

**Rule 2605. Vexatious Complainants**

- (a) The Office of Chief Trial Counsel may designate a person a vexatious complainant if, in the preceding two-year period, the complainant has submitted to the State Bar 10 or more communications alleging attorney misconduct that have been finally closed at the inquiry stage without investigation because the communications did not allege sufficient factual or legal grounds to indicate a potential disciplinary violation. The Office of Chief Trial Counsel will mail notice of the designation and a copy of this rule to the complainant at the complainant's last known address.
- (b) For purposes of this rule, a complainant's communication has been "finally closed" if:
  - (i) the complainant failed to seek reopening of the complaint by the Complaint Review Unit of the Office of General Counsel within 90 days of the closure of the communication; or
  - (ii) the Complaint Review Unit denied the complainant's request to reopen the communication and the complainant did not timely file an accusation arising from the communication with the Supreme Court in compliance with California Rules of Court, rule 9.13(d) through (f); or
  - (iii) the Supreme Court denied an accusation arising from the communication.
- (c) A complainant designated as vexatious under this rule may seek review of the designation by filing a request for review with the Presiding Judge of the Review Department of the State Bar Court within 30 days of the mailing of the notice issued pursuant to subdivision (a). The request for review must include a copy of the vexatious complainant designation notice and be accompanied by proof of service on the Office of Chief Trial Counsel, Intake Unit, at the Los Angeles office of the State Bar, and on the Clerk of the State Bar Court at the Los Angeles office. The Office of Chief Trial Counsel may file and serve an answer to the complainant's request for review within 20 days of service of the complainant's request for review. Based upon these written submissions, the State Bar Court will confirm whether the complainant has, in the two-year period preceding the notice of vexatious complainant designation, submitted 10 or more communications alleging attorney misconduct that have been finally closed. If the State Bar Court finds that the requirement of 10 or more finally closed communications, as specified in subdivision (a), was not met, the vexatious complainant designation will be vacated; otherwise, the designation will remain in place. The State Bar Court will not review the merits of the 10 or more communications on which the vexatious complainant designation is based. The Executive Committee of the State Bar Court may adopt rules of practice for these proceedings.

Attachment A – Proposed rule 2605

- (d) The Office of Chief Trial Counsel may decline to review and process any subsequent communications from a person designated a vexatious complainant under this rule unless the communication is verified by the complainant under penalty of perjury and the communication is submitted on the complainant's behalf by an attorney who holds an active license to practice law in the State of California and is not currently in disciplinary proceedings or on disciplinary or criminal probation. If the vexatious complainant is an attorney licensed to practice law in the State of California, the communication must be submitted on the vexatious complainant's behalf by another attorney who is actively licensed to practice law in the State of California and is not currently in disciplinary proceedings or on disciplinary or criminal probation and is not designated as a vexatious complainant pursuant to this rule.
- (e) This rule shall apply retroactively to January 1, 2018.
- (f) This rule does not apply to complaints filed pursuant to Business and Professions Code section 6158.4.