

**PROPOSED AMENDMENTS TO RULE 9.10
OF THE CALIFORNIA RULES OF COURT**

[Proposed additions in **Bold**; proposed deletions in ~~Strikeout~~
(Approved by the Board of Governors March 6, 2009)
(Subject to approval by The Supreme Court)

RULE 9.10 *Authority of the State Bar Court*

[Subsections (a) through (e) remain unchanged.]

(f) Readmission and reinstatement

Applications for readmission or reinstatement must, in the first instance, be filed and heard by the State Bar Court, **except that no applicant who has been disbarred by the Supreme Court on two previous occasions may apply for readmission or reinstatement.**

Applicants for readmission or reinstatement must:

- (1) Pass a professional responsibility examination;
- (2) Establish their rehabilitation and present moral qualifications for readmission **or reinstatement**; and
- (3) Establish present ability and learning in the general law **by providing proof, at the time of filing the petition for readmission or reinstatement, that they have taken and passed the Attorneys' Examination administered by the Committee of Bar Examiners within 3 years prior to the filing of the petition for readmission or reinstatement.** ~~The State Bar may require applicants who fail to make the affirmative showing of sufficient present learning and ability in the general law to demonstrate such learning by passing one of the General Examinations required of applicants for admission.~~

[Subsection (g) remains unchanged.]

**PROPOSED AMENDMENTS TO
RULE 665 OF THE RULES OF PROCEDURE
OF THE STATE BAR OF CALIFORNIA**

[Proposed additions in **Bold**; proposed deletions in ~~Strikeout~~
(Amended by the Board of Governors March 6, 2009)
(Effective upon The Supreme Court's adoption of amendments to Rule 9.10)

RULE 665. BURDEN OF PROOF

- (a) In order to be eligible for reinstatement, a petitioner shall, with any petition for reinstatement, show proof of passage of **(1) the Attorneys' Examination administered by the Committee of Bar Examiners within three years prior to the filing of the petition for reinstatement; and (b)** a professional responsibility examination after the effective date of the petitioner's

disbarment or resignation but not more than one year before the filing of the petition for reinstatement.

- (b) A decision recommending reinstatement shall be based upon clear and convincing evidence establishing each of the following: (1) rehabilitation; (2) present moral qualifications for reinstatement; and (3) present ability and learning in the general law. **Passage of the Attorneys' Examination administered by the Committee of Bar Examiners, as required by subsection (a) of this rule, constitutes clear and convincing evidence of present ability and learning in the general law.**
- (c) A petitioner who resigned without charges pending is required to establish all of the elements set forth in paragraph (b) of this rule except rehabilitation, and **must** may pass the professional responsibility examination required of applicants for admission.
- (d) ~~The Court may require a petitioner who fails to make an affirmative showing of sufficient present ability and learning in the general law to demonstrate such ability and learning by passing one of the California general bar examinations required of applicants for admission, to be taken within two years thereafter. An order requiring a petitioner to take such examination shall, in and of itself, constitute sufficient qualification to take such examination within the time specified in the order upon payment of the required fee. The petitioner shall file and serve proof of passage of any required general bar examination and shall file therewith a declaration either stating that there have been no changes to the information provided in the petition for reinstatement, or stating the nature of any such changes. Within twenty (20) days of service of the declaration, or as otherwise ordered by the Court, the Office of the Chief Trial Counsel may move to reopen based on issues raised by the declaration, or on the basis of newly discovered evidence or events occurring subsequent to the hearing.~~