

PROCEDURES GOVERNING INFORMAL CONFERENCES

INTRODUCTION

Pursuant to the provisions of Title 4, Division 1, Chapter 4, of the *Rules of the State Bar of California (Admissions Rules)* (as revised)¹, an applicant who has submitted an Application for Determination of Moral Character may be invited to participate in an informal conference to discuss issues in the applicant's background that call into question whether the applicant is of the good moral character required for admission to practice law in California. (Calif. Bus. & Prof. Code, § 6060(b).) All informal conferences will be governed by the following procedures.

INFORMAL CONFERENCE PROCEDURES

- A. The decision to invite an applicant to participate in an informal conference will be made by the Program Manager, Moral Character Determinations ("Program Manager").
- B. An informal conference will not be scheduled sooner than fourteen (14) days after the invitation to confer has been issued unless the applicant agrees in writing to an earlier conference. The applicant will be requested to confirm in writing that he or she does or does not wish to accept the invitation to confer within seven (7) days of the date the invitation is sent. The invitation will specify a date by which the invitation will be deemed to have been declined if no response has been received. In that event, the conference will be removed from the schedule.
- C. The applicant is not required to accept the invitation to confer, and neither staff nor the Committee will draw any inference from the applicant's decision to not confer.
- D. The primary issues to be discussed during the informal conference will be set forth in the invitation to confer, but the discussion may extend to whether, generally, the applicant is of good moral character as required by Section 6060 of the California Business and Professions Code and Title 4, Division 1, Chapter 4 of the *Admissions Rules* that may arise during the conference.
- E. The informal conference is intended to be informative and neither the applicant nor staff will be bound by strict rules of evidence.

¹ At its regularly scheduled meeting held in May 2019, the Board of Trustees, following a period of public comment, adopted revisions to the Admissions Rules which, among other things, delegated to staff the responsibility for conducting informal conferences and determining whether an applicant retains the requisite good moral character. These revisions further provide that an applicant may request that the Committee conduct an administrative review of an adverse determination made by staff.

- F. The conference will be audio or video recorded, and if the applicant makes a written request within ninety (90) days of the conference, he or she will be provided with a duplicate recording of the conference.
- G. Generally, applicants invited to participate in an informal conference must attend in person. At the discretion of the Program Manager and for demonstrated good cause, an applicant may participate remotely via Skype or by other compatible means.
- H. Staff members allowed to participate at the conference will include the Program Manager, counsel of the Moral Character Determinations unit, supervisors assigned to the Moral Character Determinations unit, and the investigator assigned to the specific matter to be discussed. Unit supervisors may act in the place of the Program Manager if she is unavailable. Investigator participation will be limited to Investigator IIs. Normally, two members will be named to lead the discussion. Generally, no more than four staff members will be designated to represent the State Bar at the conference. Counsel of the Moral Character Determinations unit will attend every informal conference. In the event that counsel of the Moral Character Determinations unit is unavailable to attend an informal conference which cannot be rescheduled, other counsel in Admissions (otherwise referred to in this document as "State Bar counsel") may attend with the approval of the Director, Office of Admissions.
- I. Conferences are confidential and attendance will be limited to the applicant and his or her counsel, staff members of the Moral Character Determinations unit designated to participate, State Bar counsel, and attorneys from the Office of Chief Trial Counsel. State Bar counsel, attorneys from the Office of Chief Trial Counsel, and investigators not designated to participate, may attend and observe the informal conference.
- J. An applicant may attend without counsel. Counsel is permitted to attend as a matter of courtesy; however, counsel is not permitted to participate in the conference. An applicant may confer with his or her counsel at any time, off the record. Only the applicant will provide oral or written statements and may present documentary evidence in support of his or her application. Where counsel fails to abide by this policy, staff may take steps including, but not limited to, requiring counsel to leave the room or by suspending the conference. No person other than applicant's counsel may be present with the applicant at an informal conference.
- K. Conferences will normally last approximately forty-five (45) minutes but are not limited to that time frame.
- L. After having been advised of the scheduled date for his or her informal conference, an applicant may, upon written request, elect to postpone his or her informal conference date, which will be rescheduled at the earliest date possible as determined by the Program Manager. An applicant may request no more than two postponements.

- M. Requests for postponement of informal conferences must be received at least five (5) days before the scheduled conference. If a request for postponement is received less than five (5) days before the scheduled conference or if the applicant has postponed the conference two times, staff may make its moral character determination on the application, supporting materials provided, and information gathered during the investigative process, unless the applicant demonstrates good cause for not having requested the postponement sooner.
- N. Notices of denials of good moral character must be sent to applicants by certified mail with a proof of service.