



**COMMITTEE OF BAR EXAMINERS
PROCEDURES FOR CHAPTER 6 ADMINISTRATIVE HEARINGS**

Rule 4.73: Procedure for an administrative hearing on conduct violation

(A) All Chapter 6 hearings will be conducted in accordance with the following regulations and procedures:

1. Following notice of the scheduled date, time, and location of the hearing, the State Bar of California's Director for Admissions or a designee will assume responsibility for communicating with the applicant or, if represented by counsel, with their attorney regarding the hearing process and any evidence that may be available.
2. The proceedings are considered confidential, and attendance will be limited to the applicant and their counsel, if represented, State Bar staff hearing panel members, the Director for Admissions or their designee, representative(s) from the State Bar's Office of General Counsel, witnesses, and necessary other staff as designated by the Director for Admissions. Members of the public are not permitted to attend.
3. An applicant may attend the hearing with counsel. Counsel will not participate in the hearing. However, an applicant is permitted to confer with their counsel at any time, off the record. Only the applicant will provide oral or written statements and may present documentary evidence. No person other than applicant's counsel may be present with the applicant at a Chapter 6 administrative hearing.
4. The issues that will be discussed during the hearing will be set forth in the affirmation of Chapter 6 Notice, which will be sent shortly after State Bar staff takes action affirming the Notice. The discussion may extend to issues that arise during the hearing.
5. Information and evidence associated with the issuance of the Notice will be presented by the Office of Admissions' Program Manager for Operations and Management or their designee. The Director for Admissions or their designee will assist the State Bar staff hearing panel as needed during the course of the hearing process.
6. Any relevant evidence is admissible, regardless of the rules of evidence.

7. With the permission of the Hearing Panel Lead, witnesses may be called by either the applicant or the Office of Admissions staff member presenting the matter.
8. The Hearing Panel Lead may allow nonparty witnesses to participate through electronic means if the parties to the hearing have an opportunity to participate in and hear while the participation of the nonparty witness is taking place. If the applicant intends to call a nonparty witness who will not be physically present at the hearing, the applicant must notify the Office of Admissions in writing at least 10 days before the hearing date of the witness's name and the electronic means by which they will be participating in the hearing. The Office of Admissions will determine whether the proposed electronic means is feasible and, if not, will inform the applicant of the alternate means that will be offered.
9. The administrative hearing will be recorded, and if the applicant makes a written request within 90 days of the administrative hearing, they will be provided with a duplicate recording of the hearing no later than 30 days after the request was received.
10. The State Bar has the burden of establishing by clear and convincing evidence that a Chapter 6 violation occurred and that the intended sanction is warranted.
11. For good cause shown, the Hearing Panel Lead may permit a continuance of the proceedings for an appropriate period of time. Requests for continuances of a Chapter 6 hearing must be received at least five days before the scheduled hearing. If a request for postponement is received less than five days before the scheduled conference, the State Bar may make its determination on the Chapter 6 Notice from the information before it, unless the applicant demonstrates good cause for not having requested the postponement sooner.
12. Except as noted below, members of the Hearing Panel are prohibited from engaging in ex parte communications regarding the substance of the allegations with the parties, Committee of Bar Examiners members, or any other interested persons, while a matter is pending before the panel.
13. Members of the Hearing Panel may communicate with each other, Counsel for the Committee, and other Office of Admissions staff regarding a pending matter.
14. No applicant is entitled to recover attorney's fees or costs incurred in connection with a Chapter 6 administrative hearing proceeding.