

**Proposed Rule 2.45 of the State Bar Rules
(Redline Version)**

Rule 2.45 Voluntary resignation

(A) A licensee may tender a voluntary resignation from the State Bar of California if:

1. the licensee is not
 - a. currently suspended from the practice of law as a result of the imposition of discipline by the California Supreme Court;
 - b. currently subject to a period of probation or to conditions attached to a public or private reproof pursuant to discipline imposed by the State Bar Court or the California Supreme Court; or
 - c. currently subject to the terms of an agreement in lieu of discipline that the licensee has entered into with the Office of the Chief Trial Counsel;
2. the licensee does not currently have a disciplinary complaint, investigation or proceeding pending against him or her with any professional licensing agency in California or another jurisdiction;
3. the licensee is neither currently charged with the commission of a felony or misdemeanor nor aware that he or she is the subject of a current criminal investigation or grand jury proceeding for the alleged commission of a felony or misdemeanor; and
4. the licensee
 - a. has never been convicted of a felony or misdemeanor listed in Business and Professions Code section 6068(o)(5);
 - b. has been convicted of a felony or misdemeanor listed in Business and Professions Code section 6068(o)(5) and has been disciplined as a result of the conviction; or
 - c. has been convicted of a felony or misdemeanor listed in Business and Professions Code section 6068(o)(5) but the related disciplinary proceeding was dismissed without the imposition of discipline.

(B) To voluntarily resign, a licensee who is eligible to tender his or her voluntary resignation pursuant to section (A) of this rule must complete and execute, under penalty of perjury, the voluntary resignation form available on the State Bar's website, submit the form to the

State Bar, and pay the voluntary resignation fee set forth in the Schedule of Charges and Deadlines.

- (C) Upon tendering his or her voluntary resignation and until the ~~California Supreme Court~~State Bar accepts or rejects the resignation, the licensee is immediately enrolled as an inactive licensee of the State Bar of California and is ineligible to practice law or claim in any way to be entitled to practice law. The duties listed in Business and Professions Code sections 6002.1, 6068, 6086.8, and applicable reporting obligations imposed by the Rules of Professional Conduct and these rules are continuing duties and licensees must perform those duties until their voluntary resignation is effective.
- (D) A licensee's voluntary resignation is effective only when ~~it is accepted by the California Supreme Court~~State Bar accepts the licensee's resignation by changing the licensee's status to "Resigned."
- (E) A false statement made by a licensee in tendering his or her voluntary resignation under this rule or the failure to comply with the ongoing duties listed in Business and Professions Code sections 6002.1, 6068, and 6086.8
1. may result ~~in an order of the Supreme Court~~the State Bar denying or vacating the licensee's resignation;
 2. constitutes cause for disbarment or suspension; and
 3. may be punished as contempt or as a crime, as applicable.