

Name / Affiliation	Position on Proposed Rule	Comment (Verbatim)	Response to Comment
Anonymous	A	Eliminate all the barriers that prevent ABA accredited law graduates from gaining admission to the California Bar. First, your bar exam is stupid, as you cannot expect people to be regurgitating memorized rules of law like a walking encyclopedia, especially when they passed all law school courses thus obtaining a diploma. Second, the majority of persons admitted to the bar will go INACTIVE anyway, so if you create a 5 year rule to gain admission, you are shooting yourself in the foot, because eventually there will be fewer ACTIVE lawyers to serve the public.	No change. The comment is largely beyond the scope of the proposed rule.
Maria D. Dominguez	A	I agree with the Committee of Bar Examiners recommendation. I believe that the current five-year requirement is an unnecessary hurdle to admission to the State Bar.	No change.
Raymond Scott Hayden	A	The California Bar Exam itself is a traumatizing event, setting a time limit is above and beyond the agony one should have to endure.  Passing is passing - the exam is incredibly unfair as it is, eliminating the trauma of having to submit to admission within any time limit at all should be eliminated.	No change.
Chad Ivey	A	I agree with abolishing rule 4.17 5-year statute of limitations to become an attorney.	No change.
Martin Johnson	A		No change.
Imara McMillan	A	I think this makes a lot of sense, particularly because moral character determination can take forever through no fault of the applicant's. Also the bar exam as a concept makes no sense and does not determine one's ability or competency to practice law, so having to take it again just because a set period of time has passed also makes limited sense.	No change.
Randy Reyes	A	The five year period of Rule 4.17 has served as an arbitrary hurdle to the practice of law disproportionately affecting first generation lawyers and lawyers of minority backgrounds. This obscure rule has no impact on a person's ability to practice law. However, it has served as a penalty to those that decide not to immediately practice law after meeting the requirements. The decision could be financial (paying the annual dues), time to dedicate to MCLEs, or other life events that may impact that decision; however, none having to do with the ability to practice law. Additionally, practically speaking, the 5 year period is actually about 4 years to decide to practice law due to the unknown length of the moral character application process.  To remove this Rule completely would align with the State Bar's mission of equity in and access to the profession.	No change.
Julian Sarkar	A	My office represents attorney applicants in matters regarding California's attorney admissions system. I am grateful to see the Board of Trustees moving towards eliminating Rules of the State Bar	No change. The comment is largely beyond the scope of the proposed rule

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		<p>of California rule 4.17, which limits the validity of a passing bar exam score to five years. And I know that many of the applicants that I serve are also grateful and inspired to see this change—along with many of the other courageous and difficult decisions the Board of Trustees have made as of late. These successes include the Board’s recent and unprecedented decision to refund applicants who experienced bar exam software technical failures and the State Bar’s massive push to connect with applicants and other members of the public through social media. While a great deal of work remains to be done regarding the State Bar’s attorney admissions program, we hope you know we recognize and appreciate all of the right decisions you are making in the face of competing challenges. I write to strongly support the elimination of rule 4.17, which has required applicants to undergo the entire attorney application process even when one administrative requirement has technically not been met.</p> <p>It is imperative that the Board of Trustees exercises greater caution in approving the recommendations of the Office of Admissions and Committee of Bar Examiners, whose activities have caused great harm to attorney applicants, the public, and the legal profession. This is true of rule 4.17 as well as many of the other implementations by the Office of Admissions and Committee of Bar Examiners to limit the applicants’ rights and inflict substantial harm upon them. There does not appear to be a rational basis for rule 4.17, expressly stated or otherwise. However, in working with attorney applicants, I have seen rule 4.17 been used by the Office of Admissions in the most harmful and capricious of ways. Accordingly, the Board of Trustees should eliminate rule 4.17 and similarly harmful rules proposed by the Office of Admissions and Committee of Bar Examiners.</p> <p>For example, the Office of Admissions has used rule 4.17 to delay applicants’ moral character investigation beyond the five-year deadline without justification, and then requiring the applicant to repay the entire applicant fee scheme and undergo the process again. In other cases, the Office of Admissions has misrepresented their method of calculating the rule 4.17 deadline to applicants, and subsequently refused to honor their previous representations to applicants in order to require them to undergo the application process again. While the State Bar’s enforcement of rule 4.17 has created short-term financial gain of thousands of dollars per applicant, the true cost to the applicants is almost always disproportionately higher through the extensive toll on their lives, the disproportionately higher financial cost to the applicant, and the emotional distress caused by applicant purgatory.</p> <p>The Office of Admissions and Committee of Bar Examiners’ lack of thoughtful intention behind rule 4.17 is further corroborated by many of their harmful decisions and activities in recent years. After a</p>	

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		<p>recent law school graduate took his own life in 2016 upon failing the bar exam, his law school dean and the deans of 20 of California’s ABA-accredited law schools requested that our Supreme Court of California require the State Bar of California bring its scoring methods in line with the nation’s at large. In response to this, the Office of Admissions and Committee of Bar Examiners falsified the minutes of their next meeting to add a rule changing the “calculation” method of artificially increasing published bar exam pass rates.</p> <p>That 2017 decision by the Office of Admissions and Committee of Bar Examiners was not an isolated case of malfeasance—it is a part of a pattern and practice of harmful decisions that corroborate rule 4.17’s irrational basis. Since that time, the Office of Admissions has unilaterally drafted an “Acknowledgment and Acceptance of Testing Conditions” requiring applicants to waive all their rights pertaining to exam software failure, without notice to the Committee of Bar Examiners. The Office of Admissions then prevented applicants from electronically accessing or signing that waiver, and then waited until the eve of a Committee of Bar Examiners meeting to cancel those applicants’ exam registrations and withhold their exam fees. Despite being asked by a Committee of Bar Examiners member to add this decision to the next meeting’s agenda, Amy Nunez refused to do so. Since then, the Office of Admissions and Committee of Bar Examiners have made it a point to humiliate disabled attorney applicants at public meetings to deter them from entering the legal profession. Then-Director of Examinations [Name omitted] further attempted to discriminate against disabled applicants by proposing the elimination of many disability accommodations appeals. Program manager [Name omitted] has initiated countless unfounded and frivolous sanctions proceedings against up to 3,190 applicants. She then doubled down on this outrageous conduct by proposing that the Committee of Bar Examiners further eliminate due process for applicants facing baseless Chapter 6 sanctions proceedings.</p> <p>To be sure, members of the Committee of Bar Examiners have made visible efforts to investigate and challenge some of the harmful activities by the Office of Admissions employees, but often without actual effect. At one Committee of Bar Examiners’ meeting, member [Name omitted] insightfully noted that it didn’t make sense for the State Bar to charge out-of-state attorney applicants hundreds of dollars more for taking only 50% of the California Bar Exam that other applicants sit for. While this fee scheme indeed could not make sense to any reasonable applicant or member of the public, it benefitted the Office of Admissions employees who pay themselves with the profits of the California Bar Exam. As a result, the Office of Admissions has ensured that exam fee scheme remain in place to this day.</p>	

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		<p>This pattern holds true with respect to the Office of Admissions’ arbitrary limitations based on an attorney’s numeric years of licensure, as we can see in the arbitrary five-year limitation in rule 4.17. At one Provisional Licensure Working Group meeting, potential restrictions on supervising attorneys for provisionally licensed attorneys were discussed. A member noted that malpractice was primarily a risk with senior attorneys towards the ends of their careers. That member explained that new attorneys tended to be paranoid and overly cautious—suggesting that it would not be rational to impose an arbitrary year limitation on supervising attorneys. Later at that meeting, then-Acting Director Donna Hershkowitz arbitrarily proposed a four-year licensure requirement for supervising attorneys of provisionally licensed lawyers without offering credible justification. That four-year licensure rule was then adopted by the State Bar’s provisional licensure program.</p> <p>In other words, the Office of Admissions and Committee of Bar Examiners did not consider public protection or rational basis in enacting the five-year restriction in rule 4.17. The Office of Admissions and Committee of Bar Examiners do not enforce rule 4.17 in a manner that is beneficial to any applicant or member of the public. The only beneficiary of this rule is the Office of Admissions itself, and it has come at an incredible cost to many members of our legal profession.</p> <p>I and many others—including California attorneys who were capriciously harmed by rule 4.17 and no longer stand to benefit from this change—are very appreciative of the Board of Trustees’ decision to reconsider the five-year limitation. We urge the Board of Trustees to proceed with eliminating this five-year limitation to protect future generations of California attorneys from the Office of Admissions’ harmful practices. The Board of Trustees continues to inspire trust and confidence by making difficult decisions for the purpose of benefitting attorney applicants, including reconsidering rule 4.17. And we gratefully anticipate the Board of Trustees’ continued trend of sound decisionmaking.</p>	
Theresa Smith	A	I fully support eliminating the 5-year rule thereby bringing the admission requirements in line with the returning to active status rules.	No change.
Donald Tran*	A	<p>Where I understand the current rule 4.17 and the proposed new rule as worded; August 18, 2022</p> <p>Rule 4.17</p> <p>” Rule 4.17 of the Rules of the State Bar of California provides that an applicant for admission to the practice of law must satisfy all admission requirements for certification to the Supreme Court within five-years of achieving a passing score on the bar exam. The applicant must take the attorney’s oath within that same five-year period. The proposal would amend that rule and related rules to eliminate that five-year requirement as an unnecessary hurdle to admission to the State Bar which no longer furthers public protection.”</p>	No change.

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		<p>1. Currently there is a 5-year (similar to statute of limitations) that attorneys can be admitted "Retroactively" to practice law? As in "back-dated" and the "limit-is-5-years"? and the CA BAR is suggesting to "remove" THIS RULE; "Remove this statute of limitations" altogether and allow attorney applications to be admitted to practice law retroactively no matter how long ago it was they passed the CA BAR EXAM?</p> <p>I am in 100% agreement with this rule to remove any "retroactive" limitation that is arbitrary and a term of 5-years.</p> <p>The current wording only serves if a person is found to have passed the CA BAR 6 years ago and missed the statute of limitations; or rule-of-limitations; their only recourse is to SUE the CA BAR IN COURT. this could be damaging to the CA BAR's reputation and tarnish the CA BAR's public image.</p> <p>I am in 100% agreement with this rule to remove any "retroactive" limitation that is arbitrary and a term of 5-years.</p> <p>And allow admissions to the CA BAR retroactively no matter when they passed the CA BAR.</p> <p>The current rule is "exclusive" and works to disenfranchise CA civilians and attorney applicants that tend to be "indigents" (poor or underrepresented) or POC (persons-of-color) civilians; and disenfranchise Minorities as either a person that requires representation or to practice law.</p> <p>The current rule tends to be discriminatory and "Exclusive" rather than "Inclusive" to allow a person to represent their minority community who would tend to fall into this Exclusion group.</p> <p>The Proposal</p> <p>Where as the proposed rule would be "INCLUSIVE" and allow those who may find that they passed the CA BAR; have been BARRED from practicing LAW to represent their respective communities via this current "5-year statute of or rule of limitations".</p> <p>I agree whole heartedly that the rule 4.17 5-year limit should be abolished to perhaps retroactively provide some justice and some relief and remedy those who have or may have been wronged and not allowed to practice law because of this 5-year limit rule.</p>	

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		<p>The Proposal Addition</p> <p>The admission date should be “retroactive” and back dated to when the facts support the time or date or year they passed the CA BAR.</p>	
Megan Zavieh / Zavieh Law	A	<p>Eliminating the five-year bar exam score expiration is appropriate. As detailed in the State Bar's comments, we assume in many other aspects of attorney regulation that the demonstration of competence embodied in a passing bar exam score does not evaporate with the passage of time. The five-year score expiration is arbitrary and serves no public protect purpose.</p> <p>The five-year expiration does serve to keep people out of the profession who would otherwise be fully capable of serving the public. In my practice, I assist law students and graduates seeking admission to the State Bar. I have had multiple clients whose score was expiring or had expired due to various personal circumstances. None of the circumstances somehow demonstrated a lack of competence or a loss of it. There are a great many reasons why applicants delay their admission. If they miss the five-year deadline, they are not at all incentivized to come back and finish the process given the requirement that they re-take the bar exam. The bar exam is a tremendous undertaking that many rational people with expired passing scores will choose not to do again.</p> <p>We have safeguards in place in the admissions process to ensure that an expired score is not accompanied by a lapse in character -- an arrest or conviction, for example, which would render one unfit to practice after the lengthy delay since passing the exam. The requirement of a current moral character clearance is sufficient to guard against such potential issues.</p> <p>I fully support eliminating the expiration of a passing bar exam score.</p>	No change.
Leon Burdeos Jr.	AM	<p>Abolishing or amending to not require a 5-year statute or rule of limitations opens the admittance process to a broader and wider applicant audience.</p> <p>condition on the fact that THE APPLICANT obtained a passing score of 1390 or better and have passed your Moral Character background check on your MCBE</p> <p>I agree on the proposed change to rule 4.17 on the condition that if the BAR APPLICANT scores 1390+ or better; they be admitted to practice law "unconditionally"; that means,</p> <p>1) without any further obstruction or stipulations</p>	No change. The proposed modifications to require admission “without any further delay,” “without any further obstruction or stipulations,” “forthwith, as soon as possible” are inconsistent with the requirement that applicants meet all other requirements for admission, including having a positive moral character determination, passing the MPRE, and not being in arrears on a child or family support order. The proposed modifications relating to supervised practice are beyond the scope of this proposed rule. As to the final

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Stanley Hutchinson*	AM	<p>I agree on the proposed change to rule 4.17 on the condition that if the BAR APPLICANT scores 1390+ or better; they be admitted to practice law "unconditionally"; that means,</p> <p>1) without any further obstruction 2) without any further delay 3) without any conditions such as E.g. 300 hours under a supervising attorney 4) no attorney, lawyer, law firm should be condition, apprenticeship, or intern conditions or any conditions of any kind to assist in this admission 5) admitted to practice law forthwith, as-soon-as-possible 6) and lastly "retroactively" dated to the date or time period or year that they passed the CA BAR; or the year they scored a passing grade.</p> <p>Rule 4.17 " Rule 4.17 of the Rules of the State Bar of California provides that an applicant for admission to the practice of law must satisfy all admission requirements for certification to the Supreme Court within five-years of achieving a passing score on the bar exam. The applicant must take the attorney’s oath within that same five-year period. The proposal would amend that rule and related rules to eliminate that five-year requirement as an unnecessary hurdle to admission to the State Bar which no longer furthers public protection."</p> <p>Elimination of this "current" rule 4.17 will allow past wrongs to be corrected and allow persons potentially wronged in the past to be admitted to the bar where they achieved a passing score to be "retroactively admitted".</p> <p>currently this 5-year rule acts as a limitation on admittance to the BAR.</p> <p>Abolishing or amending to not require a 5-year statute or rule of limitations opens the</p>	No change. The proposed modifications to require admission “without any further delay,” “without any further obstruction,” and “forthwith, as soon as possible” are inconsistent with the requirement that applicants meet all other requirements for admission, including having a positive moral character determination, passing the MPRE, and not being in arrears on a child or family support order. The proposed modifications relating to supervised practice are beyond the scope of this proposed rule. As to the final recommendation, staff disagrees that admission to the bar should be back dated. The date of admission is contingent on the time when the applicant satisfies all requirements for admission to the bar and proceeds to get sworn in. There is no reason to back date the date of admission.

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		admittance process to a broader and wider applicant audience. condition on the fact that you obtained a passing score of 1390.	
Larion Krayzman	AM	<p>Abolishing or amending to not require a 5-year statute or rule of limitations opens the admittance process to a broader and wider applicant audience. condition on the fact that the APPLICANT obtained a passing score of 1390 and have passed your Moral Character background check on your MCBE</p> <p>I agree on the proposed change to rule 4.17 on the condition that if the BAR APPLICANT scores 1390+ or better; they be admitted to practice law "unconditionally"; that means,</p> <p>1) without any further obstruction 2) without any further delay 3) without any conditions such as E.g. 300 hours under a supervising attorney 4) no attorney, lawyer, law firm should be condition, apprenticeship, or intern conditions or any conditions of any kind to assist in this admission 5) admitted to practice law forthwith, as-soon-as-possible 6) and lastly "retroactively" dated to the date or time period or year that they passed the CA BAR; or the year they scored a passing grade. And with a CA BAR NUMBER that matches that time period.</p>	No change. The proposed modifications to require admission “without any further delay,” “without any further obstruction,” and “forthwith, as soon as possible” are inconsistent with the requirement that applicants meet all other requirements for admission, including having a positive moral character determination, passing the MPRE, and not being in arrears on a child or family support order. The proposed modifications relating to supervised practice are beyond the scope of this proposed rule. As to the final recommendation, staff disagrees that admission to the bar should be back dated. The date of admission is contingent on the time when the applicant satisfies all requirements for admission to the bar and proceeds to get sworn in. There is no reason to back date the date of admission.
Cindy Tran	AM	<p>Abolishing or amending to not require a 5-year statute or rule of limitations opens the admittance process to a broader and wider applicant audience that may have been wronged or by means beyond their control from being admitted to the CA BAR and practice law in the past; condition on the fact that THE APPLICANT obtained a passing score of 1390 and have passed your Moral Character background check on your MCBE</p> <p>I agree on the proposed change to rule 4.17 on the condition that if the BAR APPLICANT scores 1390+ or better; they be admitted to practice law "unconditionally"; that means,</p> <p>1) without any further obstruction or stipulations 2) without any further delay 3) without any conditions such as E.g. 300 hours under a supervising attorney 4) no attorney, lawyer, law firm should be condition, apprenticeship, or intern conditions or any conditions of any kind to assist in this admission</p>	No change. The proposed modifications to require admission “without any further delay,” “without any further obstruction,” and “forthwith, as soon as possible” are inconsistent with the requirement that applicants meet all other requirements for admission, including having a positive moral character determination, passing the MPRE, and not being in arrears on a child or family support order. The proposed modifications relating to supervised practice are beyond the scope of this proposed rule. As to the final recommendation, staff disagrees that admission to the bar should be back dated. The date of admission is contingent on the time when the applicant satisfies all requirements for admission to the bar and proceeds to get sworn in. There is no reason to back date the date of admission.



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Don Tran*	AM	<p>Abolishing or amending to not require a 5-year statute or rule of limitations opens the admittance process to a broader and wider applicant audience.</p> <p>condition on the fact that THE APPLICANT obtained a passing score of 1390 and have passed your Moral Character background check on your MCBE</p> <p>I agree on the proposed change to rule 4.17 on the condition that if the BAR APPLICANT scores 1390+ or better; they be admitted to practice law "unconditionally"; that means,</p> <p>1) without any further obstruction or stipulations            2) without any further delay            3) without any conditions such as E.g. 300 hours under a supervising attorney            4) no attorney, lawyer, law firm should be condition, apprenticeship, or intern conditions or any conditions of any kind to assist in this admission            5) admitted to practice law forthwith, as-soon-as-possible            6) and lastly "retroactively" dated to the date or time period or year that they passed the CA BAR; or the year they scored a passing grade. And with a CA BAR NUMBER that matches that time period.</p>	<p>No change. The proposed modifications to require admission “without any further delay,” “without any further obstruction,” and “forthwith, as soon as possible” are inconsistent with the requirement that applicants meet all other requirements for admission, including having a positive moral character determination, passing the MPRE, and not being in arrears on a child or family support order. The proposed modifications relating to supervised practice are beyond the scope of this proposed rule. As to the final recommendation, staff disagrees that admission to the bar should be back dated. The date of admission is contingent on the time when the applicant satisfies all requirements for admission to the bar and proceeds to get sworn in. There is no reason to back date the date of admission.</p>
Kevin Tran	AM	<p>Abolishing or amending to not require a 5-year statute or rule of limitations opens the admittance process to a broader and wider applicant audience that may have been wronged or by means beyond their control from being admitted to the CA BAR and practice law in the past; condition on the fact that THE APPLICANT obtained a passing score of 1390 and have passed your Moral Character background check on your MCBE</p> <p>I agree on the proposed change to rule 4.17 on the condition that if the BAR APPLICANT scores 1390+ or better; they be admitted to practice law "unconditionally"; that means,</p> <p>1) without any further obstruction or stipulations            2) without any further delay            3) without any conditions such as E.g. 300 hours under a supervising attorney</p>	<p>No change. The proposed modifications to require admission “without any further delay,” “without any further obstruction,” and “forthwith, as soon as possible” are inconsistent with the requirement that applicants meet all other requirements for admission, including having a positive moral character determination, passing the MPRE, and not being in arrears on a child or family support order. The proposed modifications relating to supervised practice are beyond the scope of this proposed rule. As to the final recommendation, staff disagrees that admission to the bar should be back dated. The date of admission is contingent on the time when the applicant satisfies all requirements for admission to the bar and proceeds to get sworn in. There is no reason to back date the date of admission.</p>

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Leslie Shaw	D	The distinction between the State Bar's scenarios and reality are that a person who doesn't get sworn in shortly after passing the bar likely is not employed with a law firm where that person can continue to utilize the skills learned in law school. This is not a bar to the profession rather, it helps protect the public from those who likely are unwilling to commit to a career. Let's not make excuses for lazy and inept rather, do what the State Bar is supposed to do which is protect the consumer.	No change. The Committee carefully considered the issue of whether failing to get sworn in timely equates to the test taker no longer possessing minimum competence, and determined that the rule was not necessary to protect the public.
Anonymous	No Opinion Stated	The California Blue Ribbon Commission is a TOTAL JOKE.	No change. The comment is beyond the scope of the proposed rule.

\*Entries with an asterisk all appear to come from the same individual (identified by the same name and/or same email address).

Legend

- A = Agree with proposed rule
- AM = Agree if modified
- D = Disagree with proposed rule