



# The State Bar of California

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**OPEN SESSION  
AGENDA ITEM  
6.16 MAY 2026  
BOARD OF TRUSTEES**

**DATE:** May 14, 2026

**TO:** Members, Board of Trustees

**FROM:** Steven Moawad, Special Counsel, Division of Regulation

**SUBJECT:** Proposed Amendments to the State Bar Rules Regarding the Procedure for Voluntary Resignations (Amended State Bar Rule 2.45): Request to Circulate for Public Comment

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## **EXECUTIVE SUMMARY**

This staff report seeks Board of Trustees approval to circulate for a 45-day public comment period proposed amendments to State Bar rule 2.45 relating to the procedure for resignations without disciplinary charges pending, also known as voluntary resignations.

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## **RECOMMENDED ACTION**

Staff recommend that the Board of Trustees approve to circulate for a 45-day public comment period proposed amendments to State Bar rule 2.45 (rule 2.45) relating to the procedure for voluntary resignations, as provided in Attachments A (redline) and B (clean).

## **DISCUSSION**

If approved by the Board and the California Supreme Court after circulating for public comment, proposed changes to rule 2.45 would redelegate processing of voluntary resignations to the State Bar and would create operational efficiencies, reducing the workload within the State Bar and, potentially, the Supreme Court.

## **BACKGROUND**

Prior to 2009, the State Bar processed voluntary resignations of licensees when there were no disciplinary charges pending against the license. Voluntary resignations, also known as “resignations without charges pending,” did not go to the Supreme Court for review.

Despite statutory duties to report felony charges and certain criminal convictions to the State

Bar, pursuant to Business and Professions Code section 6068, subdivisions (o)(4)<sup>1</sup> and (o)(5)<sup>2</sup>, between approximately June 2007 and early 2009, at least five attorneys submitted voluntary resignations without charges pending to the State Bar without informing the State Bar that they had either been charged with or convicted of felonies. Because these criminal matters were not disclosed, the State Bar's then-titled Office of Member Services processed their respective resignations as resignations without charges pending.

After the Office of Chief Trial Counsel and the Office of General Counsel learned of the criminal convictions of these licensees, in each instance, a request was filed with the Supreme Court asking to vacate the resignations.

In response, the Supreme Court asked the State Bar to adopt a rule that would require licensees tendering a voluntary resignation without charges pending to declare, under penalty of perjury, that there are no criminal charges pending against them and that they have not been convicted of a crime that is required to be reported to the State Bar. The Supreme Court also asked the State Bar to modify the State Bar's voluntary resignation form to effectuate the rule. The current version of the voluntary resignation form is provided in Attachment C.<sup>3</sup>

The voluntary resignation rule was adopted in 2009 as rule 2.40 and later renumbered as State Bar rule 2.45. The rule as originally adopted and in its current form requires that voluntary resignations be accepted by the Supreme Court.<sup>4</sup>

## **ADMINISTRATIVE PROCESSING OF VOLUNTARY RESIGNATIONS**

The current voluntary resignation process requires several administrative steps for both the Division of Regulation and the State Bar Court (SBC) before a resignation packet is transmitted to the Supreme Court. The changes proposed by this staff report will increase State Bar

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<sup>1</sup> Section 6068, subdivision (o)(4) requires a licensee to report to the State Bar in writing, within 30 days of the licensee's knowledge of "[t]he bringing of an indictment or information charging a felony against the attorney."

<sup>2</sup> Section 6068, subdivision (o)(5) requires a licensee to report to the State Bar in writing, within 30 days, of the licensee's knowledge of "[t]he conviction of the attorney, including any verdict of guilty, or plea of guilty or no contest, of a felony, or a misdemeanor committed in the course of the practice of law, or in a manner in which a client of the attorney was the victim, or a necessary element of which, as determined by the statutory or common law definition of the misdemeanor, involves improper conduct of an attorney, including dishonesty or other moral turpitude, or an attempt or a conspiracy or solicitation of another to commit a felony or a misdemeanor of that type."

<sup>3</sup> The current process requires people seeking to voluntarily resign without charges pending to declare, under penalty of perjury, that there are no criminal charges pending against them and that they have not been convicted of a crime that is required to be reported to the State Bar. Utilizing information from the California Department of Justice (DOJ) which the State Bar is entitled to receive under California Rule of Court 9.9.5 and Business and Professions Code section 6054, the State Bar is implementing a process to check Subsequent Arrest Notifications (SANs) and Subsequent Disposition Notifications (SDNs). Once implemented, regardless of the outcome of this proposed rule change, before processing a voluntary resignation, the State Bar will confirm that no SANs or SDNs have been received from the DOJ where a potential disciplinary referral has not yet been resolved. As a result, the State Bar would not be relying solely on the licensee to comply with their reporting obligations under Business and Professions Code section 6068, subdivision (o).

<sup>4</sup> See divisions (C) and (D) of proposed rule 2.40, which eventually became rule 2.45, in [Appendix A to item III.F.](#) on the Regulation, Admissions & Discipline Oversight Committee meeting agenda in July 2008.

operational efficiencies by eliminating 11 administrative steps currently performed to prepare a voluntary resignation for transmission to the Supreme Court.

For example, if the Supreme Court approves re delegating to the State Bar the processing and acceptance of voluntary resignations, the following administrative steps could be eliminated:

- Division of Regulation staff prepares cover letters and resignation certificates and transmits the packets to SBC;
- SBC staff verifies licensee information and the accuracy of the information on the packet and creates a “W” case in Odyssey (SBC’s case management system);
- SBC staff uploads resignation packets to Odyssey and annotates them with a “Filed” stamp;
- SBC staff prepares individual proposed Supreme Court orders and transmittal forms for each resignation case;
- SBC staff prepares, assembles, and uploads individual transmittal packets to Odyssey; annotates the transmittal packets with a “Filed” stamp; and adds necessary data entry;
- SBC staff creates an individual Certificate of Service and serves transmittal packets on licensees;
- SBC staff enters a “51” (transmittal of record) supplemental records code in the State Bar’s internal licensee management system for each licensee;
- SBC staff uploads each resignation case to the Supreme Court’s portal;
- SBC staff notifies the Supreme Court via email about the transmittal and includes a list of cases and attaches the associated documents that have been individually uploaded;
- Upon receipt from the Supreme Court, SBC staff transmits copies of Supreme Court orders back to the Division of Regulation; and
- SBC staff uploads the Supreme Court orders to Odyssey and performs necessary data entry.

## **PROPOSED AMENDMENTS TO RULE 2.45**

The proposed amendments to rule 2.45 include:

- In section (C), changing the entity accepting or rejecting the voluntary resignation from the “California Supreme Court” to the “State Bar” and adding a sentence to clarify that the attorney reporting duties, including the duties to report felony charges and certain criminal convictions, pursuant to Business and Professions Code section 6068, subdivisions (o)(4) and (o)(5), are continuing duties, meaning the licensee must comply with those duties even while enrolled as inactive (“Not Eligible to Practice Law”) pending acceptance of their voluntary resignation;
- In section (D), updating that a voluntary resignation becomes effective only when the State Bar changes the licensee’s status to “Resigned” to clarify that accepting the voluntary resignation application for processing does not make the resignation effective; and
- In section (E), adding language to clarify that the State Bar can deny or vacate a resignation and adding that failure to comply with ongoing reporting duties are grounds for denial of or vacating the resignation to make clear that licensees can be disciplined if they commit violations in the course of seeking to voluntarily resign and adding “as

applicable” to the list of potential punishments for false statements.

The redelegation of voluntary resignations would create operational efficiencies and reduce workloads within the State Bar and, potentially, the Supreme Court, while maintaining the State Bar’s role as the administrative arm of the Supreme Court and preserving the Court’s inherent and exclusive authority over admission to the practice of law, discipline, suspension, and termination of licensure.

Therefore, staff recommend authorizing to make available for public comment, for a period of 45 days, proposed amendments to rule 2.45 regarding voluntary resignations.

While the Supreme Court does not normally review or approve amendments to rules in division 3 of title 2, in light of the history of this rule, following public comment and if the proposed rule is approved by the Board, staff will recommend that the proposed rule not be effective until the Supreme Court approves the change.

## **PREVIOUS ACTIONS**

[III.F. RAD 2008 July - Proposed Rule 2.40 of State Bar Rules re Voluntary Resignations \[Request for release for Public Comment\]](#)

[III.E. RAD 2008 November - Proposed Addition of Rule 2.40 to the Rules of the State Bar of California Re Voluntary Resignations and Proposed Approval of Voluntary Resignation Form – Request for Release for Further Public Comment](#)

[125 March 2009 - Rule 2.40 the Rules of the State Bar re Resignations Without Disciplinary Charges Pending and Approval of Voluntary Resignation Form—proposed adoption following further public comment period](#)

[123 May 2009 - Resignations Without Charges Pending \(rule 2.37\)—proposed approval](#)

## **FISCAL/PERSONNEL IMPACT**

There is no fiscal impact, but efficiencies will be created that will result in savings of staff time.

## **AMENDMENTS TO RULES**

Title 2, Division 3, Rule 2.45

## **AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL**

None

## **STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS**

None – core business operations

## **RESOLUTIONS**

**Should the Board of Trustees concur, it is:**

**RESOLVED**, that the Board of Trustees authorizes staff to make available for public comment, for a period of 45 days, proposed amendments to State Bar rule 2.45, as set forth in Attachments A (Redline Version) and B (Clean Version).

## **ATTACHMENTS LIST**

- A.** Proposed Rule 2.45 of the State Bar Rules (Redline Version)
- B.** Proposed Rule 2.45 of the State Bar Rules (Clean Version)
- C.** Current Version of the Voluntary Resignation Form