

REDLINE VERSION

SUPREME COURT
FILED

S281631

SEP 25 2025

ADMINISTRATIVE ORDER 2025-09-24-01

Jorge Navarrete Clerk

IN THE SUPREME COURT OF CALIFORNIA

Deputy

EN BANC

**REQUEST TO APPROVE
PROPOSED AMENDED RULE 9.7 OF THE
CALIFORNIA RULES OF COURT
AND
PROPOSED AMENDED RULES 1.2 AND 8.4 AND PROPOSED NEW
RULE 8.4.2 OF THE CALIFORNIA RULES OF
PROFESSIONAL CONDUCT**

The State Bar of California's "Request that the Supreme Court of California Approve Proposed Amended Rule 9.7 of the California Rules of Court, and Proposed Amended Rules 1.2 and 8.4 and Proposed New Rule 8.4.2 of the California Rules of Professional Conduct" is granted in part and denied in part.

The Court approves amendments to rule 9.7 of the California Rules of Court, as modified by the court, in Attachment 1 to this order. These amendments are effective October 1, 2025.

Although the Court appreciates the effort to promote civility, professionalism, and mutual respect within the legal profession, the Court is concerned that the proposed definition of prohibited incivility may present vagueness concerns under the First Amendment. (See *Gentile v. State Bar of Nevada* (1991) 501 U.S. 1030, 1049 [holding that an attorney disciplinary rule was void for vagueness because it relied on words that "have no settled usage or tradition of interpretation in law," and the rule "has no principle for determining" what conduct is permitted or not permitted].)

The Court, therefore, denies the proposed amendments to the California Rules of Professional Conduct.

The Court encourages the State Bar to explore the possibility of codifying existing case law reducing requests for attorney fees based on an attorney's incivility. The State Bar is also encouraged to study the effect of the new continuing education requirements addressing civility in the legal profession.

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It is so ordered.

GUERRERO

Chief Justice

CORRIGAN, J.

Associate Justice

LIU, J.

Associate Justice

KRUGER, J.

Associate Justice

GROBAN, J.

Associate Justice

JENKINS, J.

Associate Justice

EVANS, J.

Associate Justice

REDLINE VERSION

ATTACHMENT 1

Rule 9.7. Attorney oath and annual declaration ~~Oath and Reaffirmation of Oath~~

(a) Oath required when admitted to practice law

In addition to the language required by Business and Professions Code section 6067, the oath to be taken by every person on admission to practice law is to conclude with the following: “As an officer of the court, I will strive to conduct myself at all times with dignity, courtesy and integrity.”

~~(b) Declaration requirements for admitted and special admissions attorneys~~

- (1) Each attorney whose license is on active status with the State Bar (“active licensed attorney”) and each attorney permitted to practice law in the State of California under rule 9.41.1, 9.44, 9.45, or 9.46 of the California Rules of Court (“special admissions attorney”) must, pursuant to the procedure identified by the State Bar, submit a declaration containing the language set forth in subparagraph (a) by February 1, 2024.
- (2) An attorney whose license is on inactive status with the State Bar or who is not eligible to practice law, except for those attorneys who have submitted a declaration as required by subparagraph (b)(1) of this rule, must, pursuant to the procedure identified by the State Bar, submit a declaration containing the language set forth in subparagraph (a) prior to being placed on active status.

~~(e)(b) Annual declaration ~~Reaffirmation of Civility Pledge~~~~

Each active licensee ~~licensed attorney~~ and each special admissions attorney (permitted to practice law in the State of California under rules 9.41.1, 9.44, 9.45, or 9.46) must, pursuant to the procedure adopted identified by the State Bar, declare adherence to the oath language provided by ~~reaffirm the civility pledge described in subparagraph (a) of this rule and Professions Code section 6067 on an annual basis pursuant to the procedure identified by the State Bar.~~

~~(d)(c) Implementation schedule and penalty for noncompliance ~~failure to comply~~~~

- (1) The State Bar must develop a schedule to implement the submission of the declaration required by (b) of this rule by the deadline for the payment of the annual license fee for implementation that requires all active licensed attorneys who must submit a declaration under (b)(1) of this rule to submit such declaration by February 1, 2024, and reaffirm the civility pledge under (c) annually thereafter. The State Bar must develop a schedule for implementation that requires all special admissions attorneys who must submit a declaration under (b)(1) of this rule to submit such declaration by the renewal of their application to practice law in the State of California by February 1, 2024, and reaffirm the civility pledge under (c) annually thereafter.

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(2) ~~Beginning on April 1, 2026, an An-active licensee licensed attorney or special admissions attorney who fails to submit the required annual declaration or reaffirm the civility pledge as required by this rule must be enrolled as an inactive licensee of the State Bar under rules adopted by the Board of Trustees of the State Bar. A special admissions attorney who fails to submit the required declaration or reaffirm the civility pledge as required by this rule must have their registration suspended or terminated under the rules adopted by the Board of Trustees of the State Bar.~~

(e)(d) Authorization for the Board of Trustees of the State Bar to adopt rules and procedures

The Board of Trustees of the State Bar is authorized to adopt such rules and procedures as it deems necessary and appropriate to ensure compliance in order to comply with this rule.

(f)(e) Fees and penalties

The State Bar has the authority to set and collect appropriate fees and penalties for violations of this rule.

Rule 9.7 renumbered effective January 1, 2018; adopted as rule 9.4 effective May 27, 2014.

CLEAN VERSION

Rule 9.7. Attorney oath and annual declaration

(a) Oath required when admitted to practice law

In addition to the language required by Business and Professions Code section 6067, the oath to be taken by every person on admission to practice law is to conclude with the following: "As an officer of the court, I will strive to conduct myself at all times with dignity, courtesy and integrity."

(b) Annual declaration

Each active licensee and each special admissions attorney (permitted to practice law in the State of California under rules 9.41.1, 9.44, 9.45, or 9.46) must, pursuant to the procedure adopted by the State Bar, declare adherence to the oath language provided by (a) of this rule and Professions Code section 6067 on an annual basis.

(c) Implementation schedule and penalty for noncompliance

- (1) The State Bar must develop a schedule to implement the submission of the declaration required by (b) of this rule by the deadline for the payment of the annual license fee.
- (2) Beginning on April 1, 2026, an active licensee or special admissions attorney who fails to submit the annual declaration as required by this rule must be enrolled as an inactive licensee of the State Bar under rules adopted by the Board of Trustees of the State Bar.

(d) Authorization for the Board of Trustees of the State Bar to adopt rules and procedures

The Board of Trustees of the State Bar is authorized to adopt such rules and procedures as it deems necessary and appropriate to ensure compliance with this rule.

(e) Fees and penalties

The State Bar has the authority to set and collect appropriate fees and penalties for violations of this rule.

Rule 9.7 renumbered effective January 1, 2018; adopted as rule 9.4 effective May 27, 2014.