been subject to arrest or other reporting event. The bar could then audit some sub-set of members to assess quality of compliance. For the audited set, the Bar could incur all processing and background charges. This would enable the Bar to assess the number of "hits," accuracy of compliance, and better forecast whether the multi-million dollar costs are necessary or warranted, and the amount of bar personnel time that will be required to implement the changes.</p>		<p>\$\$, NO PP, ALT. OPTS</p>