

**ATTACHMENT C**

**CALIFORNIA RULES OF COURT  
PROPOSED AMENDMENT OF RULE 9.6  
PUBLIC COMMENTS RECEIVED**

Feb 5, 2011

“I am in favor of the proposed changes to the California Rules of Court. It has been a bane to many California attorneys (and some of my clients). Thank you.”

- Paul Virgo

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Feb 7, 2011

“I favor the proposal that would amend Rule of Court 9.6 subparts (b) through (d) to extend the authorization for a one-time only expungement to an isolated incident of minimum continuing legal education (“MCLE”) inactive enrollment using the same four criteria prescribed in subpart (b).”

- Steven A. Lewis

Feb 7, 2011

“Thank you for providing the opportunity to comment on the above proposed amendment to CRC 9.6.

As you know, I am committed to participating in efforts to improve and streamline the regulatory system administered by the State Bar.

I am writing to you today, to request that the State Bar Board of Governors adopt the recommendation to amend to California Rule of Court 9.6, which authorizes expungement from the official State Bar membership records, of suspensions for non-payment of fees when certain criteria are met. Rule 9.6 currently allows for a one-time only suspension, where the State Bar member failed to timely pay the annual fee owed to the State Bar. When the rule was amended in 2007 to permit this limited expungement, member response to Rule 9.6 was positive, and State Bar staff prepared a petition to the Supreme Court which contained research demonstrating that a one-time late payment of fees is not indicative of misconduct. Unfortunately, when Rule 9.6 was recommended for amendment in 2007, the proposal did not include a similar provision to address the circumstance in which a member was administratively suspended for failure to provide evidence of timely compliance with the MCLE requirements.

Similar to the circumstances which may give rise to suspension for failure to pay State Bar fees, it occasionally occurs that a lawyer overlooks the due date and the notices received from the State Bar regarding presenting evidence of MCLE compliance. I can think of no logical basis to treat differently such administrative delay in failing to comply with the MCLE requirements. There should be an analogous provision for MCLE non-compliance as exists in the case of one-time suspensions for non-payment of fees. Consequently, on behalf of a number of my clients, I wish to support the staff recommendation that the Board of Governors, through its Committee on Oversight, Regulation and Discipline, propose to the Supreme Court that Rule 9.6 be amended to modify current rule 9.6(b), as set forth in the staff recommendation.

Thank you very much for your courtesy and consideration.”

- Ellen A. Pansky