



The State Bar of California

OPEN SESSION AGENDA ITEM 704 SEPTEMBER 2022

DATE: September 22, 2022

TO: Members, Board of Trustees

FROM: Randall Difuntorum, Program Director, Office of Professional Competence
Erika Doherty, Managing Attorney, Office of Professional Competence

SUBJECT: Discussion of Options for Amendments to Rule 9.7 of the California Rules of Court: Annual Civility Pledge

EXECUTIVE SUMMARY

At the March 24, 2022 Board of Trustees meeting, the Board approved a recommended [action plan](#) to evaluate and advance the recommendations of the California Civility Task Force (CCTF) outlined in its initial report, “[Beyond the Oath: Recommendations for Improving Civility](#).” This agenda item invites discussion related to one of the four CCTF recommendations in the initial report—requiring attorneys to affirm or reaffirm the civility pledge that since May 27, 2014, has been a component of the attorney oath. Specifically, this item provides three possible options for amending rule 9.7 of the California Rules of Court¹ to implement this recommendation. Staff will take the Board’s discussion and input into consideration before seeking approval to release a proposed amendment for public comment at the November meeting.

Also at the November meeting, staff intends to present to the Board proposed amendments to the State Bar rules for minimum continuing legal education (MCLE) requirements based on the CCTF’s other recommendations, as well as recommendations from the San Diego Bar Association and survey feedback from individual licensees and current MCLE providers.² Staff

¹ All further references to rules are to the California Rules of Court unless otherwise stated.

² State Bar staff is considering the following possible changes to the current MCLE course requirements: a general technology competency course requirement; a cyber security course requirement; a proposal to grant credit for time that attorneys spend volunteering for mock trial programs (as both presiding judges and scoring attorneys); and a proposal to modify the existing requirement for competency credit to increase the number of required credit hours from one to two hours and to expand the topics recognized to include programs that incorporate wellbeing,

also intends to present proposed amendments to the California Rules of Professional Conduct based on CCTF's recommendations.

BACKGROUND

The CCTF is a joint project of the California Judges Association and the California Lawyers Association originally created by the State Bar. This March 24, 2022, [agenda item and attachments](#) provided a detailed overview of the CCTF, its report and recommendations, and the State Bar's prior and ongoing efforts to promote civility in the legal profession. At the Board meeting on March 24, 2022, State Bar staff presented the CCTF's recommendations, and a proposed action plan based on those recommendations. The Board adopted the following resolutions:

RESOLVED, that the Board of Trustees accepts for evaluation the September 2021 report of the California Civility Task Force with appreciation to the taskforce members for its work developing proposals for improving civility in California's legal profession; and it is

FURTHER RESOLVED, that the Board of Trustees adopts the staff's recommended action plan for evaluating the California Civility Task Force proposals as follows: (i) staff will review the proposal to add a new civility training requirement for minimum continuing legal education; (ii) COPRAC will review the proposal to amend the California Rules of Professional Conduct to address lawyer conduct that constitutes repeated incivility and to clarify that civility is not inconsistent with a lawyer's zealous representation of a client; and (iii) staff will review the proposal to add a requirement that each lawyer annually affirm or reaffirm their commitment as an officer of the court to conduct themselves with dignity, courtesy, and integrity.

This agenda item concerns the third item—the attorney oath—which was most recently revised in 2014. In 2013, the Board approved proposed rule 9.7,³ adding a requirement that the attorney oath, which all persons who are certified for admission to practice law in California must take pursuant to Business and Professions Code section 6067, also include a civility pledge. This pledge states, “As an officer of the court, I will strive to conduct myself at all times with dignity, courtesy and integrity.”⁴ The rule was submitted to the Supreme Court and approved effective May 27, 2014. Only licensees who were admitted to practice after that date have taken the oath with the civility pledge. There are an estimated 235,000 licensees, 150,000 who are on active status, who have not taken the oath with civility language, and an estimated 48,000 licensees who have taken the oath with the civility language.

stress management, treatment, or presentations focused on reducing the stigma attached to mental illness and substance abuse in the legal profession. Additionally, State Bar staff is reviewing the MCLE requirements in other states and parallel requirements in other professions in consideration of other changes to the current requirements.

³ Rule 9.7 was originally adopted as rule 9.4 and renumbered to rule 9.7 effective January 1, 2018.

⁴ More information regarding the attorney oath is posted on the State Bar's website on a [webpage](#) dedicated to attorney civility and professionalism resources.

DISCUSSION

As part of the Board-approved action plan, staff has reviewed the CCTF's proposal to add a requirement that all attorneys annually affirm or reaffirm their commitment as an officer of the court to conduct themselves with dignity, courtesy, and integrity, the CCTF's related proposed amendments to rule 9.7, and the reasons for the recommendation.⁵ CCTF made these recommendations, in part, because the majority of attorneys were licensed prior to 2014 and have never taken the civility oath, and because the legal profession continues to suffer "from a scourge of incivility," negatively impacting litigants and the court system, as well as attorneys with "young lawyers, women lawyers, lawyers of color, and lawyers from other marginalized groups . . . disproportionately on the receiving end" of unprofessional conduct. (See *Beyond the Oath: Recommendations for Improving Civility*, pp. 2, 14–15.) Based on the CCTF report and recommendations, staff presents for the Board's discussion and input proposed amendments to rule 9.7 that would most closely reflect the CCTF's recommendation, as well as two other possible options that reflect feedback from the State Bar's Office of Attorney Regulation & Consumer Resources as to the administrative feasibility of the proposed amendments.

OPTION ONE

This option substantially adopts the CCTF's recommendation that all attorneys affirm or reaffirm the civility pledge during the annual license renewal process. The amendments here would (1) require any licensee who did not take the oath with the civility language to retake the oath by December 1, 2023; (2) extend the attorney oath requirement to special admissions attorneys as part of their application or renewal application to practice law in California;⁶ and (3) require all licensees and specially admitted attorneys to take the civility pledge annually when paying annual licensing fees. The proposed rule would also direct the State Bar to develop rules and procedures related to implementation, including how the attorney would affirm the civility pledge and with discretion as to when an attorney must demonstrate compliance.

Under option one, a licensee who fails to take the oath, if required, or who fails to reaffirm the civility pledge will be enrolled as an inactive licensee. Similarly, a special admissions attorney who fails to take the oath or reaffirm the civility pledge would be subject to having their registration suspended or terminated.

Initially, this option would require approximately 150,000 active licensees and 2,250 special admission attorneys to take the oath by attending a group swearing-in ceremony or by

⁵ As directed by the Board, COPRAC is currently considering CCTF's proposed amendments to the California Rules of Professional Conduct. Additionally, staff in the MCLE unit of the Office of Professional Competence is reviewing the proposal to add a new civility training requirement for MCLE. Staff plans to present a comprehensive set of recommendations to the Board at the November 2022 meeting.

⁶ There are approximately 2,250 special admissions attorneys who currently do not have an oath requirement nor any other civility-related pledge. These include registered military spouse attorneys, registered foreign legal consultants, registered legal aid attorneys, and registered in-house counsel who are authorized to practice law in California pursuant to rule 9.41.1, 9.44, 9.45, or 9.46, respectively.

requesting an authorized official to swear them in.⁷ Additionally, an inactive licensee would be required to take the oath prior to returning to active status.

Annually, licensees and special admissions attorneys would be required to reaffirm the civility pledge pursuant to rules and procedures adopted by the State Bar as described above.

OPTION TWO

The proposed option two amendments also substantially adopt CCTF's recommendation, but rather than requiring licensees and special admissions attorneys who have not taken the oath with the civility language to retake the oath, such attorneys would be required to submit a declaration with the civility language. An inactive licensee would also be required to submit a declaration with the civility language prior to returning to active status. Thereafter and as recommended in option one, all attorneys would be required to affirm the civility pledge annually during the licensing fee process. Failure to submit the required initial declaration or to affirm the annual civility pledge in the manner established by the State Bar would result in the licensee being enrolled as inactive or the special admissions attorney having their registration suspended or terminated.

The initial requirement to submit a declaration would apply to approximately 150,000 active licensees and 2,250 special admissions attorneys. However, the process would likely be less burdensome than taking the oath as proposed in option one. As the licensees could sign and submit the declaration electronically using the State Bar's DocuSign feature, rather than finding a judge or other appropriate official to officially administer the oath. After submission of the initial declaration, the requirements would be identical to those proposed in option one—requiring the attorney to annually reaffirm the civility pledge.

OPTION THREE

Finally, option three would require all attorneys, including special admissions attorneys, to affirm the civility pledge on an annual basis during the annual license renewal process. This option would establish the same requirements for all attorneys, regardless of whether they have taken the oath with the civility language. There would be no oath or declaration requirement, but all attorneys, including licensees and special admissions attorneys, would be required to acknowledge and agree to the civility pledge in a manner established through State Bar rules and procedures. Like the other options, the option three amendments would require an attorney who fails to affirm or reaffirm the civility pledge in the manner established by the State Bar to be enrolled as an inactive licensee or have their registration suspended or terminated.

COMPARING THE OPTIONS

There are pros and cons to the initial requirements of the three proposed options. The ongoing requirements, as proposed, are the same for each option.

⁷ More information about the current process to take the oath may be accessed [here](#).

Option one would level the playing field so that every licensee and special admissions attorney takes the same oath. It would be the most burdensome on attorneys, requiring an appearance, virtually or in person, before an authorized official. There could be costs associated with retaking the oath that would likely be incurred by the attorneys if, for example, the attorney took the oath before a notary public. Relatedly, this option would be the most time-consuming option for State Bar staff and require the largest amount of State Bar resources.

	Option 1	Option 2	Option 3
Initial oath requirement	If no past oath with civility language		
Initial declaration requirement		If no past oath with civility language	
Initial affirmation requirement			✓
Annual affirmation requirement	✓	✓	✓

Option two strikes a balance. The process of submitting a declaration would likely be less burdensome than taking the oath, and it's unlikely there would be costs incurred by the attorney who satisfies the proposed requirements. This option would still require significant State Bar resources from the State Bar's Offices of Attorney Regulation & Consumer Resources and Information Technology (IT), but less than option one.

Finally, option three would be the least burdensome for attorneys and require the least amount of State Bar resources. However, while requiring attorneys to acknowledge their civility obligations, option three would not create a symmetry for attorneys admitted prior to and after the civility language was incorporated into the oath.

FISCAL/PERSONNEL IMPACT

If adopted by the Supreme Court, the proposed amendments to rule 9.7 and the necessary State Bar implementing rules and procedures would result in an increased workload for State Bar staff. These changes would primarily impact the IT and the ARCR.

AMENDMENTS TO RULES OF COURT

Rule 9.7

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

Goal 3. Protect the Public by Regulating the Legal Profession

RECOMMENDATIONS

None

ATTACHMENTS LIST

- A.** Option One Proposed Amended Rule 9.7 of the California Rules of Court – Clean Version
- B.** Option Two Proposed Amended Rule 9.7 of the California Rules of Court – Clean Version
- C.** Option Three Proposed Amended Rule 9.7 of the California Rules of Court – Clean Version
- D.** Redline Table Comparison of CCTF Proposed Amendments, Option One Proposed Amendments, Option Two Proposed Amendments and Option Three Proposed Amendments to Rule 9.7 of the California Rules of Court

OPTION ONE PROPOSED AMENDED RULE 9.7 OF THE CALIFORNIA RULES OF COURT – CLEAN VERSION

Rule 9.7. Attorney Oath and Reaffirmation of Oath

(a) Oath required when admitted to practice law

In addition to the language required by Business and Professions Code section 6067, the oath to be taken by every person on admission to practice law is to conclude with the following: "As an officer of the court, I will strive to conduct myself at all times with dignity, courtesy and integrity."

(b) Oath requirements for admitted and special admissions attorneys

- (1) Each attorney whose license is on active status with the State Bar ("active licensed attorney") and each attorney permitted to practice law in the State of California under rule 9.41.1, 9.44, 9.45, or 9.46 of the California Rules of Court ("special admissions attorney") who has not taken the oath required by subparagraph (a) of this rule must, pursuant to the procedure identified by the State Bar, take the oath.
- (2) An attorney whose license is on inactive status with the State Bar or who is not eligible to practice law, except for those attorneys who have taken the oath required by subparagraph (a) of this rule, must, pursuant to the procedure identified by the State Bar, take the oath prior to being placed on active status.

(c) Reaffirmation of civility pledge

Each active licensed attorney and special admissions attorney must, pursuant to the procedure identified by the State Bar, reaffirm the civility pledge described in subparagraph (a) of this rule on an annual basis pursuant to the procedure identified by the State Bar.

(d) Implementation schedule and penalty for failure to comply

- (1) The State Bar must develop a schedule for implementation that requires all active licensed attorneys who must take the oath under (b) of this rule to take the oath by December 1, 2023. The State Bar must develop a schedule for implementation that requires all special admissions attorneys who must take the oath under (b) of this rule to take the oath by the renewal of their application to practice law in the State of California.
- (2) An active licensed attorney who fails to take the oath or reaffirm the civility pledge as required by this rule must be enrolled as an inactive licensee of the State Bar under rules adopted by the Board of Trustees of the State Bar. A special admissions attorney who fails to take the oath or reaffirm the civility pledge as required by this rule must have their registration suspended or terminated under rules adopted by the Board of Trustees of the State Bar.

(e) Authorization for the Board of Trustees of the State Bar to adopt rules and procedures

The Board of Trustees of the State Bar is authorized to adopt such rules and procedures as it deems necessary and appropriate in order to comply with this rule.

(f) Fees and penalties

The State Bar has the authority to set and collect appropriate fees and penalties.

OPTION TWO PROPOSED AMENDED RULE 9.7 OF THE CALIFORNIA RULES OF COURT – CLEAN VERSION

Rule 9.7. Attorney Oath and Reaffirmation of Oath

(a) Oath required when admitted to practice law

In addition to the language required by Business and Professions Code section 6067, the oath to be taken by every person on admission to practice law is to conclude with the following: "As an officer of the court, I will strive to conduct myself at all times with dignity, courtesy and integrity."

(b) Declaration requirements for admitted and special admissions attorneys

- (1) Each attorney whose license is on active status with the State Bar ("active licensed attorney") and each attorney permitted to practice law in the State of California under rule 9.41.1, 9.44, 9.45, or 9.46 of the California Rules of Court ("special admissions attorney") who has not taken the oath required by subparagraph (a) of this rule must, pursuant to the procedure identified by the State Bar, submit a declaration containing the language set forth in subparagraph (a).
- (2) An attorney whose license is on inactive status with the State Bar or who is not eligible to practice law, except for those attorneys who have taken the oath required by subparagraph (a) of this rule, must, pursuant to the procedure identified by the State Bar, submit a declaration containing the language set forth in subparagraph (a) prior to being placed on active status.

(c) Reaffirmation of civility pledge

Each active licensed attorney and special admissions attorney must, pursuant to the procedure identified by the State Bar, reaffirm the civility pledge described in subparagraph (a) of this rule on an annual basis pursuant to the procedure identified by the State Bar.

(d) Implementation schedule and penalty for failure to comply

- (1) The State Bar must develop a schedule for implementation that requires all active licensed attorneys who must submit a declaration under (b) of this rule to submit such declaration by December 1, 2023. The State Bar must develop a schedule for implementation that requires all special admissions attorneys who must submit a declaration under (b) of this rule to submit such declaration by the renewal of their application to practice law in the State of California.
- (2) An active licensed attorney who fails to submit the required declaration or reaffirm the civility pledge as required by this rule must be enrolled as an inactive licensee of the State Bar under rules adopted by the Board of Trustees of the State Bar. A special admissions attorney who fails to submit the required declaration or reaffirm the civility pledge as required by this rule must have their registration suspended or terminated under rules adopted by the Board of Trustees of the State Bar.

(e) Authorization for the Board of Trustees of the State Bar to adopt rules and procedures

The Board of Trustees of the State Bar is authorized to adopt such rules and procedures as it deems necessary and appropriate in order to comply with this rule.

(f) Fees and penalties

The State Bar has the authority to set and collect appropriate fees and penalties.

OPTION THREE PROPOSED AMENDED RULE 9.7 OF THE CALIFORNIA RULES OF COURT – CLEAN VERSION

Rule 9.7. Attorney Oath and Reaffirmation of Oath

(a) Oath required when admitted to practice law

In addition to the language required by Business and Professions Code section 6067, the oath to be taken by every person on admission to practice law is to conclude with the following: "As an officer of the court, I will strive to conduct myself at all times with dignity, courtesy and integrity."

(b) Affirmation and Reaffirmation of civility pledge

Each attorney whose license is on active status with the State Bar ("active licensed attorney") and each attorney permitted to practice law in the State of California under rule 9.41.1, 9.44, 9.45, or 9.46 of the California Rules of Court ("special admissions attorney") must, pursuant to the procedure identified by the State Bar, affirm or reaffirm the civility pledge described in subparagraph (a) of this rule on an annual basis pursuant to the procedure identified by the State Bar.

(c) Penalty for failure to comply

An active licensed attorney who fails to timely affirm or reaffirm the civility pledge as required by this rule must be enrolled as an inactive licensee of the State Bar under rules adopted by the Board of Trustees of the State Bar. A special admissions attorney who fails to timely affirm or reaffirm the civility pledge as required by this rule must have their registration suspended or terminated under rules adopted by the Board of Trustees of the State Bar.

(d) Authorization for the Board of Trustees of the State Bar to adopt rules and procedures

The Board of Trustees of the State Bar is authorized to adopt such rules and procedures as it deems necessary and appropriate in order to comply with this rule.

(e) Fees and penalties

The State Bar has the authority to set and collect appropriate fees and penalties.

REDLINE TABLE COMPARISON OF PROPOSED AMENDED RULE 9.7 OF THE CALIFORNIA RULES OF COURT

CCTF Proposed Amendments	Option One Proposed Amendments (Redline from CCTF)	Option Two Proposed Amendments (Redline from Option One)	Option Three Proposed Amendments (Redline from Option One)
<p>Rule 9.7. Attorney Oath and Civility Pledge</p> <p>(a) Oath required when admitted to practice law</p> <p>In addition to the language required by Business and Professions Code section 6067, the oath to be taken by every person on admission to practice law is to conclude with the following: "As an officer of the court, I will strive to conduct myself at all times with dignity, courtesy and integrity."</p> <p>(b) Annual civility pledge</p> <p>Each active licensed attorney must take or reaffirm the civility pledge described in subsection (a) of this rule each year when paying annual bar dues. The State Bar must adopt appropriate procedures to ensure compliance with this requirement.</p> <p>(c) Failure to take or reaffirm annual civility pledge</p> <p>Failure to take or reaffirm the civility pledge as required by this rule may result in [administrative suspension/involuntary inactive enrollment].</p>	<p>Rule 9.7. Attorney Oath and <u>Reaffirmation of Oath</u>Civility Pledge</p> <p>(a) Oath required when admitted to practice law</p> <p>In addition to the language required by Business and Professions Code section 6067, the oath to be taken by every person on admission to practice law is to conclude with the following: "As an officer of the court, I will strive to conduct myself at all times with dignity, courtesy and integrity."</p> <p>(b) <u>Oath requirements for admitted and special admissions attorneys</u>Annual civility pledge</p> <p><u>(1) Each active licensed attorney whose license is on active status with the State Bar ("active licensed attorney") and each attorney permitted to practice law in the State of California under rule 9.41.1, 9.44, 9.45, or 9.46 of the California Rules of Court ("special admissions attorney") who has not taken the oath required by subparagraph (a) of this rule</u></p>	<p>Rule 9.7. Attorney Oath and Reaffirmation of Oath</p> <p>(a) Oath required when admitted to practice law</p> <p>In addition to the language required by Business and Professions Code section 6067, the oath to be taken by every person on admission to practice law is to conclude with the following: "As an officer of the court, I will strive to conduct myself at all times with dignity, courtesy and integrity."</p> <p>(b) <u>Declaration</u> Oath requirements for admitted and special admissions attorneys</p> <p>(1) Each attorney whose license is on active status with the State Bar ("active licensed attorney") and each attorney permitted to practice law in the State of California under rule 9.41.1, 9.44, 9.45, or 9.46 of the California Rules of Court ("special admissions attorney") who has not taken the oath required by subparagraph (a) of this rule must, pursuant to the</p>	<p>Rule 9.7. Attorney Oath and Reaffirmation of Oath</p> <p>(a) Oath required when admitted to practice law</p> <p>In addition to the language required by Business and Professions Code section 6067, the oath to be taken by every person on admission to practice law is to conclude with the following: "As an officer of the court, I will strive to conduct myself at all times with dignity, courtesy and integrity."</p> <p>(b) Oath requirements for admitted and special admissions attorneys</p> <p>(1) Each attorney whose license is on active status with the State Bar ("active licensed attorney") and each attorney permitted to practice law in the State of California under rule 9.41.1, 9.44, 9.45, or 9.46 of the California Rules of Court ("special admissions attorney") who has not taken the oath required by subparagraph (a) of this rule must, pursuant to the</p>

	<p>must, pursuant to the procedure identified by the State Bar, take the oath or reaffirm the civility pledge described in subsection (a) of this rule each year when paying annual bar dues. The State Bar must adopt appropriate procedures to ensure compliance with this requirement.</p> <p>(1)(2) An attorney whose license is on inactive status with the State Bar or who is not eligible to practice law, except for those attorneys who have taken the oath required by subparagraph (a) of this rule, must, pursuant to the procedure identified by the State Bar, take the oath prior to being placed on active status.</p> <p>(c) Reaffirmation of civility pledge Each active licensed attorney and special admissions attorney must, pursuant to the procedure identified by the State Bar, reaffirm the civility pledge described in subparagraph (a) of this rule on an annual basis pursuant to the procedure identified by the State Bar.</p> <p>(d) Implementation schedule and penalty for failure to comply reaffirm annual civility pledge</p> <p>(1) The State Bar must develop a schedule for implementation</p>	<p>procedure identified by the State Bar, submit a declaration containing the language set forth in subparagraph (a) take the oath.</p> <p>(2) An attorney whose license is on inactive status with the State Bar or who is not eligible to practice law, except for those attorneys who have taken the oath required by subparagraph (a) of this rule, must, pursuant to the procedure identified by the State Bar, submit a declaration containing the language set forth in subparagraph (a) take the oath prior to being placed on active status.</p> <p>(c) Reaffirmation of civility pledge Each active licensed attorney and special admissions attorney must, pursuant to the procedure identified by the State Bar, reaffirm the civility pledge described in subparagraph (a) of this rule on an annual basis pursuant to the procedure identified by the State Bar.</p> <p>(d) Implementation schedule and penalty for failure to comply</p> <p>(1) The State Bar must develop a schedule for implementation that requires all active licensed attorneys who must submit a</p>	<p>procedure identified by the State Bar, take the oath.</p> <p>(2) An attorney whose license is on inactive status with the State Bar or who is not eligible to practice law, except for those attorneys who have taken the oath required by subparagraph (a) of this rule, must, pursuant to the procedure identified by the State Bar, take the oath prior to being placed on active status.</p> <p>(be) Affirmation and Reaffirmation of civility pledge Each attorney whose license is on active status with the State Bar ("active licensed attorney") and each attorney permitted to practice law in the State of California under rule 9.41.1, 9.44, 9.45, or 9.46 of the California Rules of Court ("special admissions attorney") Each active licensed attorney and special admissions attorney must, pursuant to the procedure identified by the State Bar, affirm or reaffirm the civility pledge described in subparagraph (a) of this rule on an annual basis pursuant to the procedure identified by the State Bar.</p> <p>(cd) Implementation schedule and penalty for failure to comply</p> <p>(1) The State Bar must develop a schedule for implementation that requires</p>
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that requires all active licensed attorneys who must take the oath under (b) of this rule to take the oath by December 1, 2023. The State Bar must develop a schedule for implementation that requires all special admissions attorneys who must take the oath under (b) of this rule to take the oath by the renewal of their application to practice law in the State of California.

~~(1)~~(2) An active licensed attorney who fails~~Failure~~ to take the oath or reaffirm the civility pledge as required by this rule must be enrolled as an inactive licensee of the State Bar under rules adopted by the Board of Trustees of the state Bar. A special admissions attorney who fails to take the oath or reaffirm the civility pledge as required by this rule must have their registration suspended or terminated under rules adopted by the Board of Trustees of the State Bar~~may result in administrative suspension/involuntary inactive enrollment~~].

declaration ~~take the oath~~ under (b) of this rule to submit such declaration ~~take the oath~~ by December 1, 2023. The State Bar must develop a schedule for implementation that requires all special admissions attorneys who must submit a declaration ~~take the oath~~ under (b) of this rule to submit such declaration ~~take the oath~~ by the renewal of their application to practice law in the State of California.

(2) An active licensed attorney who fails to submit~~take~~ the required declaration~~oath~~ or reaffirm the civility pledge as required by this rule must be enrolled as an inactive licensee of the State Bar under rules adopted by the Board of Trustees of the State Bar. A special admissions attorney who fails to submit~~take~~ the required declaration~~oath~~ or reaffirm the civility pledge as required by this rule must have their registration suspended or terminated under rules adopted by the Board of Trustees of the State Bar.

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~~(2)~~—An active licensed attorney who fails to timely affirm~~take the oath~~ or reaffirm the civility pledge as required by this rule must be enrolled as an inactive licensee of the State Bar under rules adopted by the Board of Trustees of the State Bar. A special admissions attorney who fails to timely affirm~~take the oath~~ or reaffirm the civility pledge as required by this rule must have their registration suspended or terminated under rules adopted by the Board of Trustees of the State Bar.

(de) Authorization for the Board of Trustees of the State Bar to adopt rules and procedures

(e) Authorization for the Board of Trustees of the State Bar to adopt rules and procedures

The Board of Trustees of the State Bar is authorized to adopt such rules and procedures as it deems necessary and appropriate in order to comply with this rule.

(f) Fees and penalties

The State Bar has the authority to set and collect appropriate fees and penalties.

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