

1 California Procedure (5th), Attorneys

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- (h) [§443] Relationship With Other Party's Lawyer (Rule 3-320).
- (i) [§444] Limiting Malpractice Liability to Client (Rule 3-400).
- (i-1) [§444A] (New) Disclosure of Lack of Professional Liability Insurance (Rule 3-410).
- (j) [§445] Communications With Client (Rules 3-500, 3-510).
- (k) Organization as Client (Rule 3-600).
 - (1) [§446] General Principle.
 - (2) [§447] Response to Acts of Agents of Organization.
 - (3) [§448] Dealing With Constituents of Organization.
 - (4) [§449] Representation of Constituents.
- (l) Termination of Employment (Rule 3-700).
 - (1) [§450] In General.
 - (2) [§451] Mandatory Withdrawal.
 - (3) [§452] Permissive Withdrawal.

5. Financial Relationship With Client.

- (a) [§453] Preserving Funds and Property (Rule 4-100).
- (b) [§454] Fees for Legal Services (Rule 4-200).
- (c) [§455] Expenses Incurred (Rule 4-210).
- (d) [§456] Purchasing Property (Rule 4-300).
- (e) [§457] Gifts From Client (Rule 4-400).

6. Advocacy and Representation.

- (a) [§458] Threatening Charges (Rule 5-100).
- (b) [§459] Government Attorney Instituting Charges (Rule 5-110).
- (c) [§460] Publicizing Litigation (Rule 5-120).
- (d) [§461] Trial Conduct (Rules 5-200, 5-220).
- (e) [§462] Attorney as Witness (Rule 5-210).
- (f) [§463] Contact With Officials (Rule 5-300).
- (g) [§464] Contact With Witnesses (Rule 5-310).
- (h) [§465] Contact With Jurors (Rule 5-320).

IX. CONVICTION OF CRIME

A. Conviction of Crime Involving Moral Turpitude.

- 1. [§466] In General.
- 2. [§467] Nature of Conviction.
- 3. Procedure.
 - (a) Temporary Suspension on Conviction.
 - (1) [§468] In General.
 - (2) [§469] Procedural Aspects.

(b) Hearing After Conviction Is Final.

(1) [§470] Notice and Opportunity To Be Heard.

(2) [§471] Review of State Bar Court Decision.

4. What Crimes Involve Moral Turpitude.

(a) [§472] Meaning and Tests.

(b) Illustrations.

(1) [§473] Crimes Against Person or Property.

(2) [§474] Crimes Involving Fraud.

(3) [§475] Perjury and Related Offenses.

(4) [§476] Miscellaneous Crimes.

(c) [§477] Conduct of Defendant Is Determinative.

(d) [§478] Unrelated Criminal Conduct.

B. [§479] Conviction of Felony.

X. ACTS SUBJECT TO DISCIPLINE

A. Acts Involving Moral Turpitude.

1. In General.

(a) [§480] Statutory Framework.

(b) [§481] Meaning of Moral Turpitude.

(c) [§482] Criminal Acquittal Does Not Bar Discipline.

2. Wrongs Against Client.

(a) [§483] Misappropriating Funds or Property.

(b) Fraud.

(1) [§484] Misrepresentations Concerning Case.

(2) [§485] Concealing Personal Interest.

(3) [§486] Borrowing Money From Client.

(4) [§487] Miscellaneous Frauds.

(c) Obtaining Unearned or Excessive Fees.

(1) [§488] Unearned Fees.

(2) [§489] Fees in Excess of Statutory Limits.

(3) [§490] Exorbitant Fees.

(d) [§491] Improper Methods of Collecting Fees.

(e) Negligent Performance of Duties.

(1) [§492] Earlier Cases.

(2) [§493] Later Cases.

(f) [§494] Sexual Relations With Client.

3. Wrongs Against the Court.

(a) Fraudulent Acts.

(1) [§495] In General.

(2) [§496] False Pleadings or Documents.

(3) [§497] Misleading Court.

(b) [§498] Disobedience of Order.

(c) [§499] Noncompliance With Support Judgment or Order.

(d) Offensive or Disrespectful Acts.

(1) [§500] Conduct Subject to Discipline.

(2) [§501] Distinction: Privileged Criticism.

(3) [§502] Distinction: Courtroom Attire.

- (a) **Communication With Adverse Party.**
 - (1) **§536 Rules of Professional Conduct.**
 - (2) **§537 Violation of Rule.**
 - (3) **§538 Distinction: Communication With Former Employees of Corporation.**
- (b) **§539 Inadvertently Receiving Privileged Material.**
- (c) **§540 Violation of Known Custom.**
- 2. **§541 Improper Support of Client's Cause.**
- 3. **§541A (New) Reporting of Suspected Immigration Status.**
- I. **§542 Misconduct in Other Jurisdiction.**
- J. **Mitigating or Aggravating Circumstances.**
 - 1. **§543 In General.**
 - 2. **Previous Record or Character.**
 - (a) **§544 Good Record or Character.**
 - (b) **§545 Bad Record.**
 - 3. **§546 Intent or Motive.**
 - 4. **§547 Inexperience or Personal Difficulties.**
 - 5. **§548 Insanity or Emotional Instability.**
 - 6. **§549 Restitution.**
 - 7. **§550 Other Subsequent Conduct.**
 - 8. **§551 Extrinsic Circumstances.**

XI. DISCIPLINARY PROCEEDINGS

- A. **Discipline by the Courts.**
 - 1. **Disbarment or Suspension by Supreme Court.**
 - (a) **§552 Inherent Power.**
 - (b) **§553 Nonstatutory Grounds.**
 - (c) **§554 No Superior Court Jurisdiction.**
 - 2. **§555 Criminal Prosecution.**
 - 3. **§556 Other Measures.**
 - 4. **§557 Criticism in Judicial Opinion.**
- B. **Nature of State Bar Proceedings.**
 - 1. **§558 In General.**
 - 2. **§559 Not Criminal Proceeding.**
 - 3. **§560 Quasi-Criminal Proceeding.**
 - 4. **State Bar Court.**
 - (a) **§561 In General.**
 - (b) **§562 Departments and Officers.**
 - 5. **§563 Agreement in Lieu of Disciplinary Proceedings.**
 - 6. **§564 Pleadings, Papers, and Motions.**
 - 7. **§565 Transcripts.**
 - 8. **§566 Prohibited Representation.**
 - 9. **§567 Disqualification of Judges.**
- C. **Information and Records.**
 - 1. **§568 Hearings and Records.**
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 - 3. **§570 Statistics and Reporting.**

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1. Complaint to State Bar.

- (a) [§571] In General.
- (b) [§572] Verification.
- (c) [§573] Duty To Investigate and Respond.
- (d) [§574] Discipline Mediation Program.

2. [§575] Court Report to State Bar.

3. Investigation.

- (a) [§576] Nature and Scope.
- (b) [§577] Examination of Books and Records.
- (c) [§578] Determination.

E. Proceedings in Hearing Department.

1. [§579] Venue.

2. [§580] Notice of Charges.

3. [§581] Response to Notice.

4. [§582] Amended and Supplemental Pleadings.

5. [§583] Obtaining Counsel.

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- (a) [§584] In General.
- (b) [§585] Physical and Mental Examinations.
- (c) [§586] Attorney's Trust Fund Records.
- (d) [§587] Conference and Report.

7. [§588] Consolidation and Transfer.

8. [§589] Conferences and Pretrial Statements.

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10. Trial.

- (a) [§591] Notice and Failure To Appear.
- (b) Evidence.

(1) [§592] In General.

(2) [§593] Evidence From Other Disciplinary Proceedings.

- (c) [§594] Interlocutory Review of Orders.

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- (a) [§595] Termination by Dismissal.

- (b) [§596] Termination by Admonition.

- (c) Termination by Stipulation.

(1) [§597] Procedure.

(2) [§598] Binding Effect.

- (d) [§599] Termination by Death.

12. [§600] Decision.

13. [§601] Discipline.

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F. Proceedings in Review Department.

1. [§603] In General.

2. [§604] Summary Review.

3. Review Department Decisions.

- (a) [§605] In General.

- (b) **Recommendation Followed.**
 - (1) **[\$606] Charges Dismissed.**
 - (2) **[\$607] Disbarment.**
 - (3) **[\$608] Other Discipline.**
- (c) **[\$609] Different Findings on Guilt.**
- (d) **Different Punishment Imposed.**
 - (1) **[\$610] Reduction in Punishment.**
 - (2) **[\$611] Increase in Punishment.**
- (e) **[\$612] Probation.**

G. Supreme Court Review.

- 1. **Nature of Review.**
 - (a) **[\$613] In General.**
 - (b) **[\$614] Findings and Recommendation of State Bar Court.**
- 2. **Petition for Review.**
 - (a) **[\$615] Petition by Disciplined Attorney.**
 - (b) **[\$616] Petition by Chief Trial Counsel.**
 - (c) **[\$617] Petition by Committee of Bar Examiners.**
- 3. **[\$618] Validity of Summary Denial.**
- 4. **[\$619] Order.**
- 5. **Types of Decisions.**
 - (a) **Recommendations Followed.**
 - (1) **[\$620] In General.**
 - (2) **[\$621] Disbarment Where No Mitigating Circumstances Exist.**
 - (3) **[\$622] Mild Discipline for Moral Turpitude.**
 - (b) **[\$623] Different Findings on Guilt.**
 - (c) **Different Punishment.**
 - (1) **[\$624] Reduction in Punishment.**
 - (2) **[\$625] Increase in Punishment.**
 - (3) **[\$626] Reprimand in Published Opinion.**
 - (d) **Probation.**
 - (1) **[\$627] In General.**
 - (2) **[\$628] Condition: Professional Responsibility Examination.**

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XII. MISCELLANEOUS PROCEEDINGS

- A. [\$630] Conviction Proceeding.**
- B. [\$631] Perpetuation of Testimony on Resignation.**
- C. Involuntary Inactive Enrollment.**
 - 1. **[\$632] In General.**
 - 2. **[\$633] Insanity or Mental Incompetence.**
 - 3. **[\$634] Court Order Assuming Jurisdiction Over Law Practice.**
 - 4. **[\$635] Failure To Perform Duties Competently.**
 - 5. **Threat of Harm.**
 - (a) **[\$636] In General.**
 - (b) **[\$637] Expedited Disciplinary Proceeding.**
 - 6. **[\$638] Failure To Maintain Address of Record.**
 - 7. **[\$639] Failure To File Response in Disciplinary Proceeding.**

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(a) **[\$640] Claim of Insanity or Mental Incompetence.**

(b) **[\$641] Conduct Posing Substantial Threat of Harm.**

D. Probation.

1. **[\$642] Modification or Early Termination.**

2. **[\$643] Revocation.**

E. [\$644] Relief From Actual Suspension.

F. Reinstatement Proceeding.

1. **[\$645] Nature and Purpose.**

2. **[\$646] Procedure.**

3. **Showing Required.**

(a) **[\$647] In General.**

(b) **[\$648] Rehabilitation.**

(c) **[\$649] Fitness To Practice.**

G. [\$650] Expedited Proceeding Based on Professional Misconduct in Another Jurisdiction.