

**Proposed Amendments to Title 4 of the Rules of the State Bar, Rules 4.17, 4.51, 4.52, and 4.60 (Redline)**

**Rule 4.15 Certification to California Supreme Court (No Change Proposed; Provided for Information Only)**

To be eligible for certification to the California Supreme Court for admission to the practice of law, an applicant for admission must:

- (A) be at least eighteen years of age;
- (B) file an Application for Admission with the State Bar;
- (C) meet the requirements of these rules regarding education or admission as an attorney in another jurisdiction, determination of moral character, and examinations;
- (D) be in compliance with California court-ordered child or family support obligations pursuant to Family Code § 17520;
- (E) be in compliance with tax obligations pursuant to Business and Professions Code section 494.5;
- (F) until admitted to the practice of law, notify the State Bar within thirty days of any change in information provided on an application; and
- (G) otherwise meet statutory criteria for certification to the Supreme Court.

*Rule 4.15 adopted effective September 1, 2008; previously amended effective January 17, 2014; amended effective September 1, 2019.*

**Rule 4.16 Application for Admission (No Change Proposed; Provided for Information Only)**

- (A) An Application for Admission consists of an Application for Registration, an Application for Determination of Moral Character, and an application for any required examination. Each application must be submitted with the required documentation and the fees set forth in the Schedule of Charges and Deadlines. The State Bar determines when an application is complete.
- (B) The Application for Registration must be approved, before any other application is submitted. The applicant is required by law either to provide a Social Security Number on the application or to request an exemption because of ineligibility for a

Social Security Number. Registration is deemed abandoned if all required documentation and fees have not been received within sixty days of submittal. No refund is issued for an abandoned registration.

- (C) After approval of the Application for Registration, an applicant for admission may submit an Application for Determination of Moral Character, an application for any examination as required by these rules and any other document or petition permitted by these rules.

#### **Rule 4.17 Admission certification and time limit**

(A) An applicant who is certified by the Committee to the Supreme Court as having met all requirements for admission has a continuing duty, until admitted to the practice of law, to be of good moral character, inform the State Bar within 30 days of any changes to information provided on an Application for Determination of Moral Character and an Application for Extension of Moral Character Determination, and otherwise meet the criteria set forth in Rule 4.15.

(B)(1) Applicants for admission who are certified by the Committee to the Supreme Court as having met all requirements for admission shall, within five years from the date of the order certifying the applicant for admission, No later than five years from the last day of administration of the California Bar Examination the applicant passes,

(1) an applicant must meet all requirements for admission for certification by the Committee to the California Supreme Court; and

(2) upon receipt of an order from the Court, take the attorney's oath and meet State Bar registration requirements to be eligible to practice law in California.

(2) Upon the expiration of the five-year period specified in (B)(1), an applicant who has not taken the attorney's oath and met the State Bar registration requirement shall be automatically de-certified and become ineligible to be sworn into the State Bar until subsequently re-certified by the Committee to the Supreme Court.

(C) The Committee shall re-certify an applicant for admission to the Supreme Court only after it is re-established that the applicant continues to meet the requirements of subsections (D), (E), and (G) of Rule 4.15 and meets the requirements of Rule 4.52.

(B) The State Bar may extend this five year limit for good cause shown by clear and convincing evidence in a particular case but not for an applicant's negligence or the result of an applicant having received a negative moral character determination.

~~(C) An applicant may request a review by the Committee of the State Bar's decision within 30 days of service of the notice of decision~~

(D) The amendments to this rule eliminating the requirement to take the attorney's oath within five-years or be required to retake the bar exam apply to any applicant who achieved a passing score on a California Bar Examination administered on or after July 2015.

**Rule 4.42 Duty to update Application for Determination of Moral Character (No Change Proposed; Provided for Information Only)**

Until admitted to practice law, an applicant who has submitted an Application for Determination of Moral Character has a continuing duty to promptly notify the Office of Admissions whenever information provided in the application has changed or there is new information relevant to the application. Failure to provide updated information within thirty days after the change or addition to the information originally submitted may be cause for suspension of a positive moral character determination.

**Rule 4.51 Validity period of positive moral character determination**

A positive determination of moral character is valid for thirty-six months. ~~An applicant with a positive determination who has not been certified to practice law within this validity period must submit an Application for Extension of Determination of Moral Character.~~

**Rule 4.52 Extension of positive moral character determination**

(A) An applicant who has received a positive moral character determination may submit an Application for Extension of Determination of Moral Character. The application must be filed in the last six months of the initial thirty-six month validity period with the required fingerprints and the fee set forth in the Schedule of Charges and Deadlines. If the State Bar makes a positive determination before the initial thirty-six months expires, the initial thirty-six months is extended an additional thirty-six months. If the State Bar makes a positive determination after the expiration of the initial thirty-six months, an extension of thirty-six months begins at the time of determination.

(B) An applicant may request a review by the Committee of the State Bar's decision to deny an extension request within 30 days of service of the notice of decision.

(C) An applicant who has been de-certified pursuant to Rule 4.17 must submit an Application for Extension of Determination of Moral Character covering the period since the expiration of the prior positive determination.

**Rule 4.60 California Bar Examination**

(A) The California Bar Examination is given each year in February and July at test centers in California designated by the State Bar. Pursuant to the authority delegated to it by the Board of Trustees, the Committee determines the examination's format, scope, topics, content, questions, and grading process.

(B) The State Bar provides the California Supreme Court a report on each administration of the examination as soon as practical.

(C) A passing score achieved on a California Bar Examination administered on or after July 2015 shall not expire. This subsection shall not be construed as relieving an attorney of any obligation that may exist to take and pass the Attorneys' Examination when seeking readmission or reinstatement pursuant to California Rule of Court 9.10(f) or State Bar Rules 5.440-5.446, or if otherwise ordered by the Supreme Court to take and pass the Attorneys' Examination.