

***[PROPOSED] STATE BAR POLICY
RE POSTING OF NOTICES OF DISCIPLINARY CHARGES
ON THE STATE BAR'S WEBSITE***

As the administrative arm of the California Supreme Court in matters relating to the admission, discipline and regulation of attorneys, the State Bar's duty to assist the Supreme Court and to protect the public includes the duty, among other things, to inform the public about the work of the State Bar, about the right of all persons to make complaints against attorneys and about the nature and procedures of the discipline system.

Although the records and court hearings relating to proceedings before the State Bar Court against California attorneys become public upon the filing of the notice of disciplinary charges ("NDC") or other initial pleading, the Board concludes that this information should be more readily or easily accessible by the public. The Board of Trustees further concludes that, in order to promote public protection, to fulfill the State Bar's duty to inform the public about the work of the State Bar and to promote its policy of making its public records more readily available to interested members of the public and the profession, the State Bar should post NDCs and other initial pleadings filed in the State Bar Court on the attorney's member profile page on the State Bar's website (www.calbar.ca.gov) as follows:

1. Following the proper filing of a notice of disciplinary charges or other initial pleading in the State Bar Court, the State Bar will post a true and correct copy of the filed pleading on the member profile page of the attorney. The State Bar will also post a true and correct copy of the filed response, if any, on the member profile page of the attorney.
2. There shall be a notice in the State Bar Court Cases or the Disciplinary and Related Actions portion of the member profile page that notifies individuals accessing the attorney's page that an NDC sets forth only misconduct that is alleged to have been committed but has not yet been proved and that the respondent attorney is presumed to be innocent of the charged misconduct unless and until a State Bar Court decision or order approving a stipulated disposition is filed, finding that one or more charges of misconduct have been established by clear and convincing evidence.
3. The initial and responsive pleadings NDC and the respondent attorney's response to the NDC will remain posted on the attorney's member profile page on the State Bar's website until either (a) a State Bar Court decision or order approving a stipulated disposition is filed in the State Bar Court finding the respondent attorney culpable of one or more acts of professional misconduct; or (b) a State Bar Court order or decision exonerating the respondent attorney or otherwise dismissing the proceeding without a finding of professional misconduct is filed in the State Bar Court.

In the former case, the NDC and the respondent attorney's response to the NDC will be removed from the member profile page contemporaneously with the posting of the State Bar Court decision or order approving a stipulated disposition. In the latter case, the decision or order dismissing the proceeding and/or exonerating the respondent attorney will be immediately posted on the member profile page and will, along with the NDC and the attorney's response to NDC, remain on the member profile page for a period of 60 days, unless the respondent attorney requests that those documents be removed earlier. The documents will, thereafter, be removed.

4. The State Bar may post other public records on the State Bar's website, including on an attorney's member profile page, consistent with its mission to protect the public, the courts and the legal profession.