ATTACHMENT A

TITLE 3. PROGRAMS AND SERVICES

DIVISION 4. CONSUMERS

Chapter 1. Client Security Fund

Article 1. General Provisions

Rule 3.410 Scope and definitions

(A) As required and permitted by statute, the Board of Trustees has adopted these rules to administer the Client Security Fund to relieve or mitigate pecuniary losses caused by the dishonest conduct of Licensees of the State Bar, foreign legal consultants registered with the State Bar, and Attorneys registered with the State Bar under the Multijurisdictional Practice Program, arising from or connected with the practice of law.[1]

(B) All terms used in these rules have their ordinary meanings unless specifically defined otherwise. Some definitions may be limited to the rules in which they appear. Unless otherwise indicated, the following definitions apply to these rules.

(1) "Attorney" means a Licensee or a former Licensee as defined in Rule 1.22(C), a Registered Foreign Legal Consultant as defined in California Rules of Court, rule 9.44; or an attorney registered with the State Bar under its Multijurisdictional Practice Program as defined in California Rules of Court, rules 9.41.1, 9.45, 9.46, 9.47, and 9.48.

(2) "Applicant" means the Party seeking reimbursement for their asserted loss.

(3) "Client" means the person who directly or through an authorized representative obtains an Attorney's legal services.

(4) "Commission" means the Client Security Fund Commission.

(5) "CSF" means the Client Security Fund.

(6) "CSF Counsel" means the State Bar employee(s) managing the staff serving the

---

[1] See Bus. & Prof. Code, § 6140.5, subd. (a).

CSF and any other staff who serve as counsel to the CSF. The CSF Counsel must be an active Licensees and represent the interests of the Commission and those of the CSF.

(7) “Declaration” means a document that is based on personal knowledge, signed under penalty of perjury, and otherwise complies with the requirements of Code of Civil Procedure section 2015.5.

(8) “Discipline” for purposes of this Chapter means the disposition in a final order of the California Supreme Court, or in an order of the State Bar Court when the imposed Discipline is a reproval. This definition does not include a disposition of admonition.

(9) “Electronic Service” means Service of a document, on the Applicant, Attorney, or any lawyer representing either Party, by electronic transmission to the email address at or through which the Party or other person is deemed to have authorized Electronic Service. Electronic Service may be performed directly by the CSF staff, a Party or other person, by an agent of a Party or other person, including the Party or other person’s Attorney, or through an electronic filing Service provider. Prior consent of the Party or other person to be served electronically is not required to serve documents as provided in these rules. Electronic Service of a document is deemed complete at the time of the electronic transmission of the document. If a Party does not have an Electronic Service address or communicates to the CSF staff in writing a request not to be served electronically, the CSF staff shall serve that Party by mail at the Party’s address of record or other address provided by that Party. A document that is served electronically shall have the same legal effect as an original paper document.

(10) “Electronic Signature” means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign a document or record created, generated, sent, communicated, received, or stored by electronic means. Electronic Signature includes a copy of an original signature placed into the document by electronic means and includes a typographic signature that includes “/s/” followed by the signer’s name, e.g., “/s/ John Doe.” For purposes of these rules, a “digital signature” as defined in Government Code section 16.5, subdivision (d), is a type of Electronic Signature. A typewritten name created in a word processing program, regardless of the use of a cursive font, that is not preceded by “/s/” is not an Electronic Signature unless it otherwise complies with Government Code section 16.5. When a document to be filed or served electronically provides for a

signature under penalty of perjury[3] of any person, the document is deemed to have been signed by the person whose Electronic Signature is attached or logically associated with the document if the document was served by the person or an agent of the person and either of the following conditions is satisfied:

(a) The declarant has signed the document using an Electronic Signature and declares under penalty of perjury under the laws of the State of California that the information submitted is true and correct. If the person serving the document is not declarant or declarant's counsel, the Electronic Signature must be unique to the declarant, capable of verification, under the sole control of the declarant, and linked to data in such a manner that if the data are changed, the Electronic Signature is invalidated; or

(b) The declarant, before serving the document, has physically signed a printed form of the document. The person serving the document represents, by the act of serving electronically, that the declarant has complied with this subsection. The person serving the document electronically on a Party, a Party's lawyer, or the CSF must maintain the printed form of the document bearing the original signature until final disposition of the case and make it available for review and copying upon the request of the CSF, the Commission, or any Party to the proceeding in which it is filed.

(11) "Fictitious Person" for purposes of this Chapter means a natural person or business entity that adopts, assumes, or uses a name other than the person's or entity's legal name for the purpose of deceiving, defrauding, or engaging in conduct that is unlawful or otherwise improper.

(12) "Party/Parties" means the Applicant, the Attorney, or any person authorized by law to act on behalf of the Applicant or the Attorney or any combination thereof.

(13) "Service" for purposes of this Chapter means the delivery of any document, notice, decision, or communication to a Party or other person as required under these rules. Unless otherwise provided, Service must comply with the requirements of Code of Civil Procedure section 1013, subdivision (a).

Rule 3.410 adopted effective January 1, 2027.

---

[3] See, e.g., Rule 3.440(A)(12) [application under penalty of perjury], Rule 3.441(C) [Declarations], Rule 3.442(D) [objection to Notice of Intention to Pay], and Rule 3.443(C) [objection to Tentative Decision].

Rule 3.420 Overview of the Client Security Fund

(A) Applications for reimbursement from the CSF must meet the requirements of these rules, and payments from the CSF are solely within the discretion of the State Bar.

(B) No person or entity has a right to reimbursement, and no person or entity, including a creditor or third-party beneficiary, has any right in the CSF.

Rule 3.420 adopted effective January 1, 2010; amended effective January 1, 2012; amended effective March 2,2012; amended effective January 25, 2019; amended effective January 1, 2027.

Rule 3.421 Client Security Fund Commission

(A) To administer the CSF, the Board of Trustees has established the Commission to which it appoints five members who serve at the Board of Trustees' pleasure or until the expiration of a term set by the Board of Trustees. No more than three members may be Licensees.

(B) The Commission has final authority to determine whether to grant an application for reimbursement from the CSF and the extent and manner of any payment. The CSF Counsel is authorized to propose and determine reimbursement decisions as set forth in these rules.

(C) The reasonable expenses of the Commission and the CSF Counsel may be charged to the CSF. These expenses include staff salaries and the CSF-related costs of administration and litigation.

Rule 3.421 adopted effective January 1, 2010; amended effective January 1, 2012; amended effective January 25, 2019; amended effective May 17, 2019; amended effective January 1, 2027.

Article 2. Requirements for Reimbursement; Limitations and Exclusions

Rule 3.430 General requirements for reimbursement

(A) To qualify for reimbursement, the Applicant must establish by a preponderance of the evidence all of the following:

(1) a loss of money or property;

(2) that the money or property was received by an Attorney who was providing legal services or acting in a fiduciary capacity customary to the practice of law, such as an administrator, executor, trustee of an express trust, guardian, or conservator; and

(3) that the loss was caused by dishonest conduct as defined in Rule 3.431.

(B) The Attorney must have a status that meets the requirements of Rule 3.432(A) unless waived as provided for under Rule 3.432(C).

Rule 3.430 adopted effective January 1, 2010; amended effective May 17, 2019; amended effective January 1, 2027.

Rule 3.431 Dishonest Conduct

"Dishonest Conduct" refers to any of the following:

(A) theft or embezzlement of money, the wrongful taking or conversion of money or property, or a comparable act;

(B) failing to refund unearned fees received in advance for services when the Attorney performed an insignificant portion of the services or none at all. Such a failure constitutes a wrongful taking or conversion. All other instances of an Attorney's failure to return an unearned fee or the disputed portion of a fee are outside the scope of this provision and not reimbursable under these rules;

(C) borrowing or taking money without consent from a Client without the intention or reasonable ability, present or prospective, to repay it;

(D) obtaining money or property from a Client for an investment that was not in fact made. Failure of an investment to perform as represented to or anticipated by a Client is not Dishonest Conduct under these rules; and/or

(E) any other improper or unauthorized act or omission relating to funds or property not otherwise covered in sections (A) through (D) as determined by the CSF Counsel.

Rule 3.431 adopted effective January 1, 2010; amended effective January 1, 2027.

Rule 3.432 Required status of Attorney

(A) To qualify for reimbursement, the Applicant must establish that the Attorney whose Dishonest Conduct is alleged has

(1) been Disciplined, voluntarily resigned, or resigned with charges pending[5] from the State Bar. Unless the Attorney has been disbarred, the underlying basis for the Discipline imposed against the Attorney must have been in connection with

---

[5] Cal. Rules of Court, rule 9.21.

the loss asserted in the Applicant’s application for reimbursement;

(2) died or been adjudicated mentally incompetent;

(3) become, as a result of the Dishonest Conduct, a judgment debtor following a contested proceeding of the person or entity that directly incurred the asserted loss; or

(4) been convicted of a crime as a result of the Dishonest Conduct.

(B) The Commission or the CSF Counsel may exercise its discretion to waive section (A) of this rule when

(1) the Attorney is subject to a proceeding under Business and Professions Code section 6007; or

(2) the Office of Chief Trial Counsel has filed a stipulation as to facts, conclusions of law, and disposition with the State Bar Court, or the State Bar Court has submitted its recommended disciplinary action against the Attorney to the Supreme Court in connection with the loss asserted in the Applicant’s application for reimbursement; or

(3) the Office of Chief Trial Counsel has filed a stipulation to disbarment with the State Bar Court, or the State Bar Court has submitted a recommendation to the Supreme Court that the Attorney be disbarred.

Rule 3.432 adopted effective January 1, 2010; amended effective May 17, 2019; amended effective January 1, 2027.

Rule 3.433 Excluded Applicants

An Applicant is not eligible for reimbursement if the Applicant

(A) is or was related to the Attorney as a spouse or registered domestic partner;

(B) has a family relationship, including children (including by adoption), parents, grandchildren, grandparents, or siblings, with the Attorney;

(C) lives or lived with the Attorney;

(D) has or had a business or other relationship with the Attorney as an associate, partner, employee, or employer;

(E) is or was an insurer, surety, or bonding entity seeking reimbursement for a payment made under a contract or bond covering the Dishonest Conduct;

(F) is or was a business entity controlled by the Attorney or by someone with whom the Attorney has a personal or business relationship as defined by this rule;

(G) is or was an assignee, lienholder, or creditor of the person or entity that directly incurred the asserted loss;

(H) is or was an assignee, lienholder, or creditor of the Attorney, except as provided in Rule 3.432(A)(3); or

(I) is a government entity or agency.

Rule 3.433 adopted effective January 1, 2010; amended effective January 1, 2027.

Rule 3.434 Reimbursement limitations and exclusions

(A) For losses occurring on or after January 1, 2009, the maximum allowable reimbursement per individual Applicant is $100,000.00. Cumulative reimbursements to the Applicant may not exceed $100,000.00 with respect to an individual Attorney. For losses occurring before January 1, 2009, the maximum allowable reimbursement per individual Applicant is $50,000.00. Cumulative reimbursements to the Applicant for such losses occurring before January 1, 2009, may not exceed $50,000.00 with respect to an individual Attorney.

(B) The CSF may not reimburse for the following:

(1) interest or a consequential loss;

(2) a loss covered by any indemnity, such as insurance, fidelity guarantee, or bond, unless the indemnifier has a cause of action against the Applicant for recovery of a payment made for the loss;

(3) Attorney fees and other costs paid to recover a reimbursable loss, unless the Applicant submits clear and convincing proof that the payments were reasonable and reduced the amount otherwise reimbursable; or

(4) a loss from a loan or investment unless the loan or investment meets the requirements of Rule 3.435.

(C) A reimbursable loss of non-monetary property is its fair market value at the time of loss.

(D) To fulfill the purposes of the CSF, the Commission or the CSF Counsel has discretion to limit or deny reimbursement for reasons that may include the following:

(1) the Attorney and/or the Applicant knowingly and intentionally participated in or intended to participate in illegal or tortious conduct in connection with the loss asserted in the Applicant's application for reimbursement;

(2) the Applicant failed to act reasonably to protect against their asserted loss, considering the circumstances of the transaction, the Applicant's past dealings with the Attorney, as well as their relative formal education and business sophistication;

(3) the nature of the Applicant's asserted loss, its amount, or the financial or administrative circumstances of the CSF;

(4) the Applicant is a Fictitious Person;

(5) the availability of the Applicant's alternative remedies and sources of recovery; or

(6) any other principles of fairness and equity.

Rule 3.434 adopted effective January 1, 2010; amended effective November 19, 2020; amended effective January 1, 2027.

Rule 3.435 Attorney-Client relationship required to reimburse loan or investment loss

(A) A loss resulting from a transaction proposed by an Attorney as a loan or investment with or through the Attorney is not reimbursable unless the transaction arose out of and in the course of the Attorney-Client relationship and the transaction could not have occurred but for the relationship.

(B) To determine whether a loan or investment meets the requirements of this rule, the Commission and/or the CSF Counsel may consider the following factors:

(1) whether authority to practice law in California was required for a principal part of the transaction;

(2) whether the Attorney initiated the transaction;

(3) the professional and business reputation of the Attorney;

(4) the amount charged for legal services or as a finder's fee;

(5) the number of prior transactions between the Applicant, the Attorney, or other Attorneys or entities;

(6) the relative bargaining power, education, and business sophistication of the Attorney and the Applicant;

(7) whether normal prudence of the Applicant was unduly affected by the Attorney-Client relationship;

(8) whether the Attorney-Client relationship allowed the Attorney to learn about the Applicant's financial affairs or prospects; and

(9) whether the Attorney failed to fully make the disclosures required by the Rules of Professional Conduct, the Attorney's financial condition, and the Attorney's intended use of the Applicant's money or property.

Rule 3.435 adopted effective January 1, 2010; amended effective May 17, 2019; amended effective January 1, 2027.

Article 3. Applications

Rule 3.440 Applicant responsibilities

(A) An Applicant seeking reimbursement from the CSF is required to

(1) submit an Attorney Misconduct Complaint[7] to the State Bar's Office of Chief Trial Counsel, unless the Attorney has been disbarred, voluntarily resigned, resigned with charges pending, or is deceased. The Commission or the CSF Counsel may waive this requirement on a case-by-case basis after considering the totality of the circumstances;

(2) file an application that identifies each of the following:

(a) the Applicant and the Attorney alleged to be responsible for the asserted loss;

(b) a general statement of facts describing the loss, including the amount of the loss; the date the loss was incurred, and the date the loss was discovered; and

(c) if applicable, any insurance, fidelity guarantee, bond, or similar indemnity

[7] See Rules of State Bar, rule 5.4(14).

that has covered or may cover the loss.

(3) provide documentary evidence demonstrating that the money or property that is the subject of the asserted loss was owned by the Applicant and received by the Attorney. Such documentary evidence includes, but is not limited to, copies of both the front and back of canceled checks or written acknowledgements from the Attorney confirming receipt of the money or property. Oral testimony, such as a Declaration from a disinterested third party, may be considered when accompanied by other reasonably reliable circumstantial evidence to establish the amount of the loss;

(4) read these rules and agree to be bound by them;

(5) provide current mailing and email addresses and promptly notify the CSF of any changes;

(6) agree to be bound by a subrogation and assignment agreement;

(7) waive the Attorney-Client privilege and any other applicable privilege to the extent necessary for any investigation the CSF may undertake;

(8) cooperate with the CSF in its review of the application and in any related proceeding or civil action the State Bar may pursue pursuant to the subrogation and assignment agreement;

(9) inform the CSF of any pending civil or criminal action concerning the loss asserted in the application;

(10) inform the CSF if the Applicant has filed a creditor’s claim in any bankruptcy proceeding in which the Attorney or the Attorney’s law firm is the debtor;

(11) submit all information, including any supporting Declarations, in accordance with the application’s instructions; and

(12) sign the application under penalty of perjury.

(B) The Applicant bears the burden of establishing the existence, amount, and eligibility of the loss for which reimbursement is sought. Although the CSF may, in its discretion, investigate the facts and circumstances surrounding the asserted loss as set forth in Rule 3.441(A), the CSF has no obligation to do so, and responsibility for proving the loss remains solely with the Applicant.

(C) The Applicant must file an application for reimbursement no more than four years after the loss was discovered or through reasonable diligence should have been discovered. The Commission or the CSF Counsel may waive this requirement on a case-by-case basis after considering the totality of the circumstances, including the length of time between when the asserted loss was or, through reasonable diligence, should have been discovered and when the application was filed, the extent to which reimbursement would further the purposes of the CSF, and any other principles of fairness and equity.

(D) An Applicant may apply to the CSF without exhausting other remedies.

(E) An Applicant need not be represented by a lawyer. If the Applicant is represented by a lawyer, the lawyer is encouraged to provide their services pro bono publico to maximize the benefits available to the Applicant.

Rule 3.440 adopted effective January 1, 2010; amended effective January 21, 2022; amended effective January 1, 2027.

Rule 3.441 Review and investigation of applications

(A) The Commission, the CSF Counsel, or the CSF staff may, in its discretion, investigate the facts and circumstances surrounding the asserted loss. However, the responsibility for establishing a reimbursable loss remains solely with the Applicant.

(B) Upon due consideration of an application, in accordance with these rules, the CSF Counsel may close the application without prejudice, issue a Notice of Intention to Pay, or issue a Tentative Decision.

(C) In considering an application, the Commission may require that the CSF Counsel or the CSF staff conduct further investigation; require submission of Declarations; conduct hearings at which it receives evidence; administer oaths and affirmations; or compel by subpoena the attendance of witnesses and the production of books, papers, and documents. A Party who refuses to obey a subpoena is subject to the contempt procedures of Rule 5.70 of the Rules of Procedure of the State Bar.

(D) The CSF Counsel or the CSF staff may consolidate applications related to one or more Attorneys when no substantial rights are prejudiced.

(E) When an application involves more than one Attorney, the CSF Counsel may consider each Attorney as the subject of a separate application when no substantial rights are prejudiced.

(F) Applications filed by spouses or registered domestic partners are deemed to be two separate applications unless the loss occurred before January 1, 2009. For losses occurring before 2009, applications from spouses or registered domestic partners are deemed to be a single application.

(G) During the investigation process, the Applicant and the Attorney may be asked to supply relevant evidence under oath to support allegations or objections based on fact. Proceedings on such evidence need not be conducted according to technical rules or state law applicable to evidence and witnesses. Any relevant evidence is admissible if it is the sort that responsible persons customarily rely on in the conduct of serious affairs, even if such evidence might be inadmissible in a civil action.

Rule 3.441 adopted effective January 1, 2010; amended effective January 25, 2019; amended effective May 17, 2019; amended effective January 1, 2027.

Rule 3.442 Notice of Intention to Pay

(A) The CSF Counsel may issue a Notice of Intention to Pay when the CSF Counsel determines that all the requirements in these rules for reimbursement are met and there are no substantive issues to be decided, provided the Applicant has

(1) submitted a complete application in accordance with Rule 3.440;

(2) submitted documentation sufficient to confirm the amount of the loss; and

(3) provided sufficient evidence of eligibility for reimbursement as required by these rules.

(B) The Parties must be served with a Notice of Intention to Pay in accordance with Rule 3.445.

(C) The Attorney has 30 days from the date of Service of the Notice of Intention to Pay, or the applicable extended period as provided under Code of Civil Procedure section 1013, subdivision (a), to submit a written objection to a Notice of Intention to Pay. If the Attorney objects to the Notice of Intention to Pay, the CSF staff may conduct further investigation, and the CSF Counsel will issue a Tentative Decision in accordance with these rules. If the Attorney does not object, the CSF may pay the Applicant the reimbursement amount stated in the Notice of Intention to Pay.

(D) An Applicant who receives a Notice of Intention to Pay may object to the amount of the proposed payment by submitting a written objection under penalty of perjury within 30 days of the date on which reimbursement would issue. Acceptance of the reimbursement does not waive the right to object. If the Applicant objects to the amount of payment, the CSF staff may conduct further investigation, and the CSF Counsel will issue a Tentative Decision in accordance with these rules.

Rule 3.442 adopted effective January 1, 2010; amended effective May 17, 2019; amended effective May 17, 2019;

amended effective January 1, 2027.

Rule 3.443 Tentative Decisions

(A) The Tentative Decision is a written decision issued by the CSF Counsel containing a statement of the findings or reasons for the decision on the application.

(B) The Attorney and the Applicant must be served with the Tentative Decision in accordance with Rule 3.445.

(C) The Parties have 30 days from the date of Service, or the applicable extended period as provided under Code of Civil Procedure section 1013, subdivision (a), to submit to the CSF and the other Party a written objection to the Tentative Decision. The objection must state the precise legal and/or factual grounds for the objection and be executed under penalty of perjury. The objection may include supporting documentation, a request for an oral hearing, or, in lieu of a request for an oral hearing, additional Declaration(s).

(D) Objections are considered by the Commission. Upon receipt of a timely written objection to a Tentative Decision, the Commission will provide the Parties with a reasonable opportunity to respond to the objections. In evaluating any objection, the CSF Counsel or the Commission may request or require additional information or evidence, including supporting Declarations, and the Commission may direct the CSF staff or the CSF Counsel to conduct further investigation. The Commission may, in its discretion, set the matter for an oral hearing after considering the entire record relevant to the application, including any supplemental submissions.

Rule 3.443 adopted effective January 1, 2010; amended effective May 17, 2019; amended effective January 1, 2027.

Rule 3.444 Final Decisions

(A) The Final Decision is issued in writing by the Commission and/or the CSF Counsel under the authority of the Commission. Final Decisions may direct or deny reimbursement with or without prejudice and may establish conditions for reimbursement or the Attorney's repayment to the CSF as deemed appropriate.

(B) The Attorney and the Applicant must be served with the Final Decision in accordance with Rule 3.445.

(C) If no objections or requests for continuances are made within 30 days of the date of mailing the Tentative Decision, the CSF shall issue a notice to all Parties that the Tentative Decision is deemed the Final Decision of the Commission.

(D) The Commission will issue a Final Decision after considering objections as set forth in Rule 3.443(D). A Final Decision, including any amendment to the Final Decision, constitutes the final action of the State Bar.

Rule 3.444 adopted effective January 1, 2010; amended effective May 17, 2019; amended effective May 17, 2019; amended effective January 1, 2027.

Rule 3.445 Service of Notices of Intention to Pay, Tentative Decisions, Final Decisions, and objections

(A) Service of a Notice of Intention to Pay, Tentative Decision, and Final Decision must be made to the Parties by first-class mail or by Electronic Service as set forth in this rule.

(B) Service of documents to an Attorney shall be deemed sufficient when mailed to the Attorney's address of record on file with the State Bar, provided that the address of record is reasonably calculated, under all circumstances, to inform the Attorney of the pending CSF matter and afford a meaningful opportunity for the Attorney to respond to determinations issued by the CSF or the Commission. If the CSF has reason to believe that the Attorney's address of record is no longer valid or in active use, the CSF shall make reasonable efforts to provide notice through alternative means reasonably likely to apprise the Attorney of the matter and satisfy applicable due process requirements.

(C) A deceased Attorney need not be served with a Tentative Decision or Final Decision. If a Tentative Decision is not served because the Attorney is deceased, the 30-day period for objecting to the Tentative Decision may be waived in writing by the Applicant. Upon receipt of the waiver, the Tentative Decision is deemed the Final Decision.

(D) An objection to a Notice of Intention to Pay or to a Tentative Decision must be served by first-class mail or Electronic Service to the CSF as set forth in this rule.

(E) Parties must notify the CSF staff of a change in their email address. The following email addresses are deemed to be authorized for Electronic Service:

(1) for Licensees, the email address provided to the State Bar to facilitate communications by the State Bar with Licensees pursuant to California Rules of Court, rule 9.9(a)(2);

(2) for Applicants, the email address provided to the CSF for communication, including Service of documents; and

(3) for Attorneys who are no longer Licensees, Service may be made at the email address last provided to the State Bar pursuant to California Rules of Court, rule 9.9(a)(2), unless the CSF has reason to believe that the email address is invalid or

no longer functional. If the CSF has such reason to believe the email address is invalid or no longer functional, Service must be made by another method authorized by these rules.

(F) If a Party does not have an Electronic Service address or communicates to the CSF in writing a request not to be served electronically, then following receipt of such communication, the CSF shall serve that Party by mail at the Party's address of record or other address provided by that Party. Service by mail at a Party's request shall apply prospectively and shall not modify, extend, toll, or otherwise affect any time limitations that have already commenced.

Rule 3.445 adopted effective January 1, 2010; amended effective May 17, 2019; amended effective January 21, 2022; amended effective January 1, 2027.

Article 4. Superior Court Review; Repayment

Rule 3.450 Superior court review

A decision to approve or deny, in whole or in part, an application for reimbursement may be reviewed in superior court by filing a petition for a writ of administrative mandamus in accordance with Code of Civil Procedure section 1094.5. The petition must be filed no more than 90 days after the date the Final Decision was served.[9]

Rule 3.450 adopted effective January 1, 2010; amended effective January 1, 2027.

Rule 3.451 Repayment of reimbursement by Attorney

An Attorney must repay the CSF for any reimbursement, with simple interest and an assessment of processing costs. The rate of interest, set forth in the Schedule of Charges and Deadlines,[10] is adopted by the Board of Trustees upon the recommendation of the Commission and may not exceed the maximum legal rate. Processing costs are the estimated average processing costs for similar applications in the most recent calendar year for which data is available.[11]

Rule 3.451 adopted effective January 1, 2010; amended effective January 1, 2012; amended effective January 1, 2027.

Article 5. Records

[9] Bus. & Prof. Code, § 6140.5, subd. (i).

[10] Rules of State Bar, rule 1.22(E).

[11] See Bus. & Prof. Code §6140.5, subd. (c).

Rule 3.460 Cooperation with Office of Chief Trial Counsel

(A) To assist with its investigation and consideration of an application, the Commission, the CSF Counsel, and the CSF staff may access confidential records of the Office of Chief Trial Counsel regarding an Attorney who is the subject of an application. The records remain confidential despite any such use.

(B) The Office of Chief Trial Counsel may have access to any CSF records related to any investigation or prosecution. The records remain confidential despite any such use.

Rule 3.460 adopted effective January 1, 2010; amended effective January 1, 2027.

Rule 3.461 Confidentiality of records, documents, and proceedings

The following are confidential: applications for reimbursement from the CSF; hearings on applications for reimbursement; deliberations of the Commission; and any records created by the CSF, the CSF Counsel, or the Commission in the course of the investigation.

To the extent the administrative record required to be lodged or filed in connection with any writ of administrative mandamus filed pursuant to Code of Civil Procedure section 1094.5 contains confidential, sensitive, or private records, including confidential records of the Office of Chief Trial Counsel, providing such records to the petitioner shall not be considered a public disclosure or waiver of confidentiality, and the Party lodging or filing such records must endeavor to do so under seal following the applicable procedures set forth in the California Rules of Court.

Rule 3.461 adopted effective January 1, 2010; amended effective May 17, 2019; amended effective January 1, 2027.