

**PROPOSED ADDITION TO
THE RULES OF THE STATE BAR OF CALIFORNIA**

[Additions to Prior Version of Proposed Rule in **BOLD**]

DIVISION 3. MEMBER STATUS

Rule 2.40 Voluntary resignation

- (A) A member may tender a voluntary resignation from the State Bar of California if:
- (1) the member is neither (a) currently suspended from the practice of law; (b) currently subject to a period of probation or to conditions attached to a public or private reproof as a result of the imposition of discipline by the State Bar Court or the California Supreme Court; or (c) currently subject to the terms of an agreement in lieu of discipline entered into between the member and the Office of the Chief Trial Counsel;
 - (2) the member does not currently have a disciplinary complaint, investigation or proceeding pending against him or her;
 - (3) the member is not currently charged with the commission of a felony or a misdemeanor described in Business and Professions Code section 6068, subdivision (o)(5);
 - (4) **the member is not, to his or her knowledge, the subject of any current criminal investigation or grand jury proceeding regarding the member's alleged commission of a felony or of a misdemeanor described in Business and Professions Code section 6068, subdivision (o)(5); and**
 - (5) the member has not been convicted of a felony or of a misdemeanor described in Business and Professions Code section 6068, subdivision (o)(5) for which discipline has not previously been imposed by the State Bar Court or the California Supreme Court.
- (B) A member who is eligible to tender his or her voluntary resignation pursuant to subsection (A) of this rule must complete and execute, under penalty of perjury, the voluntary resignation form approved by the Board of Governors and submit the original of that form to the State Bar's Office of Member Services.

- (C) Upon tendering his or her voluntary resignation, the member will be immediately enrolled as an inactive member of the State Bar of California and will be ineligible to practice law or to hold him or herself out as entitled to practice law pending the California Supreme Court's decision regarding the acceptance of the resignation.
- (D) The member's voluntary resignation from the State Bar of California is not effective unless and until it is accepted by the California Supreme Court.
- (E) **Any false statement made by a member in tendering his or her voluntary resignation under this rule (1) may result in an order of the Supreme Court denying or vacating the member's resignation; (2) constitutes cause for disbarment; and (3) may be punished as a contempt or as a crime.**