
**RULES OF PRACTICE
OF THE
STATE BAR COURT**

STATE BAR OF CALIFORNIA

JULY 31, 2023

RULES OF PRACTICE OF THE STATE BAR COURT

Adopted by the Executive Committee of the State Bar Court
pursuant to Business and Professions Code
sections 6086.5 and 6086.65, subdivision (c);
effective July 31, 2023

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RULES OF PRACTICE OF THE STATE BAR COURT

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RULES OF PRACTICE OF THE STATE BAR COURT

DIVISION I GENERAL PROVISIONS

CHAPTER 1 TITLE, AUTHORITY, AND DEFINITIONS

RULE 1100. TITLE AND CITATION

These rules shall be known and may be cited as the Rules of Practice of the State Bar Court (Rules of Practice).

RULE 1101. AUTHORITY FOR ADOPTION; APPLICATION

These Rules of Practice have been adopted by the Executive Committee of the State Bar Court pursuant to Business and Professions Code sections 6086.5 and 6086.65, subdivision (c), in order to facilitate and govern the conduct of proceedings within the jurisdiction of the State Bar Court. They apply to and govern all proceedings before the State Bar Court. Fair, equal, and consistent application of these rules by all concerned is vital to the conduct of proceedings before the State Bar Court.

Revised March 1, 2020; November 1, 2020.

RULE 1102. DEFINITIONS

Unless the context otherwise requires, the definitions stated in rule 5.4 of the Rules of Procedure of the State Bar of California (Rules of Procedure) are incorporated by reference and apply to these Rules of Practice.

Revised March 1, 2020.

RULE 1103. OFFICIAL COURT RECORD

The paper record is the official court record of the State Bar Court. Pursuant to these Rules of Practice and the Rules of Procedure, the State Bar Court permits the electronic submission or electronic filing of documents.

Effective November 1, 2020. Revised July 31, 2023.

RULE 1104. REQUESTS FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES

(a) Except as modified by this rule, California Rules of Court, rule 1.100 applies to requests for accommodations directed to the State Bar Court.

(b) Requests for accommodations.

- (1) All written requests for accommodations should be on Form MC-410, approved for use by the Judicial Council of California, or be made in person, by U.S. mail, by email, or orally, as the court may allow. If the requester does not utilize Form MC-410, the requester should provide his/her name and address, the case number, the date the accommodation is needed, the reason an accommodation is necessary, and the type of accommodation.
 - (A) Requests for physical facility accommodations, or for the provision of auxiliary aides and services, including equipment, devices, materials in alternative formats, and qualified interpreters or readers should be made to the designated State Bar Court ADA Coordinator in the appropriate venue, as listed at <http://www.statebarcourt.ca.gov/ADA-Accommodations>.
 - (B) Requests for accommodations of a procedural nature, including, but not limited to, extensions of time or appearances by telephone, should be made to the courtroom clerk where the proceeding will take place, or orally to the judge who will preside over the proceeding.

(c) Review procedure.

- (1) If the determination to grant or deny a request for accommodation is made by a State Bar Court ADA Coordinator, an applicant or any participant in the proceeding may submit a written request for review of that determination to the Hearing Judge assigned to the case for a Hearing Department matter, or the Presiding Judge for a Review Department matter. The request for review must be submitted within 15 days of the date the determination to grant or deny an accommodation request was delivered in person or sent to the applicant or participant.
- (2) If the determination to grant or deny a request for accommodation is made by the Hearing Judge assigned to the case for a Hearing Department matter, an applicant or any participant in the proceeding may file a petition for interlocutory review pursuant to rule 5.150 of the Rules of Procedure. If the determination is made by the Presiding Judge in a Review Department matter, the applicant or any participant may seek review of that decision by filing a motion for reconsideration in the Review Department pursuant to rule 5.158 of the Rules of Procedure. The petition for interlocutory review or request for reconsideration must be filed within 15 days of the date the determination to grant or deny an accommodation request was delivered in person or sent to the applicant or participant by U.S. mail or by email. The petition for interlocutory review must be served on the Hearing Judge who issued the order pursuant to rule 5.150(D) of the Rules of Procedure and served on any participants in

the proceeding who were notified by the court of the determination to grant or deny the request for accommodation.

Effective November 1, 2020.

RULE 1105. PROHIBITION ON COMMUNICATIONS WITH STATE BAR COURT JUDGES

Consistent with and subject to the exceptions in the California Code of Judicial Ethics and the California Rules of Professional Conduct relating to ex parte communications, no attorney or party to an action may, either with or without prior notice to the opposing counsel or opposing party, contact any judge or court staff directly in any manner (e.g., telephone, email, or in-person) concerning a case pending before the court or a matter relating to a case pending before the court.

Effective November 1, 2020.

RULE 1106. QUALIFICATIONS OF APPOINTED COUNSEL IN STATE BAR COURT PROCEEDINGS

- (a) **Purpose.** The State Bar Court maintains a panel of counsel who desire to receive appointments to represent attorneys in State Bar Court matters pursuant to rules 5.68, 5.174, 5.192, or 5.258 of the Rules of Procedure. This rule sets forth the minimum qualifications for such counsel. An attorney on the appointed counsel panel is not entitled to appointment as counsel simply because the attorney meets these minimum qualifications. Nothing in this rule is intended to limit the discretion of the State Bar Court to appoint counsel it deems appropriate and who meets the qualifications below.
- (b) **Qualifications.** An attorney seeking appointment as counsel must satisfy the following minimum qualifications and experience:
- (1) *California legal experience.* The attorney must demonstrate that he or she:
 - (A) Is an active licensee of the State Bar of California and is eligible to practice law;
 - (B) Has been admitted to practice law in California for at least five years at the time of appointment; and
 - (C) Has no prior record of attorney discipline, is not currently subject to State Bar disciplinary probation, and has no currently pending attorney disciplinary investigations or proceedings in California or any other state, territory, or court in which the attorney is licensed or admitted.
 - (2) *Knowledge.* The attorney must have sufficient knowledge of and experience with the State Bar Act, the California Rules of Professional Conduct, the Rules of Procedure of the State Bar of California, and the Rules of Practice of the State Bar Court.

- (3) *Skills.* The attorney must have demonstrated proficiency in issue identification, research, analysis, writing, investigation, and advocacy. To enable an assessment of the attorney's skills, he/she must submit:
 - (A) A resume;
 - (B) One writing sample written by the attorney and presenting analysis of complex legal issues. If the attorney has previously served as counsel in an attorney disciplinary proceeding, the writing sample should be from a filing in such a proceeding; and
 - (C) A recommendation from an attorney familiar with the attorney's qualifications and performance.

- (4) *Pending Disciplinary Investigations or Current Disciplinary Probation.* The attorney must confirm that he/she has no knowledge of any currently pending attorney disciplinary investigations or proceedings, and is not currently subject to attorney disciplinary probation, in California or any other state, territory, or court in which the attorney is licensed, admitted, or otherwise engaged in the practice of law.

- (5) *Professional Liability Insurance.*
 - (A) An attorney must inform the State Bar Court whether he/she maintains professional liability insurance and, if so, provide a copy of the policy to the Clerk. An attorney must inform the State Bar Court if he/she no longer maintains professional liability insurance while on the panel.
 - (B) If the attorney obtains professional liability insurance after he/she is added to the panel or during the attorney's appointment as counsel, the attorney must inform the State Bar Court and provide a copy of the policy to the Clerk.

- (c) **Removal of Appointed Counsel.** The State Bar Court retains full discretion to remove an attorney from the panel for any reason. Grounds for removal may include, but are not limited to, failure to appear for court appearances; failure to follow the Rules of Procedure, these Rules of Practice, or other applicable law; failure to demonstrate a minimum level of proficiency in legal work deemed appropriate by judges of the State Bar Court; submission of unreasonable claims for compensation; or being unavailable. Professional discipline of an attorney will result in removal of that attorney from the panel.

Effective November 1, 2020. Revised July 31, 2023.

RULE 1107. COMPENSATION FOR APPOINTED COUNSEL AND APPOINTED MEDICAL PROFESSIONALS IN STATE BAR COURT PROCEEDINGS

- (a) **Requests for compensation by appointed counsel and appointed medical professionals.** Requests for compensation may be made ex parte and must be submitted on the applicable State Bar Court form, available at <http://www.statebarcourt.ca.gov/Forms>. Detailed and itemized bills for the claimed services and expenses must be attached to the form.

- (b) **Timing of requests for compensation by appointed counsel.** Requests for compensation for work performed in the State Bar Court may be made at two separate stages of the proceeding: (1) for services performed from the date of appointment through the filing of the Hearing Judge's decision; and (2) for services performed following the filing of the Hearing Judge's decision to finality of the proceeding in the State Bar Court. Requests for compensation for work performed in seeking review from the California Supreme Court may be made following the finality of the proceeding in the Supreme Court.

Effective November 1, 2020.

CHAPTER 2 FORMAT AND FILING OF PLEADINGS

RULE 1110. FORMAT OF PLEADINGS SUBMITTED IN PAPER FORM AND INTENDED TO BE FILED IN THE STATE BAR COURT

- (a) **Size, pagination, etc.** All pleadings filed in the State Bar Court by any party, except exhibits, must be typewritten or printed or be prepared by a photocopying or other duplication process that will produce clear and permanent copies equally legible to printing in type not smaller than 12 point, on white paper of standard quality not less than 13 pound weight, 8-1/2 by 11 inches in size. Only one side of the paper must be used, and the lines on each page must be double spaced and numbered consecutively. Quotations and footnotes may be single spaced. All pleadings must be firmly bound together at the top. "Pleadings," as used in this rule, do not include printed court forms.
- (b) **Format of first page.** The first page of all pleadings filed by a party must be in the following form:
- (1) In the space commencing with line 1, to the left of the center of the page, must be set forth the office or law firm name (if any), the name(s) of the attorney(s) within the office or law firm handling the proceeding and their State Bar license number(s), the office address (or, if none, the residence address), email address, and telephone number of the attorney(s) for the party on whose behalf the pleading is presented, or of the party, if the party appears in propria persona. The information required by this subparagraph may be printed instead of typed on the first page of the pleading.
 - (2) The space between lines 1 and 7 to the right of the center of the page must be left blank.
 - (3) On or below line 8, on a separate line, must be the words "The State Bar Court," on the next line, the particular department and/or geographical area (i.e., Hearing Department – San Francisco, Hearing Department – Los Angeles, or Review Department), and, on

the following lines, to the left, the caption of the particular proceeding; and to the right thereof, the case number.

- (4) Beneath the case number described in subparagraph (3) of this rule, there must be a title describing the nature of the particular pleading.
 - (5) In proceedings pending in the Hearing Department, immediately below the title describing the nature of the pleading, each pleading must specify (1) the date and time of the next event to which the pleading refers, if any (e.g., trial date, settlement conference date, date of hearing on motion) and (2) the trial date, if set.
- (c) **Original pleading.** At least one of all pleadings, which shall constitute the original of the pleading filed, must bear handwritten original signatures or an electronic signature, as defined in rule 5.4(30) of the Rules of Procedure, in all signature blanks. Where possible, all copies of pleadings should display, by photocopy, duplicate signature, or otherwise, all signatures present on the original.
 - (d) **Pleading pagination.** All pages of a multiple-page pleading, including all attachments, must be numbered consecutively.
 - (e) **Number of paper copies filed.** An original and two copies must be filed for all pleadings in the Hearing Department. Filings in the Review Department must be in the number specified in the applicable Rule(s) of Procedure.
 - (f) **Hearing Department pleadings in excess of 25 pages.** Pleadings intended for filing in the Hearing Department in excess of 25 pages, including all attachments, must be two-hole punched in the top center one-half inch from the top of the page and fastened together with a metal fastener.
 - (g) **Maximum length of pleadings and attachments in Hearing Department.** No pleading may exceed 20 pages in length unless otherwise ordered by the court. The page limit does not include exhibits, declarations, attachments, or a table of contents. The total number of pages of all exhibits, declarations, and attachments to a pleading may not exceed 50 pages. A party may request a higher page limit for the pleading or for any exhibits, declarations, or attachments by filing a pleading with the court at least two court days before the filing is submitted, stating the reason(s) why the pleading or the exhibits, declarations, or attachments cannot conform to the standard page limit. The court may grant the request for good cause.
 - (h) **Maximum length of attachments in Review Department.** The total number of pages of all exhibits, declarations, and attachments to a pleading filed in the Review Department may not exceed 10 pages unless otherwise ordered by the court. Documents and other materials contained in the record on review, other than those contained in an appendix submitted as required under rule 5.150(C)(2) of the Rules of Procedure, may not be attached to a pleading

without prior court approval. The page limit for exhibits, declarations, and attachments is in addition to the limits on the lengths of briefs to be filed in the Review Department set forth in rules 5.152 and 5.153 of the Rules of Procedure. A party may request a higher page limit for the exhibits, declarations, and attachments by filing a pleading with the court at least two court days before the filing is submitted, stating the reason(s) why the exhibits, declarations, and attachments cannot conform to the 10-page limit. The court may grant the request for good cause.

- (i) **Contents of Appendix in Review Department.** The page limit for exhibits, declarations, and attachments does not apply to the appendix required to be filed with a petition pursuant to rule 5.150(C) of the Rules of Procedure. The appendix shall contain only those materials required to be included pursuant to rule 5.150(C)(2). A party may request permission to include other materials in the appendix by filing a pleading with the court at least two court days before the appendix is submitted stating the reason(s) for inclusion of the additional materials. The court may grant the request for good cause.
- (j) **Signature of counsel or party.** Every pleading of a party represented by counsel must be signed by at least one counsel of record in the counsel's individual name, whose address, telephone number, and email address must be stated on the first page of the pleading. A party who is not represented by counsel must sign the party's pleading and state the party's address, telephone number, and email address on the first page of the pleading.
- (k) **Media files.** Media files such as audio or video must be submitted on an electronic medium such as a flash drive, DVD, or compact disc (CD). If an original electronic media file is converted to a required format for submission, the submitting party must retain the original.

Effective January 1, 1995. Revised July 1, 1997; January 1, 2001; January 1, 2009; March 1, 2020; November 1, 2020; July 31, 2023.

RULE 1111. FORMAT OF PLEADINGS SUBMITTED IN ELECTRONIC FORM AND INTENDED TO BE FILED IN THE STATE BAR COURT

- (a) Pleadings may be submitted in electronic form by electronic submission pursuant to rule 5.4(31) of the Rules of Procedure for filing in the State Bar Court, and this rule applies to pleadings that are so submitted. Pleadings that are submitted for electronic filing pursuant to rules 1130 et seq. are governed by the format requirements set forth in the rules for electronic filing and are not subject to this rule.
- (b) The State Bar Court does not accept pleadings submitted by electronic notification as set forth in rule 5.4(27) of the Rules of Procedure (i.e., by providing a hyperlink at which the served document may be viewed and downloaded) or attached to an electronic submission as a Zip (compressed) file. If the submitting party is unable to meet the requirements of this rule, the submitting party may submit a pleading in paper form pursuant to rule 1110.

- (c) Pleadings submitted in electronic form must be in text-searchable PDF (portable document format), have an effective resolution of at least 300 dpi, and not be secured or password protected. The printing of pleadings must not result in the loss of text, format, or appearance. If the submitting party possesses only a paper copy of a pleading, it may be scanned to convert it to a searchable PDF format. It is the submitting party's responsibility to ensure that any pleading that is filed is complete and readable.
- (d) Pleadings submitted in electronic form must comply with the content and form requirements of rule 1110, with the exception of those provisions dealing exclusively with requirements for paper pleadings.
- (e) **Electronic bookmarks.** Pleadings submitted in electronic form must include electronic bookmarks to each section heading and subheading in the text (as listed in the table of contents) and to the first page of any component of the pleading, including any table of contents, table of authorities, declaration, proof of service, tab, exhibit, or attachment. Each electronic bookmark to a tab, exhibit, or attachment must include the letter or number and a description of the tab, exhibit, or attachment.
- (f) **Media files and photographs.** Pursuant to rule 1110(k), media files such as audio or video must be submitted on an electronic medium such as a flash drive, DVD, or compact disc (CD), and must not be submitted as an electronic attachment to an electronic submission. If submitted electronically, photographs must be filed in PDF format and conform to the other requirements of this rule. If an original electronic media file or photograph is converted to a required format for submission, the filer must retain the original.
- (g) **Size.** An electronic submission must not exceed a total file size of 25 MB. If a pleading submitted in electronic form exceeds the size limitation, a party must submit the pleading in paper form pursuant to rule 1110. This rule does not change the page limitations set forth in rule 1110 for pleadings, exhibits, declarations, and attachments submitted to the Hearing Department and for exhibits, declarations, and attachments submitted to the Review Department, or those set forth in the Rules of Procedure for pleadings submitted to the Review Department. A pleading must be submitted as a single attachment to an electronic submission.
- (h) An email will be sent to the email address provided by the submitting party stating that the pleading(s) submitted by electronic transmission is accepted and filed. If a pleading(s) is not accepted and filed, an email stating that the pleading(s) is rejected will be sent to the email address provided by the submitting party.

Effective November 1, 2020. Revised July 31, 2023.

RULE 1112. REJECTION OF PLEADINGS SUBMITTED FOR FILING

- (a) Pleadings submitted for filing in any proceeding in the State Bar Court will be rejected by the Clerk for the following reasons:
- (1) The pleading is submitted in paper form or submitted electronically pursuant to rule 1111 and is not accompanied by a proof of service or is not accompanied by a proof of service that (A) bears an original signature or an electronic signature as defined in rule 5.4(30) of the Rules of Procedure; (B) sets forth the date upon which service was made; and (C) contains the exact title of the pleading(s) served.
 - (2) A party to the proceeding executes the party's own proof of service, unless the pleading was served by personal service or served electronically.
 - (3) The pleading presented for filing does not contain an original, handwritten signature or an electronic signature as defined in rule 5.4(30) of the Rules of Procedure.
 - (4) The original, if filed in paper form, is not accompanied by the requisite number of copies.
 - (5) The assigned case name and/or case number is missing or incorrect and the correct case name and case number is not readily identifiable by the Clerk.
 - (6) The pleading is submitted by a respondent in a proceeding in which that respondent's default has been entered, except (A) a stipulation signed by all parties, (B) a motion for relief from default accompanied by a proposed response, or (C) a motion for stay filed concurrently with a petition for interlocutory review to vacate or set aside default under rule 5.150 of the Rules of Procedure.
 - (7) The pleading is a petition for interlocutory review under rule 5.150 of the Rules of Procedure and was not served on the Hearing Judge who issued the order, or the certificate of service does not include the Hearing Judge's name, or if the petition is served by EFSP as defined in rule 1131(a)(5), the transaction report from the electronic filing service provider does not include the Hearing Judge's name.
 - (8) The pleading is submitted in electronic form pursuant to rule 1111 and is not submitted in text-searchable PDF, is secured or password protected, or does not include electronic bookmarks.
 - (9) The pleading is submitted by electronic notification pursuant to rule 5.4(27) of the Rules of Procedure (i.e., by providing a hyperlink at which the served document may be viewed and downloaded) or is submitted as a Zip (compressed) file.

- (10) The pleading is submitted in electronic form pursuant to rule 1111 or is electronically filed pursuant to rules 1130 et seq. and includes a media file(s).
 - (11) The pleading is submitted in electronic form pursuant to rule 1111 and is not submitted as a single PDF attachment to an electronic submission.
 - (12) The pleading or the exhibits, declarations, and attachments filed with the pleading exceed the page limits set forth in rule 1110 of these rules or in rule 5.152 or 5.153 of the Rules of Procedure, or exceed a higher page limit granted by the court.
 - (13) The pleading includes a document with confidential information redacted and the certificate of service does not indicate that unredacted copies have been provided to all other parties and the court in sealed envelopes pursuant to rule 5.40 (D) of the Rules of Procedure.
- (b) In addition to the reasons for rejection set forth in this rule, pleadings submitted for electronic filing pursuant to rules 1130 et seq. will be rejected by the electronic filing service provider or the Clerk for the reasons set forth in Rule 1135.
- (c) All other pleadings presented for filing in the State Bar Court will be filed by the Clerk. However, the fact that a pleading is accepted for filing does not mean that it does not contain some other defect that may be raised by an opposing party or the court, such as lack of timeliness, defects in service, failure to comply with the Rules of Procedure, and other defects in pleadings. Such defect(s) may result in denial of the motion or other relief sought or in striking the pleading, whether or not the defect is raised by the opposing party.
- (d) If a party whose pleading has been rejected under this rule submits a corrected pleading for filing, the pleading shall be accompanied by a proof of service showing that the corrected pleading has been re-served on all parties and, if appropriate, by a motion for late filing.

Revised March 1, 2020; November 1, 2020; July 31, 2023.

RULE 1113. LAST OPPORTUNITY TO FILE MOTIONS

Unless otherwise ordered by the court, all motions, other than motions in limine and motions to continue the trial, regarding the conduct of any trial shall be filed no later than fourteen (14) calendar days before the first trial date in the matter, or the date for filing of the pretrial statement, whichever date is earlier.

Revised January 1, 2001; March 1, 2020.

RULE 1114. REPLIES TO MOTIONS

An issue is deemed submitted to the court on the filing of the opposing party's response brief pursuant to rule 5.45(B) of the Rules of Procedure. Unless ordered by the court, no reply or supplemental brief may be filed.

Effective November 1, 2020.

RULE 1115. JUDICIAL NOTICE

A party requesting judicial notice as permitted by the Rules of Procedure must submit the Request for Judicial Notice in pleading format, must include a copy of any document(s) for which judicial notice is requested, and, if required, must include a declaration.

Effective November 1, 2020.

CHAPTER 3 ADMISSION PRO HAC VICE

RULE 1121. ADMISSION PRO HAC VICE

Motions to appear in the State Bar Court as counsel pro hac vice shall conform to the requirements of rule 9.40 of the California Rules of Court, except that the filing, service, and determination of such motions shall be in accordance with the general State Bar Court motion rules.

Revised January 1, 2007.

CHAPTER 4 ELECTRONIC FILING

RULE 1130. CONSTRUCTION AND APPLICATION

- (a) **Construction.** The rules in this Chapter govern the voluntary electronic filing of documents in State Bar Court proceedings. Where the rules in this Chapter conflict with other Rules of Practice of the State Bar Court, these rules are intended to supersede any conflicting rules as applied to electronically filed documents.
- (b) **Electronic Filing Service Provider.** File & Serve Xpress ("FSX") is the court's approved electronic filing service provider ("EFSP"). Beginning on the electronic filing launch date as posted on the court's website, participants may use FSX to electronically file and serve

documents pursuant to these rules in all State Bar Court proceedings, including in cases commenced prior to that date. Information concerning FSX, including the instructions and procedures for electronically filing documents with the court and for electronically serving documents, is available on the court's website.

- (c) **Voluntary Electronic Filing.** Use of electronic filing is encouraged but not required at this time. Parties and other persons who do not choose to use electronic filing and service may continue to submit documents by electronic submission as permitted under rule 1111 and to serve documents using electronic service as permitted under rule 5.26.1 of the Rules of Procedure, or to file and serve paper documents. However, when a party or other person has chosen to use the EFSP to electronically file a document in a case, all subsequent documents filed by that party or person in the case must be electronically filed, the party or other person must accept service by EFSP, and all subsequent documents served by that party or person in the case must be electronically served using the EFSP to the extent permitted under rule 1137, unless the party or other person is excused by the court from using the EFSP for filing, serving and receiving service.
- (d) **Filing of Initial Pleadings.** The Office of Chief Trial Counsel shall continue to file initial pleadings through the State Bar's case management system but may file subsequent documents through the EFSP. When the Office of Chief Trial Counsel has chosen to use the EFSP to electronically file a document in a case, all subsequent documents filed by the Office of Chief Trial Counsel in the case must be electronically filed, the Office of Chief Trial Counsel must accept service by EFSP in that case, and all subsequent documents served by the Office of Chief Trial Counsel in that case must be electronically served using the EFSP to the extent permitted under rule 1137, unless the Office of Chief Trial Counsel is excused by the court from using the EFSP for filing, service, and receiving service. Parties other than the Office of Chief Trial Counsel may use the EFSP to electronically file initial pleadings if they so choose but must serve initial pleadings as required by rule 5.25 of the Rules of Procedure. Any filing fees required must be remitted to the State Bar Court Clerk's Office pursuant to rule 1141.

Effective July 31, 2023.

RULE 1131. DEFINITIONS

- (a) **Definitions:** These definitions apply to the rules of this Chapter.
- (1) "Document" means a pleading, a declaration, an exhibit, or another writing submitted by a party or other person, or by an agent of a party or other person on the party's or other person's behalf; or a notice, order, decision, opinion, or other writing issued by the court.
- (2) "Electronic filer" means a party, counsel for a party, or other person electronically filing a document using the court's EFSP.

- (3) “Electronic filing” or “file electronically” means the electronic transmission of a document to the court through the court’s EFSP. This definition concerns the activity of filing and does not include the processing and review of the document, and its entry into the court records, which are necessary for a document to be officially filed. Parties may use electronic filing to transmit documents to be received by or lodged with the court that are not intended to be filed. Electronic filing using the court’s EFSP is distinct from electronic submission of documents to the court for filing pursuant to rule 1111.
- (4) “Electronic filing service provider” or “EFSP” means a person or entity that receives an electronic filing from a party or other person for retransmission to the court or for electronic service on other parties or other persons, or both. In submission of filings, the electronic filing service provider does so on behalf of the electronic filer and not as an agent of the court.
- (5) “EFSP service” or “serve by EFSP” means service of a document on a party or other person using the court’s EFSP. Parties and other persons who use the EFSP to file documents in a case must use EFSP service in that case, to the extent permitted under these rules. Other types of electronic service as defined in rule 5.4(28) of the Rules of Procedure may continue to be used by parties and other persons not using electronic filing in a case and may be used to serve parties not using electronic filing in a case to the extent otherwise permitted.
- (6) “EFSP service address” means the email address the party or other person has provided to the court’s EFSP in registering to use the EFSP, or the updated email address provided to the EFSP if the initial email address changes.
- (7) “Electronic signature” means an electronic signature as defined in rule 5.4(30) of the Rules of Procedure.
- (8) “Other person” means a person who is not a party to a case or counsel to a party.

(b) Court actions

- (1) “Filed” means the document has been accepted by the court, a file stamp has been applied, and the document has been entered into the official court record.
- (2) “Fee paid” means the filing fee associated with the document has been collected.
- (3) “Lodged” means the document is in possession of the court. The document is not a part of the official court record and lodging of the document will not be posted on the public court record. Trial exhibits cannot be lodged using the EFSP and must be submitted in compliance with rule 1224 of these rules and rule 5.101.1 of the Rules of Procedure.

- (4) “Received” means the document is in possession of the court and has not been filed or rejected.
- (5) “Rejected” means the document has not been accepted by the court. The document will not be filed or entered to the official court record.

Effective July 31, 2023.

RULE 1132. REGISTRATION

- (a) **Obligation to register:** A party, counsel to a party, or another person who wishes to electronically file documents and serve documents by EFSP must register with FSX and obtain a user ID and password for access to the FSX system.
- (b) **Obligation to keep information current:** An EFSP user is responsible for all documents filed under the user’s registered ID and password. Registered users are required to keep their email address and other registration information current using the FSX website.

Effective July 31, 2023.

RULE 1133. FORMAT OF DOCUMENTS

- (a) **Text Searchable Format.** All electronically filed documents must be in text-searchable PDF (portable document format) and have an effective resolution of at least 300 dpi. The printing of documents must not result in the loss of text, format, or appearance. If an electronic filer must file a document the filer possesses only in paper format, the filer must convert the document to an electronic document that complies with this rule by scanning. It is the filer’s responsibility to ensure that any document filed is complete and readable.
- (b) **Generally Applicable Format Requirements.** All electronically filed documents must comply with the content and format requirements set forth in these rules or in the Rules of Procedure and applicable to the particular document, including page limits, with the exception of those provisions dealing exclusively with the requirements for paper documents.
- (c) **Electronic Bookmarks.** Pleadings must include electronic bookmarks to each section heading and subheading in the text (as listed in the table of contents) and to the first page of any component of the pleading, including any table of contents, table of authorities, declaration, proof of service, tab, exhibit, or attachment. Each electronic bookmark to a tab, exhibit, or attachment must include the letter or number and a description of the tab, exhibit, or attachment.
- (d) **Size.** A document to be electronically filed must not exceed a total file size of 25 MB, and an electronic filer will be unable to submit a document that exceeds that size through the EFSP. If a document exceeds this size limitation, the document must be submitted in paper form

pursuant to rule 1110. This rule does not change the page limitations set forth in rule 1110 for pleadings, exhibits, declarations, and attachments submitted to the Hearing Department and for exhibits, declarations, and attachments submitted to the Review Department, or those set forth in the Rules of Procedure for pleadings submitted to the Review Department.

Effective July 31, 2023.

RULE 1134. ACTIONS ON RECEIPT OF ELECTRONIC FILING

- (a) **Confirmation of receipt of document.** When the court receives a document submitted through the EFSP, the EFSP will promptly send the electronic filer confirmation of the court's receipt of the document, indicating the date and time of receipt. A document received at or after close of business on a court day, as reflected on the confirmation, will be deemed received on the next court day. "Close of business" is 5:00 p.m. Pacific Time.
- (b) **Confirmation of filing of document.** If the document received by the court is subsequently filed by the court as defined in rule 1131(b)(1), the EFSP will promptly send the electronic filer confirmation that the document has been filed. The confirmation will include a transaction number associated with the filing and indicate the date of filing. The confirmation is proof that the document was filed on the date specified.
- (c) **Transmission of confirmations.** Confirmation of receipt or filing of a document may be sent to the electronic filer at the electronic service address provided to the EFSP or the electronic filer may be notified through the EFSP according to the electronic filer's notification preferences. The EFSP will maintain a record of all receipt and filing confirmations.
- (d) **Filer responsible for verification.** In the absence of a confirmation of receipt and confirmation of filing, there is no presumption that the court received and filed the document. The electronic filer is responsible for verifying that the court received and filed any document that the electronic filer submitted to the EFSP for filing.
- (e) **Notice of rejection of document for filing.** If the clerk does not file a document because it does not comply with applicable filing requirements or because the required filing fee has not been paid, the EFSP will promptly send notice of the rejection of the document for filing to the electronic filer.

Effective July 31, 2023.

RULE 1135: REJECTION OF ELECTRONICALLY FILED PLEADINGS

- (a) In addition to the reasons set forth in rule 1112, a pleading electronically filed in any proceeding in the State Bar Court will be rejected by the Clerk for the following reasons:
 - (1) The pleading does not meet the format requirements set forth in rule 1133(a) and (c).

- (2) If the pleading was not served by EFSP, it is not accompanied by a proof of service that (A) bears an original signature or an electronic signature as defined in rule 1136; (B) sets forth the date upon which service was made; and (C) contains the exact title of the pleading(s) served.
 - (3) The pleading lacks an electronic signature as defined in rule 5.4(30) of the Rules of Procedure.
 - (4) The pleading is submitted to the wrong venue.
 - (5) The pleading is an initial pleading and is submitted identifying the wrong case type.
 - (6) The pleading is submitted identifying the wrong party type for the submitting party.
 - (7) The pleading includes a document with confidential information redacted and the filing party has not submitted redacted and unredacted documents in the same transaction pursuant to rule 1138 (d).
 - (8) The document requires a filing fee and the fee is not received by the court within 10 court days of the court's receipt of the document, as required pursuant to rule 1141.
 - (9) The document cannot be electronically filed pursuant to rule 1139.
- (b) If an electronic filer whose pleading has been rejected under this rule submits a corrected pleading for filing, the corrected pleading shall be re-served on all parties. If service is not by EFSP, proof of service shall be submitted as required under rule 1137. If appropriate, the pleading shall be accompanied by a motion for late filing.

Effective July 31, 2023.

RULE 1136. SIGNATURES

Signatures on documents electronically filed with the court must comply with rule 5.26.2 of the Rules of Procedure.

Effective July 31, 2023.

RULE 1137. SERVICE

- (a) Parties, counsel, and other persons who have registered with the court's EFSP to participate in electronic filing in a case consent to service or delivery of all documents in that case through the EFSP at the email address provided to the EFSP.

- (b) Except as provided in paragraph (c) of this rule, when a document may be served by United States mail, overnight mail, State Bar interoffice mail, or by fax, and that document is electronically filed, the document shall be served by EFSP on a party or other person who has consented to service by EFSP. A document that is not electronically filed shall not be served by EFSP. If a document is required to be served by personal delivery or by certified mail, such as an initial pleading, service by EFSP of the document is not authorized unless the court has ordered service by EFSP on the party or other person.
- (c) A party or other person electronically filing a document for the first time in a case is not required to serve the document by EFSP and may use another means of service authorized under these rules or the Rules of Procedure.
- (d) The Clerk may serve or deliver by EFSP any document issued by the court to a party or other person whether or not they have consented to service by EFSP. The Clerk may use the EFSP's function for delivery to an additional recipient to serve or deliver a document.
- (e) Service by EFSP of a document is deemed complete at the time that the electronic notification of service of the document is sent by the EFSP.
- (f) Any document that is served by EFSP before the close of business on a court day will be deemed served on that court day. Any document that is served by EFSP on a non-court day, or at or after the close of business on a court day, will be deemed served on the next court day. "Close of business" is 5:00 p.m. Pacific Time.
- (g) A document that is served by EFSP may be signed as required in rule 1136.
- (h) A document that is served by EFSP will have the same legal effect as an original paper document.
- (i) Electronic filers are responsible for providing the EFSP with correct service information. The EFSP will provide the court with information showing the persons who have been served or have had the document delivered to them and the date and time of service or delivery.
- (j) When service of a document is required to be made on a person who has not consented to service by EFSP, or when another means of service is required under these rules or the Rules of Procedure, the document may not be served by EFSP or by using the EFSP's function for delivery of a document to an additional recipient unless the document is being served by the Clerk. The server must serve the document in compliance with rule 5.25, rule 5.26, or rule 5.26.1 of the Rules of Procedure, as applicable to the document being served. Proof of service must be made in compliance with rule 5.27 or rule 5.27.1 of the Rules of Procedure, as applicable, and may be electronically filed with the document that has been served.

- (k) When service is made by EFSP, the prescribed period to act or respond is extended by two court days.

Effective July 31, 2023.

RULE 1138. CONFIDENTIAL INFORMATION, CONFIDENTIAL PROCEEDINGS, AND SEALING OF RECORDS

- (a) **Documents containing confidential information.** Documents electronically filed with the court, including any attachments or exhibits attached to pleadings, should not include confidential information unless the information is relevant and necessary to a proceeding. If confidential information is included in any document that is electronically filed with the court, the confidential information must be redacted, or the document must be accompanied by a motion to seal pursuant to rule 5.12 of the Rules of Procedure of the State Bar.
- (b) **Parties responsible for redaction.** The responsibility for excluding or redacting confidential information from all documents filed with the court rests solely with the party or other person filing the document. Neither the court nor the EFSP will review each document or perform any redactions for compliance with these rules.
- (c) **Filing documents containing unredacted confidential information.** Materials filed with a motion to seal, documents or other materials containing unredacted confidential information, and all documents in confidential proceedings must be filed using the EFSP's "Sealed" option for filing.
- (d) **Redacted and unredacted versions to be filed.** If an electronic filer files a document with confidential information redacted, the electronic filer must electronically file the redacted and unredacted versions in the SAME transaction. Failure to do so may result in rejection of the documents. The caption page of the redacted version must have "**REDACTED**" in capital letters, boldface, and underlined under the title of the document with a space between the end of the title and **REDACTED**. The caption page of the unredacted document must have "**UNREDACTED**" in capital letters, boldface, and underlined under the title of the document with a space between the end of the title and "**UNREDACTED.**"
- (e) **Paper copies to be provided.** If an electronic filer electronically files a document with confidential information redacted, it must provide unredacted paper copies of the document to all other parties and the court in sealed envelopes marked "UNREDACTED DOCUMENT(S) CONTAINING CONFIDENTIAL INFORMATION." Each unredacted document shall be clearly marked "UNREDACTED DOCUMENT CONTAINING CONFIDENTIAL INFORMATION."
- (f) **Contents of redacted and unredacted versions.** The format and content of the unredacted document must contain all confidential and public portions. The redacted document must be

identical to the unredacted document except that all confidential information must be properly redacted.

- (g) **Disclosure of confidential information.** Unless otherwise ordered, materials filed with a motion to seal, materials ordered by the court to be sealed, and unredacted versions of documents containing confidential information may be disclosed only to parties to the proceeding and counsel; Supreme Court personnel, State Bar Court personnel, and independent audiotape transcribers; and Office of Case Management and Supervision personnel when necessary for their official duties. Electronic filers are responsible for ensuring that such materials are not improperly disclosed. Improper disclosure will occur when redacted and unredacted versions of a document are included in a single transaction and the electronic filer adds a non-party recipient to receive the documents in that transaction.

Effective July 31, 2023.

RULE 1139. DOCUMENTS THAT CANNOT BE ELECTRONICALLY FILED

The following documents cannot be electronically filed:

- (a) Trial exhibits. Trial exhibits must be submitted as required pursuant to rule 5.101.1 of the Rules of Procedure.
- (b) Media files such as audio or video. Media files must be submitted as required pursuant to rule 1110(k).
- (c) Requests for accommodations by persons with disabilities pursuant to rule 1104.
- (d) Requests for an Early Neutral Evaluation Conference submitted pursuant to rule 5.30 of the Rules of Procedure.
- (e) Requests for compensation for appointed counsel and appointed medical professionals pursuant to rule 1107.
- (f) Documents submitted pursuant to rules 5.380 through 5.389 of the Rules of Procedure regarding an attorney's participation in the State Bar Court's Alternative Discipline Program.
- (g) A brief of amicus curiae submitted pursuant to rule 5.153(C) of the Rules of Procedure.
- (h) Any document filed by a person who is not a party to the case or counsel to a party, other than a document filed by the Office of Case Management and Supervision.

Effective July 31, 2023.

RULE 1140. FILING DEADLINES

Filing documents electronically does not alter any filing deadlines. To be timely filed on the day they are due, documents must be received by the court prior to close of business on that day. Documents received by the court at or after close of business on a court day will be deemed filed on the next court day. "Close of business" is 5:00 p.m. Pacific Time.

Effective July 31, 2023.

RULE 1141: FILING FEES

- (a) Filing fees and transcript costs cannot be paid through the court's EFSP and must be remitted directly to the State Bar Court Clerk's Office. A document that requires a filing fee and is electronically filed will not be processed or filed by the court until the court receives the filing fee. The filing fee must be received by the court by the applicable filing deadline for the document to be timely filed. If the filing fee is not received by the court within 10 court days of the court receiving the document, the document will be rejected by the Clerk.
- (b) No additional fees will be charged by the EFSP for use of the system for electronic filing or for service by EFSP using electronic means. An additional fee may be charged by the EFSP if a party or other person uses the EFSP for service of a paper document.

Effective July 31, 2023.

RULE 1142. LATE FILING DUE TO TECHNICAL FAILURES

- (a) The court is not responsible for malfunctions or errors occurring in the electronic transmission or receipt of electronically filed documents. The initial point of contact for anyone experiencing difficulty with FSX is the toll-free telephone number on the FSX website.
- (b) If a filer fails to meet a filing deadline imposed by court order, rule, or statute because of a failure at any point in the electronic transmission and receipt of a document, the filer may file the document as soon thereafter as practicable on paper, by electronic submission pursuant to rule 1111, or electronically, and accompany the filing with a motion to accept the document as timely filed. The motion must describe the nature of the technical failure that kept the document from being timely filed and must be accompanied by a declaration attesting to the attempts made to file electronically. For good cause shown, the court may enter an order accepting the document as timely filed.

Effective July 31, 2023.

**DIVISION II
HEARING DEPARTMENT**

**CHAPTER 1
MOTIONS**

RULE 1200. RULINGS ON MOTIONS

The judge to whom a proceeding has been assigned shall ordinarily rule on any motion filed in that proceeding. In unusual or urgent circumstances, if the assigned judge is unavailable, the Supervising Judge shall assign a judge to rule on the motion.

**CHAPTER 2
CONFERENCES AND EXHIBITS**

RULE 1205. STATUS CONFERENCE ORDERS

Following any conference held pursuant to rule 5.44.1 of the Rules of Procedure, the assigned judge shall enter an order addressing, as appropriate, the items specified in rule 5.44.1(B) of the Rules of Procedure. Such order, unless and until modified, shall govern all further proceedings. Copies of the order shall be served on all parties who have appeared in the proceeding.

Revised March 1, 2020; November 1, 2020.

RULE 1206. EARLY NEUTRAL EVALUATION CONFERENCE STATEMENTS

Pursuant to rule 5.30 of the Rules of Procedure, the Office of Chief Trial Counsel must submit a copy of the draft notice of disciplinary charges, or other written summary to the judge at least three court days prior to the Early Neutral Evaluation Conference. Each party must also submit the following:

- (a)** A brief statement of the case, including the party's settlement position; and
- (b)** All available supporting evidence or a proffer of what such evidence would show if the party is requesting consideration of aggravating or mitigating circumstances.

Effective November 1, 2020.

RULE 1207. SETTLEMENT CONFERENCE STATEMENTS

Pursuant to rule 5.52.5 of the Rules of Procedure, each party shall lodge with the court a settlement conference statement at least five days before a scheduled settlement conference. The statement must include:

- (a) A brief statement of facts;
- (b) A brief statement of claims or defenses;
- (c) Key issues or facts in dispute;
- (d) A list of any exhibits or transcripts that are useful to settlement process. These documents should be available at the settlement conference;
- (e) A history of settlement discussions including any offers of settlement made;
- (f) Each party's current settlement position;
- (g) Any pending or anticipated motions; and
- (h) Identification of any additional discovery that may be needed to facilitate settlement.

Effective November 1, 2020.

RULE 1215. DISCOVERY

- (a) **Meet and confer.** Parties must meet and confer in person or by telephone and in good faith to thoroughly discuss (1) any issues regarding discovery; (2) the substance of any contemplated discovery motion; and (3) any potential resolution prior to filing a discovery motion.
- (b) **Discovery motions.** If either party files a discovery motion, such motion must be directed solely to substantive issues requiring resolution by the court. The moving party shall detail in a declaration submitted with its discovery motion the date, duration, participants, and communication method of the meet and confer session. In addition, the declaration shall set forth the matters raised and resolved during the session, as well as the outstanding issues and each party's final proposed resolution on each issue. Failure to strictly comply with this order will result in the striking or denial of the motion.

Effective November 1, 2020.

RULE 1220. PRETRIAL CONFERENCES

One or more pretrial conferences may be held in any proceeding at such time as the assigned judge may order, subject to rule 5.101 of the Rules of Procedure. Unless otherwise ordered by the court, the Clerk shall serve upon all parties a written notice of the date, time, and place of the pretrial conference at least thirty (30) days prior to the conference. The conference may be held in court or by telephone or other appropriate means. The agenda for the pretrial conference shall consist of the matters covered by the Rules of Procedure and the Rules of Practice, including Division II, Chapter 2, and any other matter germane to the proceeding. Each party shall be present or represented at the pretrial conference by counsel having authority with respect to all matters on the agenda, including settlement of the proceeding.

Revised March 1, 2020.

RULE 1224. TRIAL EXHIBITS

- (a) Pursuant to rule 1139, trial exhibits cannot be electronically filed.
- (b) A party who would like to offer into evidence an electronic sound or sound-and-video recording, or any other type of digital file, must lodge the recorded or digital evidence on a flash drive, DVD, or compact disc (CD) and file a transcript of the relevant portions sought to be considered by the court as an exhibit.
- (c) The State Bar Court will not provide technical assistance to any party in the presentation, playback, review, or submission of electronic exhibits. Any equipment required to view and/or listen to electronic exhibits, including laptops, projectors, and DVD/CD players, is the responsibility of the party who presents the evidence.
- (d) **Exhibits lodged for use of the court:** Each party must supply to the courtroom clerk the original exhibits in compliance with rule 5.101.1(F)(1) of the Rules of Procedure. Additionally, each party must lodge one set of its proposed exhibits in paper format, unless otherwise ordered by the court, in compliance with rule 5.101.1(F)(2) of the Rules of Procedure. If a party is exchanging exhibits in electronic form with the opposing party, a courtesy copy of the electronic exhibits must be provided to the court on a USB flash drive. The USB flash drive will not be returned to the submitting party.
- (e) **Exhibits lodged for the use of witnesses:** A party must provide a witness with exhibits in advance of trial that are relevant to the matters for which a party calls that witness to testify about in the case. Failure to provide the witness with such exhibits in advance may result in the exclusion of the witness's testimony regarding those exhibits.

(f) **Inadmissible exhibits:** If an exhibit's admission is denied at trial, the exhibit shall be so marked and remain part of the official court record.

Effective January 1, 1995. Revised July 1, 1997; January 1, 2001; January 1, 2003; March 1, 2020; November 1, 2020; July 31, 2023.

RULE 1240. NOTICE OF CONFERENCES

The Clerk shall serve upon all parties a written notice of the date, time, and place of any conference pursuant to this chapter at least ten (10) days prior to the conference unless otherwise ordered by the court.

CHAPTER 3 PRESENTATION OF EVIDENCE

RULE 1250. ORDER OF PROOF IN DISCIPLINARY PROCEEDINGS

In disciplinary proceedings, the parties shall present evidence as to culpability prior to presenting evidence as to aggravating or mitigating circumstances, except as ordered by the court. The judge shall not consider evidence as to aggravating or mitigating factors, including a respondent's prior disciplinary record, in determining culpability. However, evidence of a respondent's other acts of misconduct, including his/her disciplinary record, may be received in the culpability phase of a hearing if this evidence is admissible pursuant to Evidence Code section 1101, subdivision (b).

Revised January 1, 2001.

DIVISION III REVIEW DEPARTMENT

CHAPTER 1 TRANSCRIPT ON REVIEW

RULE 1311. PROOF OF TRANSCRIPT ORDER

- (a) All requests for review filed pursuant to rule 5.151 of the Rules of Procedure must have attached thereto, or be accompanied by:
- (1) In the case of requests for review filed by the Office of Chief Trial Counsel or any division thereof, copies of the completed transcript order form signed by the deputy trial counsel.
 - (2) In the case of requests for review filed by any other party, either:

- (A) Copies of the completed transcript order form and of a check, together with a declaration under penalty of perjury stating that the check is in the amount requested by the Clerk for the transcript deposit and that the originals of the transcript order form and check have been delivered to the Clerk; or
 - (B) A motion for a reasonable extension of time to pay the transcript deposit, supported by one or more declarations under penalty of perjury stating:
 - (i) the amount of the transcript deposit requested by the Clerk; (ii) specific facts regarding the party's assets, debts, income, expenses, and possible sources of credit, establishing the party's present inability to pay; and
 - (iii) specific facts establishing that the requested extension of time will be sufficient to permit the party to obtain the necessary funds.
- (b) Requests for review which do not comply with this requirement will not be filed by the Clerk, provided, however, that a request for review which is timely served and submitted for filing, but which is rejected by the Clerk pursuant to this rule, shall be filed, notwithstanding the applicable time limit in rule 5.151(B) or 5.151(E) of the Rules of Procedure, if it is re-served and resubmitted for filing with the proper attachments within ten (10) days after service of the Clerk's rejection notice. The Clerk shall refer to this rule in all rejection notices mandated by this rule.
- (c) The requirement of a transcript and of payment therefor by the party requesting review will not be waived except in the case of matters designated for summary review pursuant to rule 5.157 of the Rules of Procedure.

Revised March 1, 2020.

CHAPTER 2 SUBMISSION

RULE 1333. TIME OF SUBMISSION

- (a) A proceeding pending in the Review Department is submitted when that Department has heard oral argument or has approved a waiver of oral argument, or when the time has passed for filing all briefs and papers, including any supplemental post-argument briefs permitted by that Department, whichever is latest.
- (b) Submission may be vacated only by an order stating the reasons therefor. The order shall provide for resubmission of the proceeding.