



The State Bar of California

OPEN SESSION AGENDA ITEM 54-121 MARCH 2020 REGULATION AND DISCIPLINE COMMITTEE III.A

DATE: March 12, 2020

TO: Members, Regulation and Discipline Committee
Members, Board of Trustees

FROM: Donna Hershkowitz, Interim Executive Director

SUBJECT: Amendment to Rule 9.21(a) of the California Rules of Court to Update Address for Receipt of Licensees' Written Resignation: Request for Adoption by Board for Approval by Supreme Court of California

EXECUTIVE SUMMARY

[Rule 9.21](#) of the California Rules of Court instructs attorneys against whom disciplinary charges are pending and who wish to resign, to tender their resignation to the Office of the Clerk, State Bar Court, 1149 South Hill Street, Los Angeles, California 90015. The State Bar Court's [information page about resignations with charges pending](#) directs those wishing to resign to tender their resignations to the State Bar Court at the correct address, 845 S. Figueroa Street, 3rd Floor, Los Angeles, CA 90017-2515. This item proposes amendment to the California Rules of Court, rule 9.21(a) to correct the address for the submission of resignations with charges pending. This item requires approval by the Regulation and Discipline Committee and the Board of Trustees, as well as Approval by the Supreme Court. This item does not require circulation for public comment because it is a nonsubstantive editorial change (See [rule 1.10](#), Rules of the State Bar of California).

BACKGROUND

[Rule 9.21](#) of the California Rules of Court instructs attorneys against whom disciplinary charges are pending and who wish to resign to tender their resignation to the Office of the Clerk, State Bar Court, 1149 South Hill Street, Los Angeles, California 90015. The State Bar Court is now located at 845 S. Figueroa Street, 3rd Floor, Los Angeles, CA 90017-2515. This item proposes amendment to the California Rules of Court, rule 9.21(a) to correct the address for the submission of resignations with charges pending.

DISCUSSION

Since the State Bar Court was moved to 845 South Figueroa Street, 3rd Floor, Los Angeles, CA 90017-2515, those wishing to tender their resignation with charges pending, but refer to the rules to determine where their resignation should be served, will serve the State Bar Court at the wrong address. The State Bar Court's [information page about resignations with charges pending](#) directs those wishing to resign to tender their resignations to the State Bar Court at the correct address. This item would correct the address in the California Rules of Court.

FISCAL/PERSONNEL IMPACT

None

AMENDMENTS TO RULES OF THE STATE BAR

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & OBJECTIVES

None

RECOMMENDATIONS

Should the Regulation and Discipline Committee concur in the proposed action, passage of the following resolution is recommended:

RESOLVED, that the Regulation and Discipline Committee recommends that the Board of Trustees approves the proposed amendment to Title 9, Division 2, Chapter 3, Rule 9.21(a), California Rules of Court.

Should the Board of Trustees concur in the proposed action, passage of the following resolution is recommended:

RESOLVED, that the Board of Trustees, upon recommendation of the Regulation and Discipline Committee, approves the proposed amendment to Title 9, Division 2, Chapter 3, Rule 9.21(a), California Rules of Court; and it is

FURTHER RESOLVED, that the proposed amendment be submitted to the Supreme Court for approval.

ATTACHMENT(S) LIST

- A.** Proposed Amended Rule 9.21(a) (Clean Version)
- B.** Proposed Amended Rule 9.21(a) (Redline Version)

ATTACHMENT A

PROPOSED AMENDED RULE 9.21(A) (CLEAN VERSION)

A licensee of the State Bar against whom disciplinary charges are pending may tender a written resignation from the State Bar and relinquishment of the right to practice law. The written resignation must be signed and dated by the licensee at the time it is tendered and must be tendered to the Office of the Clerk, State Bar Court, 845 South Figueroa Street, 3rd Floor, Los Angeles, CA 90017-2515. The resignation must be substantially in the form specified in (b) of this rule. In submitting a resignation under this rule, a licensee of the State Bar agrees to be transferred to inactive status in the State Bar effective on the filing of the resignation by the State Bar. Within 30 days after filing of the resignation, the licensee must perform the acts specified in rule 9.20(a)(1)-(4) and (b) and within 40 days after filing of the resignation, the licensee must file with the Office of the Clerk, State Bar Court, at the above address, the proof of compliance specified in rule 9.20(c). No resignation is effective unless and until it is accepted by the Supreme Court after consideration and recommendation by the State Bar Court.

ATTACHMENT B

PROPOSED AMENDED RULE 9.21(A) (REDLINE VERSION)

A licensee of the State Bar against whom disciplinary charges are pending may tender a written resignation from the State Bar and relinquishment of the right to practice law. The written resignation must be signed and dated by the licensee at the time it is tendered and must be tendered to the Office of the Clerk, State Bar Court, [845 South Figueroa Street, 3rd Floor, Los Angeles, CA 90017-2515](#)~~1149 South Hill Street, Los Angeles, California 90015~~. The resignation must be substantially in the form specified in (b) of this rule. In submitting a resignation under this rule, a licensee of the State Bar agrees to be transferred to inactive status in the State Bar effective on the filing of the resignation by the State Bar. Within 30 days after filing of the resignation, the licensee must perform the acts specified in rule 9.20(a)(1)-(4) and (b) and within 40 days after filing of the resignation, the licensee must file with the Office of the Clerk, State Bar Court, at the above address, the proof of compliance specified in rule 9.20(c). No resignation is effective unless and until it is accepted by the Supreme Court after consideration and recommendation by the State Bar Court.