

TITLE 2. RIGHTS AND RESPONSIBILITIES OF MEMBERS

Adopted July 2007

DIVISION 3. MEMBER STATUS

Rule 2.30 Inactive membership

- (A) Any member not under suspension, who does not engage in any of the activities listed in (B) in California, may, upon written request,¹ be enrolled as an inactive member. The Secretary may, in any case in which to do otherwise would work an injustice and subject to any direction of the board permit retroactive enrollment of inactive members.
- (B) No member practicing law, or occupying a position in the employ of or rendering any legal service for an active member, or occupying a position wherein he or she is called upon in any capacity to give legal advice or counsel or examine the law or pass upon the legal effect of any act, document or law, shall be enrolled as an inactive member.
- (C) Notwithstanding (A) and (B) a member serving for a court or any other governmental agency as a referee, hearing officer, court commissioner, temporary judge, arbitrator, mediator or in another similar capacity is eligible for enrollment as an inactive member if he or she does not otherwise engage in any of the activities listed in (B) or hold himself or herself out as being entitled to practice law.

Rule 2.30 adopted effective August 19, 2006; amended effective July 20, 2007.

Rule 2.31 Change of membership status

- (A) A member may apply to change from active to inactive status or vice versa by submitting the Transfer to Active Status Form or the Transfer to Inactive Status Form with the transfer fee indicated in the Schedule of Charges and Deadlines. A change to inactive by February 1 entitles the member to pay the annual fees of an inactive member. A change to inactive after that date is permissible, but the member must pay annual fees at the active rate and is not entitled to a refund because of the change to inactive status.
- (B) While suspended, a member cannot change membership status.

Rule 2.31 adopted effective June 17, 2006; amended effective July 20, 2007.

Rule 2.32 Inactive enrollment for failure to comply with Minimum Continuing Legal Education (MCLE) requirements

¹ Rule 2.31(A).

- (A) A member who fails to meet requirements for Minimum Continuing Legal Education (MCLE) will be involuntarily enrolled as inactive.
- (B) To terminate inactive enrollment for MCLE noncompliance, a member must comply with the MCLE rules governing reinstatement.²
- (C) Annual membership fees accrue at the inactive rate.

Rule 2.32 adopted effective June 17, 2006; amended effective July 20, 2007.

Rule 2.33 Suspension for failure to pay annual membership fees and outstanding penalties or costs

- (A) A member who fails to pay annual membership fees or any outstanding penalties or costs will be sent a final delinquency notice at the member's address of record. If the State Bar fails to receive full payment of the amount due within two months of sending the final delinquency notice, the State Bar will recommend that the Supreme Court suspend the member from the practice of law.³
- (B) Annual membership fees accrue according to the member's status prior to suspension.
- (C) To terminate suspension for nonpayment, a member must pay
 - (1) all current and accrued fees, penalties, and costs; and
 - (2) the reinstatement fee set forth in the Schedule of Charges and Deadlines.

The payment must be made by a credit card accepted by the State Bar, in cash, or by cashier's check, money order, bank certified check, or wire transfer.

- (D) The State Bar will seek by an amendment nunc pro tunc to retroactively strike the name of a member from the Supreme Court Order of Suspension for Nonpayment if the suspension resulted from State Bar error.
- (E) Annually the State Bar may recommend that the Supreme Court expunge a suspension for nonpayment of membership fees if the suspension meets the criteria adopted by the court.⁴

Rule 2.33 adopted effective June 17, 2006; amended effective July 20, 2007; section (E) adopted effective July 20, 2007.

² See Rule 2.93.

³ Business and Professions Code § 6143.

⁴ California Rules of Court, Rule 9.6 (b).

Rule 2.34 Suspension for failure to comply with a family or child support obligation

- (A) A member identified under the terms of Family Code § 17520 as failing to comply with a judgment or court order for child or family support will be suspended from the practice of law by the Supreme Court.⁵
- (B) The State Bar will send a written notice of suspension for failure to pay child or family support to the member's address of record. The suspension will be effective on the date ordered by the Supreme Court.
- (C) The State Bar will ask the Supreme Court to reinstate a member if it receives statutory notice⁶ that the obligation has been discharged, if the member submits a declaration under penalty of perjury stating whether the member practiced law during the suspension and if the member has paid any surcharge authorized by statute.⁷
- (D) If a reinstated member subsequently fails to comply with a judgment or court order for child or family support,⁸ the State Bar will request that the Supreme Court suspend the member within thirty days and will send written notice of its request to the member's address of record.
- (E) Annual membership fees accrue according to the member's status prior to suspension.

Rule 2.34 adopted effective June 17, 2006; amended effective July 20, 2007; amended effective January 17, 2014.

Rule 2.35 Suspension for disciplinary violations

A member on actual rather than stayed suspension for disciplinary violations for part of a year must pay full annual membership fees. Annual membership fees do not accrue during periods of suspension that last an entire year.

Rule 2.35 adopted effective June 17, 2006; amended effective July 20, 2007.

Rule 2.36 Suspension for failure to pay state taxes

- (A) A member identified under the terms of Business and Professions Code section 494.5 as delinquent in the payment of state taxes will be suspended from the practice of law by the Supreme Court.⁹

⁵ California Rules of Court, Rule 9.22.

⁶ Family Code § 17520.

⁷ California Rules of Court, Rule 9.22; Family Code § 17520(n).

⁸ Family Code § 17520(l).

⁹ California Rules of Court, Rule 9.24.

- (B) The State Bar will send a written notice of suspension for failure to pay state taxes to the member's address of record. The suspension will be effective on the date ordered by the Supreme Court.
- (C) The State Bar will ask the Supreme Court to reinstate a member if it receives statutory notice¹⁰ releasing the member, if the member submits a declaration under penalty of perjury stating whether the member practiced law during the suspension and if the member has paid any fee authorized by statute.¹¹
- (D) If a reinstated member subsequently fails to comply with an installment payment agreement that the member entered into with the State Franchise Tax Board or the State Board of Equalization,¹² the State Bar will request that the Supreme Court suspend the member within thirty days and will send written notice of its request to the member's address of record.
- (E) Annual membership fees accrue according to the member's status prior to suspension.

Rule 2.36 adopted effective January 17, 2014.

Rule 2.40 Multiple accrual rates for annual membership fees

If under these rules there is a conflict in the rate at which a member accrues fees, the active rate applies.

Rule 2.40 adopted as Rule 2.36 effective July 20, 2007; renumbered as Rule 2.40 effective January 17, 2014.

Rule 2.45 Voluntary resignation

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

¹⁰ Business and Professions Code section 494.5.

¹¹ California Rules of Court, Rule 9.24; Business and Professions Code section 494.5(l).

¹² Business and Professions Code section 494.5(j).

- (c) currently subject to the terms of an agreement in lieu of discipline that the member has entered into with the Office of the Chief Trial Counsel;
- (2) the member 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 member 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 member
 - (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) A member who is eligible to tender his or her voluntary resignation pursuant to subsection (A) of this rule must complete and execute, under penalty of perjury, the voluntary resignation form approved by the Board of Trustees and submit the original of the form to the State Bar's Office of Member Services.
- (C) Upon tendering his or her voluntary resignation and until the California Supreme Court accepts or rejects the resignation, the member is immediately enrolled as an inactive member of the State Bar of California and is ineligible to practice law or claim in any way to be entitled to practice law.
- (D) A member's voluntary resignation is effective only when it is accepted by the California Supreme Court.
- (E) A false statement made by a member in tendering his or her voluntary resignation under this rule
 - (1) may result in an order of the Supreme Court denying or vacating the member's resignation;

- (2) constitutes cause for disbarment or suspension; and
- (3) may be punished as contempt or as a crime.

Rule 2.45 adopted as Rule 2.37 effective April 1, 2009; amended effective May 15, 2009; amended effective January 1, 2012; renumbered as Rule 2.45 effective January 17, 2014.