



# The State Bar *of California*

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## **OPEN SESSION AGENDA ITEM 60-3 MAY 2024**

**DATE:** May 16, 2024

**TO:** Members, Board of Trustees  
Sitting as the Regulation and Discipline Committee

**FROM:** Steve Moawad, Special Counsel, Division of Regulation  
Mia Ellis, Deputy Special Counsel, Division of Regulation

**SUBJECT:** Ad Hoc Commission on the Discipline System: Approval of Recommendations for Website Removal and Expungement

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### **EXECUTIVE SUMMARY**

Consistent with the Board direction at its September 2023 meeting, this item seeks adoption of proposals related to (1) Timelines for Removal of Discipline History from Attorney Profile Pages; (2) Attorney Discipline on State Bar Website and Expungement of Discipline; (3) Removal of Criminal Conviction Transmittals and Discipline from Profile Page; and (4) Profile Page Display for Attorneys who Resign without Charges Pending. The Board also directed that staff return with proposals related to removing administrative inactive enrollments from the attorney profile page and removal of discipline from the profile page of attorneys who resign with charges pending. Those items will be presented to the Board at a future meeting.

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### **BACKGROUND and DISCUSSION**

The Board established the Ad Hoc Commission on the Discipline System in November 2020 to assess reforms implemented by the State Bar to further the efficiency, effectiveness, and fairness of the discipline system and to identify any additional improvements needed.

On September 22, 2022, the Board received the commission's final report and recommendations. The commission's final recommendations included timelines for removing discipline history from attorney profile pages and expungement of discipline records. Addressing both website removal and the expungement process were viewed by the commission as a means of redressing historical racial disparities in discipline and aligning the State Bar with California's current criminal justice trends and the practices of other regulatory agencies.

The commission did not clearly define expungement, recommended the same timeframes for website removal and expungement, and recommended timeframes for website removal that were considerably shorter and more expansive than any comparator agency.

<b>Ad Hoc Commission on the Discipline System Recommendations for Expungement and Attorney Discipline History Removal from the Attorney Profile Page</b>	
Private Repeal	1 year or when conditions are met
Public Repeal	3 years
Probation with Stayed Suspension	3 years of conclusion of probation
Probation with Actual Suspension	5 years from reinstatement
Disbarment	Public indefinitely (no change)

The Board directed staff to issue the Ad Hoc Commission recommendations for a 60-day public comment period. The commission convened on December 5, 2022, to review public comments received. Public comments to the commission recommendations raised two other situations in which removal of information from an attorney's profile page may be appropriate: (1) removing discipline history when an attorney resigns with or without charges pending, and (2) removing administrative inactive enrollments. The commission asked staff to develop proposals for website removal in these situations.

At its January 2023, meeting, and after consideration of the Ad Hoc Commission's recommendations, the Board directed staff to:

1. Propose timelines for the removal of discipline from attorney profile pages on the State Bar website that are consistent with the practices of California regulatory agencies and other state attorney licensing agencies that currently have policies in place for both the display and removal of discipline histories from their respective websites;
2. Propose a definition of expungement of attorney discipline;
3. Develop a proposal that addresses the website posting of discipline history for attorneys who resign with or without charges pending and the implications of future reinstatement;
4. Develop a timeline and procedure for removing administrative inactive enrollments from attorney profiles on the State Bar website; and
5. Explore the removal of criminal conviction transmittals and discipline from the profile page where the sole underlying basis for discipline was a criminal conviction that was expunged pursuant to Penal Code section 1203.4.

At the September 2023 meeting, staff presented the Board with several options for each proposal. The Board directed staff to further develop the proposals in consideration of recidivism data. The Board also requested greater specificity on the definition of expungement and information on the impact of expungement. The Board also asked for data on how many attorneys would be impacted on an annual basis by the expungement proposals.

#### **A. Timelines for Removal of Discipline History from Attorney Profile Pages**

The Board directed staff to propose timelines for removal of discipline from attorney profile pages on the State Bar website that are consistent with the practices of California regulatory agencies and other state attorney licensing agencies that currently have policies in place for the removal of

discipline histories from their respective websites. The Board also asked staff to consider proposals in light of recidivism data from attorney discipline.

## 1. California Regulatory Agencies

The Medical Board’s public disclosure information policy specifies that public reprimands are removed from the physician’s profile 10 years from the effective date of the decision and all other discipline is available on the physician’s public profile indefinitely. The website removal policy for both public reprovals and other discipline is based on [Business and Professions Code section 2027](#).

The California Board of Registered Nursing’s Policy on Internet Discipline Document Retention specifies that a decision resulting in a public reprimand will remain posted for three years from the date the action was final and, with the exception of licensee revocations, matters resulting in greater discipline remain posted for 10 years. License revocations remain posted indefinitely.

The posting of real estate appraiser discipline information is regulated by Business and Professions Code section 11317.2, which, as currently drafted, requires information on suspensions and revocations of licenses be posted to the Bureau of Real Estate Appraisers website. California [Senate Bill 1225](#), currently pending (2023–2024 Regular Session), if signed into law, would authorize the Bureau of Real Estate Appraisers to remove from the posting of discipline an item that has been posted on the bureau’s internet website for at least 10 years.

The website removal policies for the Medical Board of California, the California Board of Registered Nursing, and the Bureau of Real Estate Appraisers are as follows:

Intervention or Type of Discipline	Doctors (Medical Board of California)	Nurses (California Board of Registered Nursing)	Real Estate Appraisers (Bureau of Real Estate Appraisers)
Private Reapproval	Not applicable	Not applicable	Not Applicable
Public Reapproval	10 years from the effective date	3 years from effective date	Unknown
Discipline including probation or probation with a stayed suspension	Indefinitely	10 years from effective date	Currently: Indefinitely Under SB 1225: at least 10 years
Discipline including probation with an actual suspension	Indefinitely (if this suspension is part of an interim suspension order or similar type order, indefinitely but only posted on the website while in place)	10 years from effective date	Currently: Indefinitely Under SB 1225: at least 10 years
Disbarment or Revocation	Indefinitely	Indefinitely	Currently: Indefinitely Under SB 1225: at least 10 years

## 2. Attorney Licensing Agencies in other Jurisdictions

The attorney regulators in all states with exception of two (Mississippi and South Dakota) make discipline history available on their websites. Of the United States jurisdictions that display attorney discipline information on a public website, two jurisdictions limit the timeframe for website display of discipline information. Florida only posts to their website discipline that occurred in the last 10 years. The discipline section of the Florida attorney profile page is called the “10-Year Discipline History.” In Idaho, discipline information is posted to the public website for one to five years depending on the level of discipline. The final report and recommendations of the Ad Hoc Commission on the Discipline System also cited Texas as a jurisdiction that removed discipline information from the website after 10 years. However, that practice was changed in 2017 and discipline history now remains posted indefinitely in Texas.

## 3. State Bar Recidivism Data

Following the September 2023 Board meeting, staff examined recidivism data for 10 1-year cohorts of disciplined attorneys. The cohorts included all attorneys disciplined in 2004–2013. The rationale for choosing those years was to provide at least a 10-year period in which to evaluate recidivism trends. The selection of those years reduced the recidivism rate in the “more than 10 years” category because the opportunity for attorneys disciplined in later 1-year cohorts (e.g., 2012, 2013) to recidivate after more than 10 years was reduced. It is important to note that the 10 1-year cohorts include only attorneys disciplined for the first time in each 1-year period and do not include, for example, attorneys disciplined in 1998 and subsequently disciplined in 2005. The rationale is that once an attorney recidivates their rate of recidivism significantly diverges from other attorneys.

The below table shows the time between the first and subsequent discipline for all 10 1-year cohort attorneys, excluding those attorneys with no subsequent discipline from the sum of the attorneys in the 10 1-year cohorts.

### Subsequent Discipline Rates

#### 10 YEAR COHORT SUM

#### FIRST DISCIPLINE TYPE

10-Year Total	Overall			Actual Suspension 90+ days			Actual Suspension <90 days			Stayed Suspension			Public Repeval		
Time between first and subsequent discipline	N	%	Cum. %	N	%	Cum. %	N	%	Cum. %	N	%	Cum. %	N	%	Cum. %
1 Year and less	69	9.1	9	47	18.7	19	7	8.4	8	9	6.4	6	6	2.1	2
1-3 Years	353	46.7	56	116	46.2	65	44	53.0	61	56	40.0	46	137	48.6	51
3-5 Years	142	18.8	75	41	16.3	81	12	14.5	76	36	25.7	72	53	18.8	70
5-6 Years	56	7.4	82	15	6.0	87	6	7.2	83	14	10.0	82	21	7.4	77
6-7 Years	30	4.0	86	11	4.4	92	1	1.2	84	4	2.9	85	14	5.0	82
7-8 Years	29	3.8	90	6	2.4	94	3	3.6	88	6	4.3	89	14	5.0	87
8-9 Years	14	1.9	92	2	0.8	95	2	2.4	90	4	2.9	92	6	2.1	89
9-10 Years	16	2.1	94	3	1.2	96	1	1.2	92	2	1.4	94	10	3.5	93
More than 10 years	47	6.2	100	10	4.0	100	7	8.4	100	9	6.4	100	21	7.4	100
<b>Total Cohort</b>	<b>756</b>	<b>100</b>		<b>251</b>	<b>100</b>		<b>83</b>	<b>100</b>		<b>140</b>	<b>100</b>		<b>282</b>	<b>100</b>	

Of all the licensees who were disciplined over a ten-year period and who were also subsequently disciplined, 75 percent of the licensees were disciplined again by the fifth year (see “Cum. %”). By the tenth year, this cumulative recidivism rate increases to 94 percent, with nearly 20 percent of the 10 1-year cohort licensees receiving subsequent discipline between 5 and 10 years after their initial discipline. Based on this table the vast majority (94 percent) of the licensees who will recidivate will be disciplined by the 10-year mark.

Staff also looked at whether the nature of the first discipline impacted the cumulative discipline rate. Because the subsequent discipline rates across the discipline types are relatively the same, staff does not recommend different website removal periods depending on the nature of the first discipline. However, staff have provided an alternative policy with a shorter time frame for removal of discipline from the website where the first discipline was a public reproof.

**PROPOSAL A1: Website Removal of Nondisbarment Discipline After 10 years**

Based on the policies of other California regulatory agencies, attorney licensing agencies in other jurisdictions, and the recidivism data, subject to the limitations below, staff recommends the Board adopt a policy that non-disbarment discipline be removed from the website after 10 years from the effective date of the initial discipline.

*Limitation on Website Removal*

To have nondisbarment discipline removed from their licensee profile page after 10 years, the licensee must:

1. Have a status of “Active,” “Inactive,” or “Resigned (without charges pending)”;
2. Only have one discipline;
3. Not previously had discipline expunged or removed from their attorney profile page; and
4. Not have disciplinary matters pending in State Bar Court at the time the discipline would otherwise become eligible for removal from the website.

If a licensee has a disciplinary matter pending in State Bar Court at the time their prior discipline would otherwise be eligible for website removal, they must wait until the State Bar Court matter is closed or dismissed without discipline.

**PROPOSAL A2: Website Removal of Public Reprovals after 8 Years**

An alternative policy would be to allow a shorter time frame for removal of public reprovals from the attorney profile. This policy would be subject to the same limitations set forth in option A1, above.

Intervention or Type of Discipline	Option A1	Option A2
Public Reproof (including “public-private reprovals” that are imposed after formal charges are filed, making the matter public)	10 years	8 years
Discipline including probation or probation with a stayed suspension	10 years	10 years
Discipline including probation with an actual suspension	10 years	10 years

Intervention or Type of Discipline	Option A1	Option A2
Disbarment	Indefinitely	Indefinitely

### Licensees Impacted

Proposal A1 would grant website removal relief to 1,642 licensees immediately and to additional attorneys over time.

#### Option A1. Licensees Eligible to have discipline removed from the website\*

Status	Total
Active	1,178
Inactive	393
Resigned (w/o Charges Pend.)	71
<b>Total</b>	<b>1,642</b>

\*As of 05/02/2024.

An additional 48 licensees would receive relief under Proposal A2 immediately and additional attorneys would be granted relief over time.

#### Option A2. Public reprovals between 8 and 10 years\*

Status	Total
Active	39
Inactive	7
Resigned (w/o Charges Pend.)	2
<b>Total</b>	<b>48</b>

\*As of 05/02/2024

#### *Impact of Removal from the Attorney profile page*

The removal from the licensee's State Bar of California profile page would not constitute an expungement and would not relieve the licensee of an obligation to disclose the discipline in response to any questions related to license status or discipline history, including on applications for other professional licenses or in determining the licensee's eligibility for a judgeship under the California Constitution, article VI, section 15. Discipline removed from the licensee's profile page would still be included on Certificates of Standing and available to members of the public inquiring about the licensee's record of public discipline. The removal from the licensee profile page also would not remove documents from State Bar Court online docket search. Discipline removed from the website can still be used either as an aggravating circumstance or as prior discipline pursuant to Standards 1.5 and 1.8 of the California Standards for Attorney Sanctions for Professional Misconduct in a future disciplinary prosecution.

### Discipline History Removal from the Attorney Profile by Demographic

Given the intent of removal of discipline history information was, at least in part, to attempt to redress historical racial disparities in discipline system, staff looked at the demographic make-up of the licensees that would be granted relief under these proposals and compared those numbers to the overall attorney population (from the 2022 Diversity Report Card) and the population of disciplined attorneys (from both the 2023 Annual Discipline Report (ADR) and the 2018 Farkas Study). The table does not account for whether the licensee has a matter pending in State Bar Court.

From the available data and recognizing the small population size, it appears that Black attorneys would in particular benefit from website removal, with the percent of attorneys impacted exceeding overall population numbers and rates of discipline reflected in the most recent ADR.

	Total No. of Attorneys	Percent	Percent (excluding missing)
<b>Records Removal - 10 Years*</b>			
<i>Missing</i>	318	19%	
White	948	58%	72%
Hispanic/Latino	89	5%	7%
Asian	60	4%	5%
Black/African American	77	5%	6%
Multiracial	80	5%	6%
Other	70	4%	5%
<b>Total</b>	<b>1642</b>	<b>100%</b>	<b>100%</b>

<b>Records Removal - Public Repeal 8 -10 Years*</b>			
<i>Missing</i>	3	6%	
White	28	58%	62%
Hispanic/Latino	1	2%	2%
Asian	6	13%	13%
Black/African American	2	4%	4%
Multiracial	5	10%	11%
Other	3	6%	7%
<b>Total</b>	<b>48</b>	<b>100%</b>	<b>100%</b>

	2022 Diversity Report Card (Active Attorneys)	Annual Discipline Report FY2023 (Probation & Repeals)	Farkas Study 2018 (Probation)
<i>Missing</i>		1%	
White	65%	69%	68%
Hispanic/Latino	6%	9%	12%
Asian	14%	6%	9%
Black/African American	3%	2%	10%
Other	3%	13%	
Multiracial	8%		
	<b>100%</b>	<b>100%</b>	<b>100%</b>

### Rule and/or Statutory Changes Needed

This policy would require a new State Bar rule. Staff does not believe a statutory change is required.

### B. Expungement

#### 1. Approach and Define Expungement Broadly

To differentiate expungement from the removal of discipline history from the attorney's profile page on the State Bar website, staff chose to define expungement broadly. The proposed definition of expungement is removal of discipline from the licensee's record of public discipline.

### *Impact of Expungement*

Expunged discipline will be removed from the State Bar Court online docket search and would not appear on Certificates of Standing. Further, the State Bar would not provide information about the discipline to members of the public inquiring about the licensee's record of public discipline or in response to a CPRA request. The expunged discipline could not be used either as an aggravating circumstance or prior discipline pursuant to Standards 1.5 and 1.8 of the California Standards for Attorney Sanctions for Professional Misconduct in a future disciplinary prosecution.<sup>1</sup>

Depending on the question asked, expungement may relieve the licensee of an obligation to disclose the discipline in response to any question relating to their license status or discipline history, including on applications for other professional licenses, clients and potential clients, prospective employers, malpractice insurers, etc.

The State Bar internal records would be sealed and, with three exceptions, the discipline would be deemed not to have occurred. First, the proposed definition of expungement does not relieve the licensee of their duty to disclose the discipline for purpose of determining the licensee's eligibility for a judgeship under the California Constitution, article VI, section 15. Consistent with the licensee's duty, the State Bar would continue to maintain a record of expunged discipline to report to the Commission on Judicial Nominees Evaluation or appropriate governmental entities involved in judicial elections the licensee's eligibility for a judgeship under the California Constitution, article VI, section 15. Second, the Office of Chief Trial Counsel (OCTC) would be entitled to consider expunged discipline for internal investigatory purposes, including assessments of whether a particular respondent has a pattern of prior conduct warranting heightened scrutiny of a current complaint and to determine a licensee's eligibility for the new disciplinary diversion program. Third, the State Bar, consistent with its statutory duties, would continue to compile and maintain aggregate statistics on attorney discipline to aid in the administration of the discipline system and report to stakeholders.

### **PROPOSAL B: Expunge Discipline History After 20 Years**

Data shows that of attorneys disciplined over a ten-year period, nearly 20percent of the 10 1-year cohort licensees received subsequent discipline between 5 and 10 years after their initial discipline.<sup>2</sup> Expungement is designed to provide greater relief than removal from the State Bar public profile. Therefore, the timeframe to seek expungement should be greater than the time from which discipline is removed from the website. Due to the broad relief envisioned, staff recommends the Board adopt a policy that nondisbarment discipline be automatically expunged 20 years from the effective date of the discipline, subject to the limitations below.

### *Limitation on Expungement*

To have nondisbarment discipline expunged after 20 years, the licensee must:

1. Have a status of "Active," "Inactive," or "Resignation without Charges Pending";
2. Only have one discipline;
3. Not previously had discipline expunged; and
4. Not have disciplinary matters pending in State Bar Court at the time the discipline would

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<sup>1</sup> Prohibiting the use of prior discipline is a significant departure from the way prior discipline has been used in the past. Nonetheless, prohibiting the use of an expunged prior in a future disciplinary proceeding serves to differentiate the relief granted under expungement from removal from the attorney profile page. Further, given the requirement of a twenty-year period of discipline-free conduct, the hope is that very few, if any, licensees who have discipline expunged will be the subject of subsequent disciplinary proceedings.

<sup>2</sup> See Subsequent Discipline Rates table, above.



otherwise become eligible for expungement.

If a licensee has a disciplinary matter pending in State Bar Court at the time their prior discipline would otherwise be eligible for expungement, they must wait until the State Bar Court matter is closed or dismissed without discipline.

### Licensees Impacted

Proposal B would grant expungement relief to 1,895 licensees immediately and additional attorneys over time.

Proposal B. Licensees Eligible to have Discipline Expunged\*

Status	Total
Active	554
Deceased	308
Inactive	284
Presumed Deceased	694
Resigned (w/o Charges Pend.)	55
<b>Total</b>	<b>1,895</b>

\*As of 05/02/2024.

### Expungement by Demographic

Using a methodology similar to that for the website removal analysis, above, an initial look at the data suggests that Black attorneys would also particularly benefit from a new expungement policy when compared to overall population and rates of discipline in the most recent ADR.

	Total No. of Attorneys	Percent	Percent (excluding missing)
<b>Expungement - 20 Years*</b>			
<i>Missing</i>	1135	60%	
White	585	31%	77%
Hispanic/Latino	46	2%	6%
Asian	34	2%	4%
Black/African American	35	2%	5%
Multiracial	33	2%	4%
Other	27	1%	4%
<b>Total</b>	<b>1895</b>	<b>100%</b>	<b>100%</b>
	2022 Diversity Report Card (Active Attorneys)	Annual Discipline Report FY2023 (Probation & Reprovals)	Farkas Study 2018 (Probation)
<i>Missing</i>		1%	
White	65%	69%	68%
Hispanic/Latino	6%	9%	12%
Asian	14%	6%	9%
Black/African American	3%	2%	10%
Other	3%	13%	
Multiracial	8%		
	<b>100%</b>	<b>100%</b>	<b>100%</b>

### **Rule or Statutory Changes Needed**

The adoption of a new definition of and a new process for expungement will require a new Rule of Court. Statutory changes will also be required. For example, although the records will be expunged, because the State Bar will still have the records, a statutory amendment protecting the information from disclosure in response to a CPRA request would be required. Similarly, a change to [Business and Professions Code section 6094.5\(f\)](#) and other statutes may also be required.

### **C. Removal of Criminal Conviction Transmittals and Discipline from the Attorney Profile Page in Specified Circumstances**

Conviction proceedings are initiated in the Review Department of the State Bar Court generally when the Office of Chief Trial Counsel transmits, or files, a certified copy of the record of conviction. Generally, convictions resulting in transmittals to SBC that are not subsequently dismissed are available on the licensee's profile page indefinitely. The Board directed staff to explore the removal of criminal conviction transmittals and discipline from the attorney profile page where the sole underlying basis for discipline was a conviction for which relief was granted pursuant to Penal Code section 1203.4.

Business and Professions Code section 6102(c), (e) specifically authorizes the State Bar to pursue discipline based on a criminal conviction irrespective of any order for "expungement" under Penal Code section 1203.4 or any similar statutory provision. This is because discipline based on a determination that the conduct underlying a criminal conviction involves moral turpitude or other facts and circumstances warranting discipline is distinct from the criminal conviction itself. Expungement of the criminal conviction does not alter the determination that the attorney's conduct warranted discipline.

### **PROPOSAL C: Removal of Criminal Conviction Transmittals from the Attorney Profile Page**

If a disciplinary proceeding based on the transmitted conviction has concluded, within six months of receipt from a licensee of a certified copy of an order granting relief pursuant to sections [1203.4](#), [1203.4a](#), [1203.41](#), [1203.42](#), or [1203.425](#) of the Penal Code, the State Bar would remove the transmittal from the licensee's public profile page. If the certified copy of an order granting relief pursuant to sections [1203.4](#), [1203.4a](#), [1203.41](#), [1203.42](#), or [1203.425](#) of the Penal Code is received before the disciplinary proceeding is concluded, the transmittal would not be removed until the proceeding is concluded. In either case, the State Bar would post an additional notification stating that such relief was granted in the underlying criminal action on the licensee's profile page.

If the transmittal results in discipline, the discipline shall remain posted to the licensee's profile page for the timeframe established by the Board for removal of discipline from the licensee's profile page under proposal A, regardless of whether the conviction transmittal is removed under this proposal. Further, discipline imposed as a result of a conviction transmittal can be used as a prior record of discipline, including pursuant to Standards 1.5 and 1.8 of the [Standards For Attorney Sanctions For Professional Misconduct](#) regardless of an order granting relief pursuant to sections [1203.4](#), [1203.4a](#), [1203.41](#), [1203.42](#), or [1203.425](#) of the Penal Code, unless and until the discipline is expunged pursuant to proposal B.

### **Rule and/or Statutory Changes Needed**

No statutory changes required. A new State Bar rule should be adopted to implement this policy.

#### **D. Proposal for Attorney Profile Page Display for Licensees who Resign without Charges Pending**

Licensees may resign with no prior discipline and no charges pending, with prior discipline but without charges pending; with prior discipline and charges pending, or with no prior discipline but with charges pending. All resignations are reviewed by the Supreme Court and upon acceptance of the request by the Supreme Court, the Supreme Court issues a resignation order.

#### **PROPOSAL D: Removal of Discipline History from the Attorney Profile Page of Licensees Who Resign without Charges Pending**

The below would apply to resignation without charges pending, with or without prior discipline:

- Remove all discipline from the website.
- Post a disclaimer on the licensee profile page of all resigned attorneys that states if the resigned attorney was disciplined, State Bar policy prohibits discipline history from being displayed on the profile page of a resigned attorney.
- Unless eligible for expungement, any discipline history remains a public record and is available upon request.
- If the licensee is ever reinstated, the discipline history would be reposted to the licensee's profile page unless the discipline is eligible to be removed from the website or expunged under proposals A or B.

*The Impact of Removal from the Attorney profile page*

Removal from the website under proposal D would have the same impact as removal from the attorney profile page in proposal A.

#### **Rule and/or Statutory Changes Needed**

No statutory changes required. A new State Bar rule should be adopted to implement this policy.

#### **FISCAL/PERSONNEL IMPACT**

Each of the proposals outlined above would require an information technology investment to develop a solution to automate the expungement and the removal of discipline history from the attorney profile page. In the short term, significant manual work, including by State Bar Court staff, would be required to provide the relief granted by these proposals. Additionally, there may be ongoing costs associated with receipt and processing of requests for records that remain public but have been removed from the attorney profile page. The impact of these costs would depend on the volume of requests received.

#### **AMENDMENTS TO RULES**

Rule Amendments will be drafted should the Board adopt the resolutions below.

#### **AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL**

None

#### **STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS**

Goal 1. Protect the Public by Strengthening the Attorney Discipline System

d. 1. Align and implement recommendations of the Special Discipline Case Audit Committee and the Ad Hoc Commission on the Discipline System.

## RECOMMENDATIONS

**Should the Board of Trustees, sitting as the Regulation and Discipline Committee, concur in the proposed action, passage of the following resolutions is recommended:**

**RESOLVED**, that the Board of Trustees, sitting as the Regulation and Discipline Committee, directs staff, consistent with the limitations set forth in this item, to draft a new rule of the State Bar to effectuate website removal of nondisbarment discipline after 10 years from the effective date of the initial discipline and return the draft rule to the Board for further action; and it is

**[ALTERNATIVE] RESOLVED**, that the Board of Trustees, sitting as the Regulation and Discipline Committee, directs staff, consistent with the limitations set forth in this item, to draft a new rule of the State Bar to effectuate website removal of nondisbarment discipline after 10 years from the effective date of the initial discipline and, in the case of public reprovls, after 8 years from the effective date of the initial discipline and return the draft rule to the Board for further action; and it is

**FURTHER RESOLVED**, that the Board of Trustees, sitting as the Regulation and Discipline Committee, directs staff to draft a new Rule of Court regarding expungement of nondisbarment discipline after 20 years from the effective date of the initial discipline consistent with the limitations set forth in this item and return the draft rule to the Board for further action; and it is

**FURTHER RESOLVED**, that the Board of Trustees, sitting as the Regulation and Discipline Committee, directs staff to draft proposed statutory amendments regarding expungement of nondisbarment discipline and return the draft statutory amendments to the Board for further action; and it is

**FURTHER RESOLVED**, that the Board of Trustees, sitting as the Regulation and Discipline Committee, directs staff to draft a new rule of the State Bar, consistent with the limitations set forth in this item, to effectuate website removal of criminal conviction transmittals within six months of receipt of an order granting relief pursuant to sections [1203.4](#), [1203.4a](#), [1203.41](#), [1203.42](#), or [1203.425](#) of the Penal Code and return the draft rule to the Board for further action; and it is

**FURTHER RESOLVED**, that the Board of Trustees, sitting as the Regulation and Discipline Committee, directs staff to draft a new rule of the State Bar, consistent with the limitations set forth in this item, to effectuate website removal of discipline history from the attorney profile page of licensees resigned without charges pending and to return the draft rule to the Board for further action.

## ATTACHMENT LIST

None