

Confidential Proceedings

Public Proceedings

Intake Stage

Investigation Stage PreFiling Stage Formal Charges Filed in State Bar Court (SBC)

SBC Hearing Department (Trial) SBC Review Department (Appeal)

California
Supreme
Court

Disciplinary proceedings may initiate from different sources, including

- written complaints,
- reports from financial institutions, courts or other reporting entities, and
- State Bar initiated cases

<u>Intake</u>: An initial review of the potential allegations is conducted and the matter is either forwarded for investigation or closed in Intake.

<u>Investigations</u>: A formal investigation is conducted which may include witness interviews, depositions, subpoenas for records, and requesting the respondent to respond to the allegations.

<u>Pre-Filing:</u> Charging and settlement decisions are conducted at this stage. Parties may also request a pre-filing settlement conference before the State Bar Court.

SBC Hearing Department judges are full-time judges

SBC Review Department consists of a three-judge panel

Burden of proof = clear and convincing evidence

If respondent is found culpable, generally, the SBC will recommended one of the following sanctions:

- Reproval (private or public),
- Stayed suspension,
- Actual suspension, or
- Disharment

The Supreme
Court must
approve any
sanction of stayed
suspension, actual
suspension or
disbarment.
Generally, the
effective date of
the sanction is 30days after the
Supreme Court
issues an order of
discipline.