

The State Bar of California: What Does It Do? How Does It Work?

What is The State Bar of California?

With more than 226,000 members (January 2010), The State Bar of California is by far the largest state bar in the country. Nearly 170,000 State Bar members actively practice law in California, while the rest retain their licenses as inactive members. To practice law in California, applicants must pass the California Bar Examination and pay their annual membership fees to the State Bar of California.



For more than 80 years, The State Bar of California has regulated the professional conduct of the state's lawyers and provided greater access to the justice system for all citizens. Created by the state legislature in 1927, the State Bar is a public corporation within the judicial branch of government, serving as an arm of the California Supreme Court. The State Bar's general fund of which eighty percent is spent on the discipline system is entirely self funded through annual membership dues, currently \$410.00 per active member and \$125.00 per inactive member.

The mission of the State Bar can be found in its entirety at:
<http://www.calbar.ca.gov/AboutUs/StateBarOverview.aspx>

The first priority of the State Bar.

To assure that the public is protected and served by attorneys and other legal services providers that meet the highest standards of competence and ethics.

Set out below are the main operational programs that carry out the State Bar's public protection mission. These programs are designed to ensure that lawyers provide ethical, competent service to their clients, assist in the administration of justice and when lawyers harm their clients the State Bar.

The most significant program for directly addressing attorney misconduct and also acting as a deterrent to attorney misconduct is the attorney discipline system. What is it and how does it work?

The State Bar's discipline system is designed to protect the public, the courts and the profession from attorneys who violate ethical rules covering their professional conduct. The State Bar of California is the only state bar in the nation that has a professional State Bar Court and trained, full time judges, dedicated to ruling on attorney discipline cases. The State Bar Court Judges hold administrative trials brought by the State Bar prosecutor and make recommendations to the California Supreme Court to suspend or disbar those attorneys found to have committed acts of professional misconduct or convicted of serious crimes.

What are other State Bar public protection and client assistance programs?

The **Client Security Fund** was created in 1972 to reimburse clients who lose money as a result of an attorney's theft of client funds while acting as a lawyer. Administered by a seven-member commission, the CSF is funded by a \$40 (2009) annual assessment on all active bar members. A

maximum of \$50,000 is reimbursable if the loss occurred before January 1, 2009. A maximum of \$100,000 is reimbursable if the loss occurred on or after January 1, 2009.

The **Mandatory Fee Arbitration Program** arbitrates fee disputes between attorneys and their clients in an informal, out-of-court setting. Arbitration is mandatory for the attorney if requested by the client. Most arbitrations are heard by 44 local bar programs approved by the State Bar. The State Bar arbitrates if there is not a local bar program or if a party does not believe that a fair hearing is possible through the local program.

Are there discipline prevention programs?

Yes. Maintaining the standards of the legal profession and ensuring the competent delivery of legal services are important priorities to the State Bar.

The State Bar's **Ethics Hotline (1-800-2-ETHICS)** enables attorneys to discuss ethical questions with trained staff members who will refer them to the appropriate rules, opinions and case law so an informed decision can be made.

The State Bar's **Ethics School Program** allows attorneys, in lieu of discipline proceedings, to pay a fee and attend eight hours of remedial professional responsibility and ethics. The goal of the Ethics School Program is to re-train attorneys through education before they become chronic violators of ethics rules.

The **Lawyer Assistance Program (877-527-4435)** provides early intervention and confidential rehabilitation support for attorneys dealing with substance abuse or mental illness. Professional and peer assistance is also available to attorneys suffering from stress, burnout, depression or chemical dependency. Lawyers may self-refer to LAP or be referred through the bar's discipline system.
