



The State Bar *of California*

Proposals to Address the Ad Hoc Commission Recommendations

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History

Ad Hoc Commission on the Discipline System Recommendations for Expungement and Attorney Discipline History Removal from the Attorney Profile Page	
Private Reprimand	1 year or when conditions are met
Public Reprimand	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)

September 2022 – The Board received final report from Ad Hoc Commission on the Discipline System. Board directed 60-day public comment.

January 2023 – The Board directed staff to return with website removal timelines that were consistent with the practices of California regulatory agencies and other state attorney licensing agencies.

September 2023 – Staff presented several options. The Board directed staff to further develop the proposals considering recidivism data.



Methodology

- Staff reviewed other California Regulatory Agencies, including examining Senate Bill 1225 (currently pending, 2023–2024 Regular Session) regarding website display of discipline history of real estate appraisers.
- Staff reviewed attorney licensing agencies in other jurisdictions and found that only two jurisdictions that post discipline history limit the length of time that information is posted (Florida – 10 years and Idaho – 1–5 years, depending on the discipline).
- Staff examined recidivism data for 10 one-year cohorts of attorneys disciplined between 2004–2013.



Recommendation – Removal from the Attorney Profile Page

Proposal A1: Removal of nondisbarment discipline after 10 years from the effective date of the discipline. Licensees who would be granted relief (as of 5/2/24) = 1,642.

Proposal A2: Removal of nondisbarment discipline after 10 years from the effective date of the discipline except public reprovations would be removed 8 years from the effective date. **Additional** licensees who would be granted relief (as of 5/2/24) = 48.

Limitations

1. Must 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.



Recommendation – Expungement

Proposal B: Expungement of nondisbarment discipline after 20 years from the effective date of the discipline. Licensees who would be granted relief (as of 5/2/24) = 1,895.

Impacts of Expungement

- Expunged discipline will not appear in the State Bar Court online docket search or on Certificates of Standing.
- 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 in a future disciplinary proceeding.



Limitations

1. Must have a status of “Active,” “Inactive,” “Deceased,” “Presumed Deceased,” or “Resigned (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 otherwise become eligible for removal from the website.



Next Steps

If adopted,

- **Proposal A1 or A2 – Removal of Discipline from the Attorney Profile Page**
 - Staff will draft and return with a new rule of the State Bar to effectuate
- **Proposal B – Expungement**
 - Staff will draft and return with changes to the Rules of Court and proposed statutory changes to effectuate

