

RELATED CALIFORNIA RULES OF COURT

TITLE I Appellate Rules

DIVISION I

Rules Relating to the Supreme Court and Courts of Appeal

Rule 26. Costs on Appeal

(a) [Right to costs]

Except as provided in this rule, the prevailing party shall be entitled to costs on appeal as an incident to the judgment on appeal. In the case of a general and unqualified affirmance of the judgment, or the dismissal of an appeal, the respondent shall be deemed the prevailing party; in the case of a reversal, in whole or in part, or of a modification of the judgment, the appellant shall be deemed the prevailing party. In any case in which the interests of justice require it, the reviewing court may make any award or apportionment of costs it deems proper. In probate cases, in the absence of an express direction for costs by the reviewing court, costs on appeal shall be awarded to the prevailing party, but the superior court shall decide against whom the award shall be made. The foregoing provisions do not apply in criminal cases. Where the appeal is frivolous or taken solely for the purpose of delay or where any party has required in the typewritten or printed record on appeal the inclusion of any matter not reasonably material to the determination of the appeal, or has been guilty of any other unreasonable infraction of the rules governing appeals, the reviewing court may impose upon offending attorneys or parties such penalties, including the withholding or imposing of costs, as the circumstances of the case and the discouragement of like conduct in the future may require.

If there is more than one notice of appeal or if the judgment of the trial court is reversed in whole or in part, or modified, the opinion shall specify the award or denial of costs. (Amended January 1, 1959; July 1, 1986.)

TITLE II Pretrial and Trial Rules

DIVISION II

Civil Law and Motion Rules

Rule 315. Miscellaneous papers

(a) [Caption of declaration or affidavit]

The caption of the declaration or affidavit shall state the name of the declarant or affiant and shall specifically identify the motion or other proceeding which it supports or opposes.

(b) [Substitution of part as attorney]

A substitution of a party as attorney in propria persona shall include the mailing address and telephone number of the party. (Adopted effective January 1, 1984.)

Rule 376. Motion to be relieved as counsel

(a) [Notice]

A notice of motion and motion to be relieved as counsel under Code of Civil Procedure section 284(2) shall be directed to the client and shall be made on the Notice of Motion and Motion to Be Relieved as Counsel-Civil form (MC-051).

(Subd (a) amended effective July 1, 2000.)

(b) [Memorandum of points and authorities]

Notwithstanding any other rule of court, no memorandum of points and authorities is required to be filed or served with a motion to be relieved as counsel.

(Subd (b) adopted effective July 1, 2000.)

(c) [Declaration]

The motion to be relieved as counsel shall be accompanied by a declaration on the Declaration in Support of Attorney's Motion to Be Relieved as Counsel-Civil form (MC-052). The declaration shall state in general terms and without compromising the confidentiality of the attorney-client relationship why a motion under Code of Civil Procedure section 284(2) is brought instead of filing a consent under Code of Civil Procedure section 284(1).

(Subd (c) relettered and amended effective July 1, 2000; adopted effective July 1, 1984, as subd (b).)

(d) [Service]

The notice of motion and motion and the declaration shall be served on the client and on all other parties who have appeared in the case. The notice may be by personal service or mail. If the notice is served on the client by mail under Code of Civil Procedure section 1013, it shall be accompanied by a declaration stating facts showing that either (1) the service address is the current residence or business address of the client or (2) the service address is the last known residence or business address of the client and the attorney has been unable to locate a more current address after making reasonable efforts to do so within 30 days prior to the filing of the motion to be relieved. "Current" means that the address was confirmed within 30 days prior to the filing of the motion to be relieved. Merely demonstrating that the notice was sent to the client's last known address and was not returned will not, by itself, be sufficient to demonstrate that the address is current. If the service is by mail, Code of Civil Procedure section 1011(b) shall apply.

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(Subd (d) relettered and amended effective July 1, 2000; previously amended effective July 1, 1991, and January 1, 1996; adopted effective July 1, 1984, as subd (c).)

(e) [Order]

The proposed order relieving counsel shall be prepared on the Order Granting Attorney's Motion to Be Relieved as Counsel-Civil form (MC-053) and shall be lodged with the court and served on the client with the moving papers. The order shall specify all hearing dates scheduled in the action or proceeding, including the date of trial, if known. If no hearing date is presently scheduled, the court may set one and specify the date in the order. After the order is signed, a copy of the signed order shall be served on the client and on all parties that have appeared in the case. The court may delay the effective date of the order relieving counsel until proof of service of a copy of the signed order on the client has been filed with the court.

(Subd (e) relettered and amended effective July 1, 2000; previously amended effective January 1, 1996; adopted effective July 1, 1984, as subd (d).)

(Adopted July 1, 1984. Amended July 1, 1991, January 1, 1996; July 1, 2000.)

**TITLE III
Miscellaneous Rules**

DIVISION II

**Rules Relating to Attorney Admission
and Disciplinary Proceedings
and Review of State Bar Proceedings**

(Adopted by Supreme Court of the State of California, effective March 19, 1956, pursuant to the provisions of Business and Professions Code section 6102.)

Rule 950. Definitions

As used in this division (commencing with rule 950), unless the context otherwise requires:

(1) "member" means a member of the State Bar of California.

(2) "section" refers to a section of the Business and Professions Code.

(3) "State Bar Court" means the Hearing Department or the Review Department established pursuant to sections 6079.1 and 6086.65.

(4) "Review Department" means the Review Department of the State Bar Court established pursuant to section 6086.65.

(5) "General Counsel" means the General Counsel of the State Bar of California.

(6) "Chief Trial Counsel" means the Chief Trial Counsel of the State Bar of California appointed pursuant to section 6079.5.0. (Adopted, effective December 1, 1990.)

Rule 950.5 Role of Attorneys of California

The State Bar shall maintain, as part of the official membership records of the State Bar, the Roll of Attorneys of all persons admitted to practice in this State. Such records shall include the information specified in sections 6002.1 and 6064 of Business and Professions Code and other information as directed by the Court. (Adopted May 1, 1996.)

Rule 951. (Adopted March 19, 1956; repealed December 1, 1990.)

Rule 951. Authority of the State Bar Court

(a) [Conviction Proceedings]

The State Bar Court shall exercise statutory powers pursuant to Business and Professions Code sections 6101 and 6102 with respect to the discipline of attorneys convicted of crimes. (See Bus. & Prof. Code section 6087.) For purposes of this rule, a judgment of conviction is deemed final when the availability of appeal has been exhausted and the time for filing a petition for certiorari in the United States Supreme Court on direct review of the judgment of conviction has elapsed and no petition has been filed, or if filed the petition has been denied or the judgment of conviction has been affirmed. The State Bar Court shall impose or recommend discipline in conviction matters as in other disciplinary proceedings. The power conferred upon the State Bar Court by this rule includes, but is not limited to, the power to place attorneys on interim suspension as authorized by subdivisions (a) and (b) of section 6102, and the power to vacate, delay the effective date of, and temporarily stay the effect of such orders.

(b) [Professional Responsibility Examination]

The State Bar Court shall have the power to extend the time within which a member of the State Bar must take and pass a professional responsibility examination, to suspend a member for failing to take and pass such examination, and to vacate a member's suspension for failing to take and pass such examination.

(c) [Probation]

The State Bar Court shall have the power, for good cause, to approve stipulations between the member and the Chief Trial Counsel for modification of the terms of a member's probation and to make corrections and minor modifications to the terms

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of a member's disciplinary probation. The order of the State Bar Court shall be filed promptly with the Clerk of the Supreme Court.

(d) [Rule 955 Compliance]

The State Bar Court shall have the power, for good cause, to extend the time within which a member must comply with the provisions of California Rules of Court, rule 955.

(e) [Commencement of Suspension]

The State Bar Court shall have the power, for good cause, to delay temporarily the effective date of, or temporarily stay the effect of, an order for a member's disciplinary suspension from practice.

(f) [Readmission and Reinstatement]

Applications for readmission or reinstatement shall, in the first instance, be filed and heard by the State Bar Court. Applicants for readmission or reinstatement shall (1) pass a professional responsibility examination, (2) establish their rehabilitation and present moral qualifications for readmission, and (3) establish present ability and learning in the general law. The State Bar may require applicants who fail to make the affirmative showing of sufficient present learning in the general law to demonstrate such learning by passing one of the General Examinations required of applicants for admission.

(g) [Inherent Power of Supreme Court]

Nothing in these rules shall be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the lawyer discipline and admissions system. (Adopted, effective December 1, 1990. Amended, effective April 1, 1996.)

Rule 951.5 Standard of Review for State Bar Court Review Department

Upon review pursuant to rule 301 of the Rules of Procedure of the State Bar of California, or such other rule as may be adopted governing the review of any decisions, orders or rulings by a hearing judge that fully disposes of an entire proceeding, the Review Department of the State Bar Court shall independently review the record and may adopt findings, conclusions, and a decision or recommendation at variance with those of the hearing judge. (Adopted February 23, 2000.)

Rule 952. Review of State Bar Court Decisions

(a) [Review of Recommendation of Disbarment or Suspension]

A petition to the Supreme Court by a member to review a decision of the State Bar Court recommending his or her disbarment or suspension from practice shall be filed within 60 days after the filing with the Clerk of the Supreme Court of a

certified copy of the decision complained of. The State Bar may serve and file an answer to the petition within 15 days of service. Within five days after service of the answer, the petitioner may serve and file a reply. If review is ordered by the Supreme Court, the State Bar shall serve and file a supplemental brief within 45 days after the filing of the order. Within 15 days of service of the brief, the petitioner may serve and file a reply brief. (Adopted April 20, 1943; amended July 1, 1968; October 1, 1973; December 1, 1990.)

(b) [Review of State Bar Recommendation to Set Aside Stay of Suspension or Modify Probation]

A petition to the Supreme Court by a member to review a recommendation of the State Bar Court that a stay of an order of suspension be set aside or that the duration or conditions of probation be modified on account of a violation of probation shall be filed within 15 days after the filing with the Clerk of the Supreme Court of a certified copy of the decision complained of. Within 15 days after service of the petition, the State Bar may serve and file an answer. Within five days after service of such answer, the petitioner may serve and file a reply. (Adopted October 1, 1973; amended December 1, 1990.)

(c) [Review of Interim Decisions]

A petition to the Supreme Court by a member to review a decision of the State Bar Court regarding interim suspension, the exercise of powers delegated by rule 951, subdivisions (b) through (e), or on another interlocutory matter shall be filed within 15 days after written notice of the adverse decision of the State Bar Court is mailed, postage prepaid, by the State Bar to the petitioner and to his or her counsel or record, if any, at their respective addresses pursuant to section 6002.1. Within 15 days after service of the petition, the State Bar may serve and file an answer. Within five days after service of the answer, the petitioner may serve and file a reply. (Adopted December 1, 1990.)

(d) [Application for Readmission or Reinstatement] (Adopted April 20, 1943; repealed December 1, 1990.)

(d) [Review of Other Decisions]

A petition to the Supreme Court to review any other decision of the State Bar Court or action of the Board of Governors of the State Bar, or of any board or committee appointed by it and authorized to make a determination pursuant to the provisions of the State Bar Act, or of the chief executive officer of the State Bar or the designee of the chief executive officer authorized to make a determination pursuant to article 10 of the State Bar Act or these rules of court, shall be filed within 60 days after written notice of the action complained of is mailed, postage prepaid, to the petitioner, addressed to the petitioner at his or her address pursuant to section 6002.1. Within 15 days after service of the petition, the State Bar may serve and file an answer and brief. Within five days after service of the answer, the petitioner may serve and file a reply. If a review is ordered by the Supreme Court, the State Bar, within 45 days after filing

of the order, may serve and file a supplemental brief. Within 15 days after service of the brief, the petitioner may file a reply brief. (Adopted April 20, 1943; amended July 1, 1968; amended and renumbered from 59(b) October 1, 1973; amended May 1, 1986; April 2, 1987; amended and relettered December 1, 1990.)

(e) [Service on State Bar] (Adopted July 1, 1968; repealed December 1, 1990.)

(e) [Contents of Petition]

A petition to the Supreme Court filed pursuant to subdivisions (a) and (b) of this rule shall be verified, shall specify the grounds relied upon, shall show that review within the State Bar Court has been exhausted, shall address why review is appropriate under one or more of the grounds set forth in rule 954 of these rules, and shall have attached a copy of the State Bar Court decision from which relief is sought. When review is sought pursuant to subdivisions (c) and (d) of this rule, the petition shall also be accompanied by a record adequate to permit review of the ruling, including:

(1) copies of all documents and exhibits submitted to the State Bar Court supporting and opposing petitioner's position;

(2) copies of all other documents submitted to the State Bar Court that are necessary for a complete understanding of the case and the ruling;

(3) a transcript of the proceedings in the State Bar Court leading to the decision, or if a transcript is unavailable, a declaration by counsel (i) explaining why a transcript is unavailable and (ii) fairly summarizing the proceedings, including arguments by counsel and the basis of the State Bar Court's decision, if stated; or a declaration by counsel stating that the transcript has been ordered, the date it was ordered, and the date it is expected to be filed, which shall be a date prior to any action requested of the Supreme Court other than issuance of a stay supported by other parts of the record.

All copies of documents shall be legible.

A petitioner who requests an immediate stay shall explain in the petition the reasons for the urgency and set forth all relevant time constraints.

If a petitioner does not submit the required record, the court may summarily deny the stay request, the petition, or both. (Adopted, effective December 1, 1990. Amended, effective February 1, 1991.)

(f) [Service]

All petitions, briefs, reply briefs, and other pleadings filed by a petitioner pursuant to this rule shall be accompanied by proof of service of three copies on the General Counsel of the State

Bar at the San Francisco office of the State Bar, and of one copy on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court. The State Bar shall serve the member at his or her address pursuant to section 6002.1, and his or her counsel of record, if any. (Adopted, effective December 1, 1990. Amended, effective February 1, 1991.)

Rule 952.5. Petitions for Review by Chief Trial Counsel

The Chief Trial Counsel may petition for review of recommendations and decisions of the State Bar Court as indicated:

(a) From recommendations that a member be suspended, within 60 days of filing of the recommendation with the Supreme Court.

(b) From recommendations that the duration or conditions of probation be modified, or a reinstatement application be granted, within 15 days of the filing of the recommendation with the Supreme Court.

(c) From decisions not to place an eligible member on interim suspension, or vacating interim suspension, or a denial of a petition brought under section 6007(c), within 15 days of notice as provided by the rules adopted by the State Bar.

(d) From decisions dismissing disciplinary proceedings or recommending reproof, within 60 days of notice as provided by the rules adopted by the State Bar.

Proceedings under this rule with regard to briefing, service of process, and applicable time periods therefor shall correspond to proceedings brought under rule 952 and the corresponding subdivisions thereof, except that the rights and duties of the member and the State Bar in rule 952 shall be reversed. (Adopted, effective December 1, 1990.)

Rule 952.6. Petitions for Review by Committee of Bar Examiners; Grounds for Review; Confidentiality

(a) [Petition for Review by Committee of Bar Examiners]

The Committee of Bar Examiners may petition for review of the decision of the Review Department of the State Bar Court in moral character proceedings. All petitions under this rule shall be filed with the Clerk of the Supreme Court within 60 days after the State Bar Court decision is filed and served on the General Counsel of the State Bar at the State Bar San Francisco office. The applicant may file and serve an answer to the petition within 15 days of service. Within five days after service of the answer the Committee of Bar Examiners may serve and file a reply. If review is ordered by the Supreme Court, within 45 days after filing of the order, the applicant may file a supplemental brief. Within 15 days after service of the brief, the petitioner may serve and file a reply brief.

(b) [Contents of Petition]

A petition to the Supreme Court filed pursuant to this rule shall show that review within the State Bar Court has been exhausted, shall address why review is appropriate under one or more of the grounds set forth in rule 954 of these rules, and shall have attached a copy of the State Bar Court decision for which review is sought.

(c) [Service]

All petitions, briefs, reply briefs, and other pleadings filed by the Committee of Bar Examiners shall include a proof of service by mail to the applicant's last address provided to the State Bar or the applicant's attorney of record, if any. Filings by the applicant shall include a proof of service of three copies on the General Counsel of the State Bar at the State Bar San Francisco office and one copy on the Clerk of the State Bar Court at the San Francisco Office of the State Bar Court.

(d) [Confidentiality]

All filings under this rule shall be confidential unless: (1) the applicant waives confidentiality in writing; or (2) the Supreme Court grants review. Once the Supreme Court grants review, filings under this rule shall be open to the public; however, if good cause exists, the Supreme Court may order portions of the record or the identity of witnesses or other third parties to the proceedings to remain confidential. (Adopted, effective July 1, 1993. Amended, effective April 20, 1998.)

Rule 953. Effective Date of Disciplinary Reinstatement and Admissions Orders

(a) [Effective Date of Supreme Court Orders]

Unless otherwise ordered, all orders of the Supreme Court imposing discipline or opinions deciding causes involving the State Bar become final 30 days after filing. The Supreme Court may grant a rehearing at any time before the decision or order becomes final. Petitions for rehearing may be filed within 15 days of the date the decision or order was filed. Unless otherwise ordered, when petitions for review pursuant to rules 952(c) and 952.5(c) are acted upon summarily, the orders of the Supreme Court are final forthwith and shall not have law-of-the-case effect in subsequent proceedings in the Supreme Court.

(b) [Effect of State Bar Court Orders When No Review Sought]

Unless otherwise ordered, if no petition for review is filed within the time allowed by rule 952, subdivisions (a), (b), and (d), or rule 952.5, subdivisions (a) and (b), as to a recommendation of the State Bar Court for the disbarment, suspension or reinstatement of a member, the vacation of a stay, or modification of the duration or conditions of a probation, the recommendations of the State Bar Court shall be filed as an order of the Supreme Court following the expiration

of the time for filing a timely petition. The Clerk of the Supreme Court shall mail notice of this effect to the member at his or her address pursuant to section 6002.1 and to the State Bar.

(c) [Effect of State Bar Court Orders in Moral Character Proceedings When No Review Sought]

Unless otherwise ordered, if no petition for review is filed within the time allowed by rule 952.6, subdivision (a), as to a recommendation of the State Bar Court in moral character proceedings, the recommendation of the State Bar Court shall be filed as an order of the Supreme Court following the expiration of the time for filing a timely petition. The Clerk of the Supreme Court shall mail notice of this effect to the applicant's last address provided to the State Bar or the applicant's attorney of record, if any, and to the State Bar. (Adopted, effective December 1, 1990. Amended, effective February 1, 1996.)

Rule 953.5 Remand with Instructions

At any time prior to the final disposition of a decision of the State Bar Court filed pursuant to Business and Professions Code section 6081, the Supreme Court may remand the matter to the State Bar Court with instructions to conduct such further proceedings as the Supreme Court deems necessary. (Adopted, effective February 1, 1991.)

Rule 954. Grounds for Review of State Bar Court Decisions in Supreme Court

(a) [Grounds]

The Supreme Court will order review of a decision of the State Bar Court recommending disbarment or suspension from practice when it appears (1) necessary to settle important questions of law; (2) the State Bar Court has acted without or in excess of jurisdiction; (3) petitioner did not receive a fair hearing; (4) the decision is not supported by the weight of the evidence; or (5) the recommended discipline is not appropriate in light of the record as a whole.

(b) [Denial of Review]

Denial of review of a decision of the State Bar Court shall constitute a final judicial determination on the merits and the recommendation of the State Bar Court shall be filed as an order of the Supreme Court. (Adopted, effective February 1, 1991.)

Rule 955. Duties of Disbarred, Resigned, or Suspended Attorneys

(a) [Disbarment, Suspension, and Resignation Orders]

The Supreme Court may include in an order disbaring or suspending a member of the State Bar, or accepting his or her resignation, a direction that the member shall, within such time limits as the Supreme Court may prescribe, (1) notify all clients being represented in pending matters and any co-counsel of his or her disbarment, suspension, or resignation and his or her consequent disqualification to act as an attorney after the effective date of the disbarment, suspension, or resignation, and, in the absence of co-counsel, also notify the clients to seek legal advice elsewhere, calling attention to any urgency in seeking the substitution of another attorney or attorneys, (2) deliver to all clients being represented in pending matters any papers or other property to which the clients are entitled, or notify the clients and any co-counsel of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property, (3) refund any part of fees paid that have not been earned, and (4) notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties of the disbarment, suspension, or resignation and consequent disqualification to act as an attorney after the effective date of the disbarment, suspension, or resignation, and file a copy of the notice with the court, agency, or tribunal before which the litigation is pending for inclusion in the respective file or files.

(b) [Notices to Clients, Co-Counsel, Opposing Counsel, and Adverse Parties]

All notices required by an order of the Supreme Court or the State Bar Court pursuant to this rule shall be given by registered or certified mail, return receipt requested, and shall contain an address where communications may be directed to the disbarred, suspended, or resigned member.

(c) [Filing Proof of Compliance]

Within such time as the order may prescribe after the effective date of the member's disbarment, suspension, or resignation, the member shall file with the Clerk of the State Bar Court an affidavit showing that he or she has fully complied with those provisions of the order entered pursuant to this rule. The affidavit shall also set forth an address where communications may be directed to the disbarred, suspended, or resigned member.

(d) [Required Records] (Adopted, effective April 4, 1973; repealed December 1, 1990.)

(d) [Sanctions for Failure to Comply]

A disbarred or resigned member's willful failure to comply with the provisions of this rule constitutes a ground for denying his or her application for reinstatement or readmission. A suspended member's willful failure to comply with the provisions of this rule constitutes a cause for disbarment or suspension and for revocation of any pending probation. Additionally, such failure may be punished as a contempt or a crime. (Adopted, effective April 4, 1973; amended and relettered, effective December 1, 1990.)

Rule 956. State Bar Conditions to Reprorals

(a) [Attachment of Conditions to Reprorals]

The State Bar may attach conditions, effective for a reasonable time, to a public or private reproral administered upon a member of the State Bar. Conditions so attached shall be based upon a finding by the State Bar that protection of the public and the interests of the attorney will be served thereby. The State Bar when administering the reproral shall give notice to the attorney that failure to comply with the conditions may be punishable.

(b) [Sanctions for Failure to Comply]

An attorney's failure to comply with conditions attached to a public or private reproral may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct. (Adopted, effective November 18, 1983. Amended, effective November 22, 2002.)

Rule 957. Law School Study in Schools Other Than Those Accredited by the Examining Committee

(a) A person who seeks to be certified to the Supreme Court for admission in and licensed to practice law in accordance with section 6060(e)(3) of the Business and Professions Code shall receive credit for

(1) study in a law school in the United States other than one accredited by the examining committee established by the Board of Governors of the State Bar pursuant to section 6046 of said code only if the law school satisfies the requirements of paragraph (b) or paragraph (c) of this rule; or

(2) instruction in law from a correspondence school only if the correspondence school requires 864 hours of preparation and study per year for four years and satisfies the requirements of paragraph (d) of this rule; or

(3) study in a law school outside the United States other than one accredited by the examining committee established by the Board of Governors of the State Bar pursuant to section 6046 of said code only if the examining committee is satisfied that the academic program of such law school is substantially equivalent to that of a law school qualified under paragraph (b) of this rule.

(b) A law school in this state that is not accredited by the examining committee must

(1) be authorized to confer professional degrees by the laws of this state,

(2) maintain a regular course of instruction in law, with a specified curriculum and regularly scheduled class sessions,

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- (3) require classroom attendance of its students for a minimum of 270 hours a year for a least four years, and further require regular attendance of each student at not less than 80 percent of the regularly scheduled class hours in each course in which such student was enrolled and maintain attendance records adequate to determine each student's compliance with such requirements,
- (4) maintain, in a fixed location, physical facilities capable of accommodating the classes scheduled for that location,
- (5) have an adequate faculty of instructors in law, provided that the faculty will prima facie be deemed adequate if at least 80 percent of the instruction in each academic period is by persons who possess one or more of the following qualifications:
- (i) admission to the general practice of the law in any jurisdiction in the United States,
 - (ii) judge of a United States court or a court of record in any jurisdiction in the United States, or
 - (iii) graduation from a law school accredited by the examining committee,
- (6) own and maintain a library consisting of not less than the following sets of books, all of which shall be current and complete:
- (i) the published reports of the decisions of California courts, with advance sheets and citator,
 - (ii) a digest or encyclopedia of California law,
 - (iii) an annotated set of the California codes,
 - (iv) a current, standard text or treatise for each course or subject in the curriculum of the school for which such a text or treatise is available,
- (7) establish and maintain standards for academic achievement, advancement in good standing and graduation and provide for periodic testing of all students to determine the quality of their performance in relation to such standards, and
- (8) register with the examining committee, and maintain such records (available for inspection by the examining committee) and file with the examining committee such reports, notices and certifications, as may be required by the rules of the examining committee.
- (c) A law school in the United States that is outside the state of California and is not accredited by the examining committee must
- (1) be authorized to confer professional degrees by the law of the state in which it is located,
 - (2) comply with subparagraphs (2), (3), (4), (5), (7), and (8) of paragraph (b) of this rule, and
 - (3) own and maintain a library that is comparable in content to that specified in subparagraph (6) of paragraph (b) of this rule.
- (d) It is the duty of a correspondence law school to register with the examining committee and file such reports, notices and certifications as may be required by the rules of the examining committee concerning any person whose mailing address is in the state of California or whose application to, contract with, or correspondence with or from the law school indicates that the instruction by correspondence is for the purpose or with the intent of qualifying that person for admission to practice law in California.
- (e) The examining committee may make such inspection of law schools not accredited by the committee or correspondence schools as may be necessary or proper to effectuate the provisions of section 6060 of the Business and Professions Code and of this rule and of the rules of the examining committee.
- (f) This rule shall not apply to any person who, on the effective date of the rule, had commenced the study of law in a manner authorized by section 6060(e) of the Business and Professions Code and registered as a law student prior to January 1, 1976 (as provided in section 6060(d) of the Business and Professions Code) and otherwise satisfies the requirements of section 6060(e) of the Business and Professions Code; provided that after January 1, 1976 credit shall be given such person for any study in an unaccredited law school or by correspondence only if the school complies with the requirements of paragraph (b)(8) or paragraph (d) of this rule, whichever is applicable, and permits inspection as provided in paragraph (e) of this rule. (Adopted, effective October 8, 1975; amended, effective April 2, 1984.)

Rule 958. Minimum Continuing Legal Education

(a) [Statutory Authorization]

This rule is adopted under Section 6070 of the Business and Professions Code.

(b) [State Bar Minimum Continuing Legal Education Program]

The State Bar shall establish and administer a minimum continuing legal education program, beginning on or after January 1, 1991, under rules adopted by the Board of Governors of the State Bar. These rules may provide for carry forward of excess credit hours, staggering of the education requirement for implementation purposes, and retroactive credit for legal education.

(c) [Minimum Continuing Legal Education Requirements]

Each active member of the State Bar (1) not exempt under Business and Professions Code section 6070, (2) not a full-time employee of the United States Government, its departments, agencies, and public corporations, acting within the scope of his or her employment, and (3) not otherwise exempt under rules adopted by the Board of Governors of the State Bar, shall, within 36 month periods designated by the State Bar, complete at least 25 hours of legal education approved by the State Bar or offered by a State Bar-approved provider. Four of those hours shall address legal ethics. Members may be required to complete legal education in other specified areas within the 25 hour requirement under rules adopted by the State Bar. Each active member shall report his or her compliance to the State Bar under rules adopted by the Board of Governors of the State Bar.

(d) [Failure to Comply with Program]

A member of the State Bar who fails to satisfy the requirement of the State Bar's minimum continuing legal education program shall be enrolled as an inactive member of the State Bar under rules adopted by the Board of Governors of the State Bar.

(e) [Fee]

The State Bar shall have the authority to set and collect appropriate fees and penalties. (Adopted, effective December 6, 1990. Amended, effective December 25, 1992; October 27, 2000.)

(Publisher's Note: See Appendix C for MCLE Rules and Regulations and additional information regarding MCLE requirement.)

Rule 960. Resignations of Members of the State Bar With Disciplinary Charges Pending

(a) [General Provisions]

A member of the State Bar against whom disciplinary charges are pending may tender a written resignation from membership in the State Bar and relinquishment of the right to practice law. The written resignation shall be signed and dated by the member at the time it is tendered and shall be tendered to the Office of the Clerk, State Bar Court, 1230 W. Third Street, Los Angeles, California 90017. The resignation shall be substantially in the form specified in subdivision (b) of this rule. In submitting a resignation under this rule, a member of the State Bar shall agree to be transferred to inactive membership in the State Bar effective upon the filing of the resignation by the State Bar. Within 30 days after filing of the resignation, the member shall perform the acts specified in rule 955(a)(1) through (4) and (b) of these rules and within 40 days after filing of the resignation, the member shall file with the Office of the Clerk, State Bar Court, at the above address, the proof of compliance set forth in rule 955(c) of these rules. No resignation shall become effective unless and until accepted by the Supreme Court after consideration and recommendation by the Board of Governors of the State Bar.

(Publisher's Note: Effective January 1, 1994, the Office of the Clerk, State Bar Court is located at 1149 So. Hill Street, Los Angeles, California 90015.)

(b) [Form of Resignation]

The member's written resignation shall be in substantially the following form:

"I, [name of member], against whom charges are pending, hereby resign as a member of the State Bar of California and relinquish all right to practice law in the State of California and agree that in the event that this resignation is accepted and I later file a petition for reinstatement, that the State Bar will consider in connection therewith all disciplinary matters and proceedings against me at the time this resignation is accepted, in addition to other appropriate matters. I further agree that upon the filing of this resignation by the Office of the Clerk, State Bar Court, that I will be transferred to inactive membership of the State Bar. Upon such transfer, I acknowledge that I will be ineligible to practice law or to advertise or hold myself out as practicing or as entitled to practice law. I further agree that within 30 days of the filing of the resignation by the Office of the Clerk, State Bar Court, I shall perform the acts specified in rule 955(a)-(b), California Rules of Court, and within 40 days of the date of filing of this resignation by the Office of the Clerk, State Bar Court, I shall notify that office as specified in rule 955(c), California Rules of Court."

(c) [Consideration of Resignation by State Bar Board of Governors and Supreme Court; Grounds for Rejection of Resignation]

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Upon receipt of a member's resignation, tendered in conformity with the provisions of subdivision (b) of this rule, the Office of the Clerk, State Bar Court, shall promptly file the resignation. The Board of Governors of the State Bar shall thereafter consider the member's resignation and recommend to the Supreme Court whether the resignation should be accepted and, if so, whether testimony should be perpetuated. The Office of the Clerk, State Bar Court, shall transmit to the Clerk of the Supreme Court three certified copies of the board's recommendation together with the member's resignation; when, by the terms of the Board's recommendation, the resignation should be transmitted to the Supreme Court. The Supreme Court shall make such order as to the member's resignation as it deems appropriate. The Supreme Court may decline to accept the resignation upon report by the Board of Governors that perpetuation of necessary testimony is not complete; that after transfer to inactive status, the member has practiced law or has advertised or held himself or herself out as entitled to practice law; that the member has failed to perform the acts specified by rule 955(a)-(b) of these rules; that the member has failed to provide proof of compliance as specified in rule 955(c) or these rules; that the Supreme Court has filed an order of disbarment as to the member or upon such other evidence as may show that acceptance of the resignation of the member will reasonably be inconsistent with the need to protect the public, the courts or the legal profession. (Adopted, effective December 14, 1984.)

Rule 961. State Bar Court Judges

(a) [Applicant Evaluation and Nomination Committee]

(1) The Supreme Court shall create an Applicant Evaluation and Nomination Committee (committee) to solicit, receive, screen and evaluate all applications for appointment and/or reappointment to any appointive position of judge of the State Bar Court (hearing judge, presiding judge, and review department judge). The committee, which shall serve at the pleasure of the Supreme Court, shall consist of seven members appointed by the court of whom four shall be members of the State Bar in good standing, two shall be retired or active judicial officers, and one shall be a public member who has never been a member of the State Bar or admitted to practice before any court in the United States. Two members of the committee shall be present members of the Board of Governors of the State Bar (neither of whom shall be from the Board's Discipline Committee).

(2) The committee shall adopt, and implement upon approval by the Supreme Court, procedures for: (a) timely notice to potential applicants of vacancies; (b) receipt of applicants for appointments to those positions from both incumbents and other qualified persons; (c) soliciting and receiving public comment; (d) evaluation and rating of applicants; and (e) transmittal of the materials specified in rule 961(b) to the Supreme Court and, as applicable, other appointing authorities. The procedures adopted by the committee shall include provisions to ensure confidentiality comparable to those followed by the commission

established pursuant to Government Code section 12011.5 [Judicial Nominees Evaluation Commission].

(3) The Board of Governors of the State Bar, in consultation with the Supreme Court if necessary, shall provide facilities and support staff needed by the committee to carry out its obligations under this rule.

(b) [Evaluations]

(1) With regard to applicants seeking positions appointed by the Supreme Court, the committee shall evaluate the qualifications of and rate all applicants and shall submit to the Supreme Court the nominations of at least three qualified candidates for each vacancy. The committee shall report in confidence to the Supreme Court its evaluation and rating of applicants recommended for appointment, and the reasons therefor, including a succinct summary of their qualifications, at a time to be designated by the Supreme Court. The report shall include written comment received by the committee, which shall be transmitted to the Supreme Court together with the nominations.

(2) With regard to applicants seeking positions appointed by the Governor, the Senate Committee on Rules, or the Speaker of the Assembly, the committee shall evaluate the qualifications of and rate all applicants and shall submit in confidence to the Supreme Court and, as applicable, to other appointing authorities all applications for such positions together with the committee's evaluation and rating of these applicants, including any written comments received by the committee, at a time to be designated by the Supreme Court..

(3) In determining the qualifications of an applicant for appointment or reappointment the committee shall consider, among other appropriate factors, the following: industry, legal and judicial experience (including prior service as a judge of the State Bar Court), judicial temperament, honesty, objectivity, community respect, integrity, and ability. Any evaluation or rating of an applicant and any recommendation for appointment or reappointment by the committee shall be made in conformity with subdivision (b) of Business and Professions Code section 6079.1 and in light of the factors specified in Government Code section 12011.5, subdivision (d), and those specified in this subdivision.

(4) Upon transmittal of its report to the Supreme Court, the committee shall notify any incumbent who has applied for reappointment by the Supreme Court if he or she is or is not among the applicants recommended for appointment to the new term by the committee. The applicable appointing authority shall notify as soon as possible an incumbent who has applied for reappointment but is not selected.

(c) [Appointments]

Only applicants found to be qualified by the committee or by the Supreme Court may be appointed. Upon the request of the Governor, the Senate Committee on Rules, or the Speaker of the Assembly, the Supreme Court will reconsider a finding by the committee that a particular applicant is not qualified. The Supreme Court shall make such orders as to the appointment of applicants as it deems appropriate, including extending the term of incumbent judges pending such order or providing for staggered terms.

(d) [Discipline for Misconduct or Disability]

A judge of the State Bar Court is subject to discipline or retirement on the same grounds as a judge of a court of this state. Complaints concerning the conduct of a judge of the State Bar Court shall be addressed to the Executive Director Chief Counsel of the Commission on Judicial Performance, who is hereby designated as the Supreme Court's investigator for the purpose of evaluating those complaints, conducting any necessary further investigation, and determining whether formal proceedings should be instituted. If there is reasonable cause to institute formal proceedings, the investigator shall notify the Supreme Court of that fact and shall serve as or appoint the examiner and make other appointments and arrangements necessary for the hearing. The Supreme Court shall then appoint one or more active or retired judges of superior courts or Courts of Appeal as its special masters to hear the complaint and the results of the investigation, and to report to the Supreme Court on the masters' findings, conclusions, and recommendations as to discipline. The procedures of the Commission on Judicial Performance shall be followed by the investigator and special masters, to the extent feasible. Procedure in the Supreme Court after a discipline recommendation is filed shall, to the extent feasible, be the same as is followed when a determination of the Commission on Judicial Performance is filed. (Adopted, effective December 1, 1990. Amended, effective February 15, 1995; July 1, 2000; April 5, 2001.)

Rule 962. Suspension of Members of the State Bar for Failure to Comply with Judgment or Order for Child or Family Support

(a) [General Provisions]

Pursuant to section 11350.6 of the Welfare and Institutions Code, the State Bar is authorized to transmit to the Supreme Court on an annual basis the names of those members listed by the State Department of Social Services as delinquent in their payments of court-ordered child or family support with a recommendation for their suspension from the practice of law. When a member is suspended, reinstatement may occur only after receipt of notification from the State Bar that the member's name has been removed from the State Department of Social Services list. Pursuant to section 11350.6 subdivision (1) of the Welfare and Institutions Code, the State Bar is further authorized to promptly transmit to the Supreme Court with a recommendation for their suspension from the practice

of law the names of those members previously listed by the State Department of Social Services as delinquent in their payments of court-ordered child or family support, who obtained releases pursuant to section 11350.6, subdivision (h) of the Welfare and Institutions Code, and who have subsequently been identified by the Department of Social Services as again being delinquent.

(b) [Authorization to Adopt Rules and Regulations]

The Board of Governors of the State Bar is further authorized to adopt such rules and regulations as it deems necessary and appropriate in order to comply with this Rule of Court. The rules and regulations of the State Bar shall contain procedures governing the notification, suspension, and reinstatement of members of the State Bar in a manner not inconsistent with section 11350.6 of the Welfare and Institutions Code. (Adopted, effective January 31, 1993. Amended, effective April 1, 1996.)

Rule 963. Interim Special Regulatory Fee for Attorney Discipline

(a) This rule is adopted by the Supreme Court solely as an emergency interim measure to protect the public, the courts, and the legal professional from the harm caused by the absence of an adequately functioning attorney disciplinary system. The Supreme Court contemplates that the rule may be modified or repealed once legislation designed to fund an adequate attorney disciplinary system is enacted and becomes effective.

(b) Each active member shall pay a mandatory regulatory fee of one hundred seventy-three dollars (\$173) to the Special Master's Attorney Discipline Fund, to be established by a special master appointed pursuant to subdivision (c). This \$173 assessment is in addition to the mandatory fees currently authorized by statute.

Payment of this fee is due by February 1, 1999. Late payment or nonpayment of the fee shall subject a member to the same penalties and/or sanctions applicable to mandatory fees authorized by statute.

The provisions regarding waivers of payment contained in the Rules and Regulations of the State Bar of California, art. I, section 3, 6C, 6D, 6E, 7C(1), 7C(2), 7F, 7G, and 9, shall apply to requests for relief from payment of the fee under this provision. Applications for relief from payment shall be made to the State Bar, which may grant or deny waivers in conformance with its existing rules and regulations. The State Bar shall provide a report to the Special Master on the number of waivers approved and the amount of fees affected.

(c) All money collected pursuant to this rule shall be deposited into the Special Master's Attorney Discipline Fund, and shall be used exclusively for the purpose of maintaining and operating an attorney disciplinary system, including payment

of the reasonable fees, costs and expenses of a special master as ordered by the Supreme Court.

A special master appointed by the Supreme Court shall disburse and allocate funds from the Special Master’s Attorney Discipline Fund for the limited purpose of supporting an attorney discipline system. The special master shall exercise authority pursuant to the charge of the Supreme Court and shall submit quarterly reports and recommendations to the Supreme Court regarding the use of these funds.

Should any funds collected pursuant to this rule not be used for the limited purpose set forth in the rule, the Supreme Court may order the refund of an appropriate amount to members or take any other action that it deems appropriate. (Adopted, effective December 3, 1998. Amended, effective February 3, 1999.)

DIVISION III

Rules for Publication of Appellate Opinions

Rule 977. Citation of Opinions

(a) [Unpublished opinions]

An opinion of a Court of Appeal or an appellate department of the superior court that is not certified for publication or ordered published shall not be cited or relied on by a court or a party in any other action or proceeding except as provided in subdivision (b).

(Subd (a) amended effective January 1, 1997.)

(b) [Exceptions]

Such an opinion may be cited or relied on:

- (1) when the opinion is relevant under the doctrines of law of the case, res judicata, or collateral estoppel; or
- (2) when the opinion is relevant to a criminal or disciplinary action or proceeding because it states reasons for a decision affecting the same defendant or respondent in another such action or proceeding.

(Subd (b) amended effective January 1, 1983.)

(c) [Citation procedure]

A copy of any opinion citable under subdivision (b) or of a cited opinion of any court that is available only in a computer-based source of decisional law shall be furnished to the court and all parties by attaching it to the document in which it is cited, or, if the citation is to be made orally, within a reasonable time in advance of citation.

(Subd (c) amended effective January 1, 1997.)

(d) [Opinions ordered published by Supreme Court]

An opinion of the Court of Appeal ordered published by the Supreme Court pursuant to rule 976 is citable.*

(Subd (d) adopted effective May 6, 1985.)

Rule 977 amended effective January 1, 1997; adopted by the Supreme Court and by the Judicial Council effective January 1, 1974; previously amended effective January 1, 1983, and May 6, 1985.

* Any citation to the Court of Appeal opinion shall include reference to the grant of review and any subsequent action by the Supreme Court.

DIVISION IV

General Rules Applicable to All Courts

Rule 983. Counsel Pro Hac Vice

(a) [Eligibility]

A person who is not a member of the State Bar of California but who is a member in good standing of and eligible to practice before the bar of any United States court or of the highest court in any state, territory or insular possession of the United States, and who has been retained to appear in a particular cause pending in a court of this state, may in the discretion of such court be permitted upon written application to appear as counsel pro hac vice, provided that an active member of the State Bar of California is associated as attorney of record. No person is eligible to appear as counsel pro hac vice pursuant to this rule is (1) he is a resident of the State of California, or (2) he is regularly employed in the State of California, or (3) he is regularly engaged in substantial business, professional, or other activities in the State of California. Absent special circumstances, repeated appearances by any person pursuant to this rule shall be a cause for denial of an application.

(b) [Application; Notice of Hearing]

A person desiring to appear as counsel pro hac vice in a superior, municipal, or justice court shall file with the court a verified application together with proof of service by mail in accordance with section 1013a of the Code of Civil Procedure of a copy of the application and of the notice of hearing of the application upon all parties who have appeared in the cause and upon the State Bar of California at its San Francisco office. The notice of hearing shall be given at the time prescribed in section 1005 of the Code of Civil Procedure unless the court has prescribed a shorter period.

An application to appear as counsel pro hac vice in the Supreme Court or a Court of Appeal shall be made as provided in rule 41, with proof of service upon all parties who have

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appeared in the cause and upon the State Bar of California at its San Francisco office.

The application shall state:

- (1) the applicant's residence and office address;
- (2) the courts to which the applicant has been admitted to practice and the dates of admission;
- (3) that the applicant is a member in good standing in those courts;
- (4) that the applicant is not currently suspended or disbarred in any court;
- (5) the title of court and cause in which the applicant has filed an application to appear as counsel pro hac vice in this state in the preceding two years, the date of each application, and whether or not it was granted; and
- (6) the name, address, and telephone number of the active member of the State Bar of California who is attorney of record.

(c) [Fee]

An applicant for permission to appear as counsel pro hac vice pursuant to this rule shall pay a reasonable fee not exceeding \$50 to the State Bar of California with the copy of the application and the notice of hearing that is served upon the State Bar. The amount of the fee shall be fixed by the Board of Governors of the State Bar of California (1) to defray the expenses of administering the provisions of this rule which are applicable to the State Bar and the incidental consequences resulting from such provisions, and (2) partially to defray the expenses of administering the board's other responsibilities to enforce the provisions of the State Bar Act relating to the competent delivery of legal services and the incidental consequences resulting therefrom.

(d) [Contempt and Other Court Sanctions; Discipline]

A person permitted to appear as counsel pro hac vice pursuant to this rule shall be subject to the jurisdiction of the courts of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of California. He shall familiarize himself and comply with the standards of professional conduct required of members of the State Bar of California and shall be subject to the disciplinary jurisdiction of the State Bar with respect to any of his acts occurring in the course of such appearance. Article 5, Chapter 4, Division III of the California Business and Professions Code and the Rules of Procedure of the State Bar shall govern in any investigation or proceeding conducted by the State Bar under this rule.

(e) This rule does not preclude the Supreme Court or a Court of Appeal from permitting argument in a particular case from a person who is not a member of the State Bar, but who is

licensed to practice in another jurisdiction and who possesses special expertise in the particular field affected by the proceeding. (As amended, effective September 13, 1972; October 3, 1973; September 3, 1986. As amended, effective January 17, 1991.)

Rule 983.1 Appearances by Military Counsel

(a) A judge advocate (as that term is defined at 10 United States Code section 801 (13)) who is not a member of the State Bar of California but who is a member in good standing of and eligible to practice before the bar of any United States court or of the highest court in any state, territory, or insular possession of the United States may, in the discretion of a court of this state, be permitted to appear in that court to represent a person in the military service in a particular cause pending before that court, pursuant to the Soldiers' and Sailors' Civil Relief Act of 1940, 50 United States Code App. section 501, et seq., if:

(1) the judge advocate has been made available by the cognizant Judge Advocate General (as that term is defined at 10 United States Code section 801(1)), or a duly designated representative; and

(2) the court finds that retaining civilian counsel likely would cause substantial hardship for the person in military service or that person's family; and

(3) the court appoints a judge advocate as attorney to represent the person in military service pursuant to the Soldiers' and Sailors' Civil Relief Act of 1940.

Under no circumstances is the determination of availability of a judge advocate to be made by any court within this state, or reviewed by any court of this state. In determining the likelihood of substantial hardship as a result of the retention of civilian counsel, the court may take judicial notice of the prevailing pay scales for persons in the military service.

(b) The clerk of the court considering appointment of a judge advocate pursuant to this rule shall provide written notice of that fact to all parties who have appeared in the cause. A copy of the notice, together with proof of service by mail in accordance with section 1013a of the Code of Civil Procedure, shall be filed by the clerk of the court. Any party who has appeared in the matter may file a written objection to the appointment within 10 days of the date on which notice was given unless the court has prescribed a shorter period. If the court determines to hold a hearing in relation to the appointment, notice of the hearing shall be given at least 10 days before the date designated for the hearing unless the court has prescribed a shorter period.

(c) A judge advocate permitted to appear pursuant to this rule 983.1 shall be subject to the jurisdiction of the courts of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of

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California. The judge advocate shall become familiar with and comply with the standards of professional conduct required of members of the State Bar of California and shall be subject to the disciplinary jurisdiction of the State Bar of California. Article 5, Chapter 4, Division III of the California Business and Professional Code and the Rules of Procedure of the State Bar of California shall govern any investigation or proceeding conducted by the State Bar under this rule.

(d) A judge advocate permitted to appear pursuant to this rule shall be subject to rights and obligations with respect to attorney-client privilege, work-product privilege, and other professional privileges to the same extent as a member of the State Bar of California. (Approved by the Supreme Court, effective February 21, 1992.)

Rule 983.2. Certified Law Students

(a) [Definitions]

A certified law student is a law student who has a currently effective certificate of registration as a certified law student from the State Bar.

(b) [State Bar certified law student program]

The State Bar shall establish and administer a program for registering law students under rules adopted by the Board of Governors of the State Bar.

(c) [Eligibility for Certification]

To be eligible to become a certified law student, an applicant must:

(1) Have successfully completed one full year of studies (minimum of 270 hours) at a law school accredited by the American Bar Association or the State Bar of California, or both, or have passed the First Year Law Students' Examination;

(2) Have been accepted into, and be enrolled in, the second, third or fourth years of law school in good academic standing or have graduated from law school, subject to the time period limitations set forth in the rules adopted by the Board of Governors of the State Bar; and

(3) Have either successfully completed or be currently enrolled in and attending, academic courses in evidence and civil procedure.

(d) [Permitted activities]

Subject to all applicable rules, regulations, and statutes, a certified law student may:

(1) Negotiate for and on behalf of the client subject to final approval thereof by the supervising attorney and/or give

legal advice to the client, provided that the certified law student

(i) obtains the approval of the supervising attorney to engage in the activities,

(ii) obtains the approval of the supervising attorney regarding the legal advice to be given or plan of negotiation to be undertaken by the certified law student, and

(iii) performs the activities under the general supervision of the supervising attorney;

(2) Appear on behalf of the client in depositions, provided that the certified law student

(i) obtains the approval of the supervising attorney to engage in the activity,

(ii) performs the activity under the direct and immediate supervision and in the personal presence of the supervising attorney (or, exclusively in the case of government agencies, any deputy, assistant or other staff attorney authorized and designated by the supervising attorney), and

(iii) obtains a signed Consent Form from the client on whose behalf the certified law student acts (or, exclusively in the case of government agencies, from the chief counsel or prosecuting attorney) approving the performance of such acts by such certified law student or generally by any certified law student;

(3) Appear on behalf of the client in any public trial, hearing arbitration or proceeding, or before any arbitrator, court, public agency, referee, magistrate, commissioner or hearing officer, to the extent approved by such arbitrator, court, public agency, referee, magistrate, commissioner or hearing officer, provided that the certified law student

(i) obtains the approval of the supervising attorney to engage in the activity,

(ii) performs the activity under the direct and immediate supervision and in the personal presence of the supervising attorney (or, exclusively in the case of government agencies, any deputy, assistant or other staff attorney authorized and designated by the supervising attorney),

(iii) obtains a signed Consent Form from the client on whose behalf the certified law student acts (exclusively in the case of government agencies, from the chief counsel or prosecuting attorney) approving the performance of such acts by such certified law student or generally by any certified law student, and

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(iv) as a condition to such appearance, either first presents, or have previously presented, a copy of the Consent Form to the arbitrator, court, public agency, referee, magistrate, commissioner or hearing officer, or file a copy of the Consent Form in the court case file;

(4) Appear on behalf of a government agency in the prosecution of criminal actions classified as infractions or other such minor criminal offenses with a maximum penalty or a fine equal to the maximum fine for infractions in California, including any public trial

(i) subject to approval by the court, commissioner, referee, hearing officer or magistrate presiding at such public trial, and

(ii) without the personal appearance of the supervising attorney or any deputy, assistant or other staff attorney authorized and designated by the supervising attorney, but only if the supervising attorney or the designated attorney has approved in writing the performance of such acts by the certified law student and is immediately available to attend the proceeding.

(e) [Failure to comply with program]

A certified law student who fails to comply with the requirements of the certified law student program of the State Bar shall have his or her certification withdrawn under rules adopted by the Board of Governors of the State Bar.

(f) [Fee and penalty]

The State Bar shall have the authority to set and collect appropriate fees and penalties for this program.

(g) [Inherent power of Supreme Court]

Nothing in these rules shall be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California. (Approved by the Supreme Court, effective January 1, 1994.)

Rule 983.4 Out-of-State Attorney Arbitration Counsel Program

(a) [Definition]

(1) An "Out-of-State Attorney Arbitration Counsel" is an attorney who is not a member of the State Bar of California but who is a member in good standing of and eligible to practice before the bar of any United States court or the highest court in any state, territory or insular possession of the United States, and who has been retained to appear in the course of, or in connection with, an arbitration proceeding in this state; and

(2) has served a certificate in accordance with the requirements of Code of Civil Procedure section 1282.4 upon the arbitrator, the arbitrators, or the arbitral forum, the State bar of California, and all other parties and counsel in the arbitration whose addresses are known to the attorney; and

(3) whose appearance has been approved by the arbitrator, the arbitrators or the arbitral forum.

(b) [The State Bar Out-of-State Attorney Arbitration Counsel Program]

The State Bar of California shall establish and administer a program to implement the State Bar of California's responsibilities under Code of Civil Procedure section 1282.4. The State Bar of California's program shall be operative only as long as the applicable provisions of Code of Civil Procedure section 1282.4 remain in effect.

(c) [Eligibility to appear as an Out-of-State Attorney Arbitration Counsel]

To be eligible to appear as an Out-of-State Attorney Arbitration Counsel, an attorney must comply with all of the applicable provisions of Code of Civil Procedure section 1282.4 and the requirements of this rule and the rules and regulations adopted by the State Bar of California pursuant to this rule.

(d) [Discipline]

An attorney who files a certificate containing false information or who otherwise fails to comply with the standards of professional conduct required of members of the State Bar of California shall be subject to the disciplinary jurisdiction of the State Bar with respect to any of his or her acts occurring in the course of the arbitration.

(e) [Disqualification]

Failure to timely file a certificate or absent special circumstances, appearances in multiple separate arbitration matters shall be grounds for disqualification from serving in the arbitration in which the certificate was filed.

(f) [Fee]

Out-of-State Attorney Arbitration Counsel shall pay a reasonable fee not exceeding \$50 to the State Bar of California with the copy of the certificate that is served upon the State Bar.

(g) [Inherent Power of Supreme Court]

Nothing in these rules shall be constructed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California. (Adopted by the Supreme Court, effective July 1, 1999.)

Rule 983.5. Certifying Legal Specialists

(a) [Definition]

A "certified specialist" is a California attorney who holds a current certificate as a specialist issued by the State Bar of California Board of Legal Specialization or any other entity approved by the State Bar to designate specialists.

(b) [State Bar Legal]

Specialization Program] The State Bar shall establish and administer a program for certifying legal specialists and may establish a program for certifying entities that certify legal specialists under rules adopted by the Board of Governors of the State Bar.

(c) [Authority to practice law]

No lawyer shall be required to obtain certification as a certified specialist as a prerequisite to practicing law. Any lawyer, alone or in association with any other lawyer, shall have the right to practice in any field of law and to act as counsel in every type of case, even though he or she is not certified as a specialist.

(d) [Failure to comply with program]

A Certified Specialist who fails to comply with the requirements of the Legal Specialization program of the State Bar, shall have her or his certification suspended or revoked under rules adopted by the Board of Governors of the State Bar.

(e) [Fee and penalty]

The State Bar shall have the authority to set and collect appropriate fees and penalties for this program.

(f) [Inherent power of Supreme Court]

Nothing in these rules shall be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California. (Approved by the Supreme Court, effective January 1, 1996.)

Rule 988. Registered Foreign Legal Consultant

(a) [Definition]

A "Registered Foreign Legal Consultant" is a person who:

(1) is admitted to practice and is in good standing as an attorney or counselor at law or the equivalent in a foreign country; and

(2) has a currently effective Certificate of Registration as a Registered Foreign Legal Consultant from the State Bar.

(b) [State Bar Registered Foreign Legal Consultant program]

The State Bar shall establish and administer a program for registering foreign attorneys or counselors at law or the equivalent under rules adopted by the Board of Governors of the State Bar.

(c) [Eligibility for Certification]

To be eligible to become a Registered Foreign Legal Consultant, an applicant must:

(1) Present satisfactory proof that the applicant has been admitted to practice and has been in good standing as an attorney or counselor at law or the equivalent in a foreign country for at least four of the six years immediately preceding the application, and while so admitted, has actually practiced the law of that country;

(2) Present satisfactory proof that the applicant possesses the good moral character requisite for a person to be licensed as a member of the State Bar of California;

(3) Agree to comply with the provisions of the rules adopted by the Board of Governors of the State Bar relating to security for claims against a Foreign Legal Consultant by his or her clients;

(4) Agree to comply with the provisions of the rules adopted by the Board of Governors of the State Bar relating to maintaining an address of record for State Bar purposes;

(5) Agree to notify the State Bar of any change in his or her status in any jurisdiction where he or she is admitted to practice or of any discipline with respect to such admission;

(6) Agree to be subject to the jurisdiction of the courts of this state with respect to the laws of the State of California governing the conduct of attorneys, to the same extent as a member of the State Bar of California;

(7) Agree to become familiar with and comply with the standards of professional conduct required of members of the State Bar of California;

(8) Agree to be subject to the disciplinary jurisdiction of the State Bar of California;

(9) Agree to be subject to the rights and obligations with respect to attorney client privilege, work-product privilege, and other professional privileges, to the same extent as attorneys admitted to practice law in California; and

(10) Agree to comply with the laws of the State of California, the Rules and Regulations of the State Bar of California, and these Rules.

(d) [Authority to Practice Law]

Subject to all applicable rules, regulations, and statutes, a Registered Foreign Legal Consultant may render legal services in California, except that he or she may not:

(1) Appear for a person other than himself or herself as attorney in any court, or before any magistrate or other judicial officer, in this state or prepare pleadings or any other papers or issue subpoenas in any action or proceeding brought in any court or before any judicial officer;

(2) Prepare any deed, mortgage, assignment, discharge, lease, or any other instrument affecting title to real estate located in the United States;

(3) Prepare any will or trust instrument affecting the disposition on death of any property located in the United States and owned by a resident or any instrument relating to the administration of a decedent's estate in the United States;

(4) Prepare any instrument in respect of the marital relations, rights or duties of a resident of the United States, or the custody or care of the children of a resident; or

(5) Otherwise render professional legal advice on the law of the State of California, any other state of the United States, the District of Columbia, the United States, or of any jurisdiction other than the jurisdiction(s) named in satisfying the requirements of subdivision (c) of this rule, whether rendered incident to preparation of legal instruments or otherwise.

(e) [Failure to comply with program]

A Registered Foreign Legal Consultant who fails to comply with the requirements of the Registered Foreign Legal Consultant program of the State Bar shall have her or his certification suspended or revoked under rules adopted by the Board of Governors of the State Bar.

(f) [Fee and penalty]

The State Bar shall have the authority to set and collect appropriate fees and penalties for this program.

(g) [Inherent power of Supreme Court]

Nothing in these rules shall be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California. (Adopted and effective April 2, 1987. Amended, effective January 1, 1994.)