



The State Bar of California

OPEN SESSION AGENDA ITEM December 2020

DATE: December 29, 2020

TO: Members, Provisional Licensure Working Group

FROM: Donna S. Hershkowitz, Interim Executive Director

SUBJECT: Review of Public Comment to Proposed Rule of Court 9.49.1

EXECUTIVE SUMMARY

Following a 15-day public comment period, the State Bar received 507 public comments. Of those 507, 439 (86.6 percent) indicating agreement with proposed rule 9.49.1, expanding the Provisional Licensure Program (PLP), 21 (4.1 percent) indicated agreement if modified, and 44 (8.8 percent) indicated disagreement with the proposal. Three public commenters indicated no preference. The working group is asked to review the public comment, contained in Attachment A, and determine if modifications to the proposal are warranted in response to the public comment. Staff identified two issues for the working group's consideration, identified in the public comment chart and included in the discussion section below. Staff recommends that the working group approve submitting both Options A and B to the Board of Trustees, as amended, for consideration.

BACKGROUND

On October 22, 2020, the Supreme Court adopted Rule 9.49, establishing a Provisional Licensure Program for 2020 law graduates who met certain eligibility requirements. The Court set the rule's effective date as November 17, 2020.

On November 17, 2020, the State Bar launched the program. As of December 21, 1,066 applications had been received, 564 of which have been approved, and 23 of which have been denied. The remainder are in various states awaiting further inputs. Of those awaiting further information, only 13 are awaiting action by the State Bar, the remaining awaiting input from the applicant.

Before sending its proposed rule 9.49 to the Board of Trustees, the Provisional Licensure Working Group recommended reconvening to consider expansion of the program beyond the parameters identified by the Supreme Court in its July 16, 2020 letter describing the parameters of the program.

On November 20, the Provisional Licensure Working Group recommended sending out for public comment proposed rule 9.49.1 to expand the PLP to individuals who scored 1390 or higher on any bar exam administered between July 2015 and February 2020, and to allow this cohort entry to the State Bar following satisfactory completion of a defined number of hours of supervised legal practice in the PLP. The working group developed two options for the number of required hours of supervised legal practice, with the stated intent of forwarding both to the Board of Trustees and the Supreme Court for consideration.

DISCUSSION

The vast majority of the commenters (86.6 percent) indicated they agreed with the proposal as submitted. The comment chart includes each commenter's verbatim submission, a high level categorization of the issue the comment focused on, and the initial staff response to the comment. Attachment B contains the language of rule 9.49.1 as circulated.

Many commenters who indicated support for the proposal as circulated understandably did not specify a rationale for their support. Where commenters set forth a rationale for their position, staff attempted to capture a high level categorization of the rationale for ease of review by the working group members. Where the comment did not suggest an amendment to the proposal, the initial staff response indicates "No rule change required." Where the comment implies or expressly recommends an amendment to the rule, the initial staff response indicates "No change recommended" or, in a few instances, identifies an amendment to the rule for the working group's consideration.

The working group adopted two versions of the rule, Option A and Option B. The only difference between the options is the number of supervised hours of legal practice required. Option A requires 360 – 480 hours, depending on the exam on which an applicant scored 1390 or higher. Option B increases the hours of supervised legal practice required to 400 – 600 based on the exam for which the score of 1390 or higher was achieved. The working group discussed submitted both options to the Board of Trustees, and ultimately the Supreme Court, for their consideration. Some commenters nonetheless expressed a preference as between Option A and Option B, with those commenters largely stating a preference for Option A (79 favoring Option A, 1 favoring Option B). Some commenters specifically noted that they were not weighing in on the wisdom of any particular option (e.g., California Lawyers Association and the Legal Aid Association of California). Most commenters did not reflect a preference for one option over the other.

POSSIBLE AMENDMENTS

In large part, the theme of comments were issues that had been the subject of prior discussions by the working group, such as whether there should be a supervision requirement and if so how many hours. Staff recommended no change to the rule based on such comments, having felt the working group considered such issues thoroughly already.

Staff, however, identified two issues in the public comment that the working group may wish to explore.

First, one commenter questioned the requirement of Rule 9.49.1 (j)(2)(C) that the supervising lawyer's evaluation must state whether he or she believes the PLL possesses the minimum competence to practice law without supervision. The commenter noted that the correct evaluation is whether the PLL possesses the minimum competence of an entry level attorney. Among other points, the commenter notes: "[t]raditionally admitted entry-level attorneys usually need at least some amount of supervision in their first year, even after having demonstrated minimum competence by passing the bar examination. In other words, the need for some amount of supervision is not usually regarded as the measure of an attorney's competence or lack thereof. Supervision is a normal part of an entry-level attorney's training."

Staff believes the commenter makes an important distinction worthy of the Working Group's consideration. If the working group agrees, a conforming amendment would need to be made to Rule 9.49.1(j)(3). (Attachment C shows these amendments.)

Two commenters raised questions whether the rule would recognize work in a court under the supervision of a judicial officer, such as in a clerkship. This issue is not limited to the expanded PLP, but rather to the program as whole. Rule 9.49 (i) provides that a participant in the PLP must be employed by or volunteering with, or have a conditional offer of employment from or to volunteer with, a "firm" that has an office located in California. "Firm" is defined to include a governmental organization, which would include a court. However the language of who is eligible to serve as a supervisor does not, as written, cover judicial officers. Staff therefore proposes to amend Rule 9.49(i) to specify that, "(1) To meet the requirements of this rule, a Supervising Lawyer must: . . . (B) Have practiced law for at least four years in any United States jurisdiction and have actively practiced law in California or taught law at a California Law School for at least two years immediately preceding the time of supervision, and be a licensee in good standing of the State Bar of California; **or be a current judge of a court of record in the California judicial branch.**" (Rule 9.49 as proposed to be amended is set forth as Attachment D.)

EFFECTIVE DATE

If approved at this working group meeting, the proposed rule will be considered by the Board Executive Committee on behalf of the full Board of Trustees, on January 8, 2021. If approved by the Board Executive Committee, it will be submitted to the Supreme Court for consideration. Supreme Court consideration of the proposal would take place mid-late January. Based on this timeline, and the fact that adoption of this expanded program will require some reprogramming of the newly developed system, revision to forms, staff training

and the like, staff estimates that the State Bar would be able to successfully open the expanded program on March 1.

FISCAL/PERSONNEL IMPACT

Expansion of the program could result in more than 2,000 additional individuals eligible for the PLP. In addition, it is believed that as many as 750 will need to submit a moral character application, either because no application had been previously submitted or because a prior determination has since expired. This will impact staff resources.

AMENDMENTS TO RULES OF THE STATE BAR

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & OBJECTIVES

Goal: None

RECOMMENDATIONS

Should the Provisional Licensure Working Group concur in the proposed action, passage of the following resolution is recommended:

RESOLVED, that the Provisional Licensure Working Group recommends submitting to the Board Executive Committee for consideration, under its delegated of authority to act on behalf of the Board of Trustees, amended rule 9.49.1 of the California Rules of Court, as set forth in Attachment B, containing both Options A and B; and it is

FURTHER RESOLVED, that the Provisional Licensure Working Group recommends submitting to the Board Executive Committee for consideration, under its delegated authority to act on behalf of the Board of Trustees for consideration, amended rule 9.49 of the California Rules of Court; and it is

FURTHER RESOLVED, that the Provisional Licensure Working Group recommends that the amended rules, if approved and adopted by the Board Executive Committee and the Supreme Court, be effective March 1, 2021.

Name	Agree / Disagree with Propsed Rule	Brief Description of Topic Raised	Comments	Staff Suggested Response
Alice Hodsden	AGREE ONLY if Modified	Attorney Applicants	Hello, I would really like to see that attorney applicants are included in this program. Attorney applicants who are employed in California are in exactly the same situation as recent law school graduates, but are not currently able to participate in this program. As a result, attorney applicants, like myself, are facing a tremendous hardship because they are facing delays in being able to start practicing. Additionally, attorney applicants are less of a risk than recent law school graduates as they have been practicing! Please consider including attorney applicants who have taken the October bar exam in this program. Thank you!	No change recommended. Attorney applicants are treated similarly to all other applicants under this proposal.
Brandi Becker Jones	DISAGREE	Attorney Applicants	I believe it's completely unfair to the attorney applicants who have already demonstrated competency in their field. Many of us have taken positions or relocated to California based on the Summer administration of the exam and now we are being completely excluded from any accommodations	No change recommended. Attorney applicants are treated similarly to all other applicants in this proposal.
Kim Blackburn Bowen	AGREE ONLY if Modified	Attorney Applicants	The CA Bar IGNORES ATTORNEY APPLICANTS. We were told by the CA Bar that all rules would address all applicants. NOT ONE SINGLE MODIFICATION OR RULE addressed ATTORNEY APPLICANTS. Why are we not granted Provisional Licensure based upon hrs worked. We took the MBE and we are your colleagues. Certainly, we are more qualified and suited to practice law with Provisional Licensure than a new bar student with a failing pass rate. We have more than 5 years experience, passed the MBE and are a member in good standing. Why as CA Bar and the Supreme Court not even addressed Attorney Applicants!!!!	No change recommended. Attorney applicants are treated similarly to all other applicants under this proposal.
Kshama Shashidhar	AGREE	Attorney Applicants	I agree with the proposed rule but I also feel that this proposed rule does not give any relief to people who are already licensed in another state or country and can provide a good BAR standing certificate . I would recommend that at least the FEB 2020 graduates who have scored above 1390 and are licensed in naother state or country can get admitted without having to undergo the supervision hours. During Covid times it will be difficult to find placements and also earlier they are admitted earlier they can start practicing and help a lot of affected people in california .	No change recommended. Attorney applicants are treated similarly to all other applicants in this proposal.
Matthew Berg	AGREE ONLY if Modified	Attorney Applicants	I propose a modification to the Rule with respect to out of state licensed attorneys who scored above 1390 on the bar exam (including the Attorney's Examination) between July 2015 and February 2020, and have been legally practicing law under the MJP program within California (e.g., registered inhouse counsel). For such individuals, the hours requirement for supervised legal practice should be waived as such individuals have been practicing law in the interim, albeit on a more limited basis and have the requisite experience to be granted full membership to the California State Bar.	No change recommended. Attorney applicants are treated similarly to all other applicants in this proposal.
Julian Sarkar	AGREE	Competence /Diversity of legal profession	Please see attached	No rule change required.
magdy ghabrial	AGREE	Bar exam scores	Scores are widely varied by different graders. Observing the scores of different applicants (of family members and off spring of friends) who had exam scores less than 72 points away from the 1440 passing score, i.e. had 1368 score, had passed the subsequent exam. Using small sample statistics & Monte Carlo method, I found that an applicant with 72 points deviation from the 1440 passing grade yields a coefficient of variance of 0.05 (fare less than 1). The corresponding standard deviation is extremely low. Hence, applicants with 72 points deviation from the 1440 passing grade, have 97% probability of passing the subsequent exam, with 99% confidence.	No rule change required.
Anonymous	AGREE	Competence	This rule would be of immense help to those who would have passed had the score been lowered even just 7 months earlier. Moreover, with the requirements for supervised practice, these applicants should conceivably be even better prepared than those who simply passed the bar and began practice, especially those who pass with the 1390+ score in October 2020. Therefore, I don't believe this would harm the public and, consequently, I wholeheartedly support it.	No rule change required.
Chris Vivian	AGREE	Competence	Dear CASC and Board of Trustees, Please be assured that anyone who scored a 1390 or better in the past five years has earned the minimum competency to practice law as evidenced by the low numbers and these scores are but one subjective read away from a pass. Further, with the required hours, either option is fine, The required supervised hours would further protect the public from incompetency because the provisionally licensed attorneys must perform attorney duties, be of good conduct, and pass a moral character assessment or be dropped from the program. This is more vetting that a mere pass on the bar exam, which is a good thing. Lastly, thank you for creating a pathway to licensure without taking the bar exam again. With the fires, pandemic, economic issues, and more, this has been a difficult time for all and your fair and compassionate enactment of this licensure program is greatly appreciated. I am very grateful. Thank you, Chris V.	No rule change required.
Cliff Berg	AGREE	Competence	As a Member of the State Bar support the proposal and would lower the score required. Frankly, the pathetic bar passage rate from the State Bar exam needs to be fixed long term. The argument that the exam has anything to do with determine whether a graduate is qualified to practice law is absurd and any honest bar member knows it. Law school creates a basis and framework and then you go out and learn on the job. Law school never qualified you to practice day to day, working with clients, court clerks, the day to day work is always learned on the job that is why doctors have residencies. The exam only tests the ability to take multiple choice tests and nothing more. It is an artificial barrier and has been used as a restraint of trade. Time to let people do what they were trained to do, after four years of college and three of law school the exam should not be used to deny these students the ability to practice. Californians need access to their legal rights, to a lower. Students are paying hundreds of thousands of dollars for tuition and dedicating three or four years to the law, incurring mounds of student debt only to be denied the right to practice by artificial barrier. When you compare Californias unacceptable cut rate with other states there is something seriously wrong and this proposal is a positive first step. Urge support, Cliff Berg CA State bar Member since 1979.	No rule change required.

Hagir Nahorai	AGREE	Competence	<p>I believe the recently updated pass score of 1390 (and provisionally licensing 2015-2020 exam takers scoring 1390 or higher) will and does reflect the needed knowledge necessary to provide much needed law related services to the underserved population especially during the pandemic and the aftermath of which certainly will be helpful.</p> <p>By instituting the required supervised hours with an attorney (option A or option B) prior to admission to the State Bar, the public and the court can be certain that this individual will be as qualified as any 2020 Bar Exam passer getting the same passing score, if not more qualified. The training one receives by working directly with an attorney and seeing their rapport with clients, re-emphasizes the moral and ethical obligations directly in his or her chosen field, which is a skill too many fail to acquire.</p> <p>I agree to the proposed Rule above and look forward to continuing public service as a proud attorney in the State of California.</p>	No rule change required.
Hector alcala	AGREE	Competence	Excellent proposal . Will make the best lawyers.	No rule change required.
Jordan Turner	AGREE	Competence	As a licensed attorney in California since 2017, I recognize the importance of the Bar Exam as a barometer for entrance into the legal profession. Nevertheless, I think it has been proved time and again that the arbitrary nature of California's cut score makes it an unreasonable and unfair barrier of entry. Thus, especially in light of the the unique circumstances surrounding the COVID-19 pandemic, I comment in support of the proposed rule.	No rule change required.
Lesli Gutierrez	AGREE	Competence	As a business owner, I would higher a firm that uses someone that meets these requirements. To me, they have proven their ability to be an attorney. It's silly to not allow them to be an attorney now.	No rule change required.
Lovandieu Laurore	AGREE	Competence	I believe this is a great idea. If a state bar taker obtained 1390 or higher on the exam, that person can competently practice law after being supervised by a licensed attorney. I strongly recommend the approval of this program.	No rule change required.
Michael Hopkins	AGREE	Competence	I think this is a good first step, but the State Bar and the California Supreme Court need to do much more to reform the current bar exam and must reconsider the structure of our legal education in this great state. I understand there are many vested interest in the current system but ultimately these are the interest that matters. The State Bar can ensure competency while expanding access to a legal education which will increase access for the public to much needed legal services.	No rule change required.
Patrick miller	AGREE	Competence	Absolutely think it should be adjusted. I know many law school graduates FARRRRR more capable than a great number of practicing attorneys whom just missed the existing pass score. This change is long overdue!	No rule change required.
Anonymous	AGREE	Competence	<p>I am in full support of the proposed rule to expand the provisional licensure program to those who have passed with a score of 1390 or above from 2015 -2020. These persons have exhibited competence in the legal field and should be allowed to complete the proposed hours without further examination. I believe the hours chosen should be majority rule. This matter should be taken up as soon as possible. The economic crisis during this pandemic has left many without any means and the need for legal representation is dire. Time is of the essence and these individuals should be able to apply for and begin their hours sooner than later.</p> <p>Thank you.</p>	No rule change required.
Justin Berg	AGREE	Competence / Retroactivity	The State Bar changed the exam significantly changing it from a three day test to a two day test and increasing the weight of the multiple choice component significantly. They have continued to administer it in this way with seemingly no internal analysis about the implications despite record lows in passage rates and have made no changes to make the test more fair and reasonable. There are serious doubts as to the fairness of the test, especially under the timing conditions and the state bar's new attempt to turn the performance test from two three hour tasks to a 1.5 hour task. It is clear that the two day test has completely changed the standard for admission to the bar. This affects many people's lives and their livelihood. California's bar has always been known to be notoriously difficult and making the change to two days without any sort of independent investigation or consideration into that effect has made it even more difficult for people who, as attorneys, will be solving legal problems with respect to a writing component rather than 1 minute and 50 second multiple choice legal analysis questions. It has become essentially a reading comprehension test rather than a proper assessment of knowledge of the law and legal analysis. There should be serious doubts about the fairness of the test that has been administered since 2015 and the state bar has done absolutely nothing to address this and only lowered the score when the Supreme Court forced them to. All people who have been taking the exam, not just 2020 graduates are dealing with the same issues and struggles. I myself have taken the bar 6 times, all two day tests and Covid and this pandemic has affected me just as much as law school graduates who are already being given provisional licenses. Denying me the same opportunities is unjust and would be in my opinion negligent. I myself just recovered from severe Covid, financial struggles, and the delay of the July Bar exam has delayed every aspect of my professional career and life. The state bar needs to take a hard look at the implications of the two day test vs the three day test and lowering the score retroactively makes a lot of sense logically and in line with what is just and fair. 2020 graduates if anything had an advantage because they had more time coming out of law school to take the exam, people who have been through the cycle of intensely preparing for the exam, waiting on results and trying to find work while waiting, eventually learning that you did not pass, and then having limited time to prepare for the next offered exam is a disadvantage to those individuals. Regardless of what the state bar decides with regards to this issue, a thorough investigation needs to take place to ensure that the test that is being given (two day test) is fair and appropriate for determining the competence of attorneys. Lastly, if people who score above 1390 on the October exam are deemed competent then anyone who scores over 1390 in the last few years is also competent. Competency and the profession of law is a practice, and the learning and development of skills and strategies takes place throughout their career with regular requirements to stay updated on the ever changing law. This barrier needs to be addressed as planned because the real evidence of competency is a product of the rigorous and importance of successfully completing law school and the ethics exam. Please consider all of this in your decision. Thank you very much for your time in reading this. Take care and be well.	No rule change required.
Anonymous	AGREE	Count prior supervised hours	I agree with the proposed rule. In addition, please give credit for supervised hours already completed under a CA supervisor, if those hours involved substantive legal work of the kind that an attorney -- or more specifically the CA supervisor -- would typically do. The CA supervisor would still need to declare under penalty of perjury that 1) substantive legal work that constitutes practice of law has been completed and 2) the person is deemed minimally competent based on that substantive legal work. This recommendation is not only reasonable because it ensures competency through the declaration under penalty of perjury, but also ensures fairness to those who have kept their legal knowledge in a desired practice area current by way of such work, while not creating any additional burden on the State Bar of CA. Thank you, and wishing you safe and happy holidays.	No change recommended. The hours of supervision should be acquired under the auspices of the PLP, and not based on work conducted previously, which may or may not be the same level of work that one can perform in the PLP program.
Anonymous	AGREE	Count prior supervised hours	Please allow a retroactive application of hours completed under supervision. This would not result in retroactivity of bar exam scores, which was rejected by the Supreme Court, because the supervisor's declaration of minimum competence is also a requirement. Please ensure fairness to those who scored over 1390 very recently, including those who received this score this very year (2020), and have completed supervised hours of legal work since then, as they have exhibited minimum competence not once but twice by both scoring above 1390 and completing supervised hours. The court's concern of requiring hours to cover up for fading of knowledge from an exam taken a long time ago would not apply to this cohort because not only are their scores fresh, being from this year, but also they have completed legal work under supervision. Thank you.	No change recommended. The hours of supervision should be acquired under the auspices of the PLP, and not based on work conducted previously, which may or may not be the same level of work that one can perform in the PLP program.
Anonymous	AGREE	Count prior supervised hours	My community and I appreciate, and fully support, the proposal with the two options—Option A and Option B—to be recommended to the court. But for purposes of accounting for supervised hours under these two options, please consider giving credit for hours of legal practice already completed under supervision since getting the score over 1390, as doing so will ensure fairness while not imposing any burden on the court or the state bar.	No rule change required.

Anonymous	AGREE	Count prior supervised hours	<p>I support the proposed pathway, based on supervised hours, to permanent licensure. In the Working Group meetings, the requirement of supervised hours in a tiered structure was recommended to ensure that those who took the test in the past have their legal knowledge up to date, and the requirement of at least 360 hours was recommended to ensure that a supervisor has enough time to determine that the provisionally licensed lawyer (PLL) is minimally competent to practice law. I agree with these rationales.</p> <p>However, I have a unique situation, which I respectfully request you to consider. I am a registered patent agent, authorized to practice patent law in front of the U.S. Patent and Trademark Office (USPTO). In this capacity, I have been practicing patent law under the supervision of attorneys licensed in California, doing exactly the same practice of patent law that I would do as a PLL or a permanent member of the State Bar. I respectfully request that you consider allowing the supervised hours to be counted retroactively for an individual if that individual (1) has been authorized (e.g., by way of registration with a federal agency such as the USPTO, or licensure in another state) to practice law, (2) has been practicing either Federal or California law under the supervision of an attorney licensed in California, if that work is identical to that a PLL or an attorney could do, and (3) has completed the required number of hours since receiving a 1390+ score. Because the California Supervisor under whom the required number of hours have been completed would still need to attest to the number of hours completed as well as the legal competence of the individual, permitting retroactive counting of hours would satisfy the rationales for requiring supervised hours.</p> <p>In addition to satisfying the rationales for having supervised hours, allowing retroactive counting of hours for such special case has many other benefits. For example, first, it eases the burden on at least such few individuals, as they can become attorneys in California sooner rather than later, and thus care for their families better. Second, allowing such individuals to become attorneys in California sooner could allow a quicker access to justice for more Californians, which is much needed in the current times of an economically devastating pandemic. Third, retroactive counting of hours in these special situations would ensure fairness by allowing someone to get credit for the same work that person may do as a PLL.</p> <p>In view of the points noted above, I respectfully request you to allow supervised hours to be counted retroactively for individuals such as those noted above. Thank you for your time and consideration.</p>	No change recommended.
John W. Crittenden	AGREE ONLY if Modified	Count prior supervised hours	Please see attached.	No change recommended. The hours of supervision should be acquired under the auspices of the PLP, and not based on work conducted previously, which may or may not be the same level of work that one can performed in the PLP program.
Manuel Parra	AGREE	Count prior supervised hours	I would just like to be allowed to use hours already done under the supervision of an attorney after having taken the Bar Exam once I am able to identify what is considered legal work. I have done almost everything minus give actual legal advice or go to court hearings. Hopefully I can provide proof of this work and after a Letter from my Supervising Attorney to ratify this I can be admitted to the State Bar (upon completion of all other pre-requisites)	No change recommended. The hours of supervision should be acquired under the auspices of the PLP, and not based on work conducted previously, which may or may not be the same level of work that one can performed in the PLP program.
Manuel Parra	AGREE	Count prior supervised hours	Will the State Bar accept hours under the Supervision of the Supervisor Attorney that have already been completed once "legal work" is defined? I have been working at mid-sized firm under the supervision of a partner since April 20, 2020 and would like to use all the hours I have done to complete this program (after applying and ensuring I am accepted of course).	No change recommended. The hours of supervision should be acquired under the auspices of the PLP, and not based on work conducted previously, which may or may not be the same level of work that one can performed in the PLP program.
Alicia Newman	AGREE	Count prior supervised hours	<p>I am in favor of the Provisional License for people who scored 1390 or higher on the California Bar Examination administered between July 2017 and February 2020, and I strongly believe that it should be granted to these applicants with no additional requirements.</p> <p>As an example, I scored 1421 on the July 2019 examination and I have been working as a paralegal for over two years now at a law firm under the direct supervision of many attorneys, and find it grossly unjust to require people like me to work another 360 hours of supervised legal practice. My superiors have offered me the position of attorney once I pass the Bar and having to take the exam once again is an unnecessary hindrance to my legal career. Within the past two years, I have already worked more than 4,160 hours, and so to ask me to complete another 360 hours is simply unfair, and serves no reasonable, objective purpose. Therefore, I urge the PL working group/ State Bar Board of Trustees to reconsider the additional supervised hours required for candidates like myself, who have already met those working hours. Thank you!</p>	No change recommended. The hours of supervision should be acquired under the auspices of the PLP, and not based on work conducted previously, which may or may not be the same level of work that one can performed in the PLP program.
Everett J. McLean II	AGREE	Count prior supervised hours / Option A	<p>My name is Everett McLean and I am a 2019 law school graduate and have been employed as a post-grad law clerk at a California based law firm since I graduated. I have previously scored above a 1390 on a California Bar Examination and, pursuant to Proposed Rule 9.49.1, would be eligible for admission to the State Bar upon completion of the required hours of supervision. I am in full support of Proposed Rule 9.49.1.</p> <p>As a post-grad law clerk, I have worked both part-time and full-time for the past 15 months and have worked more than 5 times the supervised hours requirements of both options. All facets of my legal work have been meticulously documented and directly supervised by my supervising attorney to further ensure compliance with CRPC 5.1. Certainly, there are many individuals who are in the same position as me and are competent to practice law. Therefore, I believe the supervised hours requirement should permit demonstration of satisfaction retroactively. In the alternative, I believe Proposed Rule 9.49.1 should include the option with the least amount of required supervised hours.</p> <p>Proposed Rule 9.49.1 will serve as an alternative pathway to licensure without retaking the California Bar Examination. Given that the upcoming deadline to apply to the February 2021 California Bar Examination is January 4, 2021, I highly encourage that upon conclusion of the public comment period, Proposed Rule 9.49.1 be navigated through the proper channels with the upmost urgency so that those affected can determine whether they need to apply or withdraw from the February 2021 California Bar Examination. Thank you for your time and consideration and I hope you have a wonderful holiday season during these unprecedented times.</p>	No rule change required.
Ivana Torres	AGREE ONLY if Modified	Count prior supervised hours / Remote supervision	<p>I believe this rule is a good middle ground for past examinees like myself who would have passed in previous years under the new cut score. I received 1430 in February 2020, thus under the new cut score I would have passed this exam without any issues or re-reads.</p> <p>I do believe the rule should include/consider the following and question whether the rule permit the following due to the pandemic:</p> <p>(i) supervising attorney: can be defined as in-person or remote supervisor</p> <p>(ii) that hours may be applicable retroactively since taking or after the most recent California exam</p>	No change recommended. Rule 9.49 adequately addresses qualifications for a supervisor. The hours of supervision should be acquired under the auspices of the PLP, and not based on work conducted previously, which may or may not be the same level of work that one can performed in the PLP program.

Naomi Butler	AGREE	Count prior supervised hours / Re-score prior bar exam	<p>I think it is a good idea but it leaves out those who would have qualified for a regrade under the 1390 score such as myself who in February 2020 got a score of 1386.9. Surely with the new score I would have had a re-read of my essays.</p> <p>Also I think provisional licensing should be offered to graduates of all of 2019... not just December grads. I have never taken a “normal” bar exam. My first was where some people got the essays topics and others didn’t. My second and third were in the precipice of a global pandemic.</p> <p>Finally, in regards to provisional licensing hours, people should be allowed to use hours that they previously earned while under a supervising attorney if the attorney that supervised them is willing to sign off on their competence.</p>	No change recommended.
Tasha	AGREE ONLY if Modified	Count prior supervised hours / supervision by a judicial officer	<p>It should be clarified what is meant by "supervised legal practice." Those who have worked as judicial law clerks - although not under the supervision by a licensed attorney, but a judge or career law clerk - attain as much if not more training and knowledge as those those who work under the supervision of a licensed attorney at a traditional law firm. Therefore, the experience of judicial law clerks should be counted towards supervised hours. Certified law clerks, who work during law school, also attain quality training and experience, and their experience should also be counted towards the supervised hours.</p> <p>These additional questions should be clarified:</p> <p>(1)Whether externship or internship experience will be count towards the supervised hours.</p> <p>(2) Whether past supervised experience counts or whether it is only present and future supervised experience.</p> <p>(3) Whether those who took the bar exam again despite receiving the 1390 score on a past bar exam will receive a refund.</p>	<p>The Working Group may wish to consider amending subdivision (l) of Rule 9.49 to specify that, "(l) To meet the requirements of this rule, a Supervising Lawyer must: . . . (B) Have practiced law for at least four years in any United States jurisdiction and have actively practiced law in California or taught law at a California Law School for at least two years immediately preceding the time of supervision, and be a licensee in good standing of the State Bar of California; <u>or</u> be a current judge of a court of record in the California judicial branch;"</p>
Annette Sanders	AGREE	Diversity of legal profession / reciprocity / Extend PLP to pre-July 2015 test takers	<p>I support the proposal that provides an alternative path to licensure, because history has shown some testing processes systemically eliminate minorities. However, I think the path should not simply be limited to the years 2015-2020.</p> <p>Additionally, I think there should be a proposal to include licensing via reciprocity. Reciprocity is a system of licensing that has been used by many other states for many years.</p>	No change recommended.
Alina Dermendjian, Esq.	AGREE	Diversity of legal profession / supervision	<p>As a practicing attorney in the state of California, I support the proposed Rule as I genuinely believe it will allow for additional diversity in our Bar and not to mention, grant provisional licensure to those that have established competence under the current standards. I really like the implementation of mandatory supervised hours, it is difficult enough going into practice straight out of law school and in my experience many firms just kind of throw you out there in the legal world with little to no guidance.</p> <p>All in all, I supposed the proposed rule.</p>	No rule change required.
Dianne Jackson McLean	AGREE	Diversity of legal profession	<p>I strongly support the adoption of the Proposed Rule 9.49.1 (the "Proposed Rule") to the California Rules of Court because it will ensure that many worthy individual who are deemed competent will become attorneys. It will also lead to more diversity in the legal profession. The California Supreme Court has determined that 1390 is a passing score for the California Bar Examination. One of the primary reasons for the Bar exam is to ensure that only qualified individuals are permitted to become attorneys, and to be protect the public from individuals who are not qualified. The Proposed Rule meets both of these criteria and therefore individuals who have achieved the passing score within the time period provided in the Proposed Rule should be provided a pathway to become attorneys. I was surprised that the California Supreme Court did not apply the passing score retroactively, especially to the February 2021 Bar Exam. It is important that the legal profession in California reflect the diversity and demographics of the state. The Proposed Rule will provide a means for more people of color and individuals of diverse background to be admitted to the Bar. I strongly encourage the Board of Trustee to recommend to the California Supreme Court the adoption of the Proposed Rule.</p>	No rule change required.
Ileana S. Silver	AGREE	Diversity of legal profession	<p>I agree with the proposed Rule because I know this will be a great benefit for the minority community. In the study entitled "Examining the California Cut Score: An Empirical Analysis of Minimum Competency, Public Protection, Disparate Impact, and National Standards" researched and written by Mitchel L. Winick, Victor D. Quintanilla, Sam Erman, Christina Chong-Nakatsuchi, and Michael Frisby, based on the initial 2017 cut score proposal, found that "[a]t 1390, California's recently reduced cut score, the number of examinees eventually passing the California Bar Exam would have increased by 3,760 examinees; of these, 1,675 would have been attorneys of color. I would have been one of the 1,675 attorneys of color that would have benefited greatly from the cut score.</p> <p>I have been taking the California Bar Exam since July 2013, it was not until after my third attempt that I began to score in the mid to high 1300's. In fact, in July 2017 when the cut score was initially considered, I scored a 1399. Yet, despite the Board's "...conclusion[] of its study that “while 1439 is the best estimate of the ‘true’ cut score . . . one could select a value anywhere within the range from 1388 to 1504 and still have 95- percent confidence that the ‘true’ cut score is within this range." The application of 1390, and its retroactivity, was denied.</p> <p>The Committee continues to rely on the ongoing pandemic as it's reasoning for lowering the cut score to the once initially considered 1390. Yet, aside from the tragedy of the pandemic, nothing has changed with the exam. Test takers in 2017 were still failing at an alarming rate, jobs were still lost, and student loans were still due. The "unprecedented" impact on professional licensure is not the result of the ever growing pandemic; it was the 1440 cut score.</p> <p>It is time to accept the racial disparity that results from the California State Bar Exam and standardized testing. Minimum competence does not come from taking an exam, instead it comes from real-world practice and experience. It's time to let minorities take part in making a change within the legal community.</p> <p>Again, I agree with the proposed rule. Eligible applicants will not be the only to benefit, and succeed, from the required supervised hours prior to full licensure; it will also be the clients, when they receive representation from an attorney with experience. Attending law school and preparing for the bar exam do not equate to the ability of practicing law. Having worked as a paralegal for the past 5 years, I have personally seen the difficulty first-time bar exam passers have in applying concepts of law that has been engrained into their memory and knowing how to confidently apply the rule of law to real life situations.</p> <p>Finally, regardless of Option A or Option B, having obtained a score of 1399 in both July 2017 and February 2020 administrations, I welcome the privilege that comes with becoming a practicing attorney.</p> <p>Thank you for your time and consideration regarding this very important matter.</p>	No rule change required.
Kym Taborn	AGREE	Diversity of the legal profession	<p>I think this is an excellent proposal. It will allow for a more diverse pool of potential attorneys the State of California.</p>	No rule change required.
Justin N. Greene	DISAGREE	Do not expand the program	<p>Disagree with any retroactivity. This proposal creates a precedent for a dangerous slippery slope regarding admittance to the bar.</p>	No change recommended.
Michael Elam	DISAGREE	Do not expand the program	<p>I graduated from Loyola Law School in Los Angeles in 1991, passed the bar on my first try and was sworn in in December 1991. Is California that desperate for attorney's that not only has the passing score now been lowered and now this??</p>	No change recommended.
James J Salmons	DISAGREE	Do not expand the program / lower quality of lawyers	<p>The bastardization of the legal profession cannot be allowed to persist. Reducing the Bar pass score to 1390 is more than sufficient to reach the desired goals of the score reduction as proponents claimed - that is, to increase the availability of professional legal services to the indigent. This claim has not yet been tested, thus, to further increase the pool of "qualified" attorneys through this measure is premature. The existing 1390 pass score and provisional licensure program should remain unchanged until quantifiable data is provided by proponents of the score decrease can show that reducing the score has increased representation of under-served communities.</p>	No change recommended.

Anonymous	DISAGREE	Do not expand the program / Unfair to prior test takers & lawyers	<p>Why stop with the test takers of the July 2015? Why not go back to 2014, 2010, 2000?</p> <p>I get the provisional license for the 2020 graduates and those after 2020 due to the current pandemic. But this is where this was wrong. It should've been for test takers of the 2020 exams, not just the graduates. What makes a 2019 graduate less deserving of the provisional license than the 2020 graduate? What about the 2015 who will likely have more experience in the legal field than a 2020 graduate.</p> <p>Whit that said, I don't get why go back to the 2015 test takers, and why specifically 2015. Other than the exam being historically tougher for those whose native language is not English, I don't know what happened between 2015 and now that would require this type of consideration.</p> <p>In the spirit of helping those with scores 1390 or higher, this rule would be unfair to those who took the exam multiple times and passed. They spent money preparing for those exams, they lost salaries preparing for those exams. What about those who left to other jurisdictions to take exams in other states, what about those that changed progressions altogether?</p> <p>Again, I think the provisional license should've been for the 2020 (and going forward) test takers who don't pass, not just the graduates. That shows at least someone is trying to pass the exam, and it applies to those affected in taking the exam because of the pandemic.</p>	No change recommended.
Anonymous	AGREE	Eliminate Bar Exam	I think this should be the pathway to licensure for ALL.	No change recommended.
lizalou bosman-butler	AGREE ONLY if Modified	Eliminate Bar Exam	Apply this legal practice to all JD's who graduated law school in lieu of bar exam. Make this an apprenticeship to all JD's.	No change recommended. This goes beyond the scope of the proposal.
Anna Han, on behalf of Santa Clara School of Law	AGREE	Public Protection / Supervision / Fairness	Please see attached Given the recent cut in score, this is an equitable change that will allow similarly qualified people to practice law.	No rule change required.
Anonymous	AGREE ONLY if Modified	Extend PLP to pre-July 2015 Bar Takers	This should be modified to anyone that has achieved a score of 1390 in the past 10 (ten) years. I graduated from law school in 2011 and I took California bar many times with my highest score being a 1395 in Feb 2014. I have since gone on to pass the bar in another state in 2019 but I would love to be able to remain and practice in California without having to wait another couple of years to take the attorney examine just to hope I pass that when I would have clearly qualified for the provisional program if I had taken the exam just 6 months later. If you are going to allow for this 1390 score provisional standard I just ask that it be extended 10 years back to help us that have been left behind by the unduly high score required for California.	No change recommended. The Working Group carefully considered how far back to extend the PLP.
Meda Christelle	AGREE ONLY if Modified	Extend PLP to pre-July 2015 Bar Takers	I agree with whatever hours conditions you want to put in however I don't understand why limiting it to the administration from July 2015 the earlier why not ask for more hours of those that had a 1390 score or more before July 2015. I had the required score in July 2014 and I took the same three days exam than those up to July 2017.	No change recommended. The Working Group carefully considered how far back to extend the PLP.
Mo Bey	AGREE ONLY if Modified	Extend PLP to pre-July 2015 Bar Takers	I agree and this program should be retroactive at least 10 years to include those who have scored at 1390 or above in the past ten (10) years.	No change recommended. The Working Group carefully considered how far back to extend the PLP.
Yau Lee	AGREE ONLY if Modified	Extend PLP to pre-July 2015 Bar Takers	I graduated from law school in July 2013. In Feb. 2014, I took the bar and scored 1423.9715. I have been working in the legal field since I graduated from law school. I worked for the San Francisco Superior Court as a paralegal for 2 years and now working as a senior paralegal at a private law firm since 2016. I am a well qualified individual to be a licensed attorney, especially with my years of experience since law school. The proposed Rule, if approved, does not apply to me because it was pre-July 2015. To be fair for a lot of us who scored higher than 1390 in the past and did not give up in the legal profession but continued to contribute to this profession, I suggest the proposed Rule to include those who took the bar pre- July 2015 and can demonstrate we are still currently working in the legal field. I am certain this group is more qualified than those who scored above 1390 but did not continue to work in the legal field and moved on to another profession. I am seeking the committee for consideration of legal professional like me. I registered for the Feb. 2021 bar and will be studying while working full time at a law firm. Thank you for your time and consideration. Yau.	No change recommended. The Working Group carefully considered how far back to extend the PLP.
Danielle Roberts	AGREE ONLY if Modified	Extend PLP to pre-July 2015 Bar Takers / Retroactivity	I believe anyone who has taken the bar exam in the past 10 years and scored with a 1390 should be admitted to the bar after completing the required hours. If someone has scored a 1390 in the past 5 years then they should be admitted without doing any required hours. The bar exam does not test minimum competency and it does not protect the public. The bar exam was the same exam in 2014 as 2015. Why exclude 2014, 2013?	No change recommended. The Working Group carefully considered how far back to extend the PLP.
Daniel Sharma	AGREE	Extend PLP to pre-July 2015 test takers	Allow for ALL law school graduates to participate in provisional licensing program	No change recommended.
Amy Hendel	AGREE	Fairness	Please see attached	No rule change required.
Ani nalbandian	AGREE	Fairness	Candidates who have been repeatedly failing and re- taking the California bar examination from July 2017 through February 2020, such as myself, demonstrate perseverance and dedication. It is extremely difficult to keep going, considering the hardships, but we have. According to the new Supreme Court approved score, those of us who have been able to receive a score of 1390 and above are competent enough to practice law in California and should be rewarded accordingly. I believe passing this proposed rule is the only morally sound and fair resolution.	No rule change required.
Anonymous	AGREE	Fairness	A necessary and fair rule! AGREE	No rule change required.
Anonymous	AGREE	Fairness	I very much appreciate the fact that you have drafted this proposal, which I fully support. It is the fairest thing to do.	No rule change required.
Caitlyn Dillon	AGREE	Fairness	I agree with the proposed rule because, if the total score required to become a licensed attorney in California is being changed, it should be retroactive to those students who would have passed under the proposed rule taking the same exam previously. Making those students take the bar exam again after changing the required score is unfair because not only have they already reached that threshold, but they would be forced to study and take the bar exam again, while others who reach that score could begin working in the field.	No rule change required.
Cruz Zavala-Garcia	AGREE	Fairness	I agree with the new proposed rule. As we face unprecedented times, the new proposed rule will benefit a large percentage of people. First, the new proposition is consistent with the already implemented provisional licensing rule. Second, with economical hardships would be alleviated. One consequence that many don't realize is that those who scored a 1390 or above before the new pass rate lose job positions and are limited with job opportunities. As a result, the proposed rule will allow many individuals to competently practice and address economic uncertainties.	No rule change required.
Daniel Hunt	AGREE	Fairness	If it is good enough now, it is good enough then. Common sense.	No rule change required.
Daniel Soo	AGREE	Fairness	<p>The current proposed measures in their entirety, although not parallel to the original hope of many applicants having received above a 1390 within the last five years was for retroactivity, would allow many of us to enter the professional work environment sooner than later continent on how long it takes to prepare for the bar exam, the fact that the bar exam is offered twice a year in addition to the lengthy timeline it takes to grade a bar exam. The undue hardship faced by many in terms of financial hardship, the amount of damages one will suffer in many different aspects on top of having to deal with the many social and community woes suffered in 2020 itself could be alleviated through a program such as this. This program would immensely re-install a sense of trust and hope in the profession for many of us as applicants as candor can somewhat be a worry considering the lengthy process and uphill battle that licensure in the state of California truly takes. I support this measure in the fact that it creates a new conversation for many of us to create a greater modern balance between legal licensure for many that have worked so hard to prove their worth as judicial practitioners as well as create a better sense of protection for the public at large. I cannot commend the creators behind this measure more for their hard work within this conversation and look forward to the positive outcome that I know and trust the decision-making authorities will take for the protection of the public, for the legal bond applicants and barristers should hold professional between each other and for the better hope that in such a tumultuous year, this program could create one less hurdle to employment for many in a time when unemployment rates are at an all time high nationwide.</p> <p>Please do the right thing and think of the many applicants investing so much of their mental stability, their financial security and the many challenged individuals this program could do so much for and justify the hope that licensure is merely for public protection and not to de-saturate the legal population in the great state of California.</p> <p>Thank you and remain safe!</p>	No rule change required.
Fantasy Rose Mary Windsong	AGREE	Fairness	Please see attached	No rule change required.

George Chryssafis	AGREE	Fairness	<p>Dear Sirs & Madams,</p> <p>On behalf of myself, i submit my personal experiences. I went back to law school in my 40s as a single father working full time in the legal field. I earned my JD in 2018 going to law school at night for four years while working.</p> <p>Since the summer of 2018 I have sat for every CA Bar Exam all the while juggling a young son, a full time job, and all of life's responsibilities compounded this year by COVID. With every attempt taking the CBX my score improved dramatically and in the Summer of 2019 my first read score was 1425. I am currently awaiting my results for the first online bar in October of this past year and feel fairly confident.</p> <p>Unfortunately, and I am not the only one who feels this way, when announced that the new minimum competency score would be 1390 for a scaled down exam; we all were wondering why we were not extended the same consideration as 2020 graduates were. All of us who found themselves in limbo between those numbers of 1390 and 1439 have put in hard work and dedication to the legal field and are prepared to not disappoint. We have put our lives and families on hold to continue to study and work hard to get over this hurdle. (i myself have passed the MPRE and moral background as well as satisfying every other criteria needed for admission. I have worked in the legal field for 6 years now.)</p> <p>I currently support the proposition put forth.</p> <p>Thank you very much!</p> <p>-GC</p>	No rule change required.
James L. Hudgens	AGREE	Fairness	I believe the allowance of licensure to the described field of candidates under the conditions proposed is simply a fair and equitable resolution to their prior unfair treatment.	No rule change required.
Jared Sickman	AGREE	Fairness	I think this is a great idea, as being a part of this population that would meet the threshold. it was painful to see the pass score lowered and to know that previous exams would have passed was frustrating. I had planned on taking the exam again with the new scoring, but this is an appropriate remedy.	No rule change required.
Jilla Behnam	AGREE	Fairness	<p>Thank you for drafting this proposal, which I fully support. It is the fairest thing to do and will greatly benefit the public.</p> <p>Thank you,</p>	No rule change required.
Joan Vignocchi	AGREE	Fairness	Please see attached.	No rule change required.
John McLennan	AGREE	Fairness	Given the recent change to the cut score, I think it is a fair to allow individuals who would have passed under the current cut score to have a path to full licensure. The supervised legal practice prong is a great idea and, in my opinion, should become a standard licensing requirement.	No rule change required.
Julia Cohn	AGREE	Fairness	I support the proposed Rule completely. It is unjust to keep people who would have now received a passing score on the CA bar from practicing when those individuals already achieved a passing score. The practice of law should not be so limited and the gates should not be guarded so fiercely for people who have demonstrated the competence and passion to practice law. Let's be fair, just, and hopeful for the future and give these applicants the opportunity they deserve to practice law after working so hard for so long to study for the bar exam.	No rule change required.
Lynette Belsky	AGREE	Fairness	This would be immensely helpful and equitable for test takers that have already achieved the now passing score. Taking the bar is expensive, time consuming, and only an option for a select few, especially during a pandemic. Please consider the economic hardships people are enduring and how useful it would be to create a path to licensure without having to endure even more hardship in an already difficult time.	No rule change required.
Matthew Crawford	AGREE	Fairness	I support this change and think it should be quickly implemented. Approximately 2,000 individuals spread across the state of California is not an excessive or overwhelming number. There is no real reason not to go forward with the program in light of the low costs and weighty benefits it would provide for those eligible law school graduates.	No rule change required.
Melissa Madrid	AGREE	Fairness	I'm glad that the state bar is considering expanding the PLP to a cohort other than the very limited cohort of recent grads, especially since the current cohort includes CA law school grads from completely unaccredited CA law schools and students outside of CA who have never studied CA law. The current PLP completely excludes those who have graduated from CA ABA and CA state accredited schools who previously scored a 1390 within the past 5 years. I understand that the state Supreme Court had expressly denied retroactive application of the 1390 score for the proposed cohort, and therefore the state bar is limited in its further recommendations in expanding the program. However, I feel that the current proposals are actually rather strict and burdensome as it completely disregares the fact that there are law school grads who have been in fact working as certified legal interns and law clerks since law school and/or graduation - a group of people who have more practical legal practice and knowledge than a recent grad who has never participated in an Externship/internship. In effect, recent grads without having even had to take a bar exam have been given an unearned privilege that hasn't even been extended to graduates who have taken the exam and achieved a 1390 or higher. This is fundamentally unfair and has more potential of instances of unauthorized practices of law and malpractice than the cohort in the proposed expansion. Therefore, I believe both proposals are more than adequate and just and should be approved with the recommendation being forwarded to the Supreme Court. Imposing stricter requirements should not be imposed as it would be fundamentally unfair and burdensome to the extended cohort, the legal community, and the public at large. Thank you.	No rule change required.
Narguess Noohi	AGREE	Fairness	I agree with the proposed rule- makes complete sense to apply it retroactively.	No rule change required.
Nathan Miller	AGREE	Fairness	Given the current crisis relating to the pandemic thousands of people are suffering. This would help relieve extreme amounts of pressure on thousands of people and families. It also makes people that qualify much more appealing as potential employees. This would only help people with no real downside.	No rule change required.
Paskael Tyiska	AGREE	Fairness	This can help many students.	No rule change required.
PETER G MACALUSO	AGREE	Fairness	<p>Please see attached.Good Afternoon;</p> <p>Attached please find the letter that I previously submitted to the working group. Additionally, I would like to state that it is my opinion that those achieving 1390+ within the last five years have already demonstrated competence to practice law based on the reasoning in HR-103. This, coupled with their hard work and determination necessary to achieve a J.D. degree, prepare, take the bar exam and achieve a passing score and continue on despite the mental and financial demands placed on them during the entire rigorous process. As such, I believe that this program is a fair compromise given that fairness and equity were not provided to this cohort at the time the California Supreme Court lowered the pass rate to 1390.</p> <p>Finally, I know that many law firms and organizations will sponsor these applicants under Option A.</p> <p>Sincerely,</p> <p>Pete Macaluso</p>	No change recommended.
Peter Rotner Jr	AGREE	Fairness	I agree with the proposed rules as it gives people a fair in fighting chance to become a lawyer especially in these trying times of uncertainty and especially if they are going through financial pain and everything else. This is a great start	No rule change required.
RAYMOND CHANDLER	AGREE	Fairness	It would be inequitable and unjust not to adopt the new rule. I know law school graduate who is in this category and has been working in a law office providing quality work for many years. She is every bit as deserving of the opportunity to become a licensed attorney as those who scored over 1390 but less than1440 prior to 2015, and yet were admitted to the Bar.	No rule change required.
Reid Oldenburg	AGREE	Fairness	Option A or B are viable options that will allow qualified lawyers demonstrate their ability to practice law under an experienced attorney before they can work alone as lawyers. Allowing lawyers that have received 1390 or higher practice will allow lawyers to support their families and allow them to pay back their debts.	No rule change required.

Renee Fong	AGREE	Fairness	I agree with proposed Rule 9.49.1. I am a 2019 law school graduate. I am a single mother and I work full-time. I had worked full-time throughout law school as well. I received a 1405 score in February 2020. During this pandemic, I have been juggling work full-time as a law clerk and teaching my child his first grade distance learning program. In addition to this, I had also studied and taken the October online bar exam. I have been disappointed in myself since my first failure of the bar exam in July 2019. I was again disappointed to find out that although a new cut score would apply to all future bar exams, it would not apply retroactively to the February 2020 bar. Moreover, because I graduated in May of 2019, I would not be allowed a provisional license. I am hopeful I have passed the October 2020 bar exam, but I fully believe that a provisional license through Rule 9.49.1 is an equitable measure for those who have scored above 1390 in the last 5 years. I am fully confident in my ability to practice as a licensed attorney, I have been a law clerk working on civil litigation matters for over three years. I am experienced and I have worked on matters through trial, written several motions, sat in on hearings and conducted discovery. I have no doubt that once the provisional license program is implemented, I can achieve the amount of hours required and finally obtain a license. I ask that the Board of Trustees agree with the proposed Rule. Thank you.	No rule change required.
Robert	AGREE	Fairness	I believe it is worth stating we are in need of new blood, new directions and quite frankly ,honesty with God involved..Saying yes to an opportunity for many who have studied , stay up late , and following dreams only to see them vanish due to a point system? Grant those with the scores that show promise...the opportunity to give back and help those that may also be a few scores off...	No rule change required.
Robin Rahmani	AGREE	Fairness	Regardless of which option ultimately prevails, I believe the following factors, when applicable, should be considered by Calbar: There are bar applicants who received a scaled score of 1390 or higher over the past three years, went into a “reread,” still did not pass, but have been working full time at a law firm for many years, and in satisfactory manner as far as their superiors are concerned. During their employment in the field of law, they have worked closely with licensed attorneys and involved with complex and multi-faceted legal matters, cases and/or issues. Their education - and hands on training - in the legal field has not only continued after graduating from law school, but has been significantly enhanced beyond that of a recent law school graduate who has little or no work experience. Such applicants should be considered by the State Bar as eligible, trained and worthy of being considered for licensure. Add the fact that on the bar exam(s) that the applicant received a scaled score of 1390 or higher (but less than 1440), an essay or two triggered a raw score of “55” after one read and a raw “65” or “70” in a second read, or vice versa (proving how arbitrary and random the grading matrix can be in terms of some graders and how they have graded essays/PT’s), and the result Should be deemed as unjust for such applicants. This is particularly poignant when such a scenario has been experienced by applicants who have been deprived of licensure but who have been working full time at a prestigious law firm for many years, and in a capacity that surpasses the responsibilities of a law clerk/legal assistant. Such individuals who meet the above mold cannot justly be deprived of licensure because of the rationale that they did not pass the bar. If the grading matrix had been more scientific, then under a logical scenario, they should not have been subjected to one read of an essay answer triggering a score of “55” while a second read of the same essay answer triggered a score of “65” or “70.” Either the essential issues within an essay question were spotted, the analysis was lawyer-like, the applicable law was worded correctly, and the given facts were used fully and effectively, or not. If one grader determines that they were, and a second grader determines that they were not, this should say something about the grading process and not the applicant. As stated, such an applicant with extensive work experience in the legal field should be deemed by the State as qualified to practice law.	No change recommended.
Shawn Trabanino	AGREE	Fairness	As students have already met the new bar exam cut score, this was a common sense solution to past exam takers who would have met the cut score but-for the moment. I thank the provisional working group and attorney Donna for their hard work on this issue and thank the bar for working to resolve this matter for hundreds of students. I also thank the CA Supreme Court attorney Mr. Gupta for his support.	No rule change required.
Stephanie Lopez	AGREE	Fairness	I agree with the proposed rule, it will be definitely benefit those applicants that have taken the test multiple times and have failed because of a few points missing.	No rule change required.
Stephanie O	AGREE	Fairness	Since graduating from law school (2018), I have sat for the California Bar Exam five times (awaiting October 2020 results). With that in mind, I've scored within 5-15 points of the passing score four out of the five times (F20- 1424, J19- 1435, F18-1415). When I first heard about the provisional licensing program, I disagreed with the program because it assumed that the 2020 graduates would pass the BAR on their first attempt if there was no COVID-19. This decision should be afforded to those who recently sat for the BAR exam in February 2020, due to the fact that COVID-19 was present during the exam and the effects of the pandemic likely influenced how the essays were graded based on the 26% pass rate. I have lost multiple opportunities and the stress related to this exam has caused sleepless nights. Specifically, there are no working opportunities for individuals who graduated but have yet to pass the BAR. I am working as a legal assistant with two degrees and making no more than minimum wage. How am I less qualified to practice in CA when my score qualifies me in virtually the rest of the United States. This has been a discouraging process, constantly believing I'm not meant to be a lawyer because I can't pass, which would not be the case if I were to get the same score from the Feb 2020 bar exam in a different state. I could've been an attorney multiple times, yet all I can do is get into more debt taking this test.	No rule change required.
Sunny Tyiska	AGREE	Fairness	I agree with allowing this rule. It will benefit the states and students that have scored these numbers as they are so close to passing.	No rule change required.
Tami Nef	AGREE	Fairness	Strongly in favor of this rule for equitable opportunity to practice law.	No rule change required.
Tim Miller	AGREE	Fairness	This is a just proposal to assist those who did not pass the bar exam, but would have with the adjusted 1390 score. By scoring over 1390 and meeting the current standards, these individuals will have their lives impacted in an immense fashion. The persons meeting this criteria will experience the great responsibility of practicing law, which will be life changing, as well as reducing the financial hardship of paying for the bar exam again and taking time off from work to study. I do not see a downside, as licensed attorney's must also carry malpractice insurance.	No rule change required.
Anonymous	AGREE	Fairness	Thank you for drafting this proposal, which I fully support. It is the fairest thing to do and will greatly benefit the public.	No rule change required.
Anonymous	AGREE	Fairness	Thank you for drafting this proposal, which I fully support. It is the fairest thing to do and will greatly benefit the public.	No rule change required.
Stephen	AGREE	Fairness / Attorney Applicants	Dear State Bar of California, The Proposed rule 9.49 to expand provisional licensing to individuals who scored 1390 between July 2015 through February 2020 should be adopted in order to preserve the overall fairness and equal application of the California Bar Exam in relation to the new lowered score of the exam. This time frame aligns with the 5 year time frame in which a passing score on the California Bar exam is preserved for admission. The State Bar should also consider expanding immediate the admission to the Bar without supervision, for Attorneys licensed in out of state Jurisdictions, and employed by a federal department or agency as an Attorney, and who scored 1390 on prior exams of the California Bar, between July 2015 through February 2020. Thank you.	No change recommended.
Anonymous	AGREE	Fairness / Competence	I strongly agree with the proposed Rule. As an Applicant that has recently scored above 1390, this would be the most equitable option available. If anything, these Applicants would be more qualified than anyone that sores above 1390 this past exam and each future exam. The Applicants already achieved a passing score and with this Rule, would have 360 or 400 hours of supervised training before being able to take cases on their own. With just scoring a 1390 on an exam, that person can represent clients without any supervision or hands on training.	No change recommended.
Kasra Ramez	AGREE	Fairness / Competence	This rule that expands the provisional license is fair and reasonable. Applicants who scored 1390 or higher in the past 5 years have shown that they meet the minimal competence score. Having their work carefully assessed by a supervising attorney will be sufficient to prepare the applicant for the practice of law. I believe the hours indicated are also fair and reasonable.	No rule change required.
Anonymous	AGREE	Fairness / Competence / Count prior supervised hours	I am writing to express my full support for the Provisional Licensure with a Pathway to Full Licensure Program. The expansion of the Provisional Licensure Program to include individuals who scored 1390 or higher on the California Bar Examination between July 2015 and February 2020 is both fair and provides the opportunity to obtain licensure by those who have already met the minimum competency requirement by today's standards. Because such individuals have already met the minimum competency requirement by today's standards, I recommend that the options intended to be submitted by the working group to the Board of Trustees be approved. Such hours (especially for Option A) are based on significant research and prior state's implemented hours. Moreover, I don't believe I have seen the following addressed. Many of the individuals anticipating to be licensed through this program have already begun working in some legal capacity, whether as an out-of-state attorney, a legal intern, pro bono work, or document review. Therefore, the group may want to consider when the counting of the hours have begun. If the program is not implemented expeditiously, some students may be left wondering whether they should start studying for the February 2020 exam or whether they should just begin working to meet these hours.	No change recommended.

Chieh-min Yen	AGREE	Fairness / Diversity of legal profession	<p>The bar exam is largely irrelevant, whereas clinical and practical legal skills are highly relevant. There is no rational basis, no justification, and no excuse for the State Bar to collect another set of examination fees from applicants who already scored 1390 or higher within the past 5 years and require them to once again score 1390 or higher.</p> <p>The practical effect of forcing these applicants to sit for the Bar once again is only for their application fees to help fund the State Bar. The applicants’ additional experience in preparing for multiple choice questions yet again only prevents them from using that time to practice law under supervision to gain valuable work experience that would far better serve their future clients.</p> <p>In failing to defend the 1440 cut score in 2017, President Michael G. Colantuono and Executive Director Leah T. Wilson complained that “[o]ne of the most significant challenges facing the Bar, and by extension, research regarding the appropriate pass line for the CBX, is the fact that while ‘public protection’ is essential to the mission of the Bar, public protection has never been clearly defined.” To help the State Bar understand its mission, in 2018 the Legislature defined “protection of the public” to include “support for greater access to, and inclusion in, the legal system...” As the State Bar is already aware, the California Bar Exam largely serves to limit the number of minority and underrepresented persons from the legal profession. A recent study titled A Five-Year Retroactive Analysis of Cut Score Impact: California’s Proposed Supervised Provisional License Program carefully illustrates how retroactive application of the cut score would benefit minority applicants, and substantially more so if the cut score was lowered further. Now that public protection is more clearly defined for the State Bar, there should be no question as to whether to Provisional Licensure should be an available option for eligible applicants. Because enacting Provisional Licensure would enhance diversity in the legal profession, doing so is paramount to the State Bar’s mission to protect the public.</p> <p>Based on the State Bar and the NCBE’s own research, an applicant’s endless preparation for the California Bar Exam will not improve the applicant’s legal skills. The inverse can be reasonably inferred. An applicant will improve his or her legal skills through practicing clinical, realistic legal skills under a licensed lawyer’s supervision. The public will be protected from lawyers who do not know how to practice real law because they invested significant amounts of time training for the “law of nowhere” used on the California Bar Exam. Moreover, the public will be protected from a legal system lacking in diverse representation. The State Bar and the NCBE have struggled for decades to present a rational basis for the California Bar Exam. In 1982, they prove that clinical, practical testing of legal skills is far superior and less discriminatory than compared to the California Bar Exam. Now, the State Bar has the opportunity once again to implement a program that actually tests legal skills, and to further its public protection mission in doing so. The State Bar should enact Provisional Licensure in furtherance of protecting the public. There is no rational basis in requiring eligible applicants to obtain a score they have already obtained a second time.</p>	No rule change required.
Dina Kim	AGREE	Fairness / Diversity of legal profession	<p>The bar exam is largely irrelevant, whereas clinical and practical legal skills are highly relevant. There is no rational basis, no justification, and no excuse for the State Bar to collect another set of examination fees from applicants who already scored 1390 or higher within the past 5 years and require them to once again score 1390 or higher.</p> <p>The practical effect of forcing these applicants to sit for the Bar once again is only for their application fees to help fund the State Bar. The applicants’ additional experience in preparing for multiple choice questions yet again only prevents them from using that time to practice law under supervision to gain valuable work experience that would far better serve their future clients.</p> <p>In failing to defend the 1440 cut score in 2017, President Michael G. Colantuono and Executive Director Leah T. Wilson complained that “[o]ne of the most significant challenges facing the Bar, and by extension, research regarding the appropriate pass line for the CBX, is the fact that while ‘public protection’ is essential to the mission of the Bar, public protection has never been clearly defined.” To help the State Bar understand its mission, in 2018 the Legislature defined “protection of the public” to include “support for greater access to, and inclusion in, the legal system...” As the State Bar is already aware, the California Bar Exam largely serves to limit the number of minority and underrepresented persons from the legal profession. A recent study titled A Five-Year Retroactive Analysis of Cut Score Impact: California’s Proposed Supervised Provisional License Program carefully illustrates how retroactive application of the cut score would benefit minority applicants, and substantially more so if the cut score was lowered further. Now that public protection is more clearly defined for the State Bar, there should be no question as to whether to Provisional Licensure should be an available option for eligible applicants. Because enacting Provisional Licensure would enhance diversity in the legal profession, doing so is paramount to the State Bar’s mission to protect the public.</p> <p>Based on the State Bar and the NCBE’s own research, an applicant’s endless preparation for the California Bar Exam will not improve the applicant’s legal skills. The inverse can be reasonably inferred. An applicant will improve his or her legal skills through practicing clinical, realistic legal skills under a licensed lawyer’s supervision. The public will be protected from lawyers who do not know how to practice real law because they invested significant amounts of time training for the “law of nowhere” used on the California Bar Exam. Moreover, the public will be protected from a legal system lacking in diverse representation. The State Bar and the NCBE have struggled for decades to present a rational basis for the California Bar Exam. In 1982, they prove that clinical, practical testing of legal skills is far superior and less discriminatory than compared to the California Bar Exam. Now, the State Bar has the opportunity once again to implement a program that actually tests legal skills, and to further its public protection mission in doing so. The State Bar should enact Provisional Licensure in furtherance of protecting the public. There is no rational basis in requiring eligible applicants to obtain a score they have already obtained a second time.</p>	No rule change required.
Emmeline Tseng	AGREE	Fairness / Diversity of legal profession	<p>The bar exam is largely irrelevant, whereas clinical and practical legal skills are highly relevant. There is no rational basis, no justification, and no excuse for the State Bar to collect another set of examination fees from applicants who already scored 1390 or higher within the past 5 years and require them to once again score 1390 or higher.</p> <p>The practical effect of forcing these applicants to sit for the Bar once again is only for their application fees to help fund the State Bar. The applicants’ additional experience in preparing for multiple choice questions yet again only prevents them from using that time to practice law under supervision to gain valuable work experience that would far better serve their future clients.</p> <p>In failing to defend the 1440 cut score in 2017, President Michael G. Colantuono and Executive Director Leah T. Wilson complained that “[o]ne of the most significant challenges facing the Bar, and by extension, research regarding the appropriate pass line for the CBX, is the fact that while ‘public protection’ is essential to the mission of the Bar, public protection has never been clearly defined.” To help the State Bar understand its mission, in 2018 the Legislature defined “protection of the public” to include “support for greater access to, and inclusion in, the legal system...” As the State Bar is already aware, the California Bar Exam largely serves to limit the number of minority and underrepresented persons from the legal profession. A recent study titled A Five-Year Retroactive Analysis of Cut Score Impact: California’s Proposed Supervised Provisional License Program carefully illustrates how retroactive application of the cut score would benefit minority applicants, and substantially more so if the cut score was lowered further. Now that public protection is more clearly defined for the State Bar, there should be no question as to whether to Provisional Licensure should be an available option for eligible applicants. Because enacting Provisional Licensure would enhance diversity in the legal profession, doing so is paramount to the State Bar’s mission to protect the public.</p> <p>Based on the State Bar and the NCBE’s own research, an applicant’s endless preparation for the California Bar Exam will not improve the applicant’s legal skills. The inverse can be reasonably inferred. An applicant will improve his or her legal skills through practicing clinical, realistic legal skills under a licensed lawyer’s supervision. The public will be protected from lawyers who do not know how to practice real law because they invested significant amounts of time training for the “law of nowhere” used on the California Bar Exam. Moreover, the public will be protected from a legal system lacking in diverse representation. The State Bar and the NCBE have struggled for decades to present a rational basis for the California Bar Exam. In 1982, they prove that clinical, practical testing of legal skills is far superior and less discriminatory than compared to the California Bar Exam. Now, the State Bar has the opportunity once again to implement a program that actually tests legal skills, and to further its public protection mission in doing so. The State Bar should enact Provisional Licensure in furtherance of protecting the public. There is no rational basis in requiring eligible applicants to obtain a score they have already obtained a second time.</p>	No rule change required.

Erika Cui	AGREE	Fairness / Diversity of legal profession	<p>The bar exam is largely irrelevant, whereas clinical and practical legal skills are highly relevant. There is no rational basis, no justification, and no excuse for the State Bar to collect another set of examination fees from applicants who already scored 1390 or higher within the past 5 years and require them to once again score 1390 or higher.</p> <p>The practical effect of forcing these applicants to sit for the Bar once again is only for their application fees to help fund the State Bar. The applicants’ additional experience in preparing for multiple choice questions yet again only prevents them from using that time to practice law under supervision to gain valuable work experience that would far better serve their future clients.</p> <p>In failing to defend the 1440 cut score in 2017, President Michael G. Colantuono and Executive Director Leah T. Wilson complained that “[o]ne of the most significant challenges facing the Bar, and by extension, research regarding the appropriate pass line for the CBX, is the fact that while ‘public protection’ is essential to the mission of the Bar, public protection has never been clearly defined.” To help the State Bar understand its mission, in 2018 the Legislature defined “protection of the public” to include “support for greater access to, and inclusion in, the legal system...” As the State Bar is already aware, the California Bar Exam largely serves to limit the number of minority and underrepresented persons from the legal profession. A recent study titled A Five-Year Retroactive Analysis of Cut Score Impact: California’s Proposed Supervised Provisional License Program carefully illustrates how retroactive application of the cut score would benefit minority applicants, and substantially more so if the cut score was lowered further. Now that public protection is more clearly defined for the State Bar, there should be no question as to whether to Provisional Licensure should be an available option for eligible applicants. Because enacting Provisional Licensure would enhance diversity in the legal profession, doing so is paramount to the State Bar’s mission to protect the public.</p> <p>Based on the State Bar and the NCBE’s own research, an applicant’s endless preparation for the California Bar Exam will not improve the applicant’s legal skills. The inverse can be reasonably inferred. An applicant will improve his or her legal skills through practicing clinical, realistic legal skills under a licensed lawyer’s supervision. The public will be protected from lawyers who do not know how to practice real law because they invested significant amounts of time training for the “law of nowhere” used on the California Bar Exam. Moreover, the public will be protected from a legal system lacking in diverse representation. The State Bar and the NCBE have struggled for decades to present a rational basis for the California Bar Exam. In 1982, they prove that clinical, practical testing of legal skills is far superior and less discriminatory than compared to the California Bar Exam. Now, the State Bar has the opportunity once again to implement a program that actually tests legal skills, and to further its public protection mission in doing so. The State Bar should enact Provisional Licensure in furtherance of protecting the public. There is no rational basis in requiring eligible applicants to obtain a score they have already obtained a second time.</p>	No rule change required.
Isabel Tseng	AGREE	Fairness / Diversity of legal profession	<p>The bar exam is largely irrelevant, whereas clinical and practical legal skills are highly relevant. There is no rational basis, no justification, and no excuse for the State Bar to collect another set of examination fees from applicants who already scored 1390 or higher within the past 5 years and require them to once again score 1390 or higher.</p> <p>The practical effect of forcing these applicants to sit for the Bar once again is only for their application fees to help fund the State Bar. The applicants’ additional experience in preparing for multiple choice questions yet again only prevents them from using that time to practice law under supervision to gain valuable work experience that would far better serve their future clients.</p> <p>In failing to defend the 1440 cut score in 2017, President Michael G. Colantuono and Executive Director Leah T. Wilson complained that “[o]ne of the most significant challenges facing the Bar, and by extension, research regarding the appropriate pass line for the CBX, is the fact that while ‘public protection’ is essential to the mission of the Bar, public protection has never been clearly defined.” To help the State Bar understand its mission, in 2018 the Legislature defined “protection of the public” to include “support for greater access to, and inclusion in, the legal system...” As the State Bar is already aware, the California Bar Exam largely serves to limit the number of minority and underrepresented persons from the legal profession. A recent study titled A Five-Year Retroactive Analysis of Cut Score Impact: California’s Proposed Supervised Provisional License Program carefully illustrates how retroactive application of the cut score would benefit minority applicants, and substantially more so if the cut score was lowered further. Now that public protection is more clearly defined for the State Bar, there should be no question as to whether to Provisional Licensure should be an available option for eligible applicants. Because enacting Provisional Licensure would enhance diversity in the legal profession, doing so is paramount to the State Bar’s mission to protect the public.</p> <p>Based on the State Bar and the NCBE’s own research, an applicant’s endless preparation for the California Bar Exam will not improve the applicant’s legal skills. The inverse can be reasonably inferred. An applicant will improve his or her legal skills through practicing clinical, realistic legal skills under a licensed lawyer’s supervision. The public will be protected from lawyers who do not know how to practice real law because they invested significant amounts of time training for the “law of nowhere” used on the California Bar Exam. Moreover, the public will be protected from a legal system lacking in diverse representation. The State Bar and the NCBE have struggled for decades to present a rational basis for the California Bar Exam. In 1982, they prove that clinical, practical testing of legal skills is far superior and less discriminatory than compared to the California Bar Exam. Now, the State Bar has the opportunity once again to implement a program that actually tests legal skills, and to further its public protection mission in doing so. The State Bar should enact Provisional Licensure in furtherance of protecting the public. There is no rational basis in requiring eligible applicants to obtain a score they have already obtained a second time.</p>	No rule change required.
Jay Tseng	AGREE	Fairness / Diversity of legal profession	<p>The bar exam is largely irrelevant, whereas clinical and practical legal skills are highly relevant. There is no rational basis, no justification, and no excuse for the State Bar to collect another set of examination fees from applicants who already scored 1390 or higher within the past 5 years and require them to once again score 1390 or higher.</p> <p>The practical effect of forcing these applicants to sit for the Bar once again is only for their application fees to help fund the State Bar. The applicants’ additional experience in preparing for multiple choice questions yet again only prevents them from using that time to practice law under supervision to gain valuable work experience that would far better serve their future clients.</p> <p>In failing to defend the 1440 cut score in 2017, President Michael G. Colantuono and Executive Director Leah T. Wilson complained that “[o]ne of the most significant challenges facing the Bar, and by extension, research regarding the appropriate pass line for the CBX, is the fact that while ‘public protection’ is essential to the mission of the Bar, public protection has never been clearly defined.” To help the State Bar understand its mission, in 2018 the Legislature defined “protection of the public” to include “support for greater access to, and inclusion in, the legal system...” As the State Bar is already aware, the California Bar Exam largely serves to limit the number of minority and underrepresented persons from the legal profession. A recent study titled A Five-Year Retroactive Analysis of Cut Score Impact: California’s Proposed Supervised Provisional License Program carefully illustrates how retroactive application of the cut score would benefit minority applicants, and substantially more so if the cut score was lowered further. Now that public protection is more clearly defined for the State Bar, there should be no question as to whether to Provisional Licensure should be an available option for eligible applicants. Because enacting Provisional Licensure would enhance diversity in the legal profession, doing so is paramount to the State Bar’s mission to protect the public.</p> <p>Based on the State Bar and the NCBE’s own research, an applicant’s endless preparation for the California Bar Exam will not improve the applicant’s legal skills. The inverse can be reasonably inferred. An applicant will improve his or her legal skills through practicing clinical, realistic legal skills under a licensed lawyer’s supervision. The public will be protected from lawyers who do not know how to practice real law because they invested significant amounts of time training for the “law of nowhere” used on the California Bar Exam. Moreover, the public will be protected from a legal system lacking in diverse representation. The State Bar and the NCBE have struggled for decades to present a rational basis for the California Bar Exam. In 1982, they prove that clinical, practical testing of legal skills is far superior and less discriminatory than compared to the California Bar Exam. Now, the State Bar has the opportunity once again to implement a program that actually tests legal skills, and to further its public protection mission in doing so. The State Bar should enact Provisional Licensure in furtherance of protecting the public. There is no rational basis in requiring eligible applicants to obtain a score they have already obtained a second time.</p>	No rule change required.

Neil Pedersen	AGREE	Fairness / Diversity of legal profession	<p>I believe the proposal not only is fair, but also satisfies the protective interests of the State Bar. If by definition the 1390 cut score demonstrates objective competence, these test takers have already demonstrated the requisite proficiency level, but on top of that objective competence, hours of supervised provisional attorney work will make the subject individuals even more qualified than those who simply took the bar exam and went directly into practice. The practical training is a great component to add to the beginning of a legal career. The practical work should more than make up for the lower exam score. And there is still a final gatekeeper - the supervising attorney's certification. I for one would take that obligation to be a very important task not to be taken lightly or roteley, I would hope other licensed attorneys who are selected to supervise would do the same.</p> <p>I have two individuals who work at my firm who are both of Hispanic descent. They both missed the higher cut score by a very small amount. That said, knowing the quality of their work I am confident they both will make very fine attorneys, and more so after a few hundred additional hours of supervised activities. I believe, based on my own experience, that this proposal will increase the number of minority attorneys within our ranks, which is an acknowledged goal of the proposal.</p> <p>I am a 30+ year attorney. I have taught at Western State College of Law for 8 years. I have presented at State Bar, CLA, local bar and specialty bar events almost 100 times in my career. I have published over 30 articles in various legal publications. I have been an active member of the Orange County Bar Association for most of my career. I have been an active member of the executive committee of the State Bar, and then CLA, Law Practice Management and Technology Section for approximately 8 years. In short, I have dedicated my professional life to working with law students and lawyers alike to further develop their skills and practices. It is that dedication that I bring to these comments.</p> <p>I implore you to make this proposal a reality. I believe this proposal strikes a fair and practical balance between the interests of fairness, increased diversity and protection of the public. I see no danger to the public, only increased competence.</p> <p>Thank you for your consideration of these thoughts.</p>	No rule change required.
Penelope Ahn	AGREE	Fairness / Diversity of legal profession	<p>The bar exam is largely irrelevant, whereas clinical and practical legal skills are highly relevant. There is no rational basis, no justification, and no excuse for the State Bar to collect another set of examination fees from applicants who already scored 1390 or higher within the past 5 years and require them to once again score 1390 or higher.</p> <p>The practical effect of forcing these applicants to sit for the Bar once again is only for their application fees to help fund the State Bar. The applicants' additional experience in preparing for multiple choice questions yet again only prevents them from using that time to practice law under supervision to gain valuable work experience that would far better serve their future clients.</p> <p>In failing to defend the 1440 cut score in 2017, President Michael G. Colantuono and Executive Director Leah T. Wilson complained that "[o]ne of the most significant challenges facing the Bar, and by extension, research regarding the appropriate pass line for the CBX, is the fact that while 'public protection' is essential to the mission of the Bar, public protection has never been clearly defined." To help the State Bar understand its mission, in 2018 the Legislature defined "protection of the public" to include "support for greater access to, and inclusion in, the legal system..." As the State Bar is already aware, the California Bar Exam largely serves to limit the number of minority and underrepresented persons from the legal profession. A recent study titled A Five-Year Retroactive Analysis of Cut Score Impact: California's Proposed Supervised Provisional License Program carefully illustrates how retroactive application of the cut score would benefit minority applicants, and substantially more so if the cut score was lowered further. Now that public protection is more clearly defined for the State Bar, there should be no question as to whether to Provisional Licensure should be an available option for eligible applicants. Because enacting Provisional Licensure would enhance diversity in the legal profession, doing so is paramount to the State Bar's mission to protect the public.</p> <p>Based on the State Bar and the NCBE's own research, an applicant's endless preparation for the California Bar Exam will not improve the applicant's legal skills. The inverse can be reasonably inferred. An applicant will improve his or her legal skills through practicing clinical, realistic legal skills under a licensed lawyer's supervision. The public will be protected from lawyers who do not know how to practice real law because they invested significant amounts of time training for the "law of nowhere" used on the California Bar Exam. Moreover, the public will be protected from a legal system lacking in diverse representation. The State Bar and the NCBE have struggled for decades to present a rational basis for the California Bar Exam. In 1982, they prove that clinical, practical testing of legal skills is far superior and less discriminatory than compared to the California Bar Exam. Now, the State Bar has the opportunity once again to implement a program that actually tests legal skills, and to further its public protection mission in doing so. The State Bar should enact Provisional Licensure in furtherance of protecting the public. There is no rational basis in requiring eligible applicants to obtain a score they have already obtained a second time.</p>	No rule change required.
Samuel Ahn	AGREE	Fairness / Diversity of legal profession	<p>The bar exam is largely irrelevant, whereas clinical and practical legal skills are highly relevant. There is no rational basis, no justification, and no excuse for the State Bar to collect another set of examination fees from applicants who already scored 1390 or higher within the past 5 years and require them to once again score 1390 or higher.</p> <p>The practical effect of forcing these applicants to sit for the Bar once again is only for their application fees to help fund the State Bar. The applicants' additional experience in preparing for multiple choice questions yet again only prevents them from using that time to practice law under supervision to gain valuable work experience that would far better serve their future clients.</p> <p>In failing to defend the 1440 cut score in 2017, President Michael G. Colantuono and Executive Director Leah T. Wilson complained that "[o]ne of the most significant challenges facing the Bar, and by extension, research regarding the appropriate pass line for the CBX, is the fact that while 'public protection' is essential to the mission of the Bar, public protection has never been clearly defined." To help the State Bar understand its mission, in 2018 the Legislature defined "protection of the public" to include "support for greater access to, and inclusion in, the legal system..." As the State Bar is already aware, the California Bar Exam largely serves to limit the number of minority and underrepresented persons from the legal profession. A recent study titled A Five-Year Retroactive Analysis of Cut Score Impact: California's Proposed Supervised Provisional License Program carefully illustrates how retroactive application of the cut score would benefit minority applicants, and substantially more so if the cut score was lowered further. Now that public protection is more clearly defined for the State Bar, there should be no question as to whether to Provisional Licensure should be an available option for eligible applicants. Because enacting Provisional Licensure would enhance diversity in the legal profession, doing so is paramount to the State Bar's mission to protect the public.</p> <p>Based on the State Bar and the NCBE's own research, an applicant's endless preparation for the California Bar Exam will not improve the applicant's legal skills. The inverse can be reasonably inferred. An applicant will improve his or her legal skills through practicing clinical, realistic legal skills under a licensed lawyer's supervision. The public will be protected from lawyers who do not know how to practice real law because they invested significant amounts of time training for the "law of nowhere" used on the California Bar Exam. Moreover, the public will be protected from a legal system lacking in diverse representation. The State Bar and the NCBE have struggled for decades to present a rational basis for the California Bar Exam. In 1982, they prove that clinical, practical testing of legal skills is far superior and less discriminatory than compared to the California Bar Exam. Now, the State Bar has the opportunity once again to implement a program that actually tests legal skills, and to further its public protection mission in doing so. The State Bar should enact Provisional Licensure in furtherance of protecting the public. There is no rational basis in requiring eligible applicants to obtain a score they have already obtained a second time.</p>	No rule change required.

Susan Kim	AGREE	Fairness / Diversity of legal profession	<p>The bar exam is largely irrelevant, whereas clinical and practical legal skills are highly relevant. There is no rational basis, no justification, and no excuse for the State Bar to collect another set of examination fees from applicants who already scored 1390 or higher within the past 5 years and require them to once again score 1390 or higher.</p> <p>The practical effect of forcing these applicants to sit for the Bar once again is only for their application fees to help fund the State Bar. The applicants’ additional experience in preparing for multiple choice questions yet again only prevents them from using that time to practice law under supervision to gain valuable work experience that would far better serve their future clients.</p> <p>In failing to defend the 1440 cut score in 2017, President Michael G. Colantuono and Executive Director Leah T. Wilson complained that “[o]ne of the most significant challenges facing the Bar, and by extension, research regarding the appropriate pass line for the CBX, is the fact that while ‘public protection’ is essential to the mission of the Bar, public protection has never been clearly defined.” To help the State Bar understand its mission, in 2018 the Legislature defined “protection of the public” to include “support for greater access to, and inclusion in, the legal system...” As the State Bar is already aware, the California Bar Exam largely serves to limit the number of minority and underrepresented persons from the legal profession. A recent study titled A Five-Year Retroactive Analysis of Cut Score Impact: California’s Proposed Supervised Provisional License Program carefully illustrates how retroactive application of the cut score would benefit minority applicants, and substantially more so if the cut score was lowered further. Now that public protection is more clearly defined for the State Bar, there should be no question as to whether to Provisional Licensure should be an available option for eligible applicants. Because enacting Provisional Licensure would enhance diversity in the legal profession, doing so is paramount to the State Bar’s mission to protect the public.</p> <p>Based on the State Bar and the NCBE’s own research, an applicant’s endless preparation for the California Bar Exam will not improve the applicant’s legal skills. The inverse can be reasonably inferred. An applicant will improve his or her legal skills through practicing clinical, realistic legal skills under a licensed lawyer’s supervision. The public will be protected from lawyers who do not know how to practice real law because they invested significant amounts of time training for the “law of nowhere” used on the California Bar Exam. Moreover, the public will be protected from a legal system lacking in diverse representation. The State Bar and the NCBE have struggled for decades to present a rational basis for the California Bar Exam. In 1982, they prove that clinical, practical testing of legal skills is far superior and less discriminatory than compared to the California Bar Exam. Now, the State Bar has the opportunity once again to implement a program that actually tests legal skills, and to further its public protection mission in doing so. The State Bar should enact Provisional Licensure in furtherance of protecting the public. There is no rational basis in requiring eligible applicants to obtain a score they have already obtained a second time.</p>	No rule change required.
Valerie Ahn	AGREE	Fairness / Diversity of legal profession	<p>The bar exam is largely irrelevant, whereas clinical and practical legal skills are highly relevant. There is no rational basis, no justification, and no excuse for the State Bar to collect another set of examination fees from applicants who already scored 1390 or higher within the past 5 years and require them to once again score 1390 or higher.</p> <p>The practical effect of forcing these applicants to sit for the Bar once again is only for their application fees to help fund the State Bar. The applicants’ additional experience in preparing for multiple choice questions yet again only prevents them from using that time to practice law under supervision to gain valuable work experience that would far better serve their future clients.</p> <p>In failing to defend the 1440 cut score in 2017, President Michael G. Colantuono and Executive Director Leah T. Wilson complained that “[o]ne of the most significant challenges facing the Bar, and by extension, research regarding the appropriate pass line for the CBX, is the fact that while ‘public protection’ is essential to the mission of the Bar, public protection has never been clearly defined.” To help the State Bar understand its mission, in 2018 the Legislature defined “protection of the public” to include “support for greater access to, and inclusion in, the legal system...” As the State Bar is already aware, the California Bar Exam largely serves to limit the number of minority and underrepresented persons from the legal profession. A recent study titled A Five-Year Retroactive Analysis of Cut Score Impact: California’s Proposed Supervised Provisional License Program carefully illustrates how retroactive application of the cut score would benefit minority applicants, and substantially more so if the cut score was lowered further. Now that public protection is more clearly defined for the State Bar, there should be no question as to whether to Provisional Licensure should be an available option for eligible applicants. Because enacting Provisional Licensure would enhance diversity in the legal profession, doing so is paramount to the State Bar’s mission to protect the public.</p> <p>Based on the State Bar and the NCBE’s own research, an applicant’s endless preparation for the California Bar Exam will not improve the applicant’s legal skills. The inverse can be reasonably inferred. An applicant will improve his or her legal skills through practicing clinical, realistic legal skills under a licensed lawyer’s supervision. The public will be protected from lawyers who do not know how to practice real law because they invested significant amounts of time training for the “law of nowhere” used on the California Bar Exam. Moreover, the public will be protected from a legal system lacking in diverse representation. The State Bar and the NCBE have struggled for decades to present a rational basis for the California Bar Exam. In 1982, they prove that clinical, practical testing of legal skills is far superior and less discriminatory than compared to the California Bar Exam. Now, the State Bar has the opportunity once again to implement a program that actually tests legal skills, and to further its public protection mission in doing so. The State Bar should enact Provisional Licensure in furtherance of protecting the public. There is no rational basis in requiring eligible applicants to obtain a score they have already obtained a second time.</p>	No rule change required.
James Brown	AGREE	Fairness / Personal story	<p>I am currently working for Paul Hastings as a law clerk (pending associate) after graduating from law school and failing (but scoring above 1390 on) the California Bar Exam as a first time taker in February 2020. For three weeks from the end of January to mid February, I had Covid-19 and the worst cough of my life, to the degree that I could not even sleep for days on end (much less study) in any position (even sitting up) due to constant coughing. I was lucky that I was unmarried and had no kids or other family that depended on me to provide daily care, and had student loans that allowed me to financially survive the ordeal without worrying about calling in sick at work. I am sure others juggled far greater adversity than myself in the lead up to and execution of the bar exam.</p> <p>Moreover, beyond pandemic related issues, it seems to me only fair and logical that recent scores 1390 and above should qualify for bar admission. That is, unless we as a profession are prepared to admit that the bar exam is not a test of objective competency, but a tool of gate-keeping calibrated not to protect the public but to insulate existing professionals from upstart competition. Is the bar exam score objective or arbitrary? Does California maintain that bar exam scores have inherent meaning, or does California surrender to the contention that the scores are curved to create a barrier to entry?</p> <p>If the reasoning above is accepted, even the additional hours for admission seem unjustified. But, it’s a start. California in my mind has always been a paradigm of evidence-based, forward-looking, rational policy making. I trust that it will make the right decision here.</p> <p>Sent from my iPhone. Please excuse brevity and errors.</p>	No rule change required.
William Joseph Kay	AGREE	Fairness / Public Benefit	Thank you for drafting this proposal, which I fully support. It is the fairest thing to do and will greatly benefit the public.	No rule change required.
Andrew Nef	AGREE	Hours of supervision	I strongly agree that there should be a path toward licensure for this reaching the score of 1390 and above in prior exams in the last few years. Although I do not believe the hours required need to be as high as proposed I understand their purpose. Please ensure these individuals may join their chosen profession as quickly as practicable.	No change recommended. The Working Group considered the hours requirement at length.

Anonymous	AGREE	Hours of supervision	<p>I strongly support establishment of Rule 9.49.1.</p> <p>The hours requirement however appears unfair for some because someone who scored 1438 in Feb 2020 has the exact same requirement as someone who scored 1390 in July 2017, and because someone who scored 1438 in Feb 2020 has to complete 360 hours to get a license while someone who scores 1390 in Oct 2020 (exam with same grading standard) gets to be licensed without any hours. Mr. Neil Gupta also acknowledged during the Committee meeting, where this Rule was formed, that he is not much concerned about Feb 2020 scorers having forgotten the law, but is concerned about scorers from many years ago having forgotten the law. Following this reasoning, a supervisor would not need as much time to gauge competency of a 1438 scorer from Feb 2020 (who would have a quicker learning curve due to the law being fresh in his or her mind) as compared to time required to gauge competency of someone who scored 1390 in July 2017 (who would have a slower learning curve due to fading of some knowledge with time).</p> <p>Additionally, the hours requirement may not be uniform because the intensity of hours can vary significantly based on place of work, area of practice, and seniority. Thus the supervised hours may not be as good of an indicator of competence as feedback from the supervisor.</p> <p>Per the foregoing, kindly consider giving the supervisor, who needs to make an assessment of competency, the power of reducing or increasing the hours requirement so that the supervisor is not burdened to either make an assessment in haste or keep an individual employed as PLL for time longer than necessary. This will prevent unnecessarily locking-in PLLs into the program for a time longer than necessary, which in turn will benefit not only the PLLs but also their employers as well as the legal community in general.</p>	No change recommended. The Working Group considered the hours requirement at length. Leaving the number of hours to supervisor discretion would result in inconsistent application of the requirements.
Diana H.	AGREE ONLY if Modified	Hours of supervision	Please see attached.	No change recommended. The Working Group discussed the hours requirement at length.
Erik Andal	AGREE	Hours of Supervision	<p>Although I agree with the proposal, I suggest that the required number of supervised hours are scaled more than the recommend hours.</p> <p>The intention of required the supervised hours are to ensure an applicant to scored 1390 on a past exam is refreshed on the law. An applicant who scored 1390 in 2015 has a greater need for the supervised hours, while an applicant who scored 1390 in 2020 may not have a need for the supervised hours at all. .</p> <p>Many applicants who who will be licensed under this program will work part time and the completion of these hours could be a long journey. If recent 1390 exam takers were required to engage in fewer supervised hours (or none at all), it would be reasonable and fair, while preserving the concern of recency.</p> <p>An example of how the scaling could look (based on the Option A and B in the recommendation)::</p> <p>2020 [no required hours]</p> <p>2019 [96/120 hours]</p> <p>2018 [192/240 hours]</p> <p>2017 [288/360 hours]</p> <p>2016 [384/480 hours]</p> <p>2015 [480/600 hours]</p>	No change recommended. The Working Group considered options with greater distinctions based on the exam on which the score of 1390 or higher was achieved, but after significant discussion agreed that the more streamlined approach was appropriate.
Erik Andal	AGREE	Hours of supervision	<p>Supervised hours for more recent 1390 exam takers should be eliminated or reduced due to their recently of obtaining the 1390.</p> <p>Perhaps Feb 2020 and July 2019 exam takers/passers should have no supervised hour requirements.</p>	No change recommended. The Working Group considered the hours requirement at length.
Gerardo Arias	AGREE	Hours of supervision	<p>I would like to thank the workgroup, the State Bar, and all who have dedicated many hours to coming up with a rule that would allow for past applicants with a qualifying score a pathway to licensure. I think this is extremely important because it is a step in the right direction to address a significant racial disparity in California's legal profession.</p> <p>I agree with this rule but would simply ask that, if possible, without additional delay, that the hours for February applicants be reduced. Many in this group will have the rare distinction of being the only students to sit for the bar exam twice during this pandemic. While February applicants are no doubt grateful for the opportunity to put their bar prep books behind them, a shorter hour requirement would help them get back on their feet and start working sooner. If this is possible without further delay to the rest of those stand for the benefit of this rule I believe it would be an equitable modification to the rule.</p> <p>Thank you.</p>	No change recommended. The Working Group considered the hours requirement at length.
Jessica	AGREE	Hours of supervision	I agree with the rule generally but would like to propose one modification. For those who took the February 2020 exam and scored a 1390 or above, these individuals should be allowed to be admitted to the State Bar without completing additional hours. In the alternative, the hours requirement should be minimal (no more than 160 hours, or one month under supervision).	No change recommended. The Working Group considered the hours requirement at length.

Kathleen Moore	AGREE ONLY if Modified	Hours of supervision	<p>I am an applicant who received a 1423 score on the Feb. 2020 Bar exam. I have since sat for the October 2020 exam and am awaiting those results which I expect to be a passing score. In the event that it is not, I take issue with the Working Group's position that we pose a potential threat to the general public if we were permitted full licensure with minimal hours of supervision to ensure basic first year licensee competence.</p> <p>I understand many are concerned that the State Bar denied retroactivity, but that concern does not support even the 360 hour minimum for persons [especially persons such as me who not only very recently achieved this passing score, but who have been working now for 20 years as a certified paralegal with all accompanying CLE requirements]. The rule contains no consideration for those with immediate, consistent, continuing and ongoing work in the field. The rule contains no consideration for the fact that 360 hours at a part-time rate [at best now that the untested and unqualified 2020 graduates have had weeks to fill those positions we should have been given first opportunity for based on our proven competence] would mean that a 2019 graduate who obtained a passing score in the past year would have to work under another attorney consistently for at least six months. This in addition to then having to satisfy the first year lawyer's program. Most of you know this - yet you have let one vocal dissenter deter you from doing not only what is right, but what you came here to accomplish.</p> <p>In all honesty between us, this is not a matter of proving competency - as the whole point is that we have already done so. What this is about is respectfully appealing the Cal. Supreme Court who is unwilling to reverse itself on retroactivity despite massive unopposed support for the immediate licensure of at least the February 2020 bar takers who achieved this passing score while the ink on the score revision was still wet. There are no reasons given and I expect none of you have been able to work out the granting of provisional licensure - and PREFERENCE - to untested persons, and rejection of those who have been tested and were not found wanting. That being the case, why are you succumbing to one man dissenting at the last meeting to the rest of the Group's distaste for this level of hours? Why in your last meeting did you not put up for a vote the lower hours which would permit the SC to have verification from a licensed attorney that we are, in fact, basically competent as any other new licensee? Why did you let him control even what you would put up for a vote for where the majority of you agreed that less is necessary? I don't expect you to answer me, but I would hope you would discuss it amongst yourselves and remember that each of you has a necessary voice here - no one in this Group should have such an effect on the position of the majority.</p> <p>I would ask that you reconsider to have a 100 hours of supervision or less for the first tier and then, if you determine it necessary, more for those who obtained the passing score in the second tier. The point here is not that we need to be better than any other new licensee's - that is not a justifiable position. Nor is the dissenter's perplexing fear that we who obtained this passing score are somehow "presumed incompetent and need to prove themselves above and beyond."</p> <p>We are not. The point to this exercise and proposed legislation is simply this: the SC wants to be sure that we are at least minimally competent as is required of all other new licensees, especially considering the first year lawyer program we will have to complete as well. Demanding further proof from us beyond that is unreasonable and unjustifiable both legally and morally.</p>	No change recommended. The Working Group discussed the hours requirement at length.
Kiana Farzad	AGREE	Hours of supervision	<p>Thank you everyone for all your hard work on this issue. I do believe that February 2020 takers should have had the option of lower hours given the time period - it doesn't quite make sense. Although I am a bit biased here having received over a 1390 this year. Nevertheless, I respect any decision that the State Bar and California Supreme Court take.</p> <p>I am ready to get to work!</p> <p>Thank you!</p> <p>Sincerely, Kiana Farzad</p>	No change recommended. The Working Group considered the hours requirement at length.
Ying Jiang	AGREE ONLY if Modified	Hours of supervision	<p>I want to express my gratitude towards the bar and the working group on considering the PLL program.</p> <p>However, I would like to ask the bar and the Court to take a more in-depth look into the requirement for the 2019 December graduates who took the February 2020 exam. I am the exam taker who took the February 2020 exam, and asking for a more lenient (fewer hours) requirement for the February bar takers.</p> <p>First, the February bar exam takers have the most up-to-date legal knowledge because we have studied for the bar exam and scored above 1390. Thus, February bar takers have the least concern about the competency in practicing law.</p> <p>Second, the unprecedented setting during the commencement of the pandemic, the state bar had announced that the February exam takers were allowed (but not required) to wear masks during the exam. There were some of the exam takers in February were coughing during the exam and made me nervous and distracted during the exam. Thus, February bar takers were put into a more vulnerable and stressful situation which was different from any other exam takers historically.</p> <p>Third, the February bar exam had the lowest passing rate in history. I believe that the difficulty of the exam and the grading calibration somehow deviated from other bar exams in the past. My essay had a second read and the difference between the first read and second was about 20 points for each of my essays, and in total there was a 40 points difference in between. Based on my first read, the total score could have been above 1440, but the second read diminished my possibility of passing the bar. A 20 points difference in grading the essays should not be overlooked and it suggests malpractice in either the first or the second read. This kind of large discrepancy occurred in a large amount of the applicants who had a second read, especially in the February exam.</p> <p>For the above reasons, I urge the state bar and the Court to differentiate the February bar takers from other bar takers who took the bar exam in different timings. In addition, the state bar and Court should reduce the requirements of the hours for February takers to 160 hours maximum (4weeks X 40 hours/week) in order to be licensed without re-taking future bar exams.</p> <p>Sincerely yours, Ying Jiang</p>	No change recommended. The Working Group discussed the hours requirement at length.
Joshua M MacNamara	AGREE	Hours of supervision / Diversity of legal profession	<p>A score of 1390 today is the same today as it was within the past five (5) years because the state bar maintains the exam is the same degree of difficulty across all administrations.</p> <p>Given this, any required number of "supervised" hours should be the least amount possible especially relative to the increased Covid cases CA and our nation are experiencing.</p> <p>To not afford relief with the least amount of supervised hours to this cohort, increase diversity in the legal profession, remedy systemic racism and exam measurement inequities...and bias...further injures this class of candidates and limits the public in need of representation from diverse, relatable, and dedicated attorneys during this pandemic.</p>	No change recommended. The Working Group considered the hours requirement at length.
Anonymous	DISAGREE	Impact on foreign lawyer applicants	A California court order imposing the employment requirement for FULL licensure is unconstitutional under the Equal Protection Clause of the 14th Amendment because it requires a U.S. citizenship or U.S. immigrant or non-immigrant status under the U.S. employment and immigration laws, thus failing to meet the strict scrutiny test. Many less-conditioned pathways to full licensure without the employment requirement are conceivable, such as pre-admission online self-study programs or the retroactive application of the new passing score (1390) for 5 years back.	No change recommended.
Anonymuous	DISAGREE	Impact on foreign lawyer applicants	Please see attached.	No change recommended.
Anonymous	DISAGREE	Impact on lawyers / lower quality of lawyers	<p>Strongly disagree. The bar went too far when it cut the passing score to 1390 and limited the exam to two days. Passing the proposed measures will weaken currently practicing attorneys' negotiating power in the job market. In the end, the proposals will make us practicing attorneys and those who participate in the proposed program cheap labor for employers.</p> <p>Also, we practicing attorneys are seeing a drop in performance amongst those attorneys who passed the two day bar. The three day bar exam tested one's grit and ability to overcome self-doubt. That skill is invaluable. Please reinstate the three day exam at a 1440 passing score.</p>	No change recommended.
Niki Ghazian	DISAGREE	Impact on lawyers / unfair to prior test takers & lawyers	There is no reason to admit applicants now who previously failed the bar exam. This only further diminishes the value of our law license and allows unqualified candidates into an already saturated market place. It is also wholly unfair to candidates who sat for and passed a more difficult bar exam. First the provisional licenses without passing a properly administered exam, now this. Please stop damaging the law profession.	No change recommended.

Rachel Coleman	DISAGREE	Impact on lawyers / unfair to prior test takers & lawyers / Passage of Bar Exam Necessary	<p>Yet again, the State Bar is trying to erode the honor of the legal profession. The State Bar already lowered the passing rate and changed the exam from 3 days to 2 days. If a person is unable to pass the Bar exam under these conditions, then they should not be practicing law. Would you go to a doctor who could not pass the written licensing exams? Why would a client want to receive legal services from a lawyer who cannot pass a written exam? 80% of the work done as lawyers is based on reading comprehension, analysis and writing whether it be motions, letters or filing out forms.</p> <p>The new proposed rules are unacceptable to me as a licensed attorney. Members of the public should be protected from improperly qualified legal professionals. Also should the confidence of the public in the legal profession. If the Bar allows this rule to go into effect, members of the public's confidence in lawyers will go further down the tubes as will malpractice actions.</p>	No change recommended.
Michael Hulshof	DISAGREE	Impact on legal profession	This is horrific news for attorneys in an already saturated market, to compete with unqualified walking malpractice cases, who depress the wages. What will not be depressed is the student loan encumbrance which requires attorneys to make a certain income to adequately service their debt. I for one think such a rule, along with the courts misguided new implementations this year, makes the bar less valuable, and the acquisition of a law degree less desirable. Such implementation will hurt the legal field for a generation monetarily, and from basic competence standpoint.	No change recommended.
Alberto Ramos	AGREE	Increased access to lawyers	This proposal will help so many people with legal issues throughout California. Thank you.	No rule change required.
Alvaro Cota	AGREE	Increased access to lawyers	this would benefit all of California. Provisional licenses would help our state.	No rule change required.
Carrie Chan	AGREE	Increased access to lawyers	<p>I am a foreign attorney applicant for Cal Bar Exam who would have passed four times bar if the cut score will be lower to 1390 from 2008. I scored well above 1390 during the first read in my July 2016 Cal Bar Exam. I am really looking forward that this expansion for Provincial Licensure applies to me and all bar takers regardless of school or year of graduation.</p> <p>Please approve this expansion of Provincial Licensure program so many of us who failed previously but pass under the new cut score is able to practice as an attorney in California. It will be a benefit to the minority community that more attorneys are able to serve them with legal services.</p> <p>Thank you for your consideration.</p> <p>Best Regards,</p> <p>Carrie Chan</p>	No rule change required.
Anonymous	AGREE	Increased access to lawyers / Option A	<p>There is an extreme shortage of lawyers in California.</p> <p>The Supreme Court has reduced the cut-score, and past examinees have achieved that cut-score.I fully support their full licensure after completing the requirements under option A above.</p> <p>This is very important, please do the right thing.</p>	No rule change required.
Paul M. Davis	DISAGREE	Lower Quality of Lawyers	The proposed rule will materially lower the quality of lawyers admitted to the practice of law in California.	No change recommended.
Nadine Adrian	DISAGREE	Lower Quality of Lawyers / Passage of Bar Exam Necessary	California has disproportionately more lawyers than most states. We recently made it easier to get a license by shortening the bar exam. It is appalling the number of unqualified, unprofessional, unpolished lawyers not only practicing, but opening up their own law practices and running the business. If we are to maintain the reputation of the legal profession, continuing to lower our standards is not the answer. This comes across as a mere strategy to increase law school enrollment and focus on the money making business of creating lawyers. When the bar pass rate decreased, the test got shorter-but the bar review companies keep increasing their prices to prepare students for the exam despite the decreasing success rate. Law students graduate with more debt than ever. The answer is not lowering the standards. The answer is making education more accessible and to stop the profit making mindset from being number one. It is shameful that the Bar is responding to the degradation of overall character and work ethic standards by lowering its own standards in kind. We don't make lawyers like we used to. I disagree with allowing individuals to pursue a license to practice law without a rigorous education and testing. I also find it insulting as someone who was able to pass the bar exam and has worked very hard at what I do. Lowering our standards is doing no one any favors.	No change recommended.
Maria N Jonsson	DISAGREE	No need	Strongly disagree. This is ludicrous! Is there a shortage of attorneys?	No change recommended.
Adam Christopherson	AGREE	No reason stated		No rule change required.
Alba Melena	AGREE	No reason stated		No rule change required.
Ali Elachkar, Esq.	AGREE	No reason stated		No rule change required.
Amanda Tu	AGREE	No reason stated		No rule change required.
Anchal Ahuja	AGREE	No reason stated	I strongly support this program. It is the right thing to do.	No rule change required.
Andre Gerck	AGREE	No reason stated		No rule change required.
Andrew Aidman	AGREE	No reason stated		No rule change required.
Anonymous	AGREE	No reason stated		No rule change required.
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Anonymous	AGREE	No reason stated		No rule change required.
Anthony Kelly	AGREE	No reason stated		No rule change required.
Antwan Maxwell	AGREE	No reason stated		No rule change required.
Ashley Parker	AGREE	No reason stated		No rule change required.
Athena Hariz	AGREE	No reason stated	I fully support this program.	No rule change required.
Atul Dhablania	AGREE	No reason stated		No rule change required.
Azadeh Lambert	AGREE	No reason stated		No rule change required.
Becky R Almeida	AGREE	No reason stated		No rule change required.
Benko	AGREE	No reason stated		No rule change required.
Bill Burney	AGREE	No reason stated		No rule change required.
Bonnie Wagner	AGREE	No reason stated		No rule change required.
Brendan A. Le	AGREE	No reason stated		No rule change required.
Brooke Acevedo	AGREE	No reason stated		No rule change required.
Caitlin Li	AGREE	No reason stated	I agree with the proposed rule	No rule change required.
Caitlin Li	AGREE	No reason stated	I AGREE WITH THE PROPOSED RULE	No rule change required.
Carson Baucher	AGREE	No reason stated		No rule change required.

Cesar Vargas	AGREE	No reason stated		No rule change required.
Chad Noreuil	AGREE	No reason stated		No rule change required.
Charles frye	AGREE	No reason stated	I agree with this as a vital pathway to licensure for anyone who would have passed at the current levels. Please implement ASP	No rule change required.
Chris Martin	AGREE	No reason stated		No rule change required.
Claire Keifer	AGREE	No reason stated		No rule change required.
Connie	AGREE	No reason stated		No rule change required.
Consuela Howell	AGREE	No reason stated		No rule change required.
Corina Aguirre	AGREE	No reason stated		No rule change required.
Corysa Martinez	AGREE	No reason stated		No rule change required.
Cyrus Riahi	AGREE	No reason stated	It's a needed change	No rule change required.
D Coleman	AGREE	No reason stated		No rule change required.
Danielle Macnamara	AGREE	No reason stated		No rule change required.
Danielle Mohling	AGREE	No reason stated		No rule change required.
Danielle Montero	AGREE	No reason stated		No rule change required.
Danny Yadidsion	AGREE	No reason stated		No rule change required.
David Esfeh	AGREE	No reason stated		No rule change required.
david hilgenberg	AGREE	No reason stated	this is an excellent proposal	No rule change required.
David Nisenboym	AGREE	No reason stated		No rule change required.
Davood Modarres Esfeh	AGREE	No reason stated		No rule change required.
Devany Savage	AGREE	No reason stated		No rule change required.
Devin Finlayson	AGREE	No reason stated		No rule change required.
Donna Hollis-Brau	AGREE	No reason stated		No rule change required.
Dorothy L Sotelo	AGREE	No reason stated		No rule change required.
Dustin Hovda	AGREE	No reason stated		No rule change required.
EDWARD DOLLAR	AGREE	No reason stated		No rule change required.
Elias Makhoul	AGREE	No reason stated		No rule change required.
Elizabeth Granados	AGREE	No reason stated		No rule change required.
Ella Leung	AGREE	No reason stated	I agree with the proposed rule	No rule change required.
Enrique Campos	AGREE	No reason stated		No rule change required.
Eric Chan	AGREE	No reason stated	I agree with the proposed rule	No rule change required.
Erika Wrinkler	AGREE	No reason stated		No rule change required.
Eseta Sakkal	AGREE	No reason stated	I support this program.	No rule change required.
Flavio Hernandez	AGREE	No reason stated		No rule change required.
Francine Tortorici	AGREE	No reason stated		No rule change required.
Gabriella Rodezno	AGREE	No reason stated		No rule change required.
George Makhoul	AGREE	No reason stated	I support this program	No rule change required.
Gerald Lee	AGREE	No reason stated		No rule change required.
Giang Le	AGREE	No reason stated		No rule change required.
greg miller	AGREE	No reason stated		No rule change required.
Gui Li	AGREE	No reason stated	I agree with the proposed rule	No rule change required.
Gui Wu Li	AGREE	No reason stated		No rule change required.
GUIWU LI	AGREE	No reason stated	I agree with the proposed rule	No rule change required.
Hannah Wilhelm	AGREE	No reason stated		No rule change required.
Hieu Tran	AGREE	No reason stated		No rule change required.
Huy Nguyen	AGREE	No reason stated		No rule change required.
Hyoung Kyun Lee	AGREE	No reason stated		No rule change required.
Ian Kelley	AGREE	No reason stated		No rule change required.
Israel Olivares	AGREE	No reason stated		No rule change required.
Jady Leung	AGREE	No reason stated	I agree with the proposed Rule	No rule change required.
James Schiavenza, on behalf of Lincoln Law School of Sacramento	AGREE	No reason stated		No rule change required.
Jay Leung	AGREE	No reason stated	I agree with the Proposed Rule	No rule change required.
Jayden Li	AGREE	No reason stated	I SUPPORT THE NEW PROPOSED RULE!	No rule change required.
JD	AGREE	No reason stated		No rule change required.
JD	AGREE	No reason stated	I agree with the proposed rule. Thank you	No rule change required.
JDL	AGREE	No reason stated	I agree with the proposed rule	No rule change required.
Jean Casey	AGREE	No reason stated		No rule change required.
Jeanette Irigaray	AGREE	No reason stated		No rule change required.
Jennie Rivas	AGREE	No reason stated		No rule change required.
Jennifer L Gomez	AGREE	No reason stated		No rule change required.
Jennifer Olivares	AGREE	No reason stated		No rule change required.
Jennifer Ouk	AGREE	No reason stated	I support the proposed rule	No rule change required.
Jenny Zhou	AGREE	No reason stated	I agree with the proposed rule	No rule change required.
Jesse	AGREE	No reason stated		No rule change required.
Joel Matteson	AGREE	No reason stated		No rule change required.
Joey Makhoul	AGREE	No reason stated		No rule change required.
John Burke	AGREE	No reason stated		No rule change required.
John Makhoul	AGREE	No reason stated		No rule change required.
John Wasylenko	DISAGREE	No reason stated		No change recommended.
Jonathan Torres	AGREE	No reason stated		No rule change required.

Joyce E Dudley, on behalf of Santa Barbara County Office of the District Attorney	AGREE	No reason stated	Please see attached	No rule change required.
Juan Sanchez	AGREE	No reason stated	I agree with the proposed rule	No rule change required.
Judy Leung	AGREE	No reason stated	I agree with the proposed rule	No rule change required.
Judy Li	AGREE	No reason stated	I agree with the proposed rule	No rule change required.
Julia Hyeon	AGREE	No reason stated		No rule change required.
Justin Ackley	AGREE	No reason stated	The provisional licensure program is a good idea and should be expanded as laid out in the proposal.	No rule change required.
Karen McCray	AGREE	No reason stated		No rule change required.
Karl van dessel	AGREE	No reason stated		No rule change required.
Katelyn Hill	AGREE	No reason stated		No rule change required.
Kelly Lynn Campbell-McKay	AGREE	No reason stated		No rule change required.
Kevin Vaz	AGREE	No reason stated		No rule change required.
kulvir kaur	AGREE	No reason stated		No rule change required.
Kyle Corona	AGREE	No reason stated		No rule change required.
Lacey Henderson	AGREE	No reason stated		No rule change required.
Lakhwinder Kaur	AGREE	No reason stated		No rule change required.
Lakin Levinsky	AGREE	No reason stated		No rule change required.
Laurette Hanna	AGREE	No reason stated	I agree with this proposal!	No rule change required.
Lawrence Pittman	AGREE	No reason stated		No rule change required.
Leslie Patrick	AGREE	No reason stated		No rule change required.
Lily Leung	AGREE	No reason stated	I AGREE WITH THE PROPOSED RULE	No rule change required.
Louis Curson	AGREE	No reason stated	AGREE	No rule change required.
Lucy Xie	AGREE	No reason stated		No rule change required.
Mahnaz Ramez	AGREE	No reason stated		No rule change required.
Maria Aguilar	AGREE	No reason stated	I'm in favor and agree with the proposal	No rule change required.
Mariana Harris	DISAGREE	No reason stated		No change recommended.
Marilee Fong	AGREE	No reason stated		No rule change required.
Mark Miller	AGREE	No reason stated		No rule change required.
Mary Saade	AGREE	No reason stated		No rule change required.
Maryann Briseno	AGREE	No reason stated		No rule change required.
Megan McGovern	AGREE	No reason stated		No rule change required.
Mehdi Huda	AGREE	No reason stated		No rule change required.
Melissa Kamin	DISAGREE	No reason stated		No change recommended.
Melody Morris	AGREE	No reason stated		No rule change required.
Merari D. Sanchez	State No Preference	No reason stated		No rule change required.
Michael A Slater	AGREE	No reason stated		No rule change required.
Michael A. Shakouri	AGREE	No reason stated		No rule change required.
Mikee Gildea	AGREE	No reason stated		No rule change required.
MINAISE MINAISE	AGREE	No reason stated		No rule change required.
Miriam Cywan	AGREE	No reason stated		No rule change required.
Mohammad Sadoghi	AGREE	No reason stated		No rule change required.
Naseem Huds	AGREE	No reason stated		No rule change required.
Natalie Gore	AGREE	No reason stated	I agree with the proposed rule	No rule change required.
Negin Bahadorani	AGREE	No reason stated	I fully support this proposal. Thank you for drafting it.	No rule change required.
Newman Tran	AGREE	No reason stated	I AGREE WITH THE PROPOSED RULE	No rule change required.
NICOLAS Elias MAKHOUL	AGREE	No reason stated		No rule change required.
Nicole Miccolis	AGREE	No reason stated		No rule change required.
Nikki Esfeh	AGREE	No reason stated		No rule change required.
Nilooфар aghayan	AGREE	No reason stated		No rule change required.
Noel Torres	AGREE	No reason stated		No rule change required.
Northcal Liens, on behalf of Northcal Liens	AGREE	No reason stated	I agree with the proposed rule	No rule change required.
PAUL Schonauer	AGREE	No reason stated		No rule change required.
Paul Sun	AGREE	No reason stated		No rule change required.
Pavan singh	AGREE	No reason stated		No rule change required.
Payam Ayazi	AGREE	No reason stated		No rule change required.
Rajeev Prasad	AGREE	No reason stated		No rule change required.
Ramel George	AGREE	No reason stated	I agree with the new proposed rule	No rule change required.
Rebecca Granados	AGREE	No reason stated		No rule change required.
Richard Cendoya	AGREE	No reason stated		No rule change required.
Richard Dukes	AGREE	No reason stated	I applaud the CA Supreme Court for taking these measures.	No rule change required.
Robert Hollis-Brau	AGREE	No reason stated		No rule change required.
Robert Hollis-Brau	AGREE	No reason stated		No rule change required.
Robert Hull	AGREE	No reason stated	I agree with the proposed rule	No rule change required.
Roslynn Wilfert	AGREE	No reason stated		No rule change required.
Ryan Brodovsky	AGREE	No reason stated		No rule change required.

Sahar aghayan	AGREE	No reason stated		No rule change required.
Sal Blanco	AGREE ONLY if Modified	No reason stated		No change recommended.
Samir Sakkal	AGREE	No reason stated	I support this Program.	No rule change required.
Samuel Ugarte	AGREE	No reason stated		No rule change required.
Sandra Fong	AGREE	No reason stated		No rule change required.
Saul Melená	AGREE	No reason stated		No rule change required.
Shireen	AGREE	No reason stated		No rule change required.
Sofia Moufarrej	AGREE	No reason stated	I agree with the proposed statement that applicants who took the bar previous to the modification should be allowed to practice	No rule change required.
SS	DISAGREE	No reason stated		No change recommended.
Stacy Griner	AGREE	No reason stated		No rule change required.
Sun Chan	AGREE	No reason stated	I support the new proposal	No rule change required.
Sunny Li	AGREE	No reason stated	I agree with the proposed rule	No rule change required.
Susan Park	AGREE	No reason stated	I AGREE WITH THE PROPOSED RULE	No rule change required.
Sybil Quayé	AGREE	No reason stated		No rule change required.
Teresa Corrington	DISAGREE	No reason stated		No change recommended.
The Honorable Joyce E. Dudley	AGREE	No reason stated	I strongly support this change.	No rule change required.
Tisha Curry	AGREE	No reason stated		No rule change required.
Tzesun Li	AGREE	No reason stated	I AGREE WITH THE PROPOSED RULE	No rule change required.
Wafaa Makhoul	AGREE	No reason stated		No rule change required.
William Vu	AGREE	No reason stated		No rule change required.
Winifred Chan	AGREE	No reason stated		No rule change required.
Winifred Jow	AGREE	No reason stated		No rule change required.
Yen Nguyen	AGREE	No reason stated		No rule change required.
Yoseph Chang	AGREE	No reason stated		No rule change required.
Zach Anderson	AGREE	No reason stated		No rule change required.
Zachary Stauber	AGREE	No reason stated		No rule change required.
Anonymous	AGREE	No reason stated		No rule change required.
Anonymous	AGREE	No reason stated		No rule change required.
Anonymous	AGREE	No reason stated		No rule change required.
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Anonymous	AGREE	No reason stated		No rule change required.
Anonymous	AGREE	No reason stated		No rule change required.
Anonymous	AGREE	No reason stated		No rule change required.
Anonymous	DISAGREE	No reason stated		No change recommended.
Anonymous	AGREE ONLY if Modified	No Supervision	This rule is equitable and fair to the intelligent and capable individuals who seek to be attorneys, but who are presently not attorneys merely because they took the bar exam before October 2020. The only modification that I think should be made is to remove the requirement of supervised legal practice hours entirely. Unless ALL people taking the bar exam with a 1390 or higher passing score, even in October 2020 and beyond, do not have to complete such hours, then those who would have passed but for the fact that they took the bar exam a few years earlier shouldn't have to perform such hours either.	No change recommended. The Working Group discussed the need for supervision and the hours requirement at length.
Dawn Stafford	AGREE ONLY if Modified	No Supervision	I submit that the program should waive the requirement for supervision for applicants who, subsequent to not passing the California Bar exam with a score of 1390 or higher between July 2015 and February 2020, did the following: 1.Took and passed the multi-state bar exam. 2.Became a member of another state bar. 3.Practiced law in that state for a year or more in a government or public interest law office, such as the Public Defender. 4.Have been in good standing with both their employer and their state bar association. I feel this is not an uncommon scenario and, indeed, was the only option open to many Californians who were dedicated to the notion of becoming part of the legal profession but could not overcome the very high California cut score. I believe it would be difficult for such applicants who have secured legal employment in another state to return to California without a promise of full compensation, which might be difficult to obtain initially during the period of required supervision. I am concerned that the supervised positions for employees who are only provisional members of the California Bar might end up being little more than internships and not at all in line with the experience they have already gained out of state. These applicants who scored 1390 or higher and who have gained significant professional experience in other states would be an immediate asset to the California Bar and should be accepted into it without the requirement for provisional status and supervision.	No change recommended. Attorney applicants are treated similarly to all other applicants under this proposal.
Dennis Wilson	DISAGREE	No Supervision	I do not think supervision is required if it is not required for 2020 candidates. Otherwise I agree with the proposed rule	No change recommended.
Amir G	AGREE	No supervision / Option A / Increased access to lawyers	I Don't see the need for supervised hours for people who have already achieved 1390, but if this is required due to legal or administrative reasons, then OPTION A would be suitable or any other option with fewer hours. I own three businesses and can benefit from hiring new lawyers to keep my expenses as low as possible, especially during the pandemic. People need qualified lawyers with affordable legal fees. Allowing this group of applicants to work as soon as possible on their own is beneficial to the public, especially for low-income communities.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Adam Bentley	State No Preference	Option A	Please see attached.	No rule change required.

Alexandra Iova	AGREE	Option A	I agree and fully support Option A. Thank you for your time, effort and consideration on this matter, it is very much appreciated.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Amber Vincent	AGREE	Option A	<p>My name is Amber Vincent and I am a 2019 Berkeley Law Graduate. First, I am writing in support of granting the provisional licensing program with a pathway to licensure. More specifically, I am writing in support of granting this program with Option A: 360 total hours of supervised legal practice for individuals who scored 1390 or higher on a California Bar Examination administered between July 2017 and February 2020; or 480 total hours of supervised legal practice for individuals who scored 1390 or higher on a California Bar Examination administered between July 2015 and February 2017. Second, I ask this Committee, the CA State Bar, and the California Supreme Court to recognize the urgency in adopting this program and to expedite its approval.</p> <p>The requirement to complete any number of supervised legal practice hours for those who scored a 1390 or above on past exams is a unique requirement that no future examinees who score a 1390 or above are obligated to complete. This is because the California Supreme Court's determined this past year that those who score a 1390 or above have demonstrated that they are minimally competent. Because a 1390 or above score on the February 2020 Exam, for example, demonstrates the same level of competency as 1390 or above scored on the October 2020 Exam, I asked that Option A is adopted, the option that implements the lowest number of necessary supervised legal practice hours.</p> <p>Moreover, the provisional licensing program with a pathway to licensure must be adopted quickly. Examinees who scored a 1390 or above on past exams have lost employment, time, and money not because we did not demonstrate minimal competency but because we did not demonstrate the 1440 more than minimal competent standard—a standard that is not the objective of the exam. For many of us, it feels like we have been stuck in a state of purgatory, unable to professionally advance but in too much school debt to give up.</p> <p>Thank you for your time and consideration.</p>	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Amrik Grewal	AGREE	Option A	<p>Good morning,</p> <p>I would like to express my full support of the expansion of the provisional licensure program for the students who have taken and passed the bar exam with a score of 1390.</p> <p>I believe option A would be the best choice. These students have exhibited minimum competence by completing the exam and passing with the new score. This pandemic has created desperate times and there is a need for legal representation for our residents.</p> <p>I hope this will be available for these students sooner than later due to the economic situation our world is in.</p> <p>Thank you. Amrik</p>	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Anonymous	AGREE	Option A	<p>I wish ABA could have expanded the provisional licensure sooner for those who are now impacted by this proposal. When the passing score was changed to 1390, it should have retroactive to those who already scored higher than 1390 in the past. Under the new score, those people are just as qualified to practice law as all the licensed lawyers under the new rule.</p> <p>It's so arbitrary and unfair that this group has been left out in the dark for so long when people in Sacramento were making proposals to allow regular folks to practice law without going through law school, It's absurd to me that Cal Bar did not push harder for those law school graduates with bar score higher than 1390 to enter the work force sooner when they made such proposal to allow non law school graduates to do exactly the same thing last year.</p> <p>I fully support the new proposed rule A and hope they can be fully licensed as soon as possible without the golden handcuff of too many of provisional rules.</p>	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Anonymous	AGREE	Option A	These individuals have proven (many more than once) they are competent to practice law. I believe Option A is the best course of action as well as allowing perviously worked hours to count towards the total of numbers worked.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Anonymous	AGREE	Option A	I strongly agree with Option A for the provisional licensure program for graduates who have previously taken the bar exam and scored more than the present cut off score.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Anonymous	AGREE	Option A	Thank you provisional licensing working group for tackling this unique task. I am in favor of the lesser of the proposed hours Option A-360/480. I understand that a Feb 2020 bar candidate who received a score of 1439 and failed the February 2020 bar exam, will be required to complete supervisorial hours under proposed rule 9.49.1. However, an October 2020 candidate can receive exactly 1390, a lesser score by 50 points than the previous 1440 cut score- and still be admitted to the bar without having to complete any supervisorial hours. Is the February 2020 candidate not more competent than the October 2020 candidate-based on their score? I search for an exceedingly persuasive explanation for this requirement. It seems to be nothing more than repeated hazing. However, I still defer to the working group's determinations for those who scored 1390 between July 2015-Feb 2020. Again, thank you for your consideration and I appreciate what you are doing.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Ari Jones	AGREE	Option A	Please proceed with OPTION A.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Arthur Dermendjian	AGREE	Option A	<p>I commend the State Bar for taking on this matter, and for expeditiously developing a proposed rule to expand the program. As I have done before, I support the minimum number of supervisory hours (Option A), as individuals who fall within this category have already met the new minimum competency threshold that the Supreme Court has defined. Some supervised practice will protect the public and the individual themselves, whereas too much will result in a hindrance on careers that have already been put on hold, due to the bar exam and the pandemic. Many individuals who are awaiting this expansion, likely already work for firms and attorneys willing to supervise them, and have a good understanding of the individual's capabilities. Retroactivity would not have made sense, as individuals who have long given up on the profession, would have been allowed in, endangering the public and the people they worked for.</p> <p>Also, as a side note, it is absolutely up to individuals to apply on time and complete the requirements within the allotted time period. With adequate notice through emails and publications by the State Bar, those who qualify for this expansion will inevitably find out about the program, at which point, it is their sole responsibility to quickly satisfy all requirements.</p>	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Bichara Endrawos	AGREE	Option A	I support Option A which sets out 360 Supervision Hours for examinees going back to July 2017 and 480 Supervision Hours going back to July 2015.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Boyah Kaar	AGREE	Option A	Option A	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.

Bryan Nel	AGREE	Option A	I agree with the proposed rule. Option A is my preference.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Chad Punch	AGREE	Option A	Option A	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Dalbir Chopra	AGREE	Option A	I support Option A.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Debra Berg	AGREE	Option A	<p>I am an Administrative Law Judge who has worked for California Unemployment Appeal's board since 1984. I started out as an Appeal's board member and I have been an administrative law judge for 26 years. Before this, I worked as a worker's compensation attorney and in private practice.</p> <p>I have been following the discussion of lowering the cut score from 1440 to 1390 for the last 5 years. I have been appalled with the dismal passage rates, especially compared to every other state in the country. Passing only 26 % of those who took it in February was unconscionable .The only reason the July 2019 bar had a higher passage rate was because the test was leaked.</p> <p>I do not believe that studying over and over again to pass the bar serves the public interest or that passing the state bar makes an individual a better or more ethical lawyer. The only purpose the low passing rate serves is to cut the competition and decrease the number of attorneys. For those who have trouble with multiple choice tests, or test anxiety it has created added problems. In addition, the pandemic has created additional concerns.</p> <p>In that respect, I think permitting those who have scored 1390 and above a pathway to a license, is way overdo. Giving these individual a chance to work in a law firm for 3 months would be much more productive then making them study for the state bar again, without income and the means to pay back student loans .Plus, from my 40 years experience , I can say with certainty, that all my experience and skills has come from hands on learning from mentors and the Bar exam did not prepare me to succeed.</p> <p>Therefore, I support the proposed rule and prefer option A.</p> <p>Thanks Debra Ann Berg (member 91577) since May 1980</p>	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Diana King	AGREE	Option A	Option A has my full support!	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Dominic Nicolosi	AGREE	Option A	<p>I write in support of Proposal A.</p> <p>I would also like to say thank you to the group for putting in the time to push this amendment to the rule.</p>	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Doug	AGREE	Option A	I strongly agree with the proposed rule and option A. The candidates that reached 1390 in the past exams had showed competence to understand the law, therefore they should be allowed to practice law.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Eliza Jasinska	AGREE	Option A	<p>Option A:</p> <p>360 total hours of supervised legal practice for individuals who scored 1390 or higher on a California Bar Examination administered between July 2017 and February 2020; or</p> <p>480 total hours of supervised legal practice for individuals who scored 1390 or higher on a California Bar Examination administered between July 2015 and February 2017.</p>	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Eric Le	AGREE	Option A	Option A.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Evan Miller	AGREE	Option A	<p>I am writing in full support of the proposed rule along with Option A. This program is necessary to assist those past bar exam applicants who have already demonstrated competence to practice in light of the recently lowered cut score.</p> <p>As far back as 2017, the Board of Trustees stated that they would support a retroactive application of the cut score to at least the most recent exam. Hundreds of February 2020 examinees who scored 1390 and above were forced to take the October 2020 bar exam despite the cut score being lowered only weeks after results were posted.</p> <p>The reason why these applicants are already competent is simple. All bar exams are scaled by the State Bar's psychometricians and, as such, they are all equally difficult. Since the cut score change is permanent and the format of the bar exam is the same, past examinees who scored 1390 or higher have already demonstrated competence on what were equally difficult exams in the same current format. Thus, it needs to be emphasized that these past examinees are already, at this very moment, competent to practice law under the State Bar's standards.</p> <p>Given that the applicants are already competent to practice, there is no need for concern for the public and no need to have an excessive requirement as each of them is guaranteed to meet them. This is why Option A is the most logical option as it requires less hours. Further, the applicants who will be taking advantage of this program will be ones who have continued to keep themselves close to the practice of law and so it is highly unlikely that someone who has not stayed in touch with law practice will be able to successfully complete the program.</p> <p>The pandemic has caused financial strain on so many of the people who need this program and that is why it is essential for it to be implemented as soon as possible. Thank you for your consideration in reading this public comment.</p>	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Gabriela B.	AGREE	Option A	I 100% support Option A. As an applicant who has taken and passed three times under the new passing cut score, the 360 total hours of supervised legal practice is a good pathway for licensure.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.

Gina E	AGREE	Option A	As a February 2020 bar exam applicant who scored a 1415, I am in agreement with the proposed rule, particularly option A because a longer administration of the provisional license program will delay legal representation for those who desperately seek justice.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Harrison Levy	AGREE	Option A	I am currently a law clerk who is one year removed from graduating from law school. As someone who received 1411 on the February 2020 administration of the California Bar Examination, I strongly support this proposal and believe option "A" would provide an equitable solution to this issue. I believe that this provision would be both fair to the applicants and provide the public with competent lawyers, who will contribute to our profession.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Ihsan Elias	AGREE	Option A	Option A. Thank you	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Jacob ONeill	AGREE	Option A	Option A is appropriate. A minor increase in hours will not change the provisionally licensed attorneys competence.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Jazmyne	AGREE	Option A	Thank you for taking the time to recognize the retroactively passing applicants and the challenges they face having to take the bar exam despite the cut score being lowered. I am in full support of this because it will help provide greater access to the justice system. I would like to emphasize my support specifically toward option A and to humbly request the process be expedited so that we can begin on the pathway to full licensure. As of now many of us are working for free in exchange to have supervision arranged for our applications Thank you for your time. Jazmyne Martin	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Joyce Levy	AGREE	Option A	Option A is the best choice for theses graduates that have already earned the score of 1390 or above. They have proven they are competent. Let's let them start their careers.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Lorne Henderson	AGREE	Option A	1390 is already a high score. On top of this you want the person to be supervised for 400 plus hrs. What more should lawmakers need to fulfill any worries they may have whether the person can practice, represent the law to the highest level of anyone who has previously passed the bar? On top of that, we know the worry is you're opening the floodgates to the law profession and that obviously is not the case when there's less than 2000 total people over a 5 year span that actually achieved this score. These people should be lawyers already without a provision. Option A is my vote.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Maigan Wright	AGREE	Option A	I suggest option A. All applicants for this program have graduated law school, which is supposed to make them minimally competent to practice law.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Marwan Sanoufi	AGREE	Option A	In favor of this proposed rule. Preference is to Option A.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Natalie Hughes	AGREE	Option A	I fully support Option A	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Nathaniel T Leachman	AGREE	Option A	I support Option A of the proposed rule.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Nyasha Buchongo	AGREE	Option A	Thank you for moving forward with expanding the provisional licensing program to prior examinees who scored between 1390-1439 on previous exams. I am in full support of the proposed rule as is, which includes individuals who sat for the California Bar Examination in July 2015 or later and who scored 1390 or higher on that exam, as determined by the first read score or final score. In addition to expressing my full support and gratefulness for the provisional licensing program, I would like to recommend Option A, 360 total hours of supervised legal practice for individuals who scored 1390 or higher on a California Bar Examination administered between July 2017 and February 2020. Again, thank you for moving forward with expanding the provisional licensing program to prior examinees who scored between 1390-1439 on previous exams.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Reem Allos	AGREE	Option A	Option A	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Roger Hughes	AGREE	Option A	I am writing in support for the class of 2019 regarding the proposed provisional licensing rule. I was admitted to the California Bar in 1972 and I am distinctly troubled by the apparent mismanagement of the Bar. But all of that needs to be put aside so that the licensing of the class of 2019 be can go forward as quickly as possible. I fully support option A.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Shubhi Badjatiya	AGREE	Option A	I support this program and option A	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
SILVIA KELLER	AGREE	Option A	First, I want to state that I am grateful for your consideration of this plan for licensing. I have worked in the legal field for about 25 years. I suggest Option A for the hours of supervision (or less) as many of us have been working in the legal field for a number of years- I already prepare Briefs, Memorandums of Law, Motions, and even Appeals to the Ninth Circuit, all of course under the supervision of attorneys. I do not believe we should have to be under the supervision of an attorney for more hours than suggested in A as individuals who pass the exam go into practice right away without supervision. We have passed with a score of 1390 or higher, just as these other individuals. I wish you happy holidays and blessings for 2021. Thank you again for everything you are doing for us during these very difficult times and for rushing to get this through. Our student loans await!! and we need to work in the profession we have chosen and that we love. For me, becoming a lawyer has been a lifetime dream and my passion!	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Steven Bowman	AGREE	Option A	As a licensed attorney, I think this proposal is only fair to these applicants. I prefer Option A be instituted.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.

Susie Altamirano	AGREE	Option A	<p>Dear Provisional License Working Group Committee,</p> <p>I am writing to support Option A: 480 total hours of supervised legal practice for individuals who scored 1390 or higher on a California Bar Examination administered between July 2015 and February 2017.</p> <p>I took the bar exam in February 2016 and thankfully received a score of 1422, well above the 1390 score now required. In addition, I am waiting for results from the October 2020 bar exam. Also, in preparation of either passing the October bar exam or the passing of the PL program Option A or B, I am working on my Moral Character Determination application to submit before the end of this year. Two major considerations delayed my Moral Application submission until now: (1) Cost \$550 and (2) Timing: the application is only good for three years, so having submitted it in 2016 would have not been a good use of financial resources. However, from my understanding, the PL program will allow those like me to proceed with this supervised program once my Moral Character Determination application is paid and submitted, even though it may not be approved for up to six months. During this six month review period, I would be able to accomplish my supervised legal practice hours.</p> <p>Since the 2016 bar exam, I have been working in the legal field and also studied for the October 2020 exam. Therefore, my legal education is relevant and ongoing. I have been working for a CPA firm and plan on working for a law firm, even if part-time, in order to complete the required supervised hours.</p> <p>I am writing to support Option A with the 480 supervised legal hours for those who took the bar exam between July 2015 and February 2017. Option A with the 480 supervised legal hours, would equate into three months of full-time employment at 40 hours a week. This option is achievable and would provide the opportunity to receive supervision and guidance while practicing law. It is also a realistic amount of time considering this will likely be a lower source of income compared to my current employment situation, however a shorter period of time to achieve this requirement.</p> <p>From what I am seeing in the Southern California attorney job market and in light of the pandemic, current remote working situations and cost of living adjustments, I strongly urge the committee to pass Option A. I anticipate those similarly situated in my position would be able to find part time work at a lower wage and possibly work part-time at their current employer or another higher paid employer, in order to make financial ends meet.</p> <p>Thank you for your commitment and dedication to bring resolve during a extremely uncertain time. I welcome the opportunity to bring legal solutions, practice law and provide legal counsel to this great State in the foreseeable future.</p>	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Taishi Duchicela	AGREE	Option A	I am full support of OPTION A.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Taline Panossian	AGREE	Option A	I agree with Option A of the proposed rule. Thank you for all the hard work and efforts you have put into it.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Tam Chau	AGREE	No reason stated		No rule change required.
Tamara Hardin	AGREE	No reason stated		No rule change required.
Vivian Dao	AGREE	Option A	Option A is the most logical option. The difference only one work week (40 hours) would make between option A and option B is not discernible. A candidate will not grow more competent within the timeframe of a single week. Option B just prolongs and belabors the fact that these candidates have already passed the threshold of competency without proper acknowledgment from the State Bar.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Zahe Agil	AGREE	Option A	<p>Option A - Seems like the most reasonable and Fair option. The purpose is to simply make sure the public is in good hands by people who have passed the bar previously using the new cut score. This program is not to replace the bar, but to refresh and make sure prior takers are ready able and capable of practicing.</p> <p>It is also important to know, that all passers of the MPRE already know that they have the Duty of Competence to uphold.</p>	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Zobida McCorquodale	AGREE	Option A	I also support option A	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Helen Ho	AGREE	Option A / Competence	<p>Dear Members of the Provisional Licensure Working Group:</p> <p>My name is Helen Ho and I am one of the past California Bar examinees ("Examinees") who will be impacted by today's decision.</p> <p>I agree with Option A of the proposed Rule because the Provisional Licensure Program ("Program") is all about fairness and equity. As you may already know, the goal of Supreme Court of California is to test Examinees on their minimum competence to practice law and not at any higher proficiency. Based on the Court's goal, Examinees as recently as February 2020 have already demonstrated competence to practice law. So, to require Examinees any higher proficiency such as requiring Examinees to achieve the maximum total hours of supervised legal practice under Option B would be contrary to logic, equity, and fairness.</p> <p>Furthermore, Option B is contrary to the Court's stated goal because unlike Option A, Option B received less votes than Option A from the Provisional Licensure Working Group ("PLWG"). Significantly, Option A is based on research from leading law licensing experts whereas Option B was simply made up by a member of the PLWG who wanted a higher number of required hours.</p> <p>All of us who are impacted by today's decision are minimally competent to practice law because we obtained a Juris Doctorate Degree after successfully completing all of our required classes and hours required for our legal internships or clinics. We are minimally competent to practice law because we achieved a score of 1390 or higher. We also have to have passed the Multistate Professional Responsibility Examination as well as the Moral Character Determination. So, why are we required to go beyond the Court's stated goal which is to require us to demonstrate minimum competence?</p> <p>This Program is all about fairness and equity. So, I agree with Option A and respectfully ask that PLWG to approve Option A.</p> <p>Thank you for your time and consideration.</p> <p>Sincerely, Helen Ho</p>	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Leah Smolker	AGREE	Option A / Competence	<p>COMMENT RE: PROPOSAL TO RETROACTIVELY LOWER THE CUT SCORE</p> <ul style="list-style-type: none">• 360 hours is sufficient supervised work time for those seeking retroactive application of the cut score because many, if not most, people have been working full or part time in law offices since law school, failing the bar exam and/or have retaken the exam and studied immensely for it only to fail again. The intellectual tasks and labor have already been met, so it is not necessary to add an additional 40 hours of work-study.• There has never been a proven nexus between the cut score being at 1440 and competence or ethics in the legal profession. Lowering the cut score combined with work-study is sufficient to protect the public since supervised work is hands-on learning experience that is more beneficial for the applicant and the public than studying for a written test.• The supervised work study requirement of 360 hours is a good progression toward testing actual lawyering skills. A minimum level of competence test should evolve into testing actual lawyering skills and experience.• These are unprecedented times and the presence of more lawyers would help to safeguard the public.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.

Anonymous	AGREE	Option A / Counnt prior supervised hours	I agree with Option A. Please consider crediting legal work that has been performed prior to the creation of the Provisional Licensure Program, such as with out of state licensed attorneys or work completed while working and waiting for the results of the exam as long as both were under the supervision of a California licensed attorney.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Erica Mortenson	AGREE	Option A / Counnt prior supervised hours	I believe the best option is option A. Also, if a person has worked with a firm prior to this, I he/she should be allowed to use all or part of the hours already worked towards the hour requirement as the work will be the same and person will have already showed they are able to practice law in CA. Thank you.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Rachel Kafele	AGREE	Option A / Diversity of legal profession	I support allowing more people to be able to practice law and not having the Bar Exam pose an obstacle to increasing diversity and inclusion. I support Option A	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Julie Joseph	AGREE	Option A / Fairness	It is important that the CA Bar is fair. The new court rule changed the passing baseline score, so those who had that score prior to the ruling should be allowed to benefit from the change. I also believe option A is the most fair.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Kira Minaise	AGREE	Option A / Fairness	I strongly agree with this proposal, specifically Option A, and I URGE the State Bar of California to retroactively grant licenses to those who deserve it. The law is built upon the idea that everything must be right and just. The State Bar of California can't exempt those who should be licensed from this simple idea. It is without a doubt that those who scored 1390 or higher on the California Bar Exam must get the same treatment as does "lawful actions." By rejecting this proposal, the State Bar of California perpetuates the known stereotype that they have a lack of competence when it comes to governing a lawful exam that inherently prevents future lawyers from practicing the law. To those at the California State Bar Association, I urge you to ask yourselves this: Is it fair for those who continuously waste money and time studying for a flawed exam to not be given licensure after the pass score decreases while in a global pandemic? Do you truly think that an exam with a pass rate of about 26% (according to Feburary 2020) accurately demonstrates that the exam is sufficient? The least the State Bar of California could do is demonstrate some human decency in the face of their continuous ignorance toward the flawed exam and give what these hardworking men and women deserve. State Bar of California, your lack of competence continues to baffle me. For the sake of humanizing yourselves, pass this proposal.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Maha Hanna	AGREE	Option A / Fairness	I strongly support option A. There are many talented, intelligent young lawyers who have been waiting patiently for this common sense proposal to be approved. They have waited long enough to start their chosen professional lives. They paid their emotional and intellectual dues and have been paying interest on Law school Loans. This is especially unfair to underpriveleged candidates who do not have their families financial support through these hard times. I consider this matter of utter importance in achieving equality and representation in this elite field.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Pankaj Kumar	AGREE	Option A / Fairness	I agree with Option A. In all fairness, people who scored above 1390 in previous administrations have already shown minimum competence. They are no different than people scoring 1390+ October 2020 onwards.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Lysette Torres	AGREE	Option A / hours of supervision	Dear Working Group, I write this comment to indicate my support for Option A and also to thank you for your hard work and dedication to this matter. A license is much better than no license, so thank you. I took the bar exam in February 2020. I scored over a 1400 but not the 1440 that was required at the time I took the exam. Please consider those of us who do not have very many connections and who will likely have to volunteer in order to fulfill these hour requirements. I had a baby 8 days before I graduated law school and because of the pandemic have stayed home with two daughters in order to help the older one with school. This means that I do not have very many connections and while I am just as competent now as I was in February, I do not have a job lined up where I can easily complete 400 hours. I have demonstrated my competence and would appreciate a lower minimum hour requirement so that I can become the first attorney in my entire generation and start providing for my beautiful family because we are all well aware of what is costs to live in the state of California. Further, most working group members (except for Mr. Kramer) seemed to be on board with a lower hour requirement. So a majority of the group members agreed that Option A would be sufficient time to determine whether we are STILL competent. Again, thank you for all your time and efforts. There is so much to say regarding this proposal, however, the goal is to assure you that I am a competent aspiring attorney and am in no way a danger to the community. I, like most of those in my situation, are willing and ready to serve the legal community so I ask that you PLEASE PROPOSE OPTION A. Thank you, Lysette	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Anonymous	AGREE	Option A / Hours of supervision	I support the pathway to full licensure and option A. I believe there is no compelling reason to treat applicants who took the bar exam within five years differently depending on how long ago they took the exam and that 360 hours is sufficient supervision, especially given that the vast majority of applicants do not need to meet any similar requirement.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Andre Schevciw	AGREE	Option A / Hours of Supervision	Option A is the stronger choice here, but the CA Supreme Court is urged to consider a reduced amount of hours for First time FEB2020 examinees. First time FEB2020 examinees, who scored higher than 1390, face unique burdens that have never being imposed on any other examinees. 1) They have taken an exam in less than ideal conditions, under the challenges of an ensuing global pandemic. 2) They have arguably taken one of the hardest CA bar exams ever administered, as evidenced by the lowest approval rate ever, despite the process of equating. 3) They have suffered from an extraordinary protracted time for a second examination. 4) Most have studied for a second examination under uncertainties about retroactivity of 1390+ score, shifting exam days, shifting exam format, no access to libraries, and all the other difficulties imposed on daily lives by COVID-19. 5) Most have taken a second exam administration in an arguably experimental online format. 6) They now face an extremely challenging legal job market with dimming hiring prospects due to all uncertainties being imposed by the CA bar admission requirements. 7) They are now being requested to work 360+ hours, despite receiving a passing score in an arguably harder exam administration than that applied to recent graduates. Not all examinees can afford to undertake a supervised training. Especially those seeking non-traditional career paths. This requirement is unheard of for any other examinees. The CA Supreme Court should significantly reduce the number of hours required or eliminate them all together.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.

Marian Mikhail	AGREE ONLY if Modified	Option A / Hours of Supervision / Attorney Applicants	<p>As a New York lawyer and candidate for the CA Bar, I support Option A. I am a public defender and took the Exam in February 2020. I did not pass the Exam by 7 points under the 1440 cut score.</p> <p>I support a plan that contemplates less hours for licensure. First, promulgating less hours would prevent employers from taking advantage of provisional attorneys by offering less pay or no pay for an extended period of time. Furthermore, the hours mandated in the Options are arbitrary or have not been explained as to why [X] hours are sufficient or more valuable than quality work. To mandate more hours without explanation is concerning. Provisional applicants have already proved to be competent by Exam and should not be forced to meet unreasonable requirements where the market can take advantage of the rule and treat this as an opportunity for “stipend-based or an unpaid internship.” If the Bar must impose hours, it should do so by protecting its provisional lawyers from these economic realities, particularly when the county is undergoing public health and economic crises.</p> <p>I highly encourage the Committee to carve out an exception for out-of-state attorneys who have already been practicing law and passed the CA Bar Exam within the 1440-1390 cut score. For instance, I have been practicing law in New York for over three years at The Bronx Defenders—I have won trials, conducted suppression hearings, succeeded on motions, maintained significant client relationships, and have overseen over 650 cases. There is no data or explanation as to why a practicing attorney has to be subject to the same requirements as one who has just graduated from law school. The rule should consider an out-of-state attorney's circumstances differently and appreciate that good standing in a jurisdiction already constructively satisfies CA's requirement for competence, experience, skill, and ethical standing.</p> <p>Thank you for your consideration towards a more equitable solution.</p>	No change recommended. Attorney applicants are treated similarly to all other applicants in this proposal. The Working Group discussed the hours requirement at length.
Emmanuel Ohikhuare Agge	AGREE	Option A / Increased access to lawyers	<p>I write in support of the expansion of the proposed rule to include individuals like myself who have taken the bar exams and have scored 1390 or above under OPTION A. This expansion if approved, will not only benefit these individuals but will benefit the public and the community at large in which they serve, my reasons are not far-fetched. Given the current circumstances generally with a scourging pandemic ravaging the entire world, country and indeed the State of California, it's untold economic consequences and the profound effect on the community and the public with a looming crisis in the housing industry, labor and the economic insecurities that it poses, the urgent need for more attorneys cannot be overstated. In fact, the number of actively practicing attorney currently in the State of California will be clearly out-matched by the effect of the crisis. Already, we know statistically, that our communities are already under-served especially individuals who are from minority demographics who either cannot afford an attorney or even cannot retain one. Most large firms have a clientele base majorly in large, medium or small corporations, with indigent members of the community always finding themselves in a position of either been taken advantage of or simply completely forego a major legal right. If this proposal is approved, the vast majority of the under 2000 eligible applicants will eventually be likely engaging directly with indigent clients and minority members of the community. Albeit, the projected eligible number of applicants under the proposed rule is a far cry from what is probably needed to address these seemingly visible issues facing our communities, however, it will significantly positively impact the community and the State of California.</p> <p>Finally, the eligible individuals haven't taken the California bar examination and scored 1390 or above (meeting the current passing score) and given the fact that the State Bar of California's recent 2017 study which shows that a 1390 past score is a 1390 score today establishes the fact that these eligible individuals have demonstrated minimum competency to be eligible to practice law in the State of California. For the reasons above, I therefore, respectfully applaud and urge the working group to proceed with the approval of this proposal. Thanks for this opportunity.</p>	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Anonymous	AGREE	Option A / No supervision	<p>I recommend that the state bar adopt option A. As an applicant who is licensed in another state and achieved above a 1390 score and failed the bar exam, I am confident that any applicant who passes this current threshold is competent to practice law. I have been practicing law for four years and not once has anyone had any issues with my competency. A person who achieved a 1390 would pass almost every other state's bar exam. California has not provided any justification for why a higher burden to pass is necessary. I would argue that an attorney who achieved a 134 and is practicing in another state is no less competent than an attorney who achieved between 1340 and 1390 in California. Yet, California treats the attorney as unqualified to practice. Someone who achieved a 1390 previously is qualified to currently practice in California and almost every other state in the country. If California maintains that exams are consistent across different periods and recognizes scores are valid for 5 years, then a 1390 scored in the previous years is just as good as a 1390 now. I believe that there should be no additional hours requirement at all but given the choices, fewer hours is the best available option. I therefore recommend option A.</p>	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Anonymous	AGREE	Option A / No supervision	<p>I am supporting option A because who already received passing scores shouldn't be required requirement hours especially who took exam this year in Feb 2020.</p> <p>However, I fully support proposed Rule option A and I thank you for considering for those applicants who already achieved 1390+.</p> <p>I request WG to expedite this program so people can advantage from legal services.</p> <p>Thank you</p>	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Celeste Jennings	AGREE	Option A / Personal story	<p>Hello:</p> <p>Thank you for providing this opportunity to those of us achieving a 1390+ which I have met twice.</p> <p>First, I am ethical and competent and have been working in the legal profession for 10+ years now and my firm represents many clients that are unable to find and retain legal representation. Additionally, I am on the Board of Directors for a non-profit organization that gives aid to at-risk youth and we are able to help many of the participating families with their legal issues. As a licensed attorney, I will continue to commit to this type of legal services for the community.</p> <p>Finally, I support that this provisional license program will not only benefit the applicant, but will greatly benefit the profession because this experience will drive us to fight for the underrepresented. As such, the sooner this program is approved, the faster we will be able to help provide legal services to those in need. Therefore, since applicants with bar exam scores of 1390's and above were not permitted to submit their valid scores to be admitted to the bar once the California Supreme Court lowered the cut score to 1390, then Option A is the next best opportunity to achieve fairness and equity for my cohort.</p> <p>Sincerely,</p> <p>Celeste Jennings</p>	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
nicole rauzi	AGREE	Option A / Personal story	<p>My sister has taken the BAR 3 times and is a working single mother. If option A was passed she would be able to rightfully get to move forward with her career. This would mean the time she spent sacrificing going to law school, while taking care of her young son who now is 8 can begin to reap the rewards of her journey. With the stay at home orders and pandemic the CA State BAR has adapted and changed to to serve Californians. With this change the scoring system was modified during one period, unfortunately this period did not apply to my sister. I've watched her study tirelessly for days, months, and years on end to serve her community. It would impact her and many other significantly in a time where community and a sense of order is desired.</p>	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
joel paget	AGREE	Option A / Retroactivity	<p>If there is going to be supervised hours imposed at all then the rule should be Option A which is the minimum number of hours. Frankly if a person achieved the minimum cut score that will be used going forward there is no need to impose additional requirements.</p>	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.

Jonathan Yoni Avraham	AGREE	Option A / Retroactivity	<p>To Whom It May Concern:</p> <p>I agree with Option A.</p> <p>If the state bar could reconsider blanket retroactivity without the supervision requirement, I would all be very grateful. I will happily complete our supervised hours, but I believe that it's important to raise the argument for blanket retroactivity.</p> <p>The reasoning behind the supervised hours requirement is to ensure that applicants are still competent to practice law. Essentially, the State Bar would like to protect the public by making sure that applicants have maintained a fresh knowledge of the law. This policy reasoning is very commendable and understandable. However, if any applicants have not maintained the requisite competency and knowledge to practice law, the market will deal with them accordingly. No firm will hire them as attorneys. Applicants in this position still scored above the passing score for the bar exam (1390), and therefore they can work as licensed law clerks until they're ready to transition to an attorney role.</p> <p>Nonetheless, I will be very grateful if Option A is passed as well.</p> <p>Thank you very much for your time and consideration.</p> <p>Best regards,</p> <p>Jonathan Yoni Avraham</p>	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Anonymous	DISAGREE	Passage of Bar Exam Necessary	This sounds like a total CF. Not that the bar exam is a remotely satisfactory way of determining competency, but it's all we have. And as determined by the exam, the applicant is either competent or not competent. If the applicant didn't pass the exam, based on the objective standards in place at the time of the exam, then the applicant should retest. Not everyone is competent. Not everyone needs to be a licensed attorney.	No change recommended.
Anonymous	DISAGREE	Passage of Bar Exam Necessary	Ridiculous proposition. They failed, if they want to be admitted, have them re-take the exam to prove their competency like everyone else. This is degrading the CA Bar.	No change recommended.
Anonymous	DISAGREE	Passage of Bar Exam Necessary	This is just giving away a free license to people who failed. The pass-score has already been lowered. Make them retake the bar exam to prove their competence under the new pass score.	No change recommended.
Kelsey Solberg	DISAGREE	Passage of Bar Exam Necessary	This would completely destroy the purpose of testing students to ensure they are capable of becoming a competent attorney. The California public will be harmed directly by this initiative.	No change recommended.
Ruby Wolff	DISAGREE	Passage of Bar Exam Necessary	Applicants need to pass the exam.	No change recommended.
Samim Saadat	DISAGREE	Passage of Bar Exam Necessary	We all need to sit for all sections of the Bar Exam. The exam does not only test competency of the law, but also the stamina to sit through a tough assignment and provide competent results.	No change recommended.
Anonymous	DISAGREE	Passage of Bar Exam Necessary / Unfair to prior test takers & lawyers	<p>I disagree with the proposed rule.</p> <p>First, I believe it is unfair to the attorneys that passed the under the prior rule, and spent countless of hours studying and preparing for the bar exam.</p> <p>Second, the bar exam is a good determination of the skills and measure of an attorney, changing the rules will affect the standard measure of lawyers.</p>	No change recommended.
stan portman	DISAGREE	Passage of Bar Exam Necessary / Unfair to prior test takers & lawyers	<p>The pandemic has hurt a lot of people in different ways, but unless these 'attorneys' were taking the exam for the first time in 2020, I don't see what relevance 2015-2019 has.</p> <p>For 2020 test takers, first, you have already lowered the score substantially.... Many people who failed in the past fell within this range. You have also made the test 2 says instead of 3.</p> <p>Second, what kind of example does it set for the rest of the professional community, including attorneys, doctors, etc.... to award licensure? Most of the time when people are unable to ultimately pass, there is a reason, either too busy, too lazy or frankly, not capable. Of course there are always exceptions to the rule, but most of us have sacrificed a lot to be able to get to where we are today (financially, personally, and professionally). Some of us are terrible test takers, but sat for 9 hours studying every day for 3 months to pass. I don't agree that everyone should get a participation award. How will this affect those people who hire these attorneys? What happens if these people can't find a "sponsor" firm?</p> <p>Furthermore, they have been given the chance to sit for the exam online. If they do not, they can practice with a temporary license if they sit for, and pass the exam within 3 years. This is not unfair to me and gives people the chance to move forward today. I do not believe additional changes are needed and awarding licenses is not something we should engage in as a society, as we have no way of evaluating competence otherwise.</p>	No change recommended.
Salena Copeland and Zach Newman, on behalf of Legal Aid Association of California	AGREE	Pathway to Licensure / Supervision / Public Protection	Please see attached	No rule change required.
Alexander Bereny	AGREE	Personal story	<p>Dear Provisional Licensure Working Group:</p> <p>I would like to express support for either proposed options for retroactive licensure.</p> <p>I am among those contemplated in this resolution, as I took the California Bar Exam in July 2015, but did not pass with a score of 1404. Under this proposed rule, I would be able to now successfully apply for my California Bar License.</p> <p>Like so many unsuccessful California Applicants, I went out of state and successfully passed the Uniform Bar Exam. I am a licensed attorney in the District of Columbia, and the State of New York. I was unable to get any employment here in California and had to look out of state for employment.</p> <p>I would greatly the opportunity to obtain my California Law License.</p> <p>Thank you,</p> <p>Alexander Bereny</p>	No rule change required.

Alexander Tanachev	AGREE	Personal story	<p>As a four-time CA bar taker and I score twice above 1390 (in Feb 2018, and July 2019). I fully support the retroactivity because the previous score barred me from the labor market completely. I am a legal immigrant with 20 years of legal practice as in-house legal counsel for the American public companies abroad. Despite my score was much higher than the average UBE score, I had no chance to be admitted to the bar even in a limited capacity as in-house counsel. In 2019 I lost the job offer for the in-house counsel position to an out-of-state competitor with the UBE license. (I filed the request for the antitrust evaluation to the California State bar at that time complaining that California law school graduates are unfairly treated as opposed to the out-of-staters). I don't mind having supervision hours, provided that such supervision hours do not create a significant burden to us who already proved our competence a few times. Thank you so much in advance for approving the retroactivity!</p>	No rule change required.
ChaHee Nagashima Lee Olson, on behalf of Nagashima Lee P.C.	AGREE	Personal story	<p>My senior paralegal, Patrick Martinez, should be allowed to practice law. He has worked his way through law school, barely took the time to prepare for the bar exam, and yet scored above 1390. I have worked with many paralegals over the years, but I have never come across someone like Patrick. He has a brilliant legal mind, and I have full confidence in his ability to practice law. I would be delighted to practice law with him as a fellow attorney. He is way more knowledgeable and diligent than most attorneys out there, and it would be a shame not to admit him to the bar. Thank you.</p>	No rule change required.
Claudia Gavrilescu	AGREE	Personal story	<p>To Whom it May Concern:</p> <p>My name is Claudia Gavrilescu, and I agree with Proposed Rule 9.49.1 that expands the Provisional Licensure Program to include individuals who scored 1390 or higher on a California Bar Examination administered between July 2015 and February 2020, as determined by the first read score or final score, regardless of year of law school graduation or year satisfying the educational requirements to sit for the bar examination. I also agree with both Options A and B.</p> <p>I am a May 2018 law school graduate who scored more than 1390 on the February 2020 California Bar Examination, which is now the minimum score required to pass the exam. I dedicated 100% of my time to the February 2020 bar examination, and I am certain that I would have passed that exam but for the extreme markdown on my essays and PT on the second read. On the second read on Essay 2 I was marked down 5 points, on Essay 4 I was marked down 10 points, and on the performance test my score went down 15 points, from 75 on the first read to 60 on the second! I lost 30 points from the markdown on my PT alone, which severely impacted my score and opportunity to pass. My overall failing scaled score was as a result of the high discrepancy in scores on the second read, and it was in no way an indicator of my ability to practice law as an attorney in the state of California.</p> <p>Many of us are struggling law school graduates, who had to take time off work, or even lost their employment for taking time off to dedicate ourselves 100% to this exam. Please consider the possibility of expanding the Provisional Licensure Program to include individuals who scored 1390 or higher on a California Bar Examination administered between July 2015 and February 2020. While doing this, also please keep in mind that while the bar graders are trained in grading these exams, they only spend few minutes, if any, on grading each essay and PT, and that there are many external and personal factors that could affect the overall score they end up giving for each essay.</p> <p>Sincerely, Claudia Gavrilescu</p>	No rule change required.
Daniel Bronstein	AGREE	Personal story	<p>Dear State Bar of California,</p> <p>In July 2019 I took the bar exam for the first time. I received a score of over 1400. The second time I took the test was in October 2020 and I am still waiting to hear my results.</p> <p>I am recently married and my wife and I plan on me being the primary earner of our household. We are planning on starting our family and are relying on my admittance to the California bar to provide for our future children.</p> <p>Currently, I work for a small Real Estate and Employment law firm in the San Francisco Bay Area. The other attorneys in the firm need additional help, but have retained me based on my skills and performance. Currently, I perform several aspects of legal work that a bona fide attorney would perform; however, I am unable to assist the firm in ways that a licensed attorney could.</p> <p>In the event that I was unsuccessful in the October 2020 Bar Exam, I am prepared to spend 400 hours in supervised legal practice to obtain full licensure. One of the attorneys in the firm would supervise me for the 400 hours required for full licensure. I have met all other requirements.</p> <p>A path to full licensure for those who have already met the standard set by the California State Bar and California Supreme Court to determine competency in the legal profession would allow the lives of thousands to continue. However, without being granted a path to full licensure, California Bar Exam takers that have already proven their competency by scoring over 1390 on a California Bar Exam will be stuck in a career, financial, and personal limbo, unable to move forward in most aspects of their lives.</p> <p>I am incredibly thankful that I have the opportunity to speak to you about my situation.</p> <p>Please, issue the proposed rule.</p> <p>Sincerely, <u>Daniel Bronstein</u></p>	No rule change required.
David Crandall	AGREE	Personal story	<p>Hello,</p> <p>My name is David Crandall and I graduated from Lincoln Law School in May of 2019. I proceeded to study hard and took the Bar Exam that was administered in July of 2019 while going through the whole email disclosure mess right before the actual exam was administered. I received a score 1432 and was not admitted to the Bar. The frustrating part for me was that I had to spend an extra \$800 to take the exam again last October during a pandemic when money is tight, all while knowing that my score from the exam last summer is now considered a passing exam score by 42 points. I have not received the results of the October 2020 exam yet but either way I hope that with this proposed rule change I will have a chance to put my education to use.</p>	No rule change required.
Derrick Paine III	AGREE	Personal story	<p>The rule is appropriate, beneficial, and forward looking as it enhances the profession of Law. The rule effectively offers an upgrade in exchange. For all that almost passed the Bar, before the change, are now thus committing to oversight in exchange for their license. Additionally it allows those now passing, following the change, to be on an equal footing with those that would have passed within the same relative period. It fairly eliminates the need for those that would have passed under the new standard to return to studies again, to then eventually pass. The time and resources saved by applying the new standard to those that recently took the test will show in more attorneys that can get to work on important cases that will ultimately benefit the public at large</p> <p>In an applied example, I am aware of one case where a hardworking single mother with a passion for life and the law took the state bar. She is one that would qualify under the changed provision. She took the bar just before the change, anticipated a pass, but did not. She came so very close, and before her results were known she began working for, and under the supervision of another attorney handling important public interest cases. By allowing her to now practice as an attorney, the public benefits. The public would not benefit if she was required to return to her studies, to again take a test, that she had already passed, according to the recently changed standards.</p>	No rule change required.

Evelyn Minaise	AGREE	Personal story	<p>I support this pathway to licensure for applicants who have earned a passing score in the past. As one of these applicants, I am ready to become an attorney and serve my community. We have been waiting to work and become members of the workforce again. After undergoing law school and the bar exam, we have proven that we are prepared and competent.</p> <p>When I discovered I didn't pass the February 2020 exam, despite scoring in the 70th percentile, I lost my job at a law firm. The job was contingent on me passing and was one in which I would serve my community in a field of law I enjoy. I have applied to over 400 jobs since then, attorney positions and otherwise (legal support). Attorneys have rejected me upon learning I am not licensed despite knowing this since the beginning of an interview process. I am earning significantly less than my peers because of this setback, taking a part-time job until I can find something full time in the legal field. In the past year, I haven't been able to pay any of my loans nor their interest, and I have yet to find a job that will pay for my benefits, resorting to paying for insurance and other costs myself.</p> <p>A remedy such as this one would allow me, a first generation law student and first generation American, into the profession.</p>	No rule change required.
Jayvon Brown	AGREE	Personal story	<p>Dear State Bar working group,</p> <p>I want to thank all of you for providing a solution to bar exam takers who have scored over a 1390. Due to the pandemic, despite sending many job applications, I have not been able to secure employment for most of 2020. I strongly believe this program will help me secure employment in the legal field and subsequently become an attorney. Thank you.</p> <p>Regards,</p>	No rule change required.
John Trevino	AGREE	Personal story	<p>Hello, I am writing in support of the Provisional Licensure Program and it's effort to place very capable students of the law, on track to becoming practicing attorneys. This seems like a welcome way of providing those people who have studied hard and accomplished much a way to complete their goal of practicing law. As I understand it, the fact that many states would already allow candidates with the kinds of scores described in the program to practice should give substance to the fact that this has less to do with a person's ability in the field and more to do with test taking. Because mentoring and supervision seem to be at the heart of this program, I think this is an ideal way to strengthen those areas of understanding a person may need help with, while allowing them to build on the strong foundation they already have.</p> <p>In my own experience, I have a neighbor who is in this position and would benefit from this program. I turned to her for some legal advice a couple years back when I wound up pursuing a small claims case against a business over a consumer experience. Though she was helpful and pointed me toward resources, I wish she would have been able to offer me representation later when the company appealed the verdict. I know I would have greatly benefited from her clarity of thought and ability to see the through line in what had happened and present that information in a coherent way. This alone would have been a huge help for me since I'm better expressing myself through writing than I am in public speaking and presentations. So the fact that someone with skills like hers could have taken all my existing documentation and just presented it in a different way is telling in the power of this ability in the way it shapes outcomes in the face of the law. I believe this is what we need to continue to empower communities, while also showing support for those who have already come so far in their academic journey.</p> <p>Thank you for your time and consideration.</p>	No rule change required.
Joseph Good	AGREE	Personal story	<p>Hello committee members,</p> <p>I really appreciate the support for the program in any capacity. As someone who took the bar exam and scored over a 1400, but just short of passing, I am thrilled to potentially be able to get into back into my passion and help my community.</p> <p>Being able to get to what matters to me (helping indigent and moderate means families) and being able to do it in my community that is severely underserved, I am hopeful for a quick passage of this rule and I encourage you to please do what you can to get approval from the next committee that will vote on this.</p> <p>Warm regards, Joseph Good</p>	No rule change required.
lynda J westlund	AGREE	Personal story	<p>I have been working with Shareen Ghabrial for over four years. I am a criminal defense lawyer, and have been for almost 23 years. She has been my right hand on all things procedural and substantive. She has been to court with me hundreds of times, and talked to incarcerated clients over the phone on a consistent basis. She has helped my to strategize with matters that proceed to preliminary hearing, trial, and settlement. She has been my sounding board and research assistant since we started working together. Shareen is extremely intelligent, and has a remarkable understanding of the law.</p>	No rule change required.
Mario A Gonzalez	AGREE	Personal story	<p>As a recent law school graduate I am in support of this. The BAR is hard for a full time worker with family and kids to pass, especially for people like me when English is my second language.</p>	No rule change required.
Paul Burgin	AGREE	Personal story	<p>This proposal is a fair option if the CA Supreme Court does not retroactively apply scores. Full disclosure I am one of the individuals who scored above 1400 but did not pass in February 2020. I have to believe that I can provide the California legal profession the same level of care and competence as a recent grad who scores 1390 (below my score) on the October 2020 exam.</p> <p>I work full time in a legal compliance role at a tech company. I did throughout law school as well - attended part time at night. Rather than take time off work to study for the bar exam again, impacting my job and my family, this proposal would allow me to showcase my abilities as an attorney and become fully licensed. I know I am capable of meeting this high standard. I have worked with and for California attorneys for the better part of a decade.</p> <p>If retroactive application is off the table and 360-400 hours of attorney supervision is what it will take, I fully support this proposal. It is a better use of my time, my family's time, my company's time, and will help me contribute to the legal profession in California sooner versus later.</p>	No rule change required.
Rachael Hutchison	AGREE	Personal story	<p>Andrew Nef should certainly have his provisional license. He has been working in law for a number of years and has extensive knowledge.</p>	No rule change required.
Sergio Prado	AGREE	Personal story	<p>Hello,</p> <p>My name is Sergio Prado, I missed the 2019 bar exam by 10 points. This has caused my career to stop and be placed on hold. It has affected my lively hood and crushed my spirits. Please pass this I beg you!</p>	No rule change required.
SHAREEN GHABRIAL	AGREE	Personal story	<p>I am a member of the February 2020 1390+ cohort, and am grateful for this. I have been working for a Criminal Defense Attorney for well over five years, and have engaged in all of the aspects of her practice, including inmate visits in lockup, and second chairing multiple felony trials. My score, that is now deemed as acceptable, coupled with my practical experience and exposure, fortify my opinion that I am now suitable to be pushed out of the academic nest.</p> <p>Moreover, I reside in Los Angeles, where there seems to be an infinite need for officers of the court who are also public servants. As a minority female, who has prioritized her single parenting of three now adults and a youngster, I feel that my admission will also favorably affect the Licensee demographic profile.</p> <p>My eldest is in the process of applying to Law Schools, which further vests my interest in the success of the Provisional Licensure option.</p> <p>I was blessed and able to secure the newly-coveted 1390 when having to leave my children to sit for an exam, while working, and during the uncertainty of the pending Pandemic; this gives me confidence that I can successfully apply the Law when utilizing resources (open book!) in practice.</p> <p>Thank you again, truly.</p>	No rule change required.

Anonymous	AGREE	Personal story / Option A	<p>As a repeat bar taker I think the suggested modification is a beneficial compromise. My second time taking the bar I failed by 1.2 points. The fact that scores can be decreased on second reads causes many people to fail by only a few points. With no appeal process those of us who are clearly capable to practice, since we have worked in the field for many years and have come within striking distance, are left with no recourse and are forced to spend more time and even more money to retake the exam (praying for a better outcome) and/or move to another state because our score is better than enough to pass most other states..</p> <p>Although the CA bar exam requires knowledge of the law, it is not a true testament to what practicing law is all about. The exam is a lot about luck.</p> <p>Many people say once you pass no asks how many times you had to take it; therefore, why do we make people jump through insane hoops to get to the ultimate goal. Although this is not how I wished to become licensed at this point if the October 2020 bar does not result in a passing score for me and after missing the 1440 score by 1 point I will graciously accept. I have worked extremely hard to get where I am now. It has been extremely taxing to be so close to passing and have no way to challenge or question a score.</p> <p>Further, considering the low number of those who will qualify for licensure under the proposed Rule it is clearly not “giving” anyone an easy out.</p> <p>I support the passing of the proposed Rule option A.</p>	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Muge Spooner	State No Preference	PLP not valuable	<p>I mentioned about the temporary licensure program to my employer and I provided all the forms and information to them. They did not even discuss it with me.</p> <p>"Temporary" does not help anyone to overcome these difficulties we have suffered studying for the bar exam for an unforeseeable amount of time.</p> <p>Employers do not care about the so called provisional licensing and this program is not helpful at all.</p> <p>The most important thing is to get through this bar exam so we can start working as we deserve as attorneys and the more we wait the more we waste time, money and resources.</p>	No rule change required.
Nancy Kaplan	AGREE	Public benefit	<p>This will allow law school graduates to proceed in a profession that they have studied and prepared for many years. This would be a positive position that the State of California should support and implement. Many of these candidates have been practicing as attorneys in states with a different bar exam which they have passed previously and have been successful in their careers. There are no negatives to this proposal! Please move forward with this recommendation. Thank you. The public would benefit as well as the State Of Californial</p>	No rule change required.
Nasim Bahadorani	AGREE	Public benefit	<p>Thank you for drafting this proposal, which I fully support. It is the fairest thing to do and will greatly benefit the public!</p>	No rule change required.
Anonymous	DISAGREE	Public Protection	<p>It should not be easier for people to become an attorney. Attorneys have already been given a bad name by those who have passed the bar, but nevertheless practice sloppily or without the required competency. The proposal will only allow more such people into the practice. While I can sympathize with people who did not pass the bar and acknowledge how devastating that must be, literally lowering the bar is not the answer (and it is not good for this profession)!</p>	No change recommended.
Cameron Fernandez	DISAGREE	Public Protection	<p>I disagree with the efforts being taken to make obtaining a license to practice law in California easier to obtain. Practicing law is rigorous and not everyone is cut out for the demands of the profession. Enabling individuals unable to pass the historically high standards to admission an easier path to practice will do them and the public a disservice. I anticipate that malpractice will become more prevalent.</p>	No change recommended.
Kelly Croal	DISAGREE	Public Protection	<p>Where does it end? The Bar exam was already made easier after changing from the 3 day format to the 2 day format. Incompetence and malpractice issues are pervasive in CA. This would only make it worse. If anything make it more difficult.</p>	No change recommended.
Michelle Partington	DISAGREE	Public Protection	<p>California has held its attorneys to a high standard, as is evidenced by the high bar (no pun intended) set by the Bar exam. It is an unfortunate time to be seeking your law license, but we cannot allow the important protections set in place by the Bar exam to go to the wayside because of a short term issue, such as the pandemic. It is unfortunate but many sectors are struggling. Those waiting to sit for the Bar exam must be among them. The future of the attorney bar in California cannot be compromised for convenience for this group of people. They will have an opportunity in the future.</p> <p>Further, as someone practicing in the area of workers' compensation, there are grave concerns lowering the standard for those licensed to practice. This option opens up a door for fraud and those who cannot meet the standards all other attorneys have had to meet (passing the bar), to be admitted. Do not lose sight of the larger picture.</p>	No change recommended.
Anonymous	DISAGREE	Public Protection / Passage of Bar Exam Necessary	<p>I am not in agreement with expanding Proposed Rule 9.49.1 to include individuals who scored 1390 or higher on a California Bar Examination administered between July 2015 and February 2020. The California Bar is not just a minimum competency test, it also tests various other strengths that we must have as attorneys to zealously represent our clients. During the preparation from the bar we must choose what is important and set aside the regular activities we enjoy, it takes determination, grit, sacrifice, and most of all discipline. The lessons I learned during the bar have shaped the attorney I have become. Allowing a slew of new applicants into the market would not only be horrible for current attorney's who passed but it would also be dangerous for clients. When seeking an attorney licensed in California a client knows that they have met the standards to be an attorney, allowing 5 years worth of people who could not meet those standard pose a threat to our valued practice.</p> <p>For those reasons, I strongly disagree with expanding Proposed Rule 9.49.1.</p>	No change recommended.
Marlea Jarrette	DISAGREE	Requirements to become a lawyer should be made more difficult	<p>This is a mistake. The practice of law requires not just a knowledge of the day to day workings of a practicing lawyer, or even the law, it requires an education. It requires learning how to frame the issues, analysis and legal argument in a format that can be presented to the court. Some of the practice is about filling out forms and regurgitating statutes and case law, but the real practice of law comes from learning the socratic method, which only comes from lawsuit. The practice of law requires learning how to read cases, not just recite the holding. The practice of law requires experience in writing briefs, which comes from law school. The practice of law requires dedication, which is reflected in the time spent learning the law and how to practice it in law school.</p> <p>I believe that the requirements for becoming a lawyer should be heightened, not lessened. The practice of law is not served by having individuals who did not put in the time or effort to become lawyers practicing as if they were lawyers.</p>	No change recommended.
Tamara Dillingham	AGREE	Re-score past exams	<p>I agree with the Proposed Rule 9.49.1, which expands the Provisional Licensing Program to include individual's who scored 1390 or higher on the California Bar Exam administered between July 2015 and February 2020.</p> <p>In addition, I request that the Provisional Licensure Working Group vote to recommend that a second reading be given to applicant's whose total scaled score was at least 1350, but less than 1390 after one reading, so that the program can be extended to those whose average score after two readings is 1390 or higher.</p> <p>On the July 2019 and February 2020 exams, my total scaled scores were 1358 and 1366 respectively. Under the new cut score of 1390, my total scaled scores for the July 2019 and February 2020 exams would have automatically triggered a second reading. Had the average score after two readings been 1390 or higher, I would have passed the bar exam, meeting the minimum competency standard.</p> <p>If the California Supreme Court approves the expansion of the Provisional Licensure Program to applicant's who previously scored 1390 or higher, it would be unfair to deny applicant's a second reading to determine whether their total scaled score after two reading results in a passing score.</p> <p>However, my position is that I agree with the proposed Rule 9.49.1, which would expand to applicant's who scored 1390 or higher between the July 2015 and February 2020 administrations, whether or not my request is granted.</p> <p>Thank you for your time and consideration to this matter.</p>	No rule change required.
Alissa Vizzo	AGREE	Retroactivity	<p>If 1390 is the new pass rate, it's only fair to make it retroactive.</p>	No change recommended. Retroactivity of the change in the pass line for the Bar Examination is beyond the scope of this proposal.

Anabel Sanchez	AGREE	Retroactivity	<p>I am writing to request that the you consider a retroactive application to the reduction of the passing score. I am asking that the new minimum score of 1390 be extended as far back as July 2017, when the exam was first administered over two days rather than the traditional three. The decision to permanently lower the passing score to 1390 for future applicants is not only based on the global pandemic and economic collapse caused by COVID 19 but also based on studies showing that a 1390 passing score supports the minimum competency to practice law. Honoring this request would allow thousands of competent applicants to achieve licensure and continue in their pursuit to practice law.</p> <p>I graduated from Arizona State University’s Sandra Day O’Connor College of Law on May 2010. I have taken the California bar examination six times: (1) July 2010, (2) February 2011, (3) July 2012, (4) February 2013, (5) July 2017 and (6) February 2018. In July 2017, I received a total scaled score of 1410.0344. In February 2018, I received a total scaled score of 1424.9318. According to the studies referenced in making your decision I am competent to practice law. However, due to an issue of timing I am not able to practice.</p> <p>I urge you to grant a retroactive application to the reduction of the passing score as far back as July 2017. It would give me the opportunity to show my tenacity, competency and pursuit for justice and equity in the legal field. I thank you for considering my request.</p>	No change recommended. Retroactivity of the change in the pass line for the Bar Examination is beyond the scope of this proposal.
Anonymous	AGREE	Retroactivity	The pandemic has impacted all of our lives. Those who took the bar in February 2020 were already affected by the pandemic. The 1390 total score should be (should have been) applied to those who took the February 2020 bar.	No change recommended. Retroactivity of the change in the pass line for the Bar Examination is beyond the scope of this proposal.
Anonymous	AGREE	Retroactivity	<p>Person A scores a 1430 in February 2020. Person B scores 1390 in October 2020. Person B is competent enough to become a practicing attorney. Person A is not. Person A must work 360-400 hours for a supervising California attorney before they become a fully licensed attorney... Seems logical.</p> <p>If the California Supreme Court is committed to not retroactively applying the cut score for February 2020 or any score from July 2015-on, then this proposal seems like the least the State Bar and the California Supreme Court could do for the individuals who have recently scored above 1390.</p>	No change recommended. Retroactivity of the change in the pass line for the Bar Examination is beyond the scope of this proposal.
Ayana Faison	AGREE	Retroactivity	The California Supreme Court has ruled that 1390 is now the bar for minimum competency. Applicants who have already scored between 1390-1439 have satisfied this, and should not be asked to again compromise their work, financial, and living situations in order to take the exam again. They have already paid money to the State Bar and to bar prep companies or tutors, in addition to having put in hours of studying, and have met the standard set by the Supreme Court.	No change recommended. Retroactivity of the change in the pass line for the Bar Examination is beyond the scope of this proposal.
Christian Kim	AGREE ONLY if Modified	Retroactivity	While this certainly is a better option for those who scored 1390 and above should California Supreme Court decide not to adopt HR-103 ("Retroactivity" Bill), there should be more consideration for those whose score comes so close to 1440. For instance, if your score becomes passing score by taking one or two higher score from the readers' respective score (first read, second read, etc), then those applicants should be deemed sufficiently qualified in light of new passing score of 1390. Personally speaking, I would've passed by taking the second reader's PT score (5 points higher than the first reader's score) in July 2019 exam. Bascially, this implies that certain score was good enough to pass with human scoring process factored into. While I am grateful for the very consideration of adding those "1390" applicants to this provisional licensure program, there should be more "tiered" program for those whose score comes so close to 1440 (or better yet, retroactivity) since the proposed rule has two tiered programs depends on your test date.	No change recommended.
Dean Michael Hunter Schwartz	AGREE	Retroactivity	If we have determined as a bar that 1390 is the right cut score, all bar takers who have achieved that score and otherwise passed the bar and demonstrated character and fitness should be admitted into our profession.	No change recommended. Retroactivity of the change in the pass line for the Bar Examination is beyond the scope of this proposal.
Jericho Joseph Williams	AGREE	Retroactivity	My name is Jericho Williams. I have taken the California Bar exam three times. I took the 2019 July exam, the February 2020 exam and the 2020 October online exam. I have scored above the current 1390 score requirement in both the 2020 February and 2019 July exam. I am currently working as a law clerk, however, my job is based on a contingency. Further, I have student loans as well. In particular, I scored a 1428 on the February bar exam where the passing rate was approximately 26%. Students such as myself have demonstrated the ability to practice law. However, this exam is only allowing people to pass if they can prove to be a statistical anomaly on this exam as opposed to demonstrating "minimum competence." The exam places far more emphasis on Multiple choice and timed conditions than legal writing and reasoning. I have achieved above-average essay scores that were essentially meaningless because I was a few points short on the MBE's. Moreover, the MBE portion of the exam is based on the test takers exposure to thousands of older questions and that test takers' ability to track patterns in testing. Simply put, the MBE is not based on one's understanding of the law - It is based on test conditions and exposure. Test conditions involve a test taker choosing the appropriate answer out of four "technically correct" choices under the duress of time limits. A test taker can learn about these patterns through exposure to thousands of older questions. A test taker gains access to those older questions by spending between \$2,000 to \$4,000 on prep courses and materials. When California lowered the threshold to pass the Bar exam, the Website actually addressed the low passing rates as one of the reasons why the score was lowered. Retroactive grading would not only be fair to those who are similarly situated as me, but it would allow those of use who have truly demonstrated required minimum competence to practice law. It would also safeguard those who achieved above a 1390 from losing their jobs, spending thousands of dollars to study and prepare and spend another 5-6 months in uncertainty about their futures and careers.	No change recommended. Retroactivity of the change in the pass line for the Bar Examination is beyond the scope of this proposal.
Loren Paul Zahn	AGREE	Retroactivity	If the current bar only requires 1390 to pass, then that should apply to people who have taken it in the past prior to the change also being allowed to practice if they reached this amount. While I passed the exam on the first attempt, I do not see any harm to allowing those that previously did not receive a passing score being admitted.	No change recommended. Retroactivity of the change in the pass line for the Bar Examination is beyond the scope of this proposal.
Meredith Jones Watts, Bar # 78520	AGREE	Retroactivity	If the Bar recognizes as valid a Bar Exam score for five years, as it appears it does, there is no question that the new passing score should be retroactively applied to any applicant who took the Bar Exam in the last five years, and scored over 1390. It is especially important to apply this rule now, because of the difficulty the Bar is encountering in giving the Exam remotely. I know that many applicants have boycotted the new exam because of the use of AI to evaluate whether or not they may be cheating. When I took the Bar, I often looked away from my work to take a break or to eat a snack or get a drink of water. Setting a standard in which anyone who looks away from the screen is suspected of cheating, is unworkable. I hope that this retroactivity provision is instituted immediately so that people who passed the test according to the new cut score within the past five years can get on with their lives.	No change recommended. Retroactivity of the change in the pass line for the Bar Examination is beyond the scope of this proposal.
Sanaz Nikbakhsh	AGREE	Retroactivity	<p>Please take into consideration that based on this rule the committee does not believe that the bar exam test competence. All examinees should have to preform a required supervised legal work component moving forward. Law graduates that are currently employed at a law firm/public organization and can show proof should be allowed to use their work experience in lieu of completing more supervised legal work hours. I currently teach Family Law to paralegal students but based on this rule, I have to perform a minimum of 360 hours with a supervising attorney to prove my competence. I've arranged to perform my hours at the Neighborhood Legal Services Clinic and have close affiliations with them. However, this arbitrary and capricious rule will only prolong my admission to the State Bar to practice law.</p> <p>Law school graduates that took the February 2020 bar exam took a very different exam than October 2020 law school graduates. February 2020 examinees that scored above 1390 took 5 essay questions and a Performance exam on Day 1 and October examinees took 5 essay questions with breaks in between. February examinees took 200 MBE questions on day 2 and the October examinees took 100 MBEs and PT in the afternoon. The October examinees took the exam in privacy and February examinees took the exam in huge convention centers during the initial stages of the pandemic. However, based on the provisions of this expanded Rule 9.49.1, February 2020 examinees that scored above 1390 have to preform a minimum of 360 hours of supervised legal work to show competence and October 2020 examinees will receive their license to practice law in January without any requirement. This really doesn't make sense. I know the Supreme Court does not want to honor retroactive admission for the 397 examinees that took the February 2020 bar exam but I would plead that the Court take another look at the disproportionate impact on these individuals. Thank you for your time and consideration.</p>	No change recommended. Retroactivity of the change in the pass line for the Bar Examination is beyond the scope of this proposal.
Terrance p Hawkins	AGREE	Retroactivity	Any one who can pass the bar should be allowed to practice.	No change recommended. Retroactivity of the change in the pass line for the Bar Examination is beyond the scope of this proposal.
Vartan Badalian	AGREE	Retroactivity	Since you deemed the 1390 a score of minimum competence, applicants who achieved that score in the past 5 years have demonstrated that standard.	No change recommended. Retroactivity of the change in the pass line for the Bar Examination is beyond the scope of this proposal.
Miranda Fernandez	AGREE	Retroactivity / Competence	If minimum competency is the standard, then someone who has gotten a 1390 in the past has met this criterion. Furthermore, the bar exam fails to account for individuals who have test anxiety, if they have had a “bad day” which then impacts their confidence taking subsequent bar exams, and the cost associated with having to take it multiple times.	No change recommended. Retroactivity of the change in the pass line for the Bar Examination is beyond the scope of this proposal.

Scott	AGREE	Retroactivity / Competence	Though I am not personally in the legal field a colleague has brought this issue to my attention. From my understanding the California Supreme Court lowered the score due to the old score being to restrictive to properly assess the minimum competence to effectively practice law. If aspiring lawyers have already obtained this new score then it would appear they have already proven their competence. I do understand the fear that these lawyers may be out of practice, though I believe that the apprenticeship period is an excellent opportunity to assuage this fear and fortify the aspiring lawyers skills and knowledge.	No change recommended. Retroactivity of the change in the pass line for the Bar Examination is beyond the scope of this proposal.
Anonymous	AGREE	Retroactivity	I believe the 1390 cut score should be applied retroactively, especially for February 2020 applicants, however this path to license for individuals who have recently obtained a 1390 is fair consolation. The concern boils down to minimal competency. Its likely that someone who scored above a 1390 anytime between 2015 and Feb 2020 is equally as competent as someone who scores a 1390 moving forward. This proposal allows those individuals to showcase their abilities and prove they deserve a license more so than their score already indicates. I fully support either option.	No change recommended. Retroactivity of the change in the pass line for the Bar Examination is beyond the scope of this proposal.
Anonymous	AGREE	Option A	I still don't understand why the Supreme Court did not grant retroactive admission. I think people who received 1390 and above in the past 5 years or 3 years should have been admitted to the bar without any supervised hours requirement. However, I'm glad that these ALREADY competent and eligible applicants have a way to receive their license through this program. Consequently, I am in support of OPTION A. Thank You	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Raymond Scott Hayden	AGREE	Retroactivity / Option A	I have researched the ABA, and I find the following: Taking some liberties on keeping this short! ABA 1878 - formed to control the Profession of Law. AALS 1900 - formed to control the method of legal education through ABA Section on Legal Education. NCBE 1931 - formed at the height of The Great Depression to control the licensure examination (Bar Exam) everywhere. LSAC 1947 - formed to control the very entry into the study of law, and collect applicant information in one location. The ABA never did get what they really wanted, but they have been insanely patient. What the ABA would have REALLY wanted to have control over was more in line with the Moral Character Determination because a human being takes a much longer time frame to actually work on vetting the applicant in making sure this person meets the standards expected of an attorney in the Profession of Law. All this Bar Exam insanity was never for controlling competition in the Profession of Law - not ever! It was SOLELY for the specific purpose to keep out "undesirables" from entering the Profession of Law - which is actually WHY the MCD is the closest thing to what the ABA ever wanted in the first place... and never really got - so the rest of us have to pay the price. ANYONE - within the realms of the time frame above, who scored 1390 or above on the bar exam should be cleanly ADMITTED to the practice of law - the hours are (frankly) stupid, but if you must approve something, than approve "A" above. MY OPINION - anyone scoring over 1390 gets CLEAN admission... done! My REAL Opinion - on the Bar Exam? If someone wrote about making a banana smoothie, maybe they miss a few points, but if someone wrote even remotely close to the proper subject, and mentioned that the Profession of law would be involved? They pass. done	No change recommended. Retroactivity of the change in the pass line for the Bar Examination is beyond the scope of this proposal. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Selam Gezahegn	AGREE	Retroactivity / Option A	It is ridiculous that they have "passed" the exam but must do internship like work that has never been expected of any other practicing attorney prior to obtaining a license. If you must make them jump through unnecessary hoop to make yourselves feel important, then I agree with Option A.	No change recommended. Retroactivity of the change in the pass line for the Bar Examination is beyond the scope of this proposal. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Anonymous	AGREE	Retroactivity	Having reached a score of 1390 several times, including on the February 2020 exam, I am in favor of extending the provisional licensure program. The bar exam is not a true test of minimal competency. As an individual employed in the legal industry, I have realized competency is achieved with practice. The program as proposed would allow me to finally begin and focus on my career in law as an attorney without the interference of having to take time off work to study and sit for another bar exam to prove I can reach 1390 again, and possibly lose my job and health benefits, while the recent graduates do not have to do this and have immediate opportunity to practice law without ever sitting for the exam, only because they graduated during covid. If the past graduates since 2017 who have already reached a score of 1390 have to sit for the exam to reach 1390 again, it doesn't make sense that the new graduates do not. The program needs to be extended if not apply the new score retroactively.	No change recommended. Retroactivity of the change in the pass line for the Bar Examination is beyond the scope of this proposal.
Julie Wilson	AGREE	Retroactivity / Personal story	As a 2014 successful law school graduate who has since taken the three-day CBX six or seven times, with at least two of those exams exceeding the new passing score (1390), making the 1390 passing score retroactive is absolutely fair. Although I do not believe passing test takers such as myself should have to be granted a provisional license along with new grads who have never taken the CBX, I am pleased with the aspect of making the new passing score retroactive, even with the requirement of working a specific number of hours under a licensed attorney before the granting of a license. If there is a chance that granting a license to those passing the 1390 threshold without having to meet provisional licensing hours, I would definitely be in favor of that option. I have made a huge investment of time and money to become a licensed attorney, incurring significant private loan school debt still in excess of \$75,000; plus the cost of taking CBX study courses multiple times, paying to take the CBX multiple times, paying for hotel and other travel expenses for those tests, not to mention the lost opportunity costs for not working during those years. I shudder to add the costs; I'm sure the committee can appreciate the cost to me and others in my position. That being said, the possibility of becoming licensed and working as a paid, licensed attorney is almost unbelievable to me, as I had given up on that dream two years ago when I took my "final" CBX in 2018. But I also fear the looming, even unknown, costs of making that dream a reality. Of note, I passed my Moral Character Application, paying full price for that application some years ago and subsequently paying for upgrades to the Application at least twice. Of course, that Application has now lapsed and I face the prospect of again paying full price to apply for a passing Application. I would ask that the decision makers offer people such as myself the opportunity to simply "upgrade" our Moral Application, versus paying full price to start the Application from the beginning. If that is a possibility, I would wholeheartedly be in favor of such a decision. Thank you for the opportunity to provide public input. I look forward to a determination of licensing opportunities for those who have handily passed the new 1390 passing score. Kindest regards, Mrs. J. A. Wilson, Ventura, California	No change recommended. Retroactivity of the change in the pass line for the Bar Examination is beyond the scope of this proposal.
Lee M. Vernon, Esq.	AGREE	Retroactivity / Supervision / Competence	I have been licensed to practice law in California since December 2014. I truly believe Proposed Rule 9.49.1 should be passed. I was lucky enough to pass the CA bar on my first try in 2014. Now that the passing score has been lowered to 1390, I believe the score should be applied retroactively to past exam takers that scored a 1390 or higher on their first read. Moreover, I believe the State Bar should consider requiring all new attorneys to practice law under the supervision of an experienced attorney. Passing the bar exam does not ensure a young lawyer has the necessary skills to successfully practice law.	No change recommended. Retroactivity of the change in the pass line for the Bar Examination is beyond the scope of this proposal.
Anonymous	AGREE	Supervision	Internship, apprenticeship, and supervised practice are all better than a test.	No rule change required.

Barry S Fong	AGREE	Supervision	Assuming the previous test takers, who meet the criteria continued working in the field, they would have gained valuable experience already. This "apprenticeship-type" program is invaluable and this would allow apprentices the opportunity to work in all phases while being mentored.	No rule change required.
Darrell dahlberg	AGREE	Supervision	Covid has screwed everyone including our legal professionals seeking to gain access to the Bar. With additional supervision it would complete any areas needing improvement. Please allow this for those trying to evolve into attorneys. Cali fora is Covid issues will go beyond 2021 and holding them hostage to this is unfair.	No rule change required.
Herb Fox	AGREE	Supervision	These proposals make sense. As a seasoned attorney I know how arbitrary the bar exam can be. Highly motivated, compassionate and intelligent candidates barred while our ranks are filled with ill tempered and barely competent attorneys who got lucky. The hours of supervised practice will easily screen out those unfit to practice.	No rule change required.
Manuel Parra	AGREE	Supervision	Please see attached	No rule change required.
Sabrina Iem	AGREE	Supervision	I agree with the proposal because experience is an important means to gain knowledge.	No rule change required.
Anonymous	AGREE	Supervision by judicial officer	The definition of "legal practice" should be expanded to include judicial clerkships. Judicial clerkships offer unparalleled exposure to legal and procedural issues.	The Working Group may wish to consider amending subdivision (l) of Rule 9.49 to specify that, "(l) To meet the requirements of this rule, a Supervising Lawyer must: . . . (B) Have practiced law for at least four years in any United States jurisdiction and have actively practiced law in California or taught law at a California Law School for at least two years immediately preceding the time of supervision, and be a licensee in good standing of the State Bar of California; <u>or</u> be a current judge of a court of record in the California judicial branch;
Preston Foulger	AGREE	Attorney Applicants	Please see attached	No change recommended. Attorney applicants are treated similarly to all other applicants in this proposal.
Nicolas Jupillat	AGREE	Supervisor Evaluation	<p>I am writing in support of the proposed rule, with a modification suggestion regarding Supervision and Evaluation of Provisionally Licensed Lawyers (specifically 49.9.1 (j)(2)(C) and (j)(3)).</p> <p>The current language provides that the supervising attorney must certify that, in their opinion, the provisionally licensed lawyer (PLL) possesses minimum competence to practice law "without supervision." I am concerned that this last part could be interpreted to mean that the PLL would need to become fully autonomous considerably more quickly than traditionally admitted entry-level attorneys. Traditionally admitted entry-level attorneys usually need at least some amount of supervision in their first year, even after having demonstrated minimum competence by passing the bar examination. In other words, the need for some amount of supervision is not usually regarded as the measure of an attorney's competence or lack thereof. Supervision is a normal part of an entry-level attorney's training. While newly licensed attorneys may legally and ethically choose to practice law on their own upon admission, in practice many of them choose to work in an environment where they can be supervised in order to perfect their skills and knowledge. Experienced attorneys view such supervision of entry-level attorneys as necessary and useful, not as a negation of the entry-level attorney's competence or right to be licensed.</p> <p>In fact, supervising attorneys may well, in a lot of cases, feel that a PLL is both minimally competent (within the meaning of ABA Model Rule 1.1) and at the same time still in need of further supervision. I worry that those who will be working pro bono as part of the program may especially suffer from seeing their bar admission delayed if their supervising attorney is reluctant to make such a strong statement that they no longer need any kind of supervision.</p> <p>To require an attorney to certify that a PLL no longer needs any supervision would seem to set an unreasonably high standard, higher than that set by the bar exam itself. For the purpose of recommending a pass line, the State Bar's 2017 standard-setting study defined "minimally competent performance expected of entry-level of attorneys" without regard to the need for supervision or lack thereof upon admission (and instead focused on skills such as legal analysis, reasoning, and written communication.) I believe this is the standard by which PLLs should be evaluated by their supervising attorneys.</p> <p>Therefore, I would respectfully urge the working group to consider adopting language in line with the State Bar's 2017 standard-setting study, as follows:</p> <p>Under 49.9.1 (j)(2)(C) and (j)(3):</p> <p>- Replace "the Provisionally Licensed Lawyer possesses minimum competence to practice law without supervision."</p> <p>with "the Provisionally Licensed Lawyer possesses minimum competence expected of an entry-level attorney."</p>	The Working Group may wish to consider amending subdivision (j) of rule 9.49.1 to read: (j)(2) Each Supervising Lawyer shall provide an evaluation of the Provisionally Licensed Lawyer in the format developed by the State Bar of California. The evaluation shall include the following: (A) Verification of the number of hours of supervised legal practice completed; (B) A general description of the types of supervised legal practice performed by the Provisionally Licensed Lawyer; (C) Whether, in the opinion of the Supervising Lawyer, based on the supervised legal practice performed during the program, the Provisionally Licensed Lawyer possesses the minimum competence expected of an entry-level attorney; to practice law without supervision; (D) Other criteria established by the State Bar.
Roxana Chung	DISAGREE	Unfair to prior test taker & lawyers / Impact on lawyers	<p>The California Bar Exam this past July dropped the cut score from 1440 to 1390 (50 points) to reduce the disparity in pass rates. Now on top of the lower passing threshold, applicants were able to able to take their bar examinations "online" in order to adapt testing needs to the ongoing Covid-19 pandemic which was conducted on October 2020 instead of July 2020. This gave bar applicants an additional two months to prepare for the bar exam in addition to 50 point cut score, 100 vs. 200 MBE Questions, and and 15-20 minute time between each essay. The Bar Exam committee has gone above and beyond to conduct the bar exam to make it as fair as possible during this ongoing pandemic. Moreover, in July, the California Supreme Court rejected to retroactively apply the lower passing score on the bar exam. I understand that this new proposal would not just simply apply retroactively and it would require a completion of a specified number of hours of supervised legal practice. However, as a practicing attorney and someone who had to the take the California Bar Exam four times to pass, I respectfully disagree with this this proposal because in my humble opinion it would be utterly unfair for those of us who had to earn our way into the profession and it would also diminish the value of the legal profession. Lastly, if this proposal is passed, it may likely open the door to lawsuits against the California State Bar.</p> <p>Thank you for your time and consideration.</p>	No change recommended.
Mary E. Ayala	DISAGREE	Unfair to prior test takers & lawyers	This proposed rule is ridiculous and disrespectful to all of the attorneys who has to sacrifice, and study multiple times when they barely failed! The legal profession has standards and it is ridiculous that we are considering lowering the bar for some. They should have to retake the test like the rest of us did or would have had to before this rule was proposed!!!	No change recommended.
Raymond Chung	DISAGREE	Unfair to prior test takers & lawyers	<p>This proposal should be disregarded. By passing this proposal it would set a bad precedent by creating a crutch for future applicants who would request for hand-out in the event of another future public disaster/pandemic. Additionally, if this proposal is passed, it would be prejudicial to the attorney's who had to take the bar exam beginning 2015 to February 2020 multiple times to pass and scored 1390 or above before getting admitted to the bar.</p> <p>Thank you.</p>	No change recommended.
Anonymous	DISAGREE	Unfair to prior test takers & lawyers	Not fair to all those people who passed the exam.	No change recommended.
Anonymous	DISAGREE	Unfair to prior test takers & lawyers	Hard no. This is very problematic for people who failed the CA bar, continued to pay for bar prep, the bar exam, and lost income due to not being licensed due to the old cut score, but who eventually passed under the old cut score should then be reimbursed for all the additional expenses they incurred and their lost income. Would that be happening if this were the case? I assume not. This is nothing short of a handout for people who gave up and now act entitled to a bar license due to the change in the cut score. Make them retake and pass under the new cut score.	No change recommended.
Anonymous	DISAGREE	Unfair to prior test takers & lawyers / Hours of supervision	These rule changes promote a new generation of soft, thin skinned, and undisciplined attorneys. We all passed at 1440, so why can't the younger generation of aspiring lawyers pass? It's already bad enough that the score was lowered from 1440 to 1390. If you must expand the provisional licensure program, then bump the hours up to 1000 hours of supervised legal practice.	No change recommended.
Anonymous	DISAGREE	Unfair to prior test takers & lawyers / impact on lawyers	The California Bar Exam this past July dropped the cut score from 1440 to 1390 (50 points) to reduce the disparity in pass rates. Now on top of the lower passing threshold, applicants were able to able to take their bar examinations online in order to adapt testing needs to the ongoing Covid-19 pandemic which was conducted on October 2020 instead of July 2020. This gave bar applicants an additional two months to prepare for the bar exam in addition to 50 point cut score, 100 vs. 200 MBE Questions, and 15-20 minute time between each essay. The Bar Exam committee has gone above and beyond to conduct the bar exam to make it as fair as possible during this ongoing pandemic. Moreover, in July, the California Supreme Court rejected to retroactively apply the lower passing score on the bar exam. I understand that this new proposal would not just simply apply just retroactively and would require completion of a specified number of hours of supervised legal practice. However, as a practicing attorney and someone who had to the take the California Bar Exam, I respectfully disagree with this this proposal because it would be unfair for those of us who had to earn our way into the profession and it would diminish the value of the legal profession.	No change recommended.
Julian M Robinson	AGREE	No reason stated		No rule change required.

Kirisha M. Marshall	AGREE	Personal story	I have taken the exam 5 times within this a lotted time and my scores would have passed at least 3 of those. I was denied my accommodation without being given adequate time to appeal it and after that I stopped trying to take the exam. This is likely the only way I would be able to practice in the place that is my home.	No rule change required.
Toni Ramos	AGREE	No reason stated		No rule change required.
Anonymous	AGREE	No reason stated		No rule change required.
Skyy Bailey	AGREE	Fairness	I agree. There are some qualified individuals out there who are being held up from practicing a based on an arbitrary cut score. Retroactively applying it would allow for a more diverse population of practitioners.	No rule change required.
Shontel Johnson and Gina Thomson	AGREE	Option B	Please see attached.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Anonymous	DISAGREE	No reason stated		No change recommended.
Anonymous	DISAGREE	No reason stated		No change recommended.
Anonymous	AGREE	No reason stated		No rule change required.
		Fairness	I believe that the provisional licensing program should apply to anyone who has received a 1390 from 2015 to Current. As a Black Repeat Bar Examinee it is not only a financial hardship to sit for this exam again but it is also very mentally taxing. I have had to see a therapist to discuss the side effects of not passing the bar exam. I believe that any who has scored a 1390 is more than competent to practice law in the state of CA. This program will be life changing and allow myself and others to finally live out their dreams of becoming a lawyer. We did not go to law school to be hundreds of thousands of dollars in debt to gain a Juris Doctorate to not practice law. Please consider this program.	No rule change required.
Lauren Doe	AGREE		Thank you	
Gary Neiman	AGREE	No reason stated		No rule change required.
		Option A / Hours of supervision	I fully support the proposed rule, option A:360 total hours of supervised legal practice for individuals who scored 1390 or higher, on the first read, on a California Bar Examination administered between July 2017 and February 2020 because it will allow applicants who took a full blown examination, not a 50% reduced of MBE and a written portion without any breaks like the 15 minutes that were granted to October 2020 applicants. I advocate, also, for reduced number of hours for applicants who took and scored 1390 or above in February 20 because they were severely objectively affected by the pandemic considering it was the lowest passing rate in the CA Bar history.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Martha Russi	AGREE			
Jocelyne Fakhouri	AGREE	No reason stated		No rule change required.
		Personal story	Dear CA State Bar: I thank you for the efforts you have made towards creating a pathway to licensure for those individuals (including myself) that have achieved a 1390 or above either on the first and/or final read since the administration of the July 2015 CA Bar Exam. I write this comment to you nearly three years to the day from that day that I completed law school. Further, this comment is written with the understanding that under the new passing score, I would have passed the CA bar exam the first time I took the exam in February 2018. Since graduating law school, I have taken the CA bar exam six consecutive times. The undertaking of six consecutive bar exams has resulted in financial burden and mental and emotional exhaustion. But, in spite of it all, I have never faltered on my decision to take the bar exam. I have never faltered because, which each unsuccessful attempt at the CA bar exam, my desire to become a licensed attorney has not waived. After graduating from college in 2010, I worked as civil litigation paralegal. In 2014, I began law school and attended law school in the evenings so that I could continue working in the legal field during the day to support myself while attending law school. I graduated from a four year evening program in three and a half years, by attending school year round, because I was eager to begin practicing as a licensed attorney. I never expected that I would struggle to pass the bar exam. But, I write today after six unsuccessful attempts asking that you acknowledge both my colleagues and my own previous successes in achieving a now passing score as satisfying requirements for licensure as an attorney in the state of California. Since first taking the bar exam, I have continued to work as a Law Clerk in civil litigation and have put in over 4,500 hours of legal work under the supervision of a licensed attorney, which is over 10 times the amount proposed under either of your options to the pathway to licensure program. I have worked at the same law firm since first taking the bar exam and have gained invaluable knowledge in that time period. I have no doubts on my competency to practice law and believe my employers would attest to the same. I thank you for consideration of my comment and hope to be among the individuals that may begin their pathway to licensure.	No rule change required.
Brittany Auchard	AGREE		Thank you, Brittany Auchard	
Ambreshia Landrum	AGREE	Fairness	This is a fair use of past test results considering others who scored a 1390 in the past. This makes sense considering the state bar is allowing students who never sat for the bar to be provisionally licensed within the state and take on clients as an attorney. The supervision provides enough room to combat any concerns regarding competence and duty to the public.	No rule change required.
		Option A / Fairness		No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Anonymous 2	AGREE		Please see attached.	
		Fairness	This pandemic has affected these individuals more than anything. They can't work as attorneys, have to devote unbelievable energy, focus and time to preparing for the bar exam. 1390 is very close to 1440. The Supreme Court lowering the score reflects how change to the two day exam has made it an already notoriously difficult exam even more so. This should have been done originally, it is only fair as an opportunity for 2020 graduate. All recent law schools, some from top tier law schools have worked incredibly hard to pass this exam and begin their legal career. The lowered score is marginal and the shockingly low passage rates over these years has shown it was necessary. Everyone in this world is struggling right now especially the people that are effected by this proposed rule. The multiple postponement of the October bar and substantive changes compared to the previous few two days exams was also somewhat unfair and an alternative path should be made.	No rule change required.
Michael	AGREE			

		Option A / Fairness	<p>I believe the proposal is a fair treatment for all the applicants who will become provisional attorneys when the proposal is finalized and takes effect.</p> <p>As someone who will be affected by this rule, I believe Covid-19 affected me just as much sitting in that conventional center in Ontario on February 25 - 26, 2020 as I was sitting at home in front of my laptop in October 2020. Covid-19 was even more of a mysterious virus back in early 2020 than it was in October 2020 as we have learned more about it later in the year. Back in February, we were offered the option to wear a mask during our exam at the convention center and there were foreigners from different parts of the world sitting among us during the exam. The fear was in the air but we pushed all of that away because at that moment nothing mattered more than the desire to pass the bar.</p> <p>So when the Supreme Court permanently lowered the score from 1440 to 1390 in July for the bar exams in October and beyond, but declined to retroactive the score for people who took the exact same test a few months ago, it was a painful moment of realizing that we did not matter. Perhaps no one noticed that the virus was already among us since the dates of the bar exa in late February were only about 2 weeks before the mandatory shutdown occurred in March. So, I believe it is only fair to retroactive the score to include us because we were affected by the pandemic as well in February, 2020.</p> <p>Additionally, the test did not become “easier” just because the score was lowered and so for all of us, the past bar takers and the future bar takers, that are taking the exact same test from 2015 to now, we all deserve to be treated the same.</p> <p>There is not a single day goes by that I don't think about my legal career and what I can do once I am licensed to practice. I have been a law clerk, paralegal, and now a senior paralegal with a J.D. for more than 7 years now.</p> <p>Since 2020 is ending in a handful of days, I have so many hopes for the future as I have learned to appreciate many small things that I've once taken for granted this year, and I wish that I can have a silver lining in 2020 that I get to become an attorney as soon as possible.</p> <p>Therefore, I agree with Proposal A.</p>	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Jasmine Song	AGREE			
David Chircop	AGREE	Retroactivity / Option A	As one of thousands of applicants since 2015 who has demonstrated competency under the current standard, I believe the proposal for retroactive admission outlined in HR-103 was a reasonable one. I am disappointed it was not seriously considered. Putting that aside, I believe Proposed Rule of Court 9.49.1 Option A is the more reasonable of two options before you. The required hours of supervised legal practice should be more than sufficient to assuage any concerns about the readiness of these candidates to practice law in California.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
John Marinkovich	AGREE	Public Protection / Fairness	<p>I believe the Provisional Licensure Working Group has come up with a solid policy to allow those CA Bar candidates who received a 1390 or above on a past administration from 2015 and forward. Since the CA Bar score has recently been lowered to 1390, I believe it is reasonable to allow those individuals to be allowed to practice under the guidance of a practicing attorney as provisionally licensed lawyers with the possibility of being admitted to the CA Bar as full members upon the completion of the requisite hours. I believe it is reasonable because these candidates have shown that they can get a 1390 on a past score and as a matter of fairness it would be proper to allow them to become provisionally licensed lawyers subject to conditions. I believe also the working group has reached a reasonable compromise in requiring these students to work under a lawyer for a set amount of hours. These are candidates who received a 1390; now they will be monitored and evaluated to see if they have the proper skills to practice law. This working group has set some strong requirements that these candidates have to meet in order to get a CA Bar Card and this will be good for the public.</p> <p>I also believe that further as a matter of fairness these CA Bar candidates should be given the ability to practice law provisionally with the ability to be admitted fully upon the satisfying of the above conditions because of another reason. The CA Bar allowed those who were classified as 2020 graduates from a law school to be admitted provisionally without even having to sit for the CA Bar. Because of Covid-19 and changing the scheduling of the last bar to different months, I realize that giving these 2020 graduates the ability to start practicing was important. However, some other students who graduated before may feel it is unfair to them because they did not graduate during this period. I think it will satisfy some students as a matter of fairness to grant provisional status to those who got a 1390 with the ability to get full access to a CA Bar card because now 1390 is the new passing score and these students have achieved a 1390. Many of those who were granted a provisional license as a 2020 graduate have not yet demonstrated that they can get a 1390 yet they are practicing, albeit provisionally, and possibly getting paid yet those who got a 1390 from a past CA Bar are not. Thank you for your time and please grant those who receive a 1390 fom 2015 on the ability to become a provisionally licensed lawyer with the ability to get full access to a CA Bar card upon successful completion of hours with an attorney.</p>	No rule change required.
Charlie Lucero	AGREE	No reason stated	Thank you for your efforts thus far in formulating the proposed rule. I implore you to adopt the proposed rule and send it to the Board of Trustees for their consideration.	No rule change required.
Maria Cavalluzzi	AGREE	Option A	Option A provides sufficient work hours for an individual who scored 1390 or higher on the bar exam. These individuals have worked hard and have been severely side-tracked by Covid. Allow them to practice law with these modifications. They are certainly sufficient to ensure competence in the legal profession.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Jeffrey Bloeser	AGREE	Fairness / Option A	Please see attached. I did not state in my attachment which proposed rule I support. As a February 2020 examinee whose score would qualify, I cannot comment on the amount of hours for those who would qualify from July 2015-February 2017. Frankly, the amount of hours should not be unreasonable. I will support Option A just to provide a recommendation. However, the end goal is to ensure approval by the State Board of Trustees and ultimately the California Supreme Court. If there needs to be an adjustment as to hours or anything else so be it. Expansion of this program providing a pathway for full licensure MUST BE DONE by any means. Preferably this can be passed immediately before October results are released.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Charles W Frye	AGREE	Fairness	In light of the horrendous stress flagging one-third of the exam takers as cheaters has caused, any reasonable alleviation of this stress should be utilized. The score is not that much lower. The exam system right now is utterly unacceptable. People are flagged for equipment violations they have no way of knowing are even occurring. Certain lap tops do not work and are flagged. Please make this change, among others.	No rule change required.
Melinda Benson	AGREE	Option A / Fairness / Public Benefit	I write in strong support of the adoption of Proposed Rule 9.49.1 with a period of supervised practice as defined in Option A. I defer to the judgment of the California Supreme Court in declining to apply the new 1390 cut score retroactively. I believe, however, that at least as to the cohort so clearly defined in this proposed rule, the Court's decision has operated to create an inequity that harms these applicants as well as the consumers of legal services in California. Though I understand that a line must be drawn, the public is not served or protected by denying a license to an applicant who scored 1390 in February of 2020, but granting one to the applicant scoring the same just eight months later. I have followed the work of this group closely. I believe that the measured and deliberate approach of this group to developing this proposed rule has resulted in a pathway to licensure that will mitigate the harsh and inequitable consequence of a strictly prospective application of the 1390 cut score, while simultaneously protecting and serving consumers of legal services in California. This seems to me to be the most sensible solution, especially at this time when so many Californians are in need of help. Thank you for considering my comment and thank you to the working group for the considerable time and effort you have dedicated to this issue.	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.
Anonymous	AGREE ONLY if Modified	Extend PLP to pre-July 2015 test takers / Diversity and Inclusion	Should be retroactive at least 10 years to increase diversity and inclusion in the state bar.	No change recommended. The Working Group carefully considered how far back to extend the PLP.
Nicholas S Gregoratos	AGREE	Option A / Competence	<p>To the Members of the Working Group on Provisional Licensure:</p> <p>I write to submit my public comment in support of adopting proposed Rule 9.49.1 with a total number of hours of supervised legal practice as set forth in your "Option A." I have been a member of the bar for 21 years, all of which I have dedicated to serving underrepresented groups in my community. In my work as an advocate for incarcerated persons, I have enjoyed the honor of supervising hundreds of law student interns. Many of these students are drawn to our work because they come from the same communities that our clients come from. These are the communities that experience poverty and violence at a rate grossly disproportionate to the dominant culture. These are the communities for whom access to higher education is almost always impeded by the most formidable of obstacles, and to whom it is often denied. I am ever mindful that many of my student interns are the first in their families to graduate from college and pursue postgraduate study, and I am keenly aware that they have done so without access to the resources and support that many of their classmates have historically enjoyed. Sadly, although these students are incredibly hardworking, with a keen intelligence, and the commitment to professional ethics, empathy, compassion, and public service that I believe make a good lawyer, their promising careers in service are felled or delayed by the California Bar Exam. I, along with so many others in the legal profession, have long questioned whether the California Bar Exam is as effective a tool to assess the minimum competency of applicants as it is in precluding admission for students from underserved communities like so many of my incredible interns. I applaud the California Supreme Court for taking a step in the right direction by prospectively reducing the cut score to 1390 and I applaud this working group for developing a pathway to licensure for students who have scored 1390 or above on an exam administered within the last five years. There is no plausible meaningful distinction between the competency of these students and their peers who pass with a 1390 today. Moreover, limiting this program to those who have done so within the last five years and requiring a term of supervised practice in addition to all other requirements for licensure is a fair and effective way to protect the public. Indeed, I am of the strong opinion that admitting these qualified applicants is itself an incredible opportunity for the bar to serve and protect Californians at a time when so many are in need of services. Thank you for considering my comment and thank you for the work you have done to create this important opportunity.</p>	No change recommended. The Working Group previously determined that offering the Board of Trustees and the Supreme Court 2 options from which to select was the best course of action.

Megan O'Leary	AGREE	No reason stated		No rule change required.
Jackie Gardina	AGREE	Fairness	<p>I am writing in support of Proposed Rule 9.49.1 that would expand eligibility for the provisional licensing program to individuals who previously took the California Bar Exam and scored a 1390 or higher between July 2015 and February 2020 and make the program a pathway to licensure. Fundamental fairness dictates that the proposed rule be adopted. There is simply no basis to declare that a bar applicant that scored between 1390 and 1439 in July 2015 is incompetent to practice law and a bar applicant with the same score in October 2020 is competent to practice law. This statement is supported by the fact that the State Bar's 2017 Standard Setting study found that 1390 provides 95% confidence of minimal competency.</p> <p>Until the State Bar had completed the Standard Setting study in 2017, it had not validated what passing score was necessary to establish minimal competence. When then-Executive Director Elizabeth Parker testified before the Assembly Judiciary Committee, she reported there was "no good answer" for why the cut score was set at 1440. The Supreme Court then ordered a series of bar exam studies. The 2017 Standard Setting study, the first attempt to validate the passing score, found that 1390 fell within a range of scores that provide 95% confidence that the score reflects minimum competency for the first-year practice of law. The study further noted that what score the Supreme Court adopted within the identified range was a policy decision. That the Supreme Court chose not to adjust the score until 2020 does not diminish the fact that 1390 was found to be a valid and reliable score. Furthermore, Rule 4.17 provides that a bar applicant has five years to meet all the requirements of admissions. Bar applicants who score at above 1390 between July 2015 and July 2020 should have the benefit of the adjusted score and the five-year time frame provided in the rule.</p>	No rule change required.
Ona Alston Dosunmu and Emilio Varanin, on behalf of California Lawyers Association	AGREE	Supervision / Fairness	Please see attached.	No rule change required.

Amy Hendel
1344 Danielson Road, Unit 1
Santa Barbara, CA 93108

December 17, 2020

Re: Provisional Licensure for Individuals Scoring 1390 and Higher on a California Bar Exam Administered July 2015-February 2020

To Whom It May Concern:

I believe that the proposed provisional licensure program for individuals scoring 1390 or higher on a California Bar exam administered July 2015-February 2020 as a pathway to becoming a licensed attorney is an appropriate and fair means of accommodating those who have already achieved the new pass score. If you were to ask bar candidates why they decided to go to law school and why they want to become an attorney, I believe the majority of the answers would look something like this: I want to become an attorney because I want to help people. I believe in justice and I want to be able to help those that are unable to help themselves. You see, this is why I want to be an attorney. When people are treated unfairly because of one circumstance or another, I want to do everything I can to make the situation right. The idea that bar candidates who have already scored 1390 or above on a previous exam will still be required to take the bar exam and score a similar score does not seem fair or just in my eyes.

The proposed provisional licensure program for individuals scoring 1390 or higher on a previous bar exam within the last five years seems like the fair and just thing to do. I could sit here and write a very lengthy letter, but I do not feel that is necessary. The issue seems plain and simple to me.

If the rigor of the bar exam has not changed and an exam that was administered in the last five years is just as rigorous as any exam that will be administered in the future, then a score of 1390 or above on those past exams is just as adequate to provide a pathway to licensure as a similar score on any future exam would be.

I am a mother of two children under seven. This alone has made it difficult to find time to study in years past. As you can imagine, COVID has amplified these difficulties and stressors. My daughter is learning at home, which means I am now her teacher. I do not feel comfortable having someone come into my home to watch my children so that I can study. Yet, despite the challenge of being the primary caretaker for my children and finding time to study, I have scored above 1390 three times to date:

February 2018 exam: 1421

July 2019 exam: 1402

February 2020 exam: 1417

In a profession where we want to achieve a fair and just result for our clients, I encourage you to ask yourself whether requiring those who have scored 1390 on a previous exam to once again sit for an exam and achieve 1390 or higher on another exam is fair and just. I believe that any reasonable person would say that the proposed licensure program is the fair and just program to implement in response to the Supreme Court's recent change to the California Bar pass score.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Amy Hendel



December 15, 2020

State Bar of California
180 Howard Street
San Francisco, California 94105

Re: Public Comment on Provisional Licensure with Pathway to Full Practice Proposal

To the Members of the State Bar Board of Trustees:

I write in my role as interim dean of Santa Clara Law to express my strong support for the Provisional Licensure Task Force's proposal. Providing past Bar Exam-takers, who would have passed the exam under the current 1390 cut score, with a pathway to Bar admission through supervised practice is an appropriate and just action.

First, all of the Bar applicants at issue would have passed the California Bar Exam under the recently adopted 1390 cut score. State Bar Rule 4.17(A) provides that a passing score on the Bar Exam is valid for 5 years for admissions purposes. The Task Force's proposal reasonably aligns the current cut score with that 5-year rule.

Second, the Task Force's proposal acknowledges that those eligible did not pass the Bar Exam under the prior cut score, and therefore should be required to take additional steps to be admitted to practice. This requirement speaks to the State Bar's public protection goal by allowing Bar applicants to demonstrate their ability to practice law under the supervision of an experienced attorney.

Third, this proposal provides a humane alternative to admission for those applicants who still aspire to Bar admission, but for whom the costs of taking another Bar Exam are prohibitive. The vast majority of successful Bar Exam-takers must spend at least 10 weeks of full-time preparation before taking the exam. This precludes earning income from work, while bearing the costs of living, housing, health care, and family obligations, including student loan repayment, as well as the costs of Bar preparation programs and exam-related fees. These costs add-up for all Bar Exam-takers, and have the greatest impact on low-income admittees.

Finally, this proposal is another step in the right direction towards a new framework for Bar admission in California. All law schools cheered the Supreme Court's August decision to lower the cut score. And we all support the work of the Blue Ribbon Commission to reevaluate the process by which we license attorneys in this state. But that work is at least 2 years from

completion. We have many former students who are confronting an incredibly challenging job market, a very uncertain economy, and a pandemic that is killing thousands of Americans each day. They can't wait for further change – they need a pathway to admission that acknowledges today's reality. The Task Force's sensible proposal provides such a pathway while ensuring that new attorneys meet the current Bar Exam cut score and supervised practice before licensure.

I wholeheartedly support the Task Force's proposal. I would support either of the options for length of supervision before licensure.

Sincerely,

A handwritten signature in black ink, appearing to read "Anna M. Han". The signature is fluid and cursive, with a long horizontal stroke at the end.

Anna Han
Interim Dean

Fantasy Windsong

1383 Danielson Rd.

Santa Barbara, CA 93108

fwindsong@hotmail.com

805-570-4777

December 17, 2020

Re: Proposed Rule 9.49.1

Dear Provisional Licensure Working Group:

It is with the utmost honor and gratitude that I have the opportunity to write this letter to you today.

My name is Fantasy Windsong; parents were hippies. But my friends call me Fani.

In 2011 at age 32, I began a 3.5-year night-school law degree program. I continued to work full-time at a medical clinic to afford my schooling. I ultimately had to ask for financial help from my family to continue school. I graduated in May, 2015, and it was the biggest accomplishment of my life at that time.

After graduation, I took 12 weeks off of work to study for the BAR exam. I studied day and night along with my fellow classmates; most of us were older students working full-time. My score on the July 2015 BAR was 1418. I came so close to passing that my essays got a second read by another examiner.

I went back a year later, in July 2016 to try again. That time I was only able to afford to take off 4 weeks from work. Unfortunately, it wasn't enough. My score was 1390. I was now 37 years old.

Then, it turns out, I had a bigger accomplishment in the making; my daughter, Zoe, who is now 3 years old. Just this year, in August, I made the decision that I needed to take the BAR again. But circumstances have become even more unfavorable. By no choice of my own, I am a single mom. I have worked full-time at two law offices for the past year. It will be a financial burden to study for the BAR again.

Moreover, I was born with a complex eye condition which affects my ability to visually focus and read small print. When I was born, the eye doctor told my parents that I would never read, walk, or write. Luckily for me, he was mistaken. Nonetheless it does take me extra time to read and comprehend information. And I have applied for special accommodations for both BAR exams, which I was granted.

Here is what I want you to know....I will go back and take the BAR exam as many times as I need to in order to make a better life for myself and Zoe. But it is extremely difficult to find the time to study when I must work full-time and raise my daughter on my own. I have gotten so much more practical legal training from my year at the two law offices than I ever achieved in law school or by taking the BAR exams. I have opportunity to complete the required hours (400 or 600) under the supervision of my incredible colleagues. I would imagine it will take about 18 months to complete the 400 hours, as not all of my work is litigation; some is reception work which I surmise is not going to count toward the required supervised hours.

Furthermore, to take another BAR, I will need to return to my childhood eye doctor for an expensive eye exam, and apply for accommodations.

I believe it is an undue-burden to require that I take another BAR exam, if only to obtain the score I have achieved twice already.

I believe it is far more practical and fairer to ask that I achieve a certain number of supervised hours in order to obtain my law license.

Every professional license requires an exam. But as we know, the BAR is more subjective than most exams. The BAR is a measure of one's stick-to-itiveness, comprehension, and speed. But the BAR does not reflect my dedication to my client, my ethics, my ability to defend zealously. These are all abilities I will prove while working to achieve the required supervised hours in a legal setting.

With this, I ask that you approve Rule 9.49.1 and set the required number of supervised hours at 400.

Very Truly Yours,

Fantasy Windsong

"You have to do everything you can, you have to work your hardest, and if you do, if you stay positive, you have a shot at a **silver lining**." **quote** from the award-winning **Silver Linings** Playbook movie

OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF SANTA BARBARA

JOYCE E. DUDLEY
District Attorney



MAG M. NICOLA
Chief Deputy District Attorney

SONIA BALLESTE
Chief Deputy District Attorney

MEGAN RHEINSCHILD
Victim Assistance Director

MICHAEL D. SODERMAN
Chief Financial & Administrative Officer

KELLY A. DUNCAN
Chief Deputy District Attorney

JOHN T. SAVRNOCH
Chief Deputy District Attorney

PATRICK CLOUSE
Chief Investigator

December 7, 2020

The State Bar of California
180 Howard Street
San Francisco, CA 94105

RE: Provisional Licensure Program

Gentlemen:

I write in support of proposed Rule 9.49.1 to expand the eligibility for the Provisional Licensure Program to include individuals who have scored 1390 or higher on the California Bar Exam which was taken between July 2015 and February 2020. This will allow for those individuals who have completed a specified number of hours of supervised legal practice, completion of all other requirements to be eligible for admission to the State Bar and a positive evaluation by the supervising lawyer to be eligible for admission to the State Bar without having to take another Bar Examination.

Thank you for your consideration of this matter. Your support would be greatly appreciated.

Sincerely,

JOYCE E. DUDLEY
District Attorney

/bjr

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Santa Barbara, CA 93101
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☐ **SANTA MARIA OFFICE**
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☐ **LOMPOC OFFICE**
115 Civic Center Plaza
Lompoc, CA 93436
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December 7, 2020

Via Online Public Comment Form

State Bar of California

180 Howard Street

San Francisco, CA 94102

<https://fs22.formsite.com/sbcta/wegppxadby/index.html>

Re: Proposed Rules of the State Bar Rule 9.49.1

Provisional Licensure with a Pathway to Full Licensure

To the Officers and Executives of the State Bar of California,

I am responding to the State Bar of California's ("State Bar") request for public comment on Proposed Rules of the State Bar Rule 9.49.1, which would provide for provisional licensure with a pathway to full licensure for individuals scoring 1390 or higher on a California Bar Exam administered July 2015–February 2020 ("Provisional Licensure"). As you know, my office represents attorney applicants against the State Bar regarding the California Bar Exam. Adoption of Provisional Licensure would significantly reduce the need for litigation against the State Bar and the National Conference of Bar Examiners ("NCBE"). More importantly, Provisional Licensure would comply with our Legislature's repeated amendments to the State Bar Act for stopping the State Bar's exclusion of minorities and underrepresented groups from the legal profession.

In 2017, the Board of Trustees terminated then Executive Director Elizabeth R. Parker for testifying that, "there's no good answer" why California's cut score is so high.¹ Despite Ms. Parker's termination for this testimony, the testimony appears to have been true and accurate. The State Bar was not subsequently able to produce a rational explanation for its termination of Ms. Parker, or the 1440 cut score. If the State Bar wishes to abandon Provisional Licensure, it must demonstrate a rational basis related to a legitimate government interest.

Back in 1982, the State Bar's Committee of Bar Examiners and the NCBE had their lifelong psychometricians Dr. Stephen P. Klein and Dr. Roger E. Bolus study the California Bar Exam.² Specifically, Drs. Klein & Bolus compared the California Bar Exam's essay tests and the multiple-choice Multistate Bar Examination ("MBE") with clinical legal skills tests called "Assessment Centers." That study found the realistic and practical Assessment

¹ Assem. Stone letter to Chief Justice Cantil-Sakauye, Mar. 2, 2017, p. 2. State Bar of Cal., Bd. of Trustees Meeting Pub. Mins. (Aug. 9, 2017).

² See Klein & Bolus, An Analysis of the Relationship Between Clinical Legal Skills and Bar Examination Results (July 1982) ["Klein & Bolus, Clinical Legal Skills"].



Centers to be a far more valid measure of legal skills than the MBE. The MBE was shown to be an overwhelmingly poor measure of legal skills,³ which is consistent with the fact that the MBE was not designed to measure legal skills. Both the current and former CEO of the NCBE will not even sit for their own MBE, nor have they ever sat for the MBE during their diploma-privilege admissions process.

In other words, more realistic and more practical assessment is a more accurate way to measure legal skills. Performing legal work in a law office under a lawyer's supervision is a better way to ensure competence than the California Bar Exam, which has never been professionally validated. The acquisition of skills necessary to become a lawyer occur over the course of time and practice, as is readily demonstrated by the attorneys at the NCBE who have never taken a bar exam. The State Bar must place a high level of trust in those diploma-privileged attorneys in granting them contracts year after year.

Despite the Assessment Centers being a more valid measure of legal skills, the State Bar's Committee of Bar Examiners and the NCBE quietly abandoned them without explanation. I am sure they had their reasons for selecting the less valid and more discriminatory⁴ methods of testing. However, approximately 38 years have passed since that study. The State Bar and the NCBE have not expressly produced any such reasons. The NCBE wrote in 2013, "To address some of the complaints expressed by recent bar exam takers: *The bar exam is irrelevant*. Complaining about the relevance of the bar exam distracts from the examinee's job, which is to pass the bar exam. (Besides, current examinees who suggest eliminating the bar exam entirely would not succeed in doing so within a window of time that is relevant to them anyway.)"⁵

In summary, the bar exam is irrelevant. Clinical—or practical—legal skills are highly relevant. There is no rational basis, no justification, and no excuse for the State Bar to collect another set of examination fees⁶ from these applicants who scored 1390 or higher and require them to once again score 1390 or higher. Because the bar exam is not a valid measure of legal skills, failure to pass Provisional Licensure will effectively make

³ *Id.* at 66. (Data reflecting MBE's ability to measure legal skills and abilities were "Very Poor: 29%, Poor: 30%, Fair: 29%, Good: 9%, Very Good: 2%" compared with the Assessment Centers two days at "Very Poor: 4%/3%, Poor: 12%/9%, Fair: 44%/40%, Good 28%/35%, Very Good: 12%/14%").

⁴ Klein & Bolus, *Clinical Legal Skills*, *supra*, at iv.

⁵ Susan M. Case, Ph.D., *The Testing Column: Failing the Bar Exam—Who's at Fault*, 82 B. Exam'r 34 (2013) ("Case, *Who's at Fault*").

⁶ Rules State Bar rules 4.16 [Registration Application \$119/\$214], 4.41 [Moral Character Determination Application \$551], 4.47 [Appeal of Adverse Moral Character Determination \$500], 4.52 [Application for Extension of Moral Character Determination \$265], 4.58 [Laptop Computer Fee \$153, Late Laptop Computer Fee \$15], 4.61 [California Bar Examination Application \$677/\$983], appen. A: Schedule of Charges and Deadlines for 2020.



these applicants even less competent lawyers. While it would make the State Bar even richer, these applicants would pass along their debt to their clients. These applicants' experience preparing for multiple-choice questions would limit their ability to competently serve their clients, especially when compared with their having spent that time instead practicing law under supervision.

In failing to defend the 1440 cut score in 2017, President Michael G. Colantuono and Executive Director Leah T. Wilson complained that “[o]ne of the most significant challenges facing the Bar, and by extension, research regarding the appropriate pass line for the CBX, is the fact that while ‘public protection’ is essential to the mission of the Bar, public protection has never been clearly defined.”⁷ To help the State Bar understand its mission, our Legislature added in 2018, “Protection of the public, *which includes support for greater access to, and inclusion in, the legal system...*”⁸

As the State Bar is aware, the California Bar Exam largely serves to limit the number of minority and underrepresented persons from the legal profession.⁹ A recent study titled *A Five-Year Retroactive Analysis of Cut Score Impact: California’s Proposed Supervised Provisional License Program* carefully illustrates how retroactive application of the cut score would benefit minority applicants, and substantially more so if the cut score was lowered further.¹⁰ Now that public protection is more clearly defined for the State Bar, there should be no question as to whether to provide Provisional Licensure for eligible applicants. Because enacting Provisional Licensure would enhance diversity in the legal profession, doing so is paramount to the State Bar’s public protection mission.

⁷ 2017 Final Bar Exam Report, *supra*, note 7, p. 81 [emphasis added to show dishonest intent—due to the lack of supporting references, this appears to be the first time in approximately a century that the State Bar conjured this explanation, previously having its financial and discriminatory objectives unquestioned].

⁸ Bus. & Prof. Code § 6001.1, amended by Stats. 2018, Ch. 659, § 3, eff. Jan. 1, 2019. See also Bus. & Prof. Code § 6001.3, added by Stats. 2018, Ch. 659, § 5, eff. Jan. 1, 2019 [“It is the intent of the Legislature that the State Bar maintain its commitment to and support of effective policies and activities to enhance access, fairness, and diversity in the legal profession and the elimination of bias in the practice of law... The Legislature finds and declares the following: (1) The rich diversity of the people of California requires a justice system that is equally accessible and free of bias and is a core value of the legal profession...”]

⁹ See Jerold S. Auerbach, *Unequal Justice: Lawyers and Social Changes in Modern America* (1976) p. 65 [ABA membership chairman shocked to learn that three Black attorneys gained admission, creating “a question of keeping pure the Anglo-Saxon race” in 1912]. See also *Editorial*, 1 B. Exam’r 211, 211 (1932) [“The present situation emphasizes the overcrowded condition of the bar.”] See also Philip J. Wickser, *Ideals and Problems for a National Conference of Bar Examiners*, 1 B. Exam’r 4, 7 (1931) [“We know, for instance, that the Bar, today, is overcrowded, and is becoming more so.”]

¹⁰ Winick, Mitchel and Quintanilla, Victor David and Erman, Sam and Chong-Nakatsuchi, Christina and Frisby, Michael, *A Five-Year Retroactive Analysis of Cut Score Impact: California’s Proposed Supervised Provisional License Program* (Oct. 23, 2020) AccessLex Institute Research Paper <<https://ssrn.com/abstract=3716951>>.



Based on the State Bar and the NCBE's own research, an applicant's endless preparation for the California Bar Exam will not improve the applicant's legal skills. The inverse can be reasonably inferred—an applicant's time practicing clinical, realistic legal skills under another lawyer's supervision will improve the applicant's legal skills. The public will be protected from lawyers who do not know how to practice real law because they spent all their time training for the "law of nowhere"¹¹ invented by a private Wisconsin corporation. Moreover, the public will be protected from a legal system lacking in diverse representation.

The State Bar and the NCBE have struggled for decades to present a rational basis for the California Bar Exam. In 1982, they prove that clinical, practical testing of legal skills is superior and less discriminatory when compared to the California Bar Exam. Now, the State Bar has the opportunity once again to implement a program that actually tests legal skills, and to further its public protection mission in doing so. The State Bar should enact Provisional Licensure in furtherance of the public protection. There is no rational basis in requiring eligible applicants to obtain a score they have already obtained a second time.

Sincerely,

Julian Sarkar

¹¹ New York State Bar Assn., *Report of the NYSBA Task Force on the New York Bar Examination* (Mar. 5, 2020), at p.1.

State Bar of California
180 Howard St.
San Francisco, CA 94105

*RE: Provisional Licensure Expansion for Past Bar Exam Takers Who Scored
1390 or Higher*

Dear Bar Committee:

My name is Manuel Parra, Jr., and my File Number as a California State Bar applicant is 433233. I received a score of 1399 back in February 2019. I am currently a Law Clerk to one of the partners at Wild, Carter, & Tipton in Fresno, CA. My boss has given me a wide variety of assignments since I began employment back on April 20, 2020. I intend to stay at this firm as I see plenty of room for growth here. I was revising the Proposed Rule 9.49.1 and honestly think it would be a good idea to allow 360 hours of legal work for individuals who scored 1390 or higher a California Bar Exam no earlier than July 2017 (9 40-hour weeks) as I have plenty of time sheets and my boss can attest to my diligence in working at this firm. It is in the firm's best interest to have me as an Associate Attorney and is the reason why I was employed. I did take the October 2020 Bar Exam but if I only must complete 9 40-hour weeks of supervised work I can complete this rather quickly and proficiently. I have been working 40-hour weeks since I began working at this firm. I am willing to put in the necessary time and effort to be a competent attorney and would really appreciate that your committee allows us to be included in the provisional licensure program and upon satisfactory completion be admitted to the State Bar. I am thinking my boss might even vouch for the program to take under consideration the hours I have already worked (I have timesheets for every day to prove the work I have completed).

I am also a first-generation college student and a minority (of Hispanic descent) and look to sharpening my Spanish speaking skills to be able to communicate effectively with the Spanish speaking population in the State of California. I plan on also passing the Bilingual Interpreter Exam to improve my proficiency in speaking Spanish as an attorney. I also intend on passing the Franchise and Distribution Specialist Written Exam in the future. This entire process is extremely expensive and receiving provisional license to admission to the State Bar would be greatly appreciated. If you have any questions, please feel free to contact me via email at manuelparra838@yahoo.com or by phone at (559) 736-7343.

Thank you for your time.

Sincerely,

Manuel Parra, Jr.

Juris Doctor

LAW OFFICES OF PETER G. MACALUSO

*2230 South Land Park Drive #127
Sacramento, CA 95831*

*1300 W. Lodi Avenue A5
Lodi, CA 95240*

(916) 705-8847

October 5, 2020

Dear Provisional Licensing Committee Members:

I am writing to submit my support for the provisional licensing program for bar applicants that received a bar exam score above the new cut score of 1390 within the last five years. Additionally, because they have met the passing score, they should be given an exam waiver.

My law firm has been serving minorities communities in Sacramento for over twenty years and we pride ourselves in having this reputation. Many of our referrals are sent to us because we are known to accept cases on behalf of clients that typically would not be able to afford legal services.

As to this provisional licensing program, one of my employees has worked for my firm for many years and I want to sponsor her under it. She is a single mother and she put herself through law school. She worked full-time, attended classes and managed to win the award for trial advocacy. In July, 2018, she sat for the bar and received a score of 1414.

Currently, she is one of the bar applicants that has achieved a passing score that is to remain valid for five years pursuant to Title 4 Admissions and Educations Standards, Rule 4.17, and yet, the California Supreme Court is still evaluating the matter. While these applicants are not numerous enough to afford them a forceful demand to be heard, they do require fairness. It is my opinion, that this provisional program provides an equitable solution.

Finally, I appeal to you to adopt this provision because I know, without a doubt, that my employee will be a professional and highly competent lawyer. She, like many others that met the qualifying score within the last five years, will continue to service the underrepresented in our profession if provided the opportunity.

Thank you for your attention to this matter.

Sincerely,

/s/ Peter G. Macaluso ##215730

Peter G. Macaluso

PUBLIC COMMENT – PROVISIONAL LICENSURE WITH A PATHWAY TO FULL LICENSURE

PROPOSAL RE: HOURS ALREADY WORKED BY LICENSED, OUT-OF-STATE ATTORNEYS AND CERTIFIED BY A SUPERVISING ATTORNEY

To Whom It May Concern,

First, I fully support the provisional licensure program for individuals scoring 1390 or higher on a CA Bar Exam administered between July 2015 and February 2020. I would also like to express my thanks to everyone in the working group for taking the time to participate in said working group - we are all very appreciative. Please note that the comments below were prompted by the discussion that occurred among the working group members during the last working group meeting held on November 20, 2020. Please see the following notes/observations on issues to consider:

1. I am concerned that securing a position with a CA supervising attorney will NOT be as easy as was portrayed/discussed during the last meeting. I have heard a few different colleagues at different firms (in Orange County) call the current business climate "The Great Pause". Everything is up in the air (with the rare exception of a law firm whose practice may have benefitted from the pandemic), and I do not think there are as many opportunities as one may think. For this reason, please see my comment/proposal in Paragraph 2 below.

2. I propose that licensed attorneys (from out-of-state), who moved to CA and were working for a law firm prior to taking the CA Attorney's Exam, be permitted to apply supervised (by a CA attorney) hours already worked (while the out-of-state attorney studied for, took the bar exam, and worked part-time or full-time) towards the supervised hour requirement under the new provisional licensure program, so long as those hours are certified by the CA-barred supervising attorney. If a supervising attorney is willing to certify (i) as to a certain number of hours worked AND (ii) that the attorney applicant is competent (in the supervising attorney's opinion), then those hours should count towards the proposed supervised hour requirement.

3. As additional support for the argument made in Paragraph 2 above, Ms. Hershkowitz pointed out during the meeting, that the rest of the remaining requirements (in order to become a CA-barred attorney, including but not limited to, achieving a passing score on the MPRE and passing the moral character review) are not sequential. If you apply that principle/idea to the hours worked requirement, then hours already worked by licensed, out-of-state attorneys should count towards the new supervised hour requirement (especially if those hours are certified by a supervising attorney).

For context, I worked for a small firm for approximately one year before I was let go because of the pandemic. I have been actively searching for work for 8 months and have not had any luck. To incorporate the proposal outlined in Paragraph 2 above

would go a long way in helping me, and many other out-of-state attorneys who took the CA Attorneys Exam, move on with our lives and careers in the legal field.

Please consider including (in the proposal to the CA Supreme Court) allowance for hours already worked by licensed out-of-state attorneys to count towards the new supervised hour requirement, so long as those hours are certified by a supervising attorney.

Thank you in advance for your consideration.

Best,

Preston Foulger

preston.foulger@gmail.com

“The Unified Voice of Legal Services”



December 16, 2020

Hailyn Chen
Provisional Licensure Working Group
State Bar of California
180 Howard St.
San Francisco, CA 94105

Re: Provisional Licensure with a Pathway to Full Licensure

Dear Ms. Chen,

I am writing on behalf of the Legal Aid Association of California (LAAC) to express our **support for Proposed Rule 9.49.1**. We agree with the expansion of the provisional licensure rule to include individuals scoring 1390 or higher on the California Bar Exam administered between July 2015–February 2020 *and* offering a pathway to full licensure. LAAC believes in the provisional licensure program and that it should be expanded through 9.49.1 in order to allow for more law school graduates and others eligible to sit for the Bar Exam to launch their careers, including in public interest fields.

LAAC is a statewide membership association of over 100 public interest law nonprofits that provide free civil legal services to low-income people and communities throughout California. LAAC member organizations provide legal assistance on a broad array of substantive issues, ranging from general poverty law to civil rights to immigration, and also serve a wide range of low-income and vulnerable populations. LAAC serves as California’s unified voice for legal services and is a zealous advocate advancing the needs of the clients of legal services on a statewide level regarding funding and access to justice.

We applaud the State Bar of California for taking an important step to allow would-be lawyers to gain the practice skills they need to immediately start their careers. As the Working Group is well-aware, it is essential for law graduates to launch their careers with real experience right away, and delay, especially during an economic recession, can hamper their employment objectives. This program will help solve part of that.

We support Proposed Rule 9.49.1 because it expands the Provisional Licensure Program to include individuals who scored 1390 or higher on a California Bar Examination administered between July 2015 and February 2020 and offers a pathway to licensure to those completing a set amount of supervised legal practice, all other requirements for admission to the State Bar,

and a positive evaluation by the Supervising Lawyer. LAAC is in favor of this proposal because it will enable an increased number of eligible—and qualified—law school graduates and others eligible to sit for the bar examination to begin their careers, including those wanting to go into legal aid or other public service.

First, including those who scored 1390 or higher on a California Bar Examination administered between July 2015 and February 2020 is a positive change because it would expand the pool of eligible individuals without compromising the integrity of that pool. Simply put, we believe that this cut score shift would not generally heighten any public risk or significantly bring in anyone much less qualified than if the cut score was higher. Allowing for an expansion of this eligible group makes sense on the supply side of the legal industry, including for those who provide legal services for free.

Second, provisionally licensed lawyers would be eligible for admission to the State Bar without having to take another Bar Examination. We agree with this proposal as well. We are at a moment where we need more lawyers—especially more working in legal aid and public interest law. Provisional licensure should be, with proper supervision, an educational and practical experience that can allow someone to bypass the key purpose of the bar exam, which is testing for minimum competency. If a practicing attorney can say—after many hours of supervision—someone no longer needs to pass the minimum competency exam to become a lawyer, then we believe that should permit them to get on with their career and enter our field with full licensure at this time. Finally, *we are neutral regarding choosing Option A or Option B in terms of supervision hours.*

Conclusion

In sum, we appreciate the Bar's work to bring this program to fruition and expanding it to as many graduates as possible. It is worth noting that with any licensure program, protecting the public is paramount. But, supporting the careers of recent graduates and others eligible to sit for the Bar is essential too. Moreover, we need more lawyers, especially in legal services to the low-income Californians who need them. Expanding the program through **Proposed Rule 9.49.1** is a necessary final step in achieving these goals.

Thank you again for this opportunity to comment on behalf of our community. Please do not hesitate to reach out to me with questions or comments.

Sincerely,



Salena Copeland
Executive Director, Legal Aid Association of California

Zach Newman
Research Attorney, Legal Aid Association of California

December 18, 2020

Attn: Hailyn Chen, Chair

State Bar of California
Provisional Licensure Working Group
The State Bar of California
180 Howard Street
San Francisco, CA 94105
ProvisionalLicensure@calbar.ca.gov

Re: Discussion of Expansion of the Provisional Licensure Program to Previous California Bar Exam Takers Scoring 1390 or above with a Pathway to Licensure

Dear Ms. Chen:

A crisis will highlight problem areas and vulnerabilities that we have either ignored or are simply not aware of. The COVID-19 crisis compelled the State of California to confront how our systems work – or don't. In particular, the 2020 California State Bar Examination. Suddenly, innovation was staring us in the face.

Viewing the System Differently

In response to the pandemic, the California Supreme Court directed the State Bar to implement a supervised provisional licensure program (PLP), for 2020 graduates. The Court further modified the bar exam minimum pass score to 1390, effective for the October 5-6, 2020, administration as well as future California Bar Examinations. Prior Bar Exam takers requested this *privilege* granted by the Court be extended retroactively to those who previously scored 1390 or above within the last five years, after completing hours of supervised legal practice. The working group developed two great options and we support "Option B" simply because of the increased total hours engaged in the work of lawyering.

Protecting the Public and the True Measure of Minimum Competence

"[F]ulfilling the responsibility to protect the public by ensuring that persons engaged in the practice of law are minimally competent to do so ..." (*July 16, 2020, letter from Jorge E. Navarrete, Clerk and Executive Officer of the Supreme Court to Alan K. Steinbrecher, State Bar of California, Board of Trustees*). The valid measure of competence is evidence-based skills and not memorization. That is, engaging in lawyering skills that examines the way a lawyer is actually expected to practice. For example, the current memorization track — from law school to the bar examination — if students in conjunction with professor's cheat throughout law school; then utilize a crash course in memorizing the bar tested subject areas; and then passes the bar ...where are the lawyering skills? More importantly, a lack of care and only a memorization of the law is dangerous to the public. We all care about safeguarding competence and protecting the public. A licensing process must be created that accurately serves that purpose. Likewise, our legal education and coursework desperately needs to be revisited as well as it is nonoperational in its current status. Some law students do not know and/or understand our core legal institutions. This does not bode well for the future reputation of the rule of law.

Challenges Presents Opportunities

Because of the pandemic, some states have shown us what is possible in the short term and approved “diploma privilege” as an alternative path to licensure by permitting law graduates to practice law without taking or passing the bar examination. For example, the District of Columbia will admit recent graduates after completing a three-year supervised practice provision.

The California PLP has also demonstrated what is possible and supplied a foundation into identifying an alternative path to licensure as well. These lawyering skills can be developed early in law school as part of a clinic or externship for better transition to entry-level and first-year associates. Because our very own regulatory agency is charged with oversight, the State Bar could play a more critical role in directing the clinic or externships to legal aids and government agencies. The government office provides greater oversight and accountability, and this could also increase essential services to underrepresented communities.

Extending the provisional license to those who previously scored 1390 or above within the last five years will be a “*privilege*” granted and not an entitlement. Afterall, under the old prerequisite 1390, did not meet the measure of minimum competence. Thus, whatever number of hour requirement is prescribed, our fellow colleagues should receive the assignment with an attitude of gratitude.

Respectfully submitted,

Shontel Johnson and Gina Thomson

December 18, 2020

State Bar of California's Provisional Licensure Working Group
The State Bar of California
180 Howard Street
San Francisco, CA 94105

RE: Provisional Licensure with a Pathway to Full Licensure

Dear California Board of Trustees and the Provisional Licensure Working Group:

First and most importantly, thank you to each individual who has spent the time drafting and deliberating about providing a pathway to full licensure for those who have previously scored 1390 and above in the past five years on the California Bar Exam. I am eager and hopeful that the California Supreme Court ultimately approves the proposed rule chosen by this working group so that I, and the cohort of around 2,000 students who have demonstrated sufficient minimal competence can move forward to becoming fully licensed. However, I must emphasize several points in the working group's eventual proposal to the State Bar Board of Trustees.

I. Equity requires expansion of the provisional licensure program

Although the California Supreme Court denied to retroactively apply the 1390 cut score, it is unfair to require those who have previously exceeded that threshold to take another bar exam (although presumably most already have done so, including myself). To require this cohort to take and pass another bar exam is unreasonable and a money grab [a little over \$300,000 (if using 374 applicants x \$830) for those who scored 1390 and above in Feb. 2020]. I wrote in my last attachment for public comment to retroactively apply the 1390 cut score for Feb. 2020 examinees because of COVID-19's clearly negative impact on examinee performance (worst in State Bar history). Sadly, the Court rejected the many rational and justified pleas for retroactive admission. I am grateful this working group is cognizant that a pathway to full licensure is the only rational solution to remedy the discrepancy against those already with passing exam scores.

Current participants in the provisional licensure program are limited to those who graduated between December 1, 2019, and December 31, 2020. The program allows for that group of students to practice under supervision until June 1, 2022, by which time they must have passed the bar exam at the current threshold of 1390. That means for over a year and a half, there will be applicants who have scored in the bottom fifth percentile that are eligible to be provisionally licensed, which is historically **below a score of 1200**. I do not point this out to demean 2020 graduates or lambast those who rank in said percentile, but the decision to allow all 2020 graduates regardless of interim exam performance is an eye-roll at best. The California Supreme Court must adopt a pathway to full licensure because **equity demands it**. This group has scores surpassing the 1390 threshold that were achieved during a normal in-person exam setting (although I repeat COVID-19 created a distressing Feb. 2020 exam environment). Those who have scored 1390 and above deserve a pathway to licensure. Let us work, we earned that right and certainly will cherish such an opportunity.

II. The first remote exam administration was fraught with irregularities and this cohort of students should not have taken the exam

People ask me “how do you think you did on the October exam?” And my reply is there is no measured way to assess that. As an examinee for California’s first remote bar exam, I had the unique perspective of being able to compare the online exam to that of taking it in-person (twice, actually). It goes without saying just how different an online bar exam is from taking it in-person. Although there was no choice but to administer an online exam, it was flawed at best.

First, the exam directions were not clear. The State Bar had several different periods for the login session, differentiating password release, login, and essay times. When the Exemplify password for Essay 1 was released at 8:35 AM, the directions simply stated, “you may now access the exam using this password.” With the Essay 1 time to begin at 9:00 AM, I figured I should log on as soon as possible to ensure I did not have tech issues (which many unfortunately encountered). With a 9:00 AM start time, I figured I would be brought to a stop page until the 9:00 AM exam start. To my great fear, at 8:37 AM, I was presented with Essay Question 1, completely off-guard. What a way to start the bar exam.

The second obstacle was the PT on the second exam day. It was instructed that eight pieces of blank scratch paper could be used as long as one showed it to the screen beforehand. I was expecting a prompt after logging into the PT essay to show each piece of paper to the screen, but there was no such instruction. And after reading about people experiencing tech issues and being informed the AI proctoring software had flagged them on day 1 of the exam, I decided to endure the PT exam without any scratch paper, as I was too concerned to get flagged for it. And it was recently mentioned that out of 9,300 examinees, over 3,100 were flagged by the AI software. That is ridiculous. The State Bar failed to be clear, concise, and account for simple issues that left examinees anxious and at a severe disadvantage.

What does this have to do with a pathway to full licensure? The State Bar should have advocated for an alternative pathway to licensure for us who scored above 1390 before requiring us to rely on the results of a faulty, online exam. That is why it is imperative that the sole focus of this working group is to guarantee expansion of the provisional licensure program.

III. A pathway to full licensure must be approved before October results are released

The July 16, 2020 letter from the California Supreme Court stated that “the court recognizes that postponement of the bar examination may impact employment prospects, delay incomes, and otherwise impair the livelihoods of persons who recently have graduated from law school.” Expansion of the provisional licensure program must be done immediately, preferably before October results are released. This group of students should not have to undergo the fear and anxiety of exam results without the assurance that the Court has approved expansion of the provisional licensing program. Such a measure comports with the “advancement of the ethical and competent practice of law.” I propose that this working group, along with the State Bar Board of Trustees, presents the finalized proposal of expanding the provisional licensure program with zeal and urgency to ensure immediate approval by the California Supreme Court.

Respectfully,

Jeffrey Bloeser, J.D.

December 18, 2020

Board of Trustees
State Bar of California
180 Howard Street
San Francisco, CA 94105

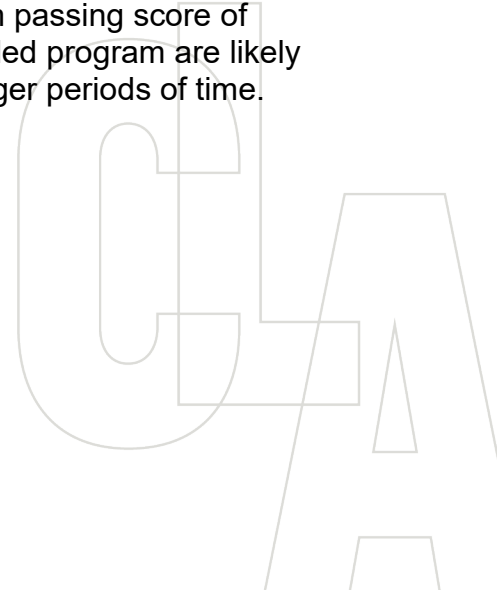
Re: Provisional Licensure with a Pathway to Full Licensure

Dear Trustees:

We write on behalf of the California Lawyers Association (CLA) in response to the proposal that would expand the Provisional Licensure Program to previous California Bar Examination takers scoring 1390 or above, with a pathway to full licensure. CLA supports the proposal in principle but takes no position on Option A versus Option B or the number of hours of supervised legal practice that should be required.

As the statewide, voluntary bar association for all California attorneys, including students, newly admitted professionals, and those awaiting admission, we have previously written in support of the adoption of new rule 9.49 governing the current Provisional Licensure Program. In addition, we have closely followed the analysis and discussions ultimately resulting in the California Supreme Court's decision to lower the minimum passing score for the California Bar Examination to 1390 for those taking the bar exam in October 2020 and beyond. We also look forward to the work of the Blue-Ribbon Commission on the Future of the California Bar Examination and strongly endorse the approach of taking a fresh look at the bar exam, with potential long-term modifications, and whether to adopt alternative or additional testing or tools to ensure minimum competence to practice law.

Against this background, CLA believes the framework of the current proposal strikes the proper balance. It appropriately includes elements of the existing Provisional Licensure Program while, at the same time, acknowledging the new minimum passing score of 1390 and the fact that those who may be eligible under the expanded program are likely to have been away from law-related jobs or legal education for longer periods of time.



We appreciate your consideration of our comments.

Sincerely,



Ona Alston Dosunmu
C.E.O. & Executive Director



Emilio Varanini
President

cc: Donna Hershkowitz

Hello,

I am an applicant for the California Bar. I've scored above a 1390 on the CA bar exam in July 2019 and in February 2020. Additionally, I have recently taken the October 2020 bar exam. Furthermore, I have so far garnered over two years of experience working in law firms. I have engaged in extensive research and writing. Some of the work that I have done so far includes the drafting of: complaints, demand letters, motions, oppositions, meet-and-confer letters, responses to discovery, requests for discovery and other legal documents. I also engaged in extensive legal research of federal and state statutes, regulations, local ordinances and municipal codes, case law, journals/articles, legal books, and a variety of other secondary sources.

I believe that a significant number of applicants have similarly amassed a great deal of legal experience, in addition to having fulfilled the current requirements of the CA bar exam on multiple occasions. For this reason, I think that our path to licensure should take the most expedited form possible. Quite frankly, I think that we should be granted our actual Attorneys' licenses without having to complete this additional Provisional Licensing Program, in the first place. However, I understand that the California Supreme Court has made decisions that limit the available possibilities for applicants to obtain licenses, without having to take the California bar exam again. Thus, I think that option A is the best option for the Provisional Licensing Program for applicants that have scored a 1390 or above. I think that any concerns about an influx of "incompetent attorneys" being admitted to the field because of this Program, are simply unfounded. The California Bar has already decided that those who score a 1390 or above are competent to practice in the field, and that is what we have done. Additionally, as I mentioned, many of us have been doing legal work for years. We have already gathered far more than the 400 or so hours currently being contemplated through this Proposed Rule.

Finally, there is also the fact numerous applicants experienced technical difficulties during the October 2020 bar exam, due to Examsoft's failure to prevent glitches and other issues during the exam. I understand that there currently seems to be something of a great purge of October 2020 bar exams, and that a great many applicants are starting to receive chapter 6 notices. From what I've observed, a significant amount of things that applicants are receiving these notice for, are absolutely absurd. At this point, a great many of us applicants who have already scored a 1390 in the past, will have done far more to prove our competency than those who will be deemed to have scored a 1390 in January 2021. Yet, despite the fact that we have proved our competency at least two times more than new applicants, some of us may possibly remain unlicensed due to the fact that we experienced an exam glitch that was entirely Examsoft's fault. As I have mentioned in a past public comment for this same program, such a result would be extremely problematic. It would be a grave injustice, and in fact, unconscionable for applicants like myself to continue to have to work for months to earn a license, that others will receive because they were lucky enough that Examsoft did not interfere with their exam.

The only way to ameliorate the injustice that may occur between applicants like myself and first time bar exam takers in October 2020, is to ensure that those who have scored a 1390 in the past, can receive licenses as soon as possible. Thus, if we are restricted to these two options, I think that option A is the only logical selection to make. Thank you very much.

sincerely,

Adam Bentley

I agree to proposed rule A for the following reasons. Prior to Covid-19 appearing in Dec 2019, it was already apparent to me when the results of the July 2019 bar were released, that a generation of would be lawyers were being artificially held back from practicing law, despite having a law degree and being far more than minimally competent to do so, due to California requiring an unjustifiably high passing score that is out of line with every other state, and that practically serves only to limit the number of persons allowed to practice law in California.

I personally know of two standout graduates in particular, each of whom have four plus years of full-time paralegal experience, and both of whom are now senior paralegals at their respective firms, where they are highly prized as being among their firms top talent. There is no question that they are well beyond minimally competent to practice law — their respective win rates in cases speak for themselves and are ones that any practicing attorney would envy. Both of them had a July 2019 bar score which was high enough to pass in every other state in the country, except Delaware which, like California, also requires a score significantly higher than the median score needed to pass in any other state. In any other state they would now be allowed to practice law, and to begin paying back the close to \$200,000 in college debt that they owe. Instead, they are being artificially held back by a California bar exam which in reality is no longer a test to determine whether a person is minimally competency to practice law, as designed, but rather has become a test that serves only to limit the number of law school graduates who are allowed to enter the field and compete. Both of them then took the Feb 2020 bar exam which reached a historic low of 26.8%. The issues related to Covid-19 were already apparent by this time. They both scored above the new passing score of 1390 on the Feb 2020 exam.

To add further to this generational tragedy, these same graduates had forewent taking the bar exam in July 2019, to instead focus their time studying while working full-time. Unfortunately for them, they missed out, because the pass rate for the July 2019 exam was a noticeable outlier among every other exam in the last decade. A whopping 50.1% passed, because the subjects for the exam were leaked in advance to the Deans of many schools, and so on the Thursday prior to the test, the subjects for the exam portion were given to everyone in advance, since only a select number of individuals may have received this information. This was done to make it fair for everyone taking that particular July 2019 exam. The problem is that it was inherently and egregiously unfair to everyone else who ever took the exam prior to or after July 2019, as they missed out on being a part of this special group, that clearly benefited from knowing the subjects for the essay in advance, as evidenced by the historically high 50.1% passing rate. Unfortunately those who took the following exam in Feb 2020 were seemingly punished, as the subjective scoring of the Feb 2020 essay portion of the exam was made to be extra tough. I've heard several professors note how they had never seen students essays that were subsequently regraded lower and lower, almost as if to fit a required curve, and that it was no coincidence that after the California bar accidentally leaked the subjects for the July 2019 exam, which lead to a historically high 50.1% pass rate, that the very next exam in February 2020 exam was judged far more harshly as a result, as evidenced by the historically low passing rate of 26.8% for the exam.

I suspect there are many in practice today who could not themselves now, at a moment's notice, pass the current version of the California bar exam, because it is no longer a test of minimal competency as it was intended. Similarly, there are many law school graduates today who would have quite easily passed already if they were allowed to take the version of the bar as it existed a decade or more ago. There is no justification for this current practice of artificially holding back a generation of law school graduates from practicing law, who are clearly competent to do so, solely to limit competition. It is time to recognize this travesty for what it is, an unfair practice by those already entrenched who would seek to increase the value of their having already passed a far easier version of the exam by unfairly preventing the current generation of graduates from entering the field.

The proposed expansion of the Provisional Licensure Program is unfair to those individuals who scored 1390 or higher on any California Bar Examination administered between July 2015 and February 2020, because not all of those individuals can participate in the proposed expansion. The proposed expansion is favorable only to those who have already been working at law firms, but not to those who have not been working at law firms.

Due to the lack of U.S. statuses (US citizenship, green card, non-immigrant visa, etc.), most of the foreign attorney applicants who scored 1390 or higher on any California Bar Examination administered between July 2015 and February 2020 will necessarily meet the difficulty in finding legal employers with offices in California and supervising California licensed lawyers. Many of those foreign attorney applicants must quit the current jobs to apply for the proposed expansion of the Provisional Licensure Program.

Unlike applicants for the Provisional Licensure Program who have never scored 1390 or higher and have to pass a bar examination for full licensure, all of those individuals who scored 1390 or higher should be given equal opportunities to apply for a less-conditioned "Full" Licensure Program (not "Provisional" Licensure Program) without having to take another Bar Examination or quit current jobs.

As an alternative pathway to full licensure for individuals who scored 1390 or higher on any California Bar Examination administered between July 2015 and February 2020, I recommend "a pre-admission online self-study program" which allows those who have completed a specified number of credits (equivalent to 360 or more or less total hours of supervised legal practice) by the termination of this program to be eligible for admission to the State Bar without having to take another Bar Examination.

This pre-admission online self-study program not only is fair to all eligible applicants, but also can eliminate the unfair employment requirement, the time-consuming supervision and evaluation, which are needed for the proposed expansion of the Provisional Licensure Program.

As the best pathway to full licensure for individuals who scored 1390 or higher on any California Bar Examination administered between July 2015 and February 2020, I highly recommend the retroactive application of the new passing score (1390) for 5 years back on condition of post-admission mandatory participation in the Continuing Legal Education (CLE) programs requiring the completion in the first year of the number of CLE credits which is 1.3 to 1.5 times more than is normally required of licensed lawyers. This can eliminate the expansion of the provisional licensure program or the establishment of a new full licensure program only by use of the existing CLE system.

Recommendable Option:

1.3 times more number of CLE credits for individuals who scored 1390 or higher on a California Bar Examination administered between July 2017 and February 2020;

1.4 times more number of CLE credits for individuals who scored 1390 or higher on a California Bar Examination administered between July 2016 and February 2017; or

1.5 times more number of CLE credits for individuals who scored 1390 or higher on a California Bar Examination administered between July 2015 and February 2016.

Thank you

I am a repeat bar exam taker who has scored well above 1390 on two exams within the last 5 years. I am grateful that the State Bar has drafted these options/amendments to the Provisional License ("PL") program as a means to provide a path for a license without having to retake the bar exam yet again.

However, I would like to comment that the hours requirement for both options are arbitrary and excessive. I understand that the options have been drafted as a way to create a form of protection to the public against incompetent attorneys, but I would like to offer the following arguments.

Passing the bar exam does not guarantee the admission of an individual who will be a competent attorney. Moreover, these individuals do not have to complete any hours similar to that required of individuals who will participate in the PL program. Therefore, what difference is there between an individual who scored 1390 or above on the exam after the score was lowered and an individual who received that same score prior to the exam score change within the last 5 years?

Many potential PL participants have completed internships during their time in law school. Many repeat bar takers continue to volunteer or work in the legal field as they wait for bar exam results, make a living, and/or wait to retake the bar exam. Why is prior internship or work experience within the last 5 years not sufficient? I propose that at a minimum, this experience be included in the determination of the hours required for successful completion of the PL program.

The retroactive admission supporters have made many arguments which both the State Bar and the California Supreme Court have been made aware of with regard to why retroactive admission is the just and reasonable way to address the issues and disparities that come with the bar exam itself and the small group of bar examinees who have scored 1390 or above within the last 5 years. However, since the State Bar has not publicly supported retroactive admission, I believe it is your responsibility to advocate for those of us who have shown that we are qualified to practice law in CA.

Those like myself who have passed the moral character determination, scored 1390 or above within the last 5 years, and interned and worked in the legal field for years deserve to be welcomed into the State Bar as much as any individual who scored 1390 or above since the exam cut score has been lowered. Please, let us start our careers by at least passing this amendment to the current PL program - with the modification of taking prior internship/work hours into consideration or AT LEAST decreasing the hours required.

Thank you.

This is such a wonderful idea.

Some people who will be wonderful lawyers are not good at taking tests.

It is time to change the way we've always done things to doing what is best for the citizens of our state, most of whom can't afford a lawyer, and the citizens of our country, who have suffered under the cruel elitist policies of the current administration.

I was "lucky" in that I had a workplace injury so was able to get accommodations that allowed me an extra hour on essays to be able to type all the things I needed to type fast enough to get all the points I needed to pass. I had missed passing the essay portion of the exam by 20 points on my first try, but I was in the top 80% of the MBEs, so I knew the material. But for my second, successful attempt, I had to apply for special accommodations - AND have an extremely painful workers compensation injury dating from 2014 to be able to get that.

What about folks struggling with undiagnosed ADD / ADHD? Trauma that causes stress and anxiety on tests? Why is this the bar to entry? Why not hand to hand combat or a gladiatorial battle to the death? Why torture people with the currently arbitrarily high required score.

There is a time for things to change and this is it. We suffered four years under an administration where lawyers from ABA-accredited schools tried to dismantle workplace protections, pollute our air, water, and land, jailed children and lost their parents, and tried to even take away our fundamental human rights as citizens of this country. We now know that farmworkers and janitors and engineers and homemakers have more qualifications to lead than these elite wealthy people who have never worked a real job in their life. These are the people behind the Muslim ban, putting kids in cages, and stocking our judiciary with religious extremists, the effects of which will be felt in years to come as people continue to fight for their rights in our courts.

None of the conditions of the bar exam are things you need to know or prepare for as a lawyer working 8-6 in an office. Since passing on my 2nd attempt (the one where we got the essay subjects a few days early), I've been in law offices where I see first hand lawyers asking each other for advice, messing up forms, fixing errors, etc. Lawyers are not gods or goddesses. They are human and the bar (pun intended) does not need to be as high as it is because it only weeds out people who are needed to help people access the justice system. Just as our country has a system for bringing in doctors from less wealthy countries to serve in our underserved areas in rural areas, we have a problem with folks who don't get justice and then lose faith in democracy. We are seeing it now with militias and hopelessness and people refusing to even wear masks.

I passed my essays because the last weekend of studying for me I knew the topics I needed to study. I didn't waste the final precious 48-72 hours on subjects I wouldn't need for the essays. It was a miracle. I

am now licensed and am working at my local Legal Aid Foundation - which was my dream in becoming a lawyer. I didn't want to do it so I could get interviewed by Borat. I am not any better or worse than any other lawyer or person who passed before or after me.

The arbitrarily high required passing score is simply a way to keep people out of a club and with 40 million Californians facing the pandemic with job losses, evictions, homelessness, domestic violence, hunger, poverty, federal inaction, on top of all of the other problems that already existed in our society, there is no need to keep people from practicing the law and helping millions of people who can't afford a lawyer to gain access to the justice system.

We're not in the good old days anymore where a method is needed to weed non-elites out of a distinguished career. People need our help. Why keep qualified lawyers who would pass this exam in any other state from being able to put their education and desire to help to good use for our fellow citizens?

At this point, excluding my fellow future lawyers is an unconscionable act that is doing harm to the public in the name of protecting a professional employment club. It is time for a change to welcome more people into our profession so they can serve the public during these very uncertain times.

I strongly support the Provisional Licensure Working Group's recommendation that the State Bar adopt Proposed Rule 9.49.1, to expand licensure to qualified takers of the bar exam in July 2015 through February 2020. I also wanted to urge the State Bar to ensure that postgraduate public interest and government fellowships at law schools like Berkeley and UCLA in which law school graduates participated before adoption of Rule 9.49.1 qualify for the supervision requirement.

I am a member of the State Bar of California admitted in 1981, a retired partner and current Senior Counsel of Cooley LLP in San Francisco, and Adjunct Assistant Professor at UCLA Law School, but write in my personal capacity. As a California practitioner for over 37 years and a professor since 2015, I have seen how our high cut score denied many well-qualified applicants the privilege to practice law in our State, dampened their aspirations, and, in some cases, prompted them to leave California to practice elsewhere.

As such, I was very pleased to see the State Bar permanently reduce the cut score from 1440 to 1390. I was also very pleased to see the Working Group recommend licensure of July 2015-February 2020 exam takers who scored between 1390 and 1439 and completed a supervised work requirement. I believe that the supervised work requirement is reasonable and an appropriate way to address the concerns of some (with whom I disagree) that reducing the cut score retroactively might lead to the admission of unqualified applicants.

To maximize opportunities for those candidates in the July 2015-February 2020 group to become admitted and advance the goals behind the Working Group's recommendation, it is important that work such candidates previously performed through California law school-sponsored postgraduate fellowship programs qualify for the supervision requirement. Those candidates, who have already had substantial experience doing supervised legal work after law school graduation in nonprofit organizations or government agencies, or with judges, should not have to undergo additional supervised work to be eligible for admission.

Requiring such candidates, who may have gone on to be admitted and practice in other states, to undertake additional supervision could disincentivize them to seek admission to the California bar. If they have to undertake a further period of supervised work to be admitted, they might just choose to stay where they are. As a result, other states, and not California, might retain the benefit of attorneys whom the University of California and other California law schools educated.

For example, UCLA Law's Professional Opportunity Fellowship Program allows graduates to work full-time for up to one year with nonprofit organizations, government agencies, or judges. Likewise, Berkeley Law graduates have a variety of postgraduate fellowships to choose from. Successful graduates who were unable to find employment immediately from graduation from law school are able to get excellent experience in such fellowship programs, supervised by experienced members of the

State Bar. Often these were students who were not able to obtain California legal employment otherwise because they had not scored high enough on the bar exam.

Allowing eligible candidates to meet the supervision requirement through their previous supervised postgraduate legal work with a nonprofit organization, government agency, or judge would remove a significant barrier to their admission to practice in California, while ensuring that they are fully qualified to serve as attorneys in our state.

Thank you for your consideration.

John W. Crittenden

I have researched the ABA, and I find the following: Taking some liberties on keeping this short!

ABA 1878 - formed to control the Profession of Law.

AALS 1900 - formed to control the method of legal education through ABA Section on Legal Education.

NCBE 1931 - formed at the height of The Great Depression to control the licensure examination (Bar Exam) everywhere.

LSAC 1947 - formed to control the very entry into the study of law, and collect applicant information in one location.

The ABA never did get what they really wanted, but they have been insanely patient. What the ABA would have REALLY wanted to have control over was more in line with the Moral Character Determination because a human being takes a much longer time frame to actually work on vetting the applicant in making sure this person meets the standards expected of an attorney in the Profession of Law.

All this Bar Exam insanity was never for controlling competition in the Profession of Law - not ever! It was SOLELY for the specific purpose to keep out "undesirables" from entering the Profession of Law - which is actually WHY the MCD is the closest thing to what the ABA ever wanted in the first place... and never really got - so the rest of us have to pay the price.

ANYONE - within the realms of the time frame above, who scored 1390 or above on the bar exam should be cleanly ADMITTED to the practice of law - the hours are (frankly) stupid, but if you must approve something, than approve "A" above.

MY OPINION - anyone scoring over 1390 gets CLEAN admission... done!

My REAL Opinion - on the Bar Exam? If someone wrote about making a banana smoothie, maybe they miss a few points, but if someone wrote even remotely close to the proper subject, and mentioned that the Profession of law would be involved? They pass, done.

Do the right thing - it is LONG overdue!!!

Option A

Rule 9.49.1 is added to the California Rules of Court to read:

Provisional Licensure with Pathway to Full Licensure for Certain Individuals

(a) Expansion of the Provisional Licensure Program

The Provisional Licensure Program established pursuant to Rule 9.49 shall be expanded to include individuals who scored 1390 or higher on a California Bar Examination administered between July 2015 and February 2020, as determined by the first read score or final score, regardless of year of law school graduation or year satisfying the educational requirements to sit for the bar examination. The Provisional Licensure Program under this rule shall terminate on June 1, 2022, unless the California Supreme Court extends that date.

(b) Definitions

- (1) The definitions of “Supervising Lawyer” and “Firm” or “Law Firm” as set forth in rule 9.49(b) shall apply to this rule.
- (2) For purposes of this rule, “Provisionally Licensed Lawyer” means an individual who:
 - (A) Scored 1390 or higher on a California Bar Examination taken administered between July 2015 and February 2020, as determined by the first read score or final score, regardless of year of law school graduation or year satisfying the educational requirements to sit for the bar examination; and
 - (B) Meets the eligibility criteria under (d) and is granted provisional licensure by the State Bar.
- (3) For purposes of this rule, “legal practice” means the provision of permitted legal services to clients in compliance with rule 9.49(f) and (g).

(c) Application Requirements

All of the application requirements of rule 9.49(c) apply to applicants for provisional licensure under this rule. An application for provisional licensure under this rule must be submitted to the State Bar no later than May 31, 2021. Applications shall not be accepted after that date.

(d) Eligibility Requirements

With the exception of (d)(1)(A), all eligibility requirements of rule 9.49(d) apply to applicants for provisional licensure under this rule.

(e) Responsibilities of Provisionally Licensed Lawyer

All requirements of rule 9.49(e) and (f) apply to Provisionally Licensed Lawyers under this rule with the exception that the State Bar New Attorney Training program described in rule 9.49(e)(1) must be completed in order for a Provisionally Licensed Lawyer to qualify for admission to the State Bar of California under this rule.

(f) Permitted activities

All of the permitted activities set forth in rule 9.49(g) apply to Provisionally Licensed Lawyers under this rule.

(g) Communications and Work Product

For purposes of applying the privileges and doctrines relating to lawyer-client communications and lawyer work product, the Provisionally Licensed Lawyer under this rule shall be considered a subordinate of the Supervising Lawyer and thus communications and work product of the Provisionally Licensed Lawyer shall qualify for protection under such privileges and doctrines on the same basis.

(h) Termination of Provisional Licensure

The conditions for termination of a provisional license under rule 9.49(j) apply to Provisionally Licensed Lawyers under this rule.

(i) Admission to the State Bar of California

A Provisionally Licensed Lawyer shall be eligible for admission to the State Bar of California upon compliance with all of the following requirements.

(1) The Provisionally Licensed Lawyer shall complete the following hours of supervised legal practice in the Provisional Licensure Program:

- (A) 360 total hours of supervised legal practice for individuals who scored 1390 or higher on a California Bar Examination administered between July 2017 and February 2020; or
- (B) 480 total hours of supervised legal practice for individuals who scored 1390 or higher on a California Bar Examination administered between July 2015 and February 2017.

(2) The Provisionally Licensed Lawyer shall submit, in the format developed by the State Bar of California, a record of the hours of supervised legal practice completed under supervision of the Supervising Lawyer(s).

(3) The Provisionally Licensed Lawyer must complete the required total number of hours of supervised legal practice, satisfy all eligibility requirements for admission not met at the time of application to the program, have an active positive moral character determination, submit a satisfactory evaluation(s) pursuant to (j)(2), and submit all other documentation of completion in the format required by the State Bar by June 1, 2022 to qualify for admission to the State Bar.

(4) A Provisionally Licensed Lawyer who satisfies the requirements of (i)(3), but has a disciplinary matter pending with the Office of Chief Trial Counsel shall, prior to the date the Provisional Licensure Program terminates under (a) and (h), be permitted to continue practicing as Provisionally Licensed Lawyer if all other requirements of this rule have been met. If the disciplinary matter is pending as of the date the program terminates, the Provisionally Licensed Lawyer shall be placed in an abeyance status until the matter is resolved, and shall not continue to practice as Provisionally Licensed Lawyer.

(A) If the complaint is resolved with no disciplinary action, before or after the termination of the Provisional Licensure Program under (a) and (h), the Provisionally Licensed Lawyer shall qualify for admission to the State Bar as long as all other requirements for admission remain current and satisfied.

(B) If the complaint is resolved with disciplinary action, the Provisionally Licensed Lawyer shall not qualify for admission to the State Bar under this program and shall be terminated from the Provisional Licensure Program.

(j) Supervision and Evaluation of Provisionally Licensed Lawyer

(1) In addition to the requirements under (j)(2), all of the eligibility requirements, duties and responsibilities of a Supervising Lawyer set forth under rule 9.49(i) apply to Supervising Lawyers under this rule.

(2) Each Supervising Lawyer shall provide an evaluation of the Provisionally Licensed Lawyer in the format developed by the State Bar of California. The evaluation shall include the following:

(A) Verification of the number of hours of supervised legal practice completed;

(B) A general description of the types of supervised legal practice performed by the Provisionally Licensed Lawyer;

(C) Whether, in the opinion of the Supervising Lawyer, based on the supervised legal practice performed during the program, the Provisionally Licensed Lawyer possesses minimum competence to practice law without supervision; and

(D) Other criteria established by the State Bar.

(3) If a Supervising Lawyer cannot attest that a Provisionally Licensed Lawyer is minimally competent to practice law without supervision, the Provisionally Licensed Lawyer may not be admitted to the State Bar of California under this program without additional hours of supervised legal practice sufficient to establish to the Supervising Lawyer that the Provisionally Licensed Lawyer is minimally competent to practice without supervision, and submission of a satisfactory evaluation by that Supervising Lawyer before the termination of the program.

Option B

Rule 9.49.1 is added to the California Rules of Court to read:

Provisional Licensure with Pathway to Full Licensure for Certain Individuals

(a) Expansion of the Provisional Licensure Program

The Provisional Licensure Program established pursuant to Rule 9.49 shall be expanded to include individuals who scored 1390 or higher on a California Bar Examination administered between July 2015 and February 2020, as determined by the first read score or final score, regardless of year of law school graduation or year satisfying the educational requirements to sit for the bar examination. The Provisional Licensure Program under this rule shall terminate on June 1, 2022, unless the California Supreme Court extends that date.

(b) Definitions

(1) The definitions of “Supervising Lawyer” and “Firm” or “Law Firm” as set forth in rule 9.49(b) shall apply to this rule.

(2) For purposes of this rule, “Provisionally Licensed Lawyer” means an individual who:

- (A) Scored 1390 or higher on a California Bar Examination taken administered between July 2015 and February 2020, as determined by the first read score or final score, regardless of year of law school graduation or year satisfying the educational requirements to sit for the bar examination; and
- (B) Meets the eligibility criteria under (d) and is granted provisional licensure by the State Bar.

(3) For purposes of this rule, “legal practice” means the provision of permitted legal services to clients in compliance with rule 9.49(f) and (g).

(c) Application Requirements

All of the application requirements of rule 9.49(c) apply to applicants for provisional licensure under this rule. An application for provisional licensure under this rule must be submitted to the State Bar no later than May 31, 2021. Applications shall not be accepted after that date.

(d) Eligibility Requirements

With the exception of (d)(1)(A), all eligibility requirements of rule 9.49(d) apply to applicants for provisional licensure under this rule.

(e) Responsibilities of Provisionally Licensed Lawyer

All requirements of rule 9.49(e) and (f) apply to Provisionally Licensed Lawyers under this rule with the exception that the State Bar New Attorney Training program described in rule 9.49(e)(1) must be completed in order for a Provisionally Licensed Lawyer to qualify for admission to the State Bar of California under this rule.

(f) Permitted activities

All of the permitted activities set forth in rule 9.49(g) apply to Provisionally Licensed Lawyers under this rule.

(g) Communications and Work Product

For purposes of applying the privileges and doctrines relating to lawyer-client communications and lawyer work product, the Provisionally Licensed Lawyer under this rule shall be considered a subordinate of the Supervising Lawyer and thus communications and work product of the Provisionally Licensed Lawyer shall qualify for protection under such privileges and doctrines on the same basis.

(h) Termination of Provisional Licensure

The conditions for termination of a provisional license under rule 9.49(j) apply to Provisionally Licensed Lawyers under this rule.

(i) Admission to the State Bar of California

A Provisionally Licensed Lawyer shall be eligible for admission to the State Bar of California upon compliance with all of the following requirements.

(1) The Provisionally Licensed Lawyer shall complete the following hours of supervised legal practice in the Provisional Licensure Program:

(C) 400 total hours of supervised legal practice for individuals who scored 1390 or higher on a California Bar Examination administered between July 2017 and February 2020; or

(D) 600 total hours of supervised legal practice for individuals who scored 1390 or higher on a California Bar Examination administered between July 2015 and February 2017.

(2) The Provisionally Licensed Lawyer shall submit, in the format developed by the State Bar of California, a record of the hours of supervised legal practice completed under supervision of the Supervising Lawyer(s).

(3) The Provisionally Licensed Lawyer must complete the required total number of hours of supervised legal practice, satisfy all eligibility requirements for admission not met at the time of application to the program, have an active positive moral character determination, submit a satisfactory evaluation(s) pursuant to (j)(2), and submit all other documentation of completion in the format required by the State Bar by June 1, 2022 to qualify for admission to the State Bar.

(4) A Provisionally Licensed Lawyer who satisfies the requirements of (i)(3), but has a disciplinary matter pending with the Office of Chief Trial Counsel shall, prior to the date the Provisional Licensure Program terminates under (a) and (h), be permitted to continue practicing as Provisionally Licensed Lawyer if all other requirements of this rule have been met. If the disciplinary matter is pending as of the date the program terminates, the Provisionally Licensed Lawyer shall be placed in an abeyance status until the matter is resolved, and shall not continue to practice as Provisionally Licensed Lawyer.

(C) If the complaint is resolved with no disciplinary action, before or after the termination of the Provisional Licensure Program under (a) and (h), the Provisionally Licensed Lawyer shall qualify for admission to the State Bar as long as all other requirements for admission remain current and satisfied.

(D) If the complaint is resolved with disciplinary action, the Provisionally Licensed Lawyer shall not qualify for admission to the State Bar under this program and shall be terminated from the Provisional Licensure Program.

(j) Supervision and Evaluation of Provisionally Licensed Lawyer

(1) In addition to the requirements under (j)(2), all of the eligibility requirements, duties and responsibilities of a Supervising Lawyer set forth under rule 9.49(i) apply to Supervising Lawyers under this rule.

(2) Each Supervising Lawyer shall provide an evaluation of the Provisionally Licensed Lawyer in the format developed by the State Bar of California. The evaluation shall include the following:

(A) Verification of the number of hours of supervised legal practice completed;

(B) A general description of the types of supervised legal practice performed by the Provisionally Licensed Lawyer;

(C) Whether, in the opinion of the Supervising Lawyer, based on the supervised legal practice performed during the program, the Provisionally Licensed Lawyer possesses minimum competence to practice law without supervision; and

(D) Other criteria established by the State Bar.

(3) If a Supervising Lawyer cannot attest that a Provisionally Licensed Lawyer is minimally competent to practice law without supervision, the Provisionally Licensed Lawyer may not be admitted to the State Bar of California under this program without additional hours of supervised legal practice sufficient to establish to the Supervising Lawyer that the Provisionally Licensed Lawyer is minimally competent to practice without supervision, and submission of a satisfactory evaluation by that Supervising Lawyer before the termination of the program.

Option A

Rule 9.49.1 is added to the California Rules of Court to read:

Provisional Licensure with Pathway to Full Licensure for Certain Individuals

(a) Expansion of the Provisional Licensure Program

The Provisional Licensure Program established pursuant to Rule 9.49 shall be expanded to include individuals who scored 1390 or higher on a California Bar Examination administered between July 2015 and February 2020, as determined by the first read score or final score, regardless of year of law school graduation or year satisfying the educational requirements to sit for the bar examination. The Provisional Licensure Program under this rule shall terminate on June 1, 2022, unless the California Supreme Court extends that date.

(b) Definitions

(1) The definitions of “Supervising Lawyer” and “Firm” or “Law Firm” as set forth in rule 9.49(b) shall apply to this rule.

(2) For purposes of this rule, “Provisionally Licensed Lawyer” means an individual who:

- (A) Scored 1390 or higher on a California Bar Examination taken administered between July 2015 and February 2020, as determined by the first read score or final score, regardless of year of law school graduation or year satisfying the educational requirements to sit for the bar examination; and
- (B) Meets the eligibility criteria under (d) and is granted provisional licensure by the State Bar.

(3) For purposes of this rule, “legal practice” means the provision of permitted legal services to clients in compliance with rule 9.49(f) and (g).

(c) Application Requirements

All of the application requirements of rule 9.49(c) apply to applicants for provisional licensure under this rule. An application for provisional licensure under this rule must be submitted to the State Bar no later than May 31, 2021. Applications shall not be accepted after that date.

(d) Eligibility Requirements

With the exception of (d)(1)(A), all eligibility requirements of rule 9.49(d) apply to applicants for provisional licensure under this rule.

(e) Responsibilities of Provisionally Licensed Lawyer

All requirements of rule 9.49(e) and (f) apply to Provisionally Licensed Lawyers under this rule with the exception that the State Bar New Attorney Training program described in rule 9.49(e)(1) must be completed in order for a Provisionally Licensed Lawyer to qualify for admission to the State Bar of California under this rule.

(f) Permitted activities

All of the permitted activities set forth in rule 9.49(g) apply to Provisionally Licensed Lawyers under this rule.

(g) Communications and Work Product

For purposes of applying the privileges and doctrines relating to lawyer-client communications and lawyer work product, the Provisionally Licensed Lawyer under this rule shall be considered a subordinate of the Supervising Lawyer and thus communications and work product of the Provisionally Licensed Lawyer shall qualify for protection under such privileges and doctrines on the same basis.

(h) Termination of Provisional Licensure

The conditions for termination of a provisional license under rule 9.49(j) apply to Provisionally Licensed Lawyers under this rule.

(i) Admission to the State Bar of California

A Provisionally Licensed Lawyer shall be eligible for admission to the State Bar of California upon compliance with all of the following requirements.

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(2) The Provisionally Licensed Lawyer shall submit, in the format developed by the State Bar of California, a record of the hours of supervised legal practice completed under supervision of the Supervising Lawyer(s).

(3) The Provisionally Licensed Lawyer must complete the required total number of hours of supervised legal practice, satisfy all eligibility requirements for admission not met at the time of application to the program, have an active positive moral character determination, submit a satisfactory evaluation(s) pursuant to (j)(2), and submit all other documentation of completion in the format required by the State Bar by June 1, 2022 to qualify for admission to the State Bar.

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(B) A general description of the types of supervised legal practice performed by the Provisionally Licensed Lawyer;

(C) Whether, in the opinion of the Supervising Lawyer, based on the supervised legal practice performed during the program, the Provisionally Licensed Lawyer possesses the minimum competence expected of an entry level attorney ~~to practice law without supervision~~; and

(D) Other criteria established by the State Bar.

(3) If a Supervising Lawyer cannot attest that a Provisionally Licensed Lawyer possesses the minimum competence of an entry level attorney, ~~is minimally competent to practice law without supervision~~, the Provisionally Licensed Lawyer may not be admitted to the State Bar of California under this program without additional hours of supervised legal practice sufficient to establish to the Supervising Lawyer that the Provisionally Licensed Lawyer is minimally competent to practice without supervision, and submission of a satisfactory evaluation by that Supervising Lawyer before the termination of the program.

Option B

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(d) Eligibility Requirements

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All requirements of rule 9.49(e) and (f) apply to Provisionally Licensed Lawyers under this rule with the exception that the State Bar New Attorney Training program described in rule 9.49(e)(1) must be completed in order for a Provisionally Licensed Lawyer to qualify for admission to the State Bar of California under this rule.

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(2) The Provisionally Licensed Lawyer shall submit, in the format developed by the State Bar of California, a record of the hours of supervised legal practice completed under supervision of the Supervising Lawyer(s).

(3) The Provisionally Licensed Lawyer must complete the required total number of hours of supervised legal practice, satisfy all eligibility requirements for admission not met at the time of application to the program, have an active positive moral character determination, submit a satisfactory evaluation(s) pursuant to (j)(2), and submit all other documentation of completion in the format required by the State Bar by June 1, 2022 to qualify for admission to the State Bar.

(4) A Provisionally Licensed Lawyer who satisfies the requirements of (i)(3), but has a disciplinary matter pending with the Office of Chief Trial Counsel shall, prior to the date the Provisional Licensure Program terminates under (a) and (h), be permitted to continue practicing as Provisionally Licensed Lawyer if all other requirements of this rule have been met. If the disciplinary matter is pending as of the date the program terminates, the Provisionally Licensed Lawyer shall be placed in an abeyance status until the matter is resolved, and shall not continue to practice as Provisionally Licensed Lawyer.

(C) If the complaint is resolved with no disciplinary action, before or after the termination of the Provisional Licensure Program under (a) and (h), the Provisionally Licensed Lawyer shall qualify for admission to the State Bar as long as all other requirements for admission remain current and satisfied.

(D) If the complaint is resolved with disciplinary action, the Provisionally Licensed Lawyer shall not qualify for admission to the State Bar under this program and shall be terminated from the Provisional Licensure Program.

(j) Supervision and Evaluation of Provisionally Licensed Lawyer

(1) In addition to the requirements under (j)(2), all of the eligibility requirements, duties and responsibilities of a Supervising Lawyer set forth under rule 9.49(i) apply to Supervising Lawyers under this rule.

(2) Each Supervising Lawyer shall provide an evaluation of the Provisionally Licensed Lawyer in the format developed by the State Bar of California. The evaluation shall include the following:

(A) Verification of the number of hours of supervised legal practice completed;

(B) A general description of the types of supervised legal practice performed by the Provisionally Licensed Lawyer;

(C) Whether, in the opinion of the Supervising Lawyer, based on the supervised legal practice performed during the program, the Provisionally Licensed Lawyer possesses the minimum competence expected of an entry level attorney ~~to practice law without supervision~~; and

(D) Other criteria established by the State Bar.

(3) If a Supervising Lawyer cannot attest that a Provisionally Licensed Lawyer possesses the minimum competence of an entry level attorney, is minimally competent to practice law without supervision, the Provisionally Licensed Lawyer may not be admitted to the State Bar of California under this program without additional hours of supervised legal practice sufficient to establish to the Supervising Lawyer that the Provisionally Licensed Lawyer is minimally competent to practice without supervision, and submission of a satisfactory evaluation by that Supervising Lawyer before the termination of the program.

California Rules of Court, Rule 9.49. Provisional Licensure of 2020 Law School Graduates

(a) State Bar Provisional Licensure Program

- (1) The State Bar shall administer a program for provisionally licensing eligible 2020 Law School Graduates through June 1, 2022. The program shall be referred to as the “Provisional Licensure Program.”
- (2) The Provisional Licensure Program shall terminate on June 1, 2022, unless the California Supreme Court extends that date.
- (3) Upon termination of the Provisional Licensure Program, no one who was provisionally licensed pursuant to this rule shall be permitted to continue to practice as a Provisionally Licensed Lawyer, nor shall they represent that they remain provisionally licensed or are otherwise authorized to practice law in the State of California unless they have been admitted to the practice of law in California after meeting all criteria for admission including passage of the California Bar Examination, or are otherwise authorized to practice law in this state other than under this rule. The temporary authorization to practice under supervision under the Provisional Licensure Program does not confer either a plenary license or any vested or implied right to be licensed.

(b) Definitions

- (1) A “2020 Law School Graduate” means a person who became eligible to sit for the California Bar Examination under Business and Professions Code sections 6060 and 6061 between December 1, 2019 and December 31, 2020, either by graduating from a qualifying law school with a juris doctor (J.D.) or master of laws (LLM) degree during that time period, or by otherwise meeting the legal education requirements of Business and Professions Code sections 6060 and 6061 during that time period.
- (2) “Provisionally Licensed Lawyer” means a 2020 Law School Graduate who meets the eligibility criteria of this rule and is granted provisional licensure by the State Bar.
- (3) “Supervising Lawyer” means a lawyer who meets the eligibility criteria of this rule and who supervises one or more Provisionally Licensed Lawyers.
- (4) “Firm” or “law firm” means a law partnership; a professional law corporation; a lawyer acting as a sole proprietorship; an association authorized to practice law; or lawyers employed in a legal services organization or in the legal department, division, or office of a corporation, of a governmental organization, or of another organization as defined by rule 1.01 of the Rules of Professional Conduct and the commentary thereto.

(c) Application Requirements

- (1) To participate in the Provisional Licensure Program, an applicant must complete the following application requirements:
 - (A) Submit an Application for Provisional Licensure with the State Bar, along with a fee of \$75, or \$50 if employer paying the fee is receives State Bar Legal Services Trust Fund grants and is a qualified legal services project or qualified support center as defined by statute. There shall be no fee for applicants whose sole use of the Provisional License will be in an unpaid volunteer capacity under the direction of the Supervising Lawyer;
 - (B) Submit to the State Bar a declaration signed by the applicant agreeing that the applicant will be subject to the disciplinary authority of the Supreme Court of California and the State Bar with respect to the laws of the State of California and governing the conduct of lawyers, and attesting that the applicant will not practice California law other than under the supervision of a Supervising Lawyer during the time the applicant is provisionally licensed under this rule; and attesting that the applicant will not practice law in a jurisdiction where to do so would be in violation of laws of the profession in that jurisdiction.
 - (C) Submit to the State Bar a declaration signed by a Supervising Lawyer who meets the requirements of this rule attesting that the applicant is employed by or volunteers at, or has a conditional offer to be employed by or volunteer with the firm where the Supervising Lawyer works and that the firm has an office located in California; that the nature of the employment conforms with the requirements of this rule; whether the employment is paid or unpaid; and that the Supervising Lawyer meets the eligibility requirements of and will comply with this rule. If an applicant works or volunteers for more than one firm concurrently as a Provisionally Licensed Lawyer, the applicant shall have a Supervising Lawyer at each firm and shall submit a declaration from each Supervising Lawyer.
- (2) An Application for Provisional Licensure may be denied if:
 - (A) An applicant fails to comply with eligibility or application requirements;
 - (B) In connection with the Application for Provisional Licensure, an applicant makes a statement of material fact that the applicant knows to be false or makes the statement with reckless disregard as to its truth or falsity; or
 - (C) In connection with the Application for Provisional Licensure, an applicant fails to disclose a fact necessary to correct a statement known by the applicant to have created a material misapprehension in the matter, except that this rule does not

authorize disclosure of information protected by Business and Professions Code section 6068, subdivision (e) or rule 1.6 of the California Rules of Professional Conduct.

(d) Eligibility Requirements

To qualify as a Provisionally Licensed Lawyer under this rule, the applicant must:

- (1) Meet all of the requirements for admission to the State Bar with the following exceptions:
 - (A) The applicant need not have sat for or passed the California Bar Examination;
 - (B) The applicant need not have obtained a positive moral character determination, so long as the applicant submitted a complete Application for Determination of Moral Character to the State Bar prior to submission of an Application for Provisional Licensure and that application has not resulted in issuance of an adverse moral character determination by the State Bar; and
 - (C) The applicant need not have sat for or passed the Multistate Professional Responsibility Exam prior to submission of an Application for Provisional Licensure if the applicant attests they will complete the legal ethics components of the New Attorney Training, described under (e)(1) of this rule, within the first 30 days of licensure as a Provisionally Licensed Attorney. If the legal ethics components of the New Attorney Training is not made available to the applicant at the time of licensure, the 30 days shall run from the first day the training components are made available. The exemption set forth in (e)(1) of this rule does not apply to Provisionally Licensed Lawyers who must take the legal ethics components in lieu of passage of the MPRE.
- (2) Comply with any rules or guidelines adopted by the State Bar relating to the State Bar's Provisional Licensure Program;
- (3) Be employed by or volunteering with, or have a conditional offer of employment from or to volunteer with a firm that has an office located in California; and
- (4) Practice law under a Supervising Lawyer who is an active licensee in good standing of the State Bar, who satisfies the requirements for serving as a Supervising Lawyer under this rule.

(e) Responsibilities of Provisionally Licensed Lawyer

A Provisionally Licensed Lawyer must comply with all of the following requirements. Failure to comply with these requirements shall result in immediate termination from the Provisional Licensure Program:

- (1) Complete the State Bar New Attorney Training program, as described in State Bar Rule 2.53, during the first 12 months of licensure as a Provisionally Licensed Lawyer, unless they would otherwise be exempt from this requirement under the State Bar Rules if they were admitted to the State Bar as a lawyer;
- (2) Expressly refer to themselves orally, including but not limited to, in conversations with clients or potential clients, and in writing, including but not limited to, in court pleadings or other papers filed in any court or tribunal, on letterhead, business cards, advertising, and signature blocks, as a Provisionally Licensed Lawyer and/or participant in the State Bar's Provisional Licensure Program, and not describe themselves as a fully-licensed lawyer, or imply in any way orally or in writing that they are a fully-licensed lawyer;
- (3) Include on every document the Provisionally Licensed Lawyer files in court or with any other tribunal the following information about the Supervising Lawyer: name, mailing address, telephone number, and State Bar number;
- (4) Maintain with the State Bar a current e-mail address and an address of record that is the current California office address of the Provisionally Licensed Lawyer's firm;
- (5) Report to the State Bar immediately upon termination of supervision by the Supervising Lawyer for any reason;
- (6) Report to the State Bar any information required of lawyers by the State Bar Act, such as that required by Business and Professions Code sections 6068(o) and 6068.8(c), or by other legal authority;
- (7) If reassigned to a new Supervising Lawyer for the same firm, submit a declaration from the new Supervising Lawyer in compliance with (c)(1)(C) and obtain State Bar approval before the new Supervising Lawyer assumes supervisory responsibility over the Provisionally Licensed Lawyer.
- (8) Submit a new Application for Provisional Licensure and obtain State Bar approval before beginning employment with a new firm;
- (9) Abide by the laws of the State of California relating to the practice of law, the California Rules of Professional Conduct, and the rules and regulations of the State Bar.

(f) Prohibition on Accessing Client Trust Accounts

While practicing law under this rule, the Provisionally Licensed Lawyer must not open, maintain, withdraw funds from, deposit funds into, or attempt to open, maintain, or withdraw from or deposit into any client trust account.

(g) Permitted Activities

Subject to all applicable rules, regulations, and statutes, a Provisionally Licensed Lawyer may provide legal services to a client, including but not limited to appearing before a court or administrative tribunal, drafting legal documents, contracts or transactional documents, and pleadings, engaging in negotiations and settlement discussions, and providing other legal advice and counsel, provided that the work is performed under the supervision of a Supervising Lawyer.

(h) Communications and Work Product

For purposes of applying the privileges and doctrines relating to lawyer-client communications and lawyer work product, the Provisionally Licensed Lawyer shall be considered a subordinate of the Supervising Lawyer and thus communications and work product of the Provisionally Licensed Lawyer shall qualify for protection under such privileges and doctrines on the same basis.

(i) Supervision

(1) To meet the requirements of this rule, a Supervising Lawyer must:

- (A) Work for the same firm by which the Provisionally Licensed Lawyer is or will be employed or at which the Provisionally Licensed Lawyer is or will be volunteering;
- (B) Have practiced law for at least four years in any United States jurisdiction and have actively practiced law in California or taught law at a California Law School for at least two years immediately preceding the time of supervision, and be a licensee in good standing of the State Bar of California or be a current judge of a court of record in the California judicial branch;
- (C) Exercise competence in the area of California law in which they are supervising the Provisionally Licensed Lawyer, consistent with the requirements of rule 1.1 of the Rules of Professional Conduct;
- (D) Not be inactive in California, or ineligible to practice, actually suspended, under a stayed suspension order, or have resigned or been disbarred in any jurisdiction;
- (E) Disclose in writing, via email or other means, at the outset of representation or before the Provisionally Licensed Lawyer begins to provide legal services, that a

Provisionally Licensed Lawyer and/or participant in the State Bar's Provisional Licensure Program may provide legal services related to the client's matter;

- (F) Be prepared to assume personal representation of the Provisionally Licensed Lawyer's clients if the Provisionally Licensed Lawyer becomes ineligible to practice under this rule or is otherwise unavailable to continue the representation;
- (G) Agree to assume professional responsibility for any work that the Provisionally Licensed Lawyer performs under this rule; and
- (H) Agree to notify the State Bar of California, in writing, within 10 calendar days if the Supervising Lawyers becomes aware or reasonably should have become aware that:
 - i. The Provisionally Licensed Lawyer has terminated employment;
 - ii. The Provisionally Licensed Lawyer is no longer eligible for participation in the Provisional Licensure Program;
 - iii. The Supervising Lawyer no longer meets the requirements of this rule;
 - iv. The Supervising Lawyer is no longer supervising the Provisionally Licensed Lawyer; or
 - v. The Supervising Lawyer has changed their office or email address.

- (2) A Supervising Lawyer may delegate some or all day-to-day supervisory responsibilities or supervisory responsibilities related to certain practice areas or assignments to another lawyer in the same organization who otherwise meets the requirements for Supervising Lawyers, without the need for those additional supervisors to file a declaration with the State Bar. The Supervising Lawyer's obligations under (i)(1)(G) are not affected by any such delegation

(j) Termination of Provisional Licensure

- (1) A Provisionally Licensed Lawyer's provisional license terminates:
 - (A) Upon imposition of any sanction for misconduct by the State Bar of California or any other professional or occupational licensing authority, including administrative or stayed suspension against the Provisionally Licensed Lawyer;
 - (B) Upon imposition of any sanction for misconduct by the State Bar of California or any other bar, including administrative or stayed suspension, against the Supervising Lawyer, unless the Provisionally Licensed Lawyer has, within 15 calendar days of imposition of such sanction, obtained approval from the State Bar for a new Supervising Lawyer as required by this rule;

(C) Upon initial issuance of an adverse moral character determination by the State Bar. If the Provisionally Licensed Lawyer requests a review of the adverse determination under rule 4.47.1 of the Rules of the State Bar or appeals the adverse moral character determination of the Committee under rule 4.47 of the Rules of the State Bar, in lieu of termination the provisional license shall be suspended until final resolution of the review or appeal.

(D) Upon admission to the State Bar of California;

(E) Upon cessation of the Provisional Licensure Program;

(F) Upon request of the Provisionally Licensed Lawyer;

(G) For failure to complete the State Bar New Attorney Training Program consistent with (e)(1)(A) of this rule or failure to complete the legal ethics components under (d)(1)(C) of this rule;

(H) For failure to pay any fees required by the State Bar; or

(I) If the Provisionally Licensed Lawyer no longer meets the requirements of this rule.

(2) A notice of termination is effective ten calendar days from the date of receipt. Receipt is deemed to be five calendar days from the date of mailing to a California address or emailing to the provisional licensee's email address of record; ten calendar days from the date of mailing to an address elsewhere in the United States; and twenty calendar days from the date of mailing to an address outside the United States. Alternatively, receipt is when the State Bar delivers a document physically by personal service or otherwise.

(3) A Provisionally Licensed Lawyer whose provisional licensure terminated upon request or upon imposition of discipline against the Supervising Lawyer may be reinstated if they meet all eligibility and application requirements of this rule.

(k) Public Records

State Bar records for Provisionally Licensed Lawyers, including office address and discipline records, are public to the same extent as State Bar records related to fully-licensed lawyers.

(l) Inherent Power of Supreme Court

Nothing in these rules may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California.