



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites	
------	------------------	----------------	--------------	-----------------	------------------	--------------	--

Code: Section:

[Up^](#) [Add To My Favorites](#)

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY [5000 - 9998.11] (*Heading of Division 3 added by Stats. 1939, Ch. 30.)*

CHAPTER 4. Attorneys [6000 - 6243] (*Chapter 4 added by Stats. 1939, Ch. 34.)*

ARTICLE 5.5. Miscellaneous Disciplinary Provisions [6090.5 - 6095.1] (*Article 5.5 added by Stats. 1986, Ch. 475, Sec. 4.)*

6090.5. (a) It is cause for suspension, disbarment, or other discipline for any licensee, whether acting on their own behalf or on behalf of someone else, whether or not in the context of litigation to solicit, agree, or seek agreement, that:

- (1) Misconduct or the terms of a settlement of a claim for misconduct shall not be reported to the State Bar.
- (2) A complainant shall withdraw a disciplinary complaint or shall not cooperate with the investigation or prosecution conducted by the State Bar.
- (3) The record of any action or proceeding shall be sealed from review by the State Bar.

(b) This section applies to all agreements or attempts to seek agreements, irrespective of the commencement or settlement of a civil action.

(Amended by Stats. 2020, Ch. 360, Sec. 5. (AB 3362) Effective January 1, 2021.)

6090.6. In a disciplinary proceeding, the State Bar shall have access, on an ex parte basis, to all nonpublic court records relevant to the competence or performance of its licensees, provided that these records shall remain confidential and shall not be disclosed pursuant to any state law, including, but not limited to, the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code). This access, for investigation and enforcement purposes, shall not be limited by any court order sealing those records, except a court order authorized by Section 851.6, 851.7, 851.8, or 851.85 of the Penal Code. The State Bar may disclose publicly the nature and content of those records, including sealed records other than those specified immediately above in this section, after notice of intention to disclose all or a part of the records has been given to the parties in the underlying action. A party to the underlying action who would be adversely affected by the disclosure may serve notice on the State Bar within 10 days of receipt of the notice of intention to disclose the records that it opposes the disclosure and will seek a hearing in the court of competent jurisdiction on an expedited basis.

(Amended by Stats. 2021, Ch. 615, Sec. 19. (AB 474) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 463 of Stats. 2021, Ch. 615.)

6090.8. (a) (1) A licensee of the State Bar who knows that another licensee has conspired to engage in or has engaged in any of the following shall inform the State Bar:

- (A) Seditious conspiracy as prohibited under Section 2384 of Title 18 of the United States Code.
- (B) Treason as prohibited under Section 37 of the Penal Code or Section 2381 of Title 18 of the United States Code.
- (C) Rebellion or insurrection as prohibited under Section 2383 of Title 18 of the United States Code.

(2) For the purpose of this subdivision, "knows" means actual knowledge of the fact in question. A licensee's knowledge may be inferred from circumstances.

(b) This section does not require disclosure of information otherwise protected by the attorney-client privilege or information gained by a licensee while participating in the Attorney Diversion and Assistance Program.

(c) A licensee of the State Bar who makes a complaint to the State Bar pursuant to subdivision (a) with the intent to intimidate, harass, or otherwise deter a fellow licensee from engaging in the lawful practice of law shall be deemed to have committed professional misconduct.

(d) The board may amend the Rules of Professional Conduct, and shall propose those amendments to the Supreme Court for approval, to implement this section.

(Added by Stats. 2023, Ch. 697, Sec. 20. (SB 40) Effective January 1, 2024.)

6091. If a client files a complaint with the State Bar alleging that his or her trust fund is being mishandled, the State Bar shall investigate and may require an audit if it determines that circumstances warrant.

At the client's written request, the attorney shall furnish the client with a complete statement of the funds received and disbursed and any charges upon the trust account, within 10 calendar days after receipt of the request. Such requests may not be made more often than once each 30 days unless a client files a complaint with the State Bar and the State Bar determines that more statements are warranted.

(Added by Stats. 1986, Ch. 475, Sec. 4.)

6091.1. (a) The Legislature finds that overdrafts and misappropriations from attorney trust accounts are serious problems, and determines that it is in the public interest to ensure prompt detection and investigation of instances involving overdrafts and misappropriations from attorney trust accounts.

A financial institution, including any branch, which is a depository for attorney trust accounts under subdivision (a) or (b) of Section 6211, shall report to the State Bar in the event any properly payable instrument is presented against an attorney trust account containing insufficient funds, irrespective of whether or not the instrument is honored.

(b) All reports made by the financial institution shall be in the following format:

(1) In the case of a dishonored instrument, the report shall be identical to the overdraft notice customarily forwarded to the depositor, and shall include a copy of the dishonored instrument, if such a copy is normally provided to depositors.

(2) In the case of instruments that are presented against insufficient funds but which instruments are honored, the report shall identify the financial institution, the attorney or law firm, the account number, the date of presentation for payment, and the date paid, as well as the amount of overdraft created thereby. These reports shall be made simultaneously with, and within the time provided by law for notice of dishonor, if any. If an instrument presented against insufficient funds is honored, then the report shall be made within five banking days of the date of presentation for payment against insufficient funds.

(c) Every attorney practicing or admitted to practice in this state shall, as a condition thereof, be conclusively deemed to have consented to the reporting and production requirements of this section.

(d) Nothing in this section shall preclude a financial institution from charging an attorney or law firm for the reasonable cost of producing the reports and records required by subdivisions (a) and (b).

(Added by Stats. 1988, Ch. 1159, Sec. 21.)

6091.2. As used in Section 6091.1:

(a) "Financial institution" means a bank, savings and loan, or other financial institution serving as a depository for attorney trust accounts under subdivision (a) or (b) of Section 6211.

(b) "Properly payable" means an instrument that, if presented in the normal course of business, is in a form requiring payment under the laws of this state.

(c) "Notice of dishonor" means the notice that a financial institution is required to give, under the laws of this state, upon presentation of an instrument that the institution dishonors.

(Amended by Stats. 2007, Ch. 422, Sec. 1. Effective January 1, 2008.)

6091.3. (a) Commencing January 1, 2026, upon the establishment of a new client trust account associated with an attorney licensed to practice in California, the financial institution shall collect and retain within its books and records an attorney's State Bar license number where the number is made available to the financial institution by the attorney associated with the client trust account in the format described in subdivision (c).

(b) On or before March 1, 2026, and annually on or before March 1 thereafter, a financial institution shall electronically provide via secure file transport protocol or another format mutually acceptable to the financial institution and the State Bar, the following for every client trust account actually known to the financial institution associated with an attorney's State Bar license number:

(1) The name of the financial institution in which the client trust account is held.

(2) The name of the attorney or law firm associated with the client trust account.

(3) The account number of the client trust account.

(4) The attorney's State Bar license number associated with the trust account.

(5) The trust account balance as of December 31 of the previous year. If December 31 is a holiday, the account balance as of the preceding business day may be reported.

(c) On or before January 1, 2026, the State Bar shall create a standard form for use by an attorney licensed to practice in California wherein the attorney shall submit their State Bar license number and the name and account number of all applicable associated client trust accounts to a financial institution pursuant to subdivision (d).

(d) On or before July 1, 2026, the State Bar shall require an attorney licensed to practice in California to furnish their State Bar license number to the financial institution where the attorney associated with the client trust account maintains the account. If the client trust account is maintained by a law firm, the law firm shall designate one of its members to provide the member's State Bar license number. The attorney licensed to practice in California shall submit the completed form to satisfy the requirements in this subdivision to the financial institution pursuant to Section 684.115 of the Code of Civil Procedure.

(e) A financial institution receiving a completed form containing a State Bar license number pursuant to subdivision (d) shall, in reliance on the license number, incorporate into its books and records the attorney's State Bar license number for known client trust accounts where the license number was previously not collected.

(f) This section is intended to supplement, and not eliminate nor replace, the remittance, reporting, and other obligations of a financial institution under Section 6212, which shall remain in full force and effect. This section does not affect the obligations of an attorney or a law firm relating to maintaining an interest-bearing IOLTA account under Section 6211, which shall remain in full force and effect.

(g) No action shall lie against a financial institution or any of its officers, directors, or employees relating to their discharge of, or their alleged failure to discharge, any obligation under this section.

(h) On or before November 30, 2026, and annually on or before November 30 thereafter, the State Bar shall submit to the Assembly Committee on Judiciary and the Senate Committee on Judiciary a report detailing the number of findings, mandatory corrective actions, and referrals for possible discipline that the State Bar made in the prior fiscal year pertaining to client trust accounts. The report shall be submitted in compliance with Section 9795 of the Government Code.

(Added by Stats. 2024, Ch. 227, Sec. 14. (AB 3279) Effective January 1, 2025.)

6091.4. (a) Notwithstanding subdivision (e) of Section 6068, Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code, the Attorney Work Product doctrine as restated in Chapter 4 (commencing with Section 2018.010) of Title 4 of Part 4 of the Code of Civil Procedure, or any other law, licensees of the State Bar, limited liability partnerships, or law corporations registered with the State Bar shall, pursuant to a request made as part of a compliance review or investigative audit being conducted by or at the direction of the State Bar, provide to the State Bar or its agents all requested information, records, or communications, including, but not limited to, account journals, client ledgers, fee agreements, client files, and billing statements related to the receipt, holding, and disbursement of funds, securities, or other property in which the licensee, limited liability partnership, or law corporation knows or reasonably should know a client or other person has an interest.

(b) By providing any information, records, or communications under subdivision (a), an attorney does not violate, waive, or extinguish the duty to maintain the confidence and preserve the secrets of their client under subdivision (e) of Section 6068, the Lawyer-Client Privilege under Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code, the Attorney Work Product doctrine as restated in Chapter 4 (commencing with Section 2018.010) of Title 4 of Part 4 of the Code of Civil Procedure, or the protections of any other rule or law related to attorney work product or the attorney-client privilege.

(c) Any information, records, or communications provided under subdivision (a) shall remain confidential unless disclosure by the State Bar or its agents is required to fulfill its licensing, regulatory, and disciplinary functions, including, but not limited to, investigation or formal proceedings concerning alleged misconduct of a licensee, limited liability partnership, or law corporation or the disclosure of alleged misconduct under Section 6044.5. In no event shall disclosure by the State Bar or its agents be deemed a waiver of the confidential character of the information for any other purpose nor shall the disclosing licensee be considered in violation of any of the duties listed in subdivision (b) as related to the disclosure of such items by the State Bar or its agents.

(d) Any information, records, or communications provided under subdivision (a) shall not be disclosed pursuant to any state law, including but not limited to, the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(Added by Stats. 2024, Ch. 227, Sec. 15. (AB 3279) Effective January 1, 2025.)

6092. The State Bar may engage the services of consultants and an unpaid volunteer peer review committee and undertake any other steps that may be appropriate for devising methods for determining and improving attorney competence.

(Amended by Stats. 2018, Ch. 659, Sec. 80. (AB 3249) Effective January 1, 2019.)

6092.5. In addition to any other duties specified by law, the State Bar shall do all of the following:

- (a) Promptly notify the complainant of the disposition of each matter.
- (b) Notify all of the following of a lawyer's involuntary enrollment as an inactive licensee and termination of that enrollment, or any suspension or disbarment, and the reinstatement to active license of a suspended or disbarred attorney:
 - (1) The presiding judge of the superior court in the county where the attorney most recently maintained an office for the practice of law, with a request that the judge notify the judges in the county.
 - (2) The local bar association, if there is one, in the county or area where the attorney most recently maintained an office for the practice of law.
 - (3) The appropriate disciplinary authority in any other jurisdiction where the attorney is admitted to practice.
- (c) Upon receipt of the certified copy of the record of conviction of a lawyer, as provided by subdivision (c) of Section 6101, promptly forward a certified copy of the judgment of conviction to the disciplinary agency in each jurisdiction in which the lawyer is admitted.
- (d) Maintain permanent records of discipline and other matters within its jurisdiction, and compile statistics to aid in the administration of the system, including, but not limited to, a single log of all complaints received, investigative files, statistical summaries of docket processing and case dispositions, transcripts of all proceedings which have been transcribed, and other records as the State Bar or court require to be maintained.
- (e) Expunge records of the State Bar as directed by the California Supreme Court.
- (f) Pursuant to directions from the California Supreme Court, undertake whatever investigations are assigned to it.
- (g) Provide information to prospective complainants regarding the nature and procedures of the disciplinary system, the criteria for prosecution of disciplinary complaints, the client security fund, and fee arbitration procedures.
- (h) Inform the public, local bar associations and other organizations, and any other interested parties about the work of the State Bar and the right of all persons to make a complaint.
- (i) Make agreements with respondents in lieu of disciplinary proceedings, regarding conditions of practice, further legal education, or other matters. These agreements may be used by the State Bar in any subsequent proceeding involving the lawyer.

(Amended by Stats. 2023, Ch. 478, Sec. 1. (AB 1756) Effective January 1, 2024.)

6093. (a) Whenever probation is imposed by the State Bar Court or the Office of Trial Counsel with the agreement of the respondent, any conditions may be imposed which will reasonably serve the purposes of the probation.

(b) Violation of a condition of probation constitutes cause for revocation of any probation then pending, and may constitute cause for discipline.

(c) Proceedings to revoke probation shall be expedited. The standard of proof is the preponderance of the evidence.

(Amended by Stats. 1988, Ch. 1159, Sec. 23.)

6093.5. Upon request, the State Bar shall notify a complainant of the status of his or her complaint and shall provide him or her with a written summary of any response by the attorney to his or her complaint if the response was the basis for dismissal of the complaint. A complainant shall be notified in writing of the disposition of his or her complaint, and of the reasons for the disposition.

Receipt of a written complaint shall be acknowledged by the State Bar within two weeks of its receipt.

A complainant may also designate another person as his or her agent to receive copies of the information to which he or she is entitled pursuant to this section. This is in addition to any designation by a complainant of one of his or her elected representatives to receive the information.

(Amended by Stats. 2018, Ch. 659, Sec. 82. (AB 3249) Effective January 1, 2019.)

6094. (a) Communications to the State Bar relating to lawyer misconduct or disability or competence, or any communication related to an investigation or proceeding and testimony given in the proceeding are privileged, and no lawsuit predicated thereon may be instituted against any person. The State Bar and officers and employees are subject to the rules governing liability of public entities, officers, and employees specified in Division 3.6 (commencing with Section 810) of Title 1 of the Government Code.

Nothing in this subdivision limits or alters the privileges accorded communications to the State Bar or testimony given in investigations or proceedings conducted by it or the immunities accorded complainants, informants, witnesses, the State Bar, its officers, and employees as existed prior to the enactment of this section. This subdivision does not constitute a change in, but is cumulative with the existing law.

(b) Upon application by the State Bar and notice to the appropriate prosecuting authority, the superior court may grant immunity from criminal prosecution to a witness in any State Bar proceeding.

(Amended by Stats. 2018, Ch. 659, Sec. 83. (AB 3249) Effective January 1, 2019.)

6094.5. (a) It is the goal and policy of the State Bar to ensure that matters are handled competently, accurately, and timely. Until processing goals are established pursuant to subdivision (b) and codified in statute, the goal and policy of the State Bar is to dismiss a complaint, admonish the attorney, or have the Office of Chief Trial Counsel file formal charges within six months after it receives a complaint alleging attorney misconduct. As to complaints designated as complicated matters by the Chief Trial Counsel, it shall be the goal and policy of the State Bar to dismiss a complaint, admonish the attorney or have the Office of Chief Trial Counsel file formal charges within 12 months after it receives a complaint alleging attorney misconduct.

(b) No later than October 31, 2022, the State Bar shall propose case processing standards for competently, accurately, and timely resolving cases within the Office of Chief Trial Counsel.

(1) The case processing standards shall take into account all relevant factors, including, but not limited to, the mechanics of the discipline process, the risk to public protection, including multiple complaints against the same attorney, reasonable expectations of the public for resolution of complaints, and the complexity of cases. The case processing standards shall be based on and reflect all of the following:

(A) A review of case processing standards in attorney discipline systems in at least five other states, including large and small jurisdictions, with the goal of reviewing jurisdictions that have strong and effective discipline systems that protect the public.

(B) Consultation with state and national experts on attorney discipline.

(C) Reports from the Legislative Analyst's Office.

(D) Reports from the California State Auditor.

(2) The State Bar shall conduct an analysis of the data collected in subparagraphs (A) to (D), inclusive, of paragraph (1) and develop proposed case processing standards that reflect the goal of resolving attorney discipline cases in a timely, effective, and efficient manner while having small backlogs of attorney discipline cases and best protecting the public.

(3) Goals for case processing and disposition that are intended to encourage the prompt disposition of matters and apply to the overall inventory of matters of the type specified in subdivision (b) are not meant to create deadlines for individual cases, are not jurisdictional, and shall not serve as a bar or defense to any disciplinary investigation or proceeding.

(4) The analysis shall include staffing requirements for the Office of Chief Trial Counsel to achieve the case processing goals described in this paragraph.

(5) The State Bar shall provide its analysis and recommendations to the Legislative Analyst's Office for review. The Legislative Analyst's Office shall report to the Senate and Assembly Judiciary Committees on its review of the State Bar's proposal. The State Bar shall provide the Legislative Analyst's Office with any available information to assist the Legislative Analyst's Office in its review.

(6) It is the intent of the Legislature to enact legislation that would codify in statute case processing goals for the State Bar's discipline system based on the State Bar's proposal and the Legislative Analyst's Office review of that proposal to improve the effectiveness of the State Bar's attorney discipline system, best protect the public, and remain in place for an extended period of time to allow for adequate oversight of the State Bar and its performance over time.

(c) The case processing goals described in subdivision (a) shall not apply to the following matters: Nonattorney Unauthorized Practice of Law (NA-UPL), Section 6007 matters, moral character matters, resignations with charges pending, mini-reinstatements, and criminal conviction matters.

(d) To ensure that criminal conviction matters are handled competently, accurately, and timely, the State Bar shall report on its compliance with the requirement of Section 6101 to transmit, within 30 days of receipt, the record of any conviction which involves or may involve moral turpitude to the Supreme Court with such other records and information as may be appropriate to establish the Supreme Court's jurisdiction.

(e) Consistent with Section 6026.11, a notice of disciplinary charges is a public record when filed.

(f) The State Bar, subject to its record retention policy, shall respond within a reasonable time to inquiries as to the status of pending disciplinary cases in which a notice to show cause has been filed, or as to public discipline that has been imposed upon an attorney in California, or to the extent known by the agency, elsewhere, and, to the extent such information is known to the agency, all criminal cases in which an indictment or information has been brought charging a felony against an attorney or an attorney has been convicted of a felony, or convicted of any misdemeanor committed in the course of the practice of law or in any manner such that a client of the attorney was the victim, or any felony or misdemeanor, a necessary element of which, as determined by the statutory or common law definition of the crime, involves improper conduct of an attorney, including interference with the administration of justice, running and capping, false swearing, misrepresentation, fraud, deceit, bribery, extortion, misappropriation, theft, dishonesty or other moral turpitude, or an attempt of a conspiracy or solicitation of another to commit such a crime. Such information acquired from the State Bar under this section shall not be used by an attorney to solicit business. The State Bar shall adopt regulations to carry out the purposes of this subdivision.

(Amended by Stats. 2021, Ch. 723, Sec. 5. (SB 211) Effective January 1, 2022.)

6095. (a) The State Bar shall annually hold at least two public hearings, one in southern California and one in northern California, to hear proposals on bar disciplinary procedures, attorney competency, and admissions procedures.

(b) To the extent the information is known to the State Bar, it shall report annually to the Assembly and Senate Judiciary Committees concerning the judicial or disciplinary disposition of all criminal or disciplinary proceedings involving the allegation of the commission of a felony by an attorney.

(Amended by Stats. 2018, Ch. 659, Sec. 85. (AB 3249) Effective January 1, 2019.)

6095.1. (a) Beginning on April 1, 2000, and through March 31, 2001, the State Bar shall compile statistics indicating the number of complaints against attorneys, broken down to reflect the percentage of complaints brought against attorneys practicing as solo practitioners, in small law firms or partnerships, and in large law firms. The State Bar shall also compile statistics indicating the percentage of complaints that are investigated, the percentage of complaints that are prosecuted, and the outcomes of those prosecutions against solo practitioners, attorneys practicing in small law firms or partnerships, and attorneys practicing in large law firms. For the purposes of the study, agreements in lieu of discipline shall not be counted as prosecutions. Practicing attorneys shall provide any information that is requested by the bar deemed necessary for the purpose of compiling the statistics. For purposes of this section, "small law firm" means a firm, partnership, association, corporation, or limited liability partnership that includes 10 or fewer attorneys.

(b) On or before June 30, 2001, the State Bar shall issue a written report to the Senate Committee on Judiciary and the Assembly Committee on Judiciary on procedures used in the disciplinary process to ensure that resources of the State Bar are used fairly and equitably in the investigation and prosecution of complaints against attorneys. In particular, the report shall focus on whether disciplinary proceedings are brought in disproportionate numbers against attorneys practicing as solo practitioners or in small law firms or partnerships, as compared to proceedings brought against attorneys practicing in large law firms. The report shall also describe any procedures in place or under consideration to correct any institutional bias and shall include a discussion of, and recommendations regarding, any additional changes to the discipline process that would make it more equitable. In particular, the State Bar shall consider disciplinary avenues other than the investigation and prosecution of complaints against attorneys. After issuing the report, the State Bar shall continue to compile and maintain statistics pursuant to subdivision (a), and shall make those statistics available to the public upon request.

(c) Procedures used in the disciplinary process shall ensure that resources of the State Bar are used fairly and equitably in the investigation and prosecution of complaints against all attorneys. Disciplinary proceedings shall not be brought in disproportionate numbers against attorneys practicing as solo practitioners or in small law firms or partnerships, as compared to proceedings brought against attorneys practicing in large law firms, unless the number of complaints against solo practitioners, or attorneys practicing in small law firms or partnerships, is commensurate with the higher number of disciplinary proceedings.

(d) The report of the State Bar prepared pursuant to this section shall not be used as a defense or mitigating factor in any disciplinary proceeding against an attorney.

(Added by Stats. 1999, Ch. 221, Sec. 7. Effective January 1, 2000.)