



# The State Bar of California

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## **OPEN AGENDA AUGUST 2020 OPEN SESSION MINUTES – August 7, 2020**

Provisional Licensure Working Group  
The State Bar of California  
Zoom

Friday, August 7, 2020  
10:00 a.m.

**Time meeting commenced:** 10:00 a.m.

**Time meeting adjourned:** 4:15 p.m.

**Chair:** Hailyn Chen

**Committee Coordinator:** Ezra Angelus

**Members present:** Ruben Duran, Robert Barrett, Rupa Bhandari, Diane Boyer-Vine, Julie Crisp, Terri Garland, Dolores Heisinger, Jennifer Henning, Judge James E. Herman, Paul Kramer, Carol Langford, Larasz Moody-Villarose, Cindy Panuco, Vern Pierson, Judge Jesus Rodriguez, Angela Sierra, Phillip A. Talbert, Tiffany Townend-Blacknell

**Members joined in progress:** N/A

**Members absent:** N/A

**Public Comment:** The Provisional Licensure Working Group received 14 public comments and 15 written public comments.

**Minutes:** August 10, 2020

**Chair Report:** N/A

**Staff Report:** N/A

**Consent:**

**Eligibility**

Requirements

It was moved, seconded and duly carried that applicants must have satisfied all requirements for Admission, other than passing of a bar examination or having a final positive moral character determination. It is sufficient for applicants to have a pending moral character application.

Moved by Boyer-Vine, seconded by Kramer.

The motion passed. Roll call vote:

Ayes: Chen, Barrett, Bhandari, Boyer-Vine, Crisp, Duran, Garland, Heisinger, Henning, Hon. Herman, Kramer, Langford, Moody-Villarose, Panuco, Pierson, Hon. Rodriguez, Talbert, Townend-Blacknell

Abstain: Sierra

Bar Examinations

It was moved, seconded and duly carried that applicants (which include 2020 graduates of California-based law schools or law schools outside of California in either a JD or LLM program) are eligible to participate in the Provisional Licensure Program regardless of the number of times they sit for, take, or fail the bar exam. However, if the program is extended beyond June 1, 2022, the State Bar will revisit placing a limitation on the number of times an applicant may fail the bar exam and still be eligible to participate in the Provisional Licensure Program.

Moved by Ruben, seconded by Langford.

The motion passed. Roll call vote:

Ayes: Chen, Barrett, Bhandari, Boyer-Vine, Crisp, Duran, Garland, Heisinger, Henning, Hon. Herman, Kramer, Langford, Moody-Villarose, Panuco, Pierson, Hon. Rodriguez, Talbert, Townend-Blacknell

Abstain: Sierra

Employment

It was moved, seconded and duly carried that an applicant does not need to reside in California but must be employed by, or have a conditional offer of employment from, a law office, government entity, nonprofit entity, academic institution, corporation, partnership, association, or other legal entity which has an office located in California.

Moved by Boyer-Vine, seconded by Heisinger.  
The motion passed. Roll call vote:

Ayes: Chen, Barrett, Bhandari, Boyer-Vine, Crisp, Duran, Garland, Heisinger, Henning, Hon. Herman, Kramer, Langford, Moody-Villarose, Panuco, Pierson, Hon. Rodriguez, Talbert, Townend-Blacknell

Abstain: Sierra

### **Requirements of Applicant**

#### Rules of Professional Conduct and Disciplinary Authority

It was moved, seconded and duly carried that an applicant must abide by the rules of professional conduct and must submit to the State Bar of California a declaration that he or she will be subject to the disciplinary authority of the Supreme Court of California and the State Bar of California and attesting that he or she will not practice law in California other than under supervision of a California attorney. Any disciplinary or nondisciplinary action taken shall be forwarded to the moral character unit for appropriate investigation.

Supplementary information to be provided by State Bar staff on the full scope of what discipline could be imposed by the State Bar other than termination or suspension of the provisional licensure.

Moved by Boyer-Vine, seconded by Langford.  
The motion passed. Roll call vote:

Ayes: Chen, Barrett, Bhandari, Boyer-Vine, Crisp, Duran, Garland, Heisinger, Henning, Hon. Herman, Kramer, Langford, Moody-Villarose, Panuco, Sierra, Talbert

Nay: Townend-Blacknell

Not present: Pierson, Rodriguez

Fee

Supplementary information to be provided by State Bar staff.

#### MCLE Requirement

It was moved, seconded and duly carried that an applicant in the Provisional Licensure Program must complete the 10-hour New Attorney MCLE requirement unless they would otherwise be exempt from MCLE requirements under State Bar Rules. Provisional licensees shall have no other MCLE requirements.

Moved by Duran, seconded by Barrett.

The motion passed. Roll call vote:

Ayes: Chen, Barrett, Bhandari, Boyer-Vine, Crisp, Duran, Garland, Heisinger, Henning, Hon. Herman, Kramer, Langford, Panuco, Pierson, Hon. Rodriguez, Talbert, Townend-Blacknell

Abstain: Sierra

Not present: Moody-Villarose

Designated Title and Name of Program

It was moved, seconded and duly carried that an applicant in the Provisional Licensure Program must only use the designated term "Provisionally Licensed Lawyer," and not describe themselves as an attorney, or imply in anyway in writing, or orally, to be a fully licensed attorney of the State Bar of California.

Moved by Duran, seconded by Kramer.

The motion passed. Roll call vote:

Ayes: Chen, Barrett, Bhandari, Boyer-Vine, Crisp, Duran, Garland, Heisinger, Henning, Hon. Herman, Kramer, Langford, Panuco, Pierson, Hon. Rodriguez, Sierra, Talbert, Townend-Blacknell

Not present: Moody-Villarose

Name of the Program

It was moved, seconded and duly carried that this program will be called the Provisional Licensure Program, and participants will refer to themselves orally, to clients or potential clients, in court pleadings, on letterhead, business cards, signature blocks, etc. as Provisionally Licensed Lawyers or participants in the Provisional Licensure Program.

Moved by Duran, seconded by Henning.

The motion passed. Roll call vote:

Ayes: Chen, Barrett, Bhandari, Boyer-Vine, Crisp, Duran, Garland, Heisinger, Henning, Hon. Herman, Kramer, Langford, Panuco, Pierson, Hon. Rodriguez, Sierra, Talbert, Townend-Blacknell

Not present: Moody-Villarose

## New Employment

It was moved, seconded and duly carried that an applicant must submit a new Application for Provisional Licensure before beginning employment with a new, qualifying supervising attorney with a new employer. If the applicant secures a new supervisor at the same employer, the provisionally licensed lawyer shall be required to submit a new declaration from the supervising attorney, but shall not lose their certification nor be required to re-apply for certification.

Moved by Duran, seconded by Henning.

The motion passed. Roll call vote:

Ayes: Chen, Barrett, Bhandari, Boyer-Vine, Crisp, Duran, Garland, Heisinger, Henning, Hon. Herman, Kramer, Langford, Panuco, Pierson, Hon. Rodriguez, Sierra, Talbert, Townend-Blacknell

Not present: Moody-Villarose

## Scope of Practice/Length of Practice

### Practice Areas

It was moved, seconded and duly carried that provisionally licensed lawyers are not limited to specific practice areas.

Moved by Langford, seconded by Barrett.

The motion passed. Roll call vote:

Ayes: Chen, Barrett, Bhandari, Boyer-Vine, Crisp, Duran, Garland, Henning, Hon. Herman, Kramer, Langford, Panuco, Talbert, Townend-Blacknell

Abstain: Heisinger, Sierra

Not Present: Moody-Villarose, Pierson, Hon. Rodriguez

### Client Trust Accounts

It was moved, seconded and duly carried that Provisionally Licensed Lawyers should not be permitted access to a client trust account.

Moved by Hon. Herman, seconded by Barrett.

The motion passed. Roll call vote:

Ayes: Chen, Barrett, Bhandari, Boyer-Vine, Crisp, Duran, Garland, Heisinger, Henning, Hon. Herman, Kramer, Langford, Panuco, Hon. Rodriguez, Sierra, Talbert, Townend-Blacknell

Not present: Moody-Villarose, Pierson

Program End Date

It was moved, seconded and duly carried that the Provisional Licensure Program will remain in effect until June 1, 2022, unless the Supreme Court further extends that date.

Moved by Duran, seconded by Kramer.

The motion passed. Roll call vote:

Ayes: Chen, Barrett, Bhandari, Boyer-Vine, Crisp, Duran, Garland, Heisinger, Henning, Hon. Herman, Kramer, Langford, Panuco, Hon. Rodriguez, Sierra, Talbert, Townend-Blacknell

Not present: Moody-Villarose, Pierson