

**Rules of Procedure
of the State Bar of California**

Rule 5.137 Imposition of Monetary Sanctions

(A) The Supreme Court May Order Monetary Sanctions

In any disciplinary matter in which the respondent is suspended, disbarred or resigns with charges pending, the Supreme Court may order the payment of a monetary sanction not to exceed \$5,000 for each violation, to a maximum of \$50,000 per order. (Business & Professions Code § 6068.13.) Monetary sanctions ordered will be in addition to any restitution or court costs ordered. The monetary sanction order may be set forth in a separate order.

(B) Sanctions Shall Be Payable To The Client Security Fund

If the Supreme Court orders the payment of monetary sanctions, the funds shall be made payable directly to the Client Security Fund by the respondent.

(C) Determination of Monetary Sanction Amounts

In any disciplinary matter in which the State Bar Court recommends that an attorney be ordered to pay monetary sanctions, the amount shall be determined using the ranges found in subsection (F) and considering the factors set forth in subsection (G). Recommended sanctions that deviate from the ranges must include a justification for the exception. The State Bar Court may recommend that the Supreme Court allow respondent to pay monetary sanctions in installments, or that they be waived based upon financial hardship.

(D) Stipulations For Waiver Or Payment Plan For Monetary Sanctions

The Office of the Chief Trial Counsel may enter into a stipulation with respondent or make a recommendation regarding whether any monetary sanctions should be ordered or waived; if ordered, in what amount; whether a payment plan will be allowed and the specifics of such plan, using the guidelines set forth in subsection (F) and (G). Such stipulations will be subject to approval by the State Bar Court.

(E) Respondent's Financial Hardship

A Respondent may be granted relief, in whole or in part, from an order assessing monetary sanctions, or may be granted an extension of time to pay these sanctions in the discretion of the State Bar Court, upon grounds of hardship, special circumstances, other good cause or if collection of monetary sanctions will impair a respondent's ability to pay criminal penalties or civil judgments arising out of transactions connected with the respondent's discipline. Respondent may seek relief from monetary sanctions through a

motion filed with the State Bar Court, following the motion procedure set forth in Rule 5.130(B)-(E) of the State Bar Rules of Procedure. The burden of proof will be on the respondent to provide financial records and other proof in support of the motion.

(F) Monetary Sanction Ranges

Based upon the disciplinary sanction ordered in a case the recommended monetary sanction range per violation that respondent is found culpable of will be as follows:

1. Disbarment: \$1,000- \$5,000
2. Suspension: (Greater than 1 year) - \$500 - \$1,000
3. Suspension: (6 months to 1 year) - \$100 - \$500
4. Suspension: (less than 6 months) - \$100- \$250
5. Resignation with charges pending:\$0-\$2500

(G) Factors To Be Considered

The State Bar Court will consider the following factors in setting the amount of a recommended sanction within the appropriate range in subsection (F):

1. Whether there was an intentional misappropriation of money;
2. The amount of the direct or indirect monetary loss to any victim(s);
3. Whether the misconduct was against a vulnerable victim, including but not limited to the aged, incapacitated, infirm, disabled, incarcerated, an immigrant, or a minor;
4. The seriousness of the conduct underlying the discipline;
5. Any prior discipline of the attorney;
6. The number of victims affected by the conduct in this matter;
7. Whether the respondent has abandoned a client or the entire law practice;
8. Whether the respondent has been judicially sanctioned for engaging in abusive or frivolous conduct;
9. Whether the respondent has engaged in the unauthorized practice of law, or aided others in the unauthorized practice of law; and/or
10. Whether an underlying criminal conviction resulted in a significant jail sentence.