



The State Bar of California

OPEN SESSION AGENDA ITEM 701 NOVEMBER 2022

DATE: November 17, 2022

TO: Members, Board of Trustees

FROM: Donna S. Hershkowitz, Chief of Programs & Legislative Director
Leah T. Wilson, Executive Director

SUBJECT: Recommendation to Supreme Court Regarding Pending Sunset of the
Provisional Licensure Program

EXECUTIVE SUMMARY

Pursuant to Rule of Court 9.49 and 9.49.1, the two Provisional Licensure Programs (PLPs) operated by the State Bar will sunset on December 31, 2022, unless the Supreme Court takes action to extend the programs. The programs were initially scheduled to sunset on June 1, 2022, but following the Court's consideration of the recommendation from State Bar Executive Director Leah Wilson (see Attachment A), the Supreme Court extended the programs for seven months. As the sunset date has approached, the State Bar has examined data on the participants still in the programs and surveyed the participants and their supervisors. The State Bar also surveyed individuals who were eligible for the Pathway Program (described fully below) but did not apply. Based on the review of the data, the analysis of the surveys, and consideration of public comments that the Board and the Blue Ribbon Commission (BRC) on the Future of the Bar Exam have received in the last several months, staff recommends that the Board of Trustees recommend to the Supreme Court that the programs be extended. This agenda item recommends a set of options for presentation to the Court, which range from simple extension to a path to permanent licensure for all remaining program participants.

BACKGROUND

On July 16, 2020, the California Supreme Court directed the State Bar to "implement, as soon as possible, a temporary supervised provisional licensure program—a limited license to practice specified areas of law under the supervision of a licensed attorney." (See Attachment B)

In explaining the rationale for this direction, the Court expressed that “[t]he changing circumstances surrounding the ongoing COVID-19 pandemic in California . . . have had an unprecedented impact on professional licensure testing. . . . The court understands that many law school graduates are being substantially affected by the resulting disruption. Some graduates have lost job offers. Many are about to lose health insurance, cannot find a job to pay bills, or are in fear of deportation if they cannot enter the bar in time retain job offers. Many more have student loan payments that become due in mid-November, but without a law licensure and the ability to work, they fear going into default.” The Court further noted that “postponement of the bar examination (from summer to fall 2020) may impact employment prospects, delay incomes, and otherwise impair the livelihoods of persons who recently have graduated from law school. Moreover, the court recognizes 2020 graduates may not be in a position to study and prepare for” a fall bar examination.

THE ORIGINAL PROVISIONAL LICENSURE PROGRAM (ORIGINAL PLP)

On October 22, 2020, upon recommendation of the Board of Trustees, the Supreme Court adopted rule 9.49 of the California Rules of Court, effective November 17, 2020, establishing the original Provisional Licensure Program (Original PLP). This program, as initially enacted and subsequently amended, was open to 2020 law graduates who:

- Had not yet passed the bar exam (whether or not they sat for exam).
- Either had an active (i.e., not expired) positive moral character determination or had submitted a complete application for determination of moral character that was pending.
- Either had passed the Multistate Professional Responsibility Exam (MPRE) or, within 30 days after entry into the program, completed the four hours of ethics e-learning that is part of the State Bar’s 10-hour New Attorney Training.
- Submitted a declaration of an eligible California licensed attorney indicating that they would supervise the participant.
- Within one year after entry into the program, completed the remainder of the 10-hour New Attorney Training.

The Original PLP was not a pathway to licensure. Participants still needed to take and pass the bar exam before the end of the program and meet all other requirements for admission to continue practicing upon the expiration of the program.

The program was originally scheduled to sunset on June 1, 2022. On May 26, 2022, the Supreme Court extended the program to December 31, 2022.

Original PLP By the Numbers

There have been a total 912¹ participants in the Original PLP. As of November 10, 2022:

- 645 have become fully licensed lawyers, having passed the bar exam and meeting all

¹ The May 24, 2022, letter to the Supreme Court incorrectly put this number at 915, having mistakenly counted some duplicate entries.

other requirements for admission.

- 72 have been terminated from the program.
- 5 have been suspended from the program, but not yet terminated.
- 190 remain as active program participants. The 190 includes 17 who successfully passed the July 2022 bar exam and who had no other requirements to satisfy other than passing the bar. These 17 will therefore become fully licensed prior to the expiration of the program, leaving 173 active participants.

Of the remaining 173 active program participants, 168 have yet to pass the bar exam; 125 of these 168 participants have satisfied all other program requirements.²

EXPANDED PROVISIONAL LICENSURE PROGRAM WITH A PATHWAY TO LICENSURE (PATHWAY PROGRAM)

In response to public comment received while developing the Original PLP, the State Bar's Provisional Licensure Working Group reconvened after the proposal for the Original PLP was submitted to the Court and developed a recommendation to expand the PLP to include those who had scored between 1390 and 1439 on a bar examination administered between July 2015 and February 2020. The Court adopted rule 9.49.1, creating the Pathway PLP on January 28, 2021, and the program launched on February 24, 2021.

This program created a pathway to licensure (thus referred to as the Pathway Program), without the need to take another bar exam. The rationale for this program leading to licensure whereas the Original PLP did not was that in July 2020, at the same time the Court directed the creation of the Original PLP, it lowered the passing line for the bar exam from 1440 to 1390. Participants in the Pathway PLP received a score that would have been considered passing had they achieved that score on the October 2020 or subsequent bar exam.

Other than passing the bar exam, participants in the Pathway PLP needed to satisfy similar requirements as those in the Original PLP. However, Pathway Program requirements also included 300 hours of supervised legal work and a positive supervisor evaluation. Like the Original PLP, the Pathway PLP was initially scheduled to sunset on June 1, 2022, but was extended by the Court until December 31, 2022.

Pathway PLP By the Numbers

There have been a total of 673 participants in the Pathway PLP.³ As of November 10, 2022:

- 538 completed the Pathway PLP and have become fully licensed lawyers
- 24 sat for and passed a bar exam, which enabled them to exit the Pathway PLP and become fully licensed
- 28 were terminated from the program
- 5 have had their participation suspended

² A total of 168 have yet to pass the bar exam, but 43 have other outstanding program requirements. Of those 168, 28 did not sit for any of the four bar exams administered during the PLP; 26 sat for the bar exam once during the PLP; 43 sat twice; 45 sat three times; and 26 sat for all four administrations of the bar exam during the PLP.

³ The May 24 2022, letter to the Supreme Court underreported this count by two individuals.

- 71 remain with an active status in the program. Of those 71, 18 have met all requirements, and are likely pending getting sworn into the bar, leaving only 53 active participants.

Of the remaining 53 active participants who have not yet completed all program requirements, 29 have as their only remaining requirement to complete their 300 hours of supervised practice or 18, to receive a positive supervisor evaluation.⁴

PLP SURVEY

On October 3, 2022, the State Bar sent a survey to nearly all of the 1,585⁵ current and former participants in the Original and Pathway PLPs, 1,393 supervisors of current and former PLLs, as well as to 1,154 individuals who were eligible for the Pathway PLP (Eligible PLLs) but who did not apply and who are not yet admitted to the bar.

Response rates for the survey were excellent. Roughly 50 percent of current and former PLLs responded, and 34 percent of supervisors responded. Additionally, 48 percent of Eligible PLLs responded. In terms of race/ethnicity and gender, the demographic characteristics of survey respondents were consistent with the demographics of program participants.

Other highlights from the survey include:

- 77 percent of respondents spent their time as a PLL in the private sector, 15 percent in nonprofit, and 5 percent in government.
- 24 percent of PLLs worked on a volunteer basis, with the remaining being paid.
- Satisfaction with the PLP⁶:
 - 92 percent of supervisors reported being satisfied or very satisfied with the work of the PLL.
 - 86 percent of PLLs reported being satisfied or extremely satisfied with the program.
 - 89 percent of PLLs agreed or strongly agreed that the program was valuable in preparing them for the practice of law.
- Benefits to the employer:
 - 83 percent of supervisors reported that they found the PLLs to be especially hard working.
 - 68 percent of supervisors reported that having the PLLs allowed them to serve more clients, while 58 percent stated that the PLLs added diversity to their practice.
- Challenges for the employer:
 - 27 percent of supervisors felt that PLLs needed more direct supervision than newly licensed lawyers.

⁴ Of the 18 applicants who have not completed their 300 hours, 14 have not reported completing any hours as of the writing of this agenda item.

⁵ We recently discovered that 21 individuals did not receive the survey due to a since-remedied data issue.

⁶ The demographic breakdown of level of satisfaction was consistent with the demographic breakdown of survey respondents and program participants.

- 26 percent reported that PLLs were unable to handle work similar to that handled by newly licensed lawyers.
- 22 percent indicated that PLLs needed more training than newly licensed lawyers.
- 15 percent report that PLLs made errors that newly licensed lawyers would not have made.⁷
- Challenges reported by PLLs
 - 42 percent found explaining their provisional status awkward, and 20 percent felt they were treated as “second class lawyers” by clients, lawyers, judges, or others.
 - 36 percent found the salary challenging, and 22 percent found the benefits to be inadequate.
 - 40 percent of respondents from the Original PLP reported that combining bar study with PLL work was difficult.
 - 26 percent of the Pathway PLLs reported difficulty finding a supervisor.

For more information on the results of the survey, see Attachment C.

Views on Continuing the Programs

The survey asked supervisors and PLLs their opinions about whether the programs should continue, expire, or change. PLLs were asked only about the program in which they participated (Original or Pathway); supervisors were asked their opinions about both programs.

Original Provisionally Licensed Lawyers

- 87 percent of Original PLLs supported an extension of the program
- 9 percent did not support extending the program
- 4 percent were unsure

Pathway Provisionally Licensed Lawyers

- 92 percent of Pathway PLLs supported extending the program
 - 36 percent only for existing Pathway participants
 - 56 percent also supported reopening the program for all eligible candidates.
- 4 percent did not support either extending or reopening the program
- 4 percent were unsure

Supervisors

- 76 percent of supervisors favored extending the Original PLP, but their support weighed more heavily toward extending the program to provide more opportunities to pass the bar exam as opposed to allowing admission to the bar through supervised practice.
- 67 percent of supervisors supported extension of the Pathway PLP, with approximately

⁷ The percentage of supervisors reporting each of these challenges was slightly higher for Original PLLs than Pathway PLLs. It is unknown if the driver for this difference is the PLL or the type of placement. For example, Pathway PLLs worked more with solo practitioners in comparison to Original PLLs.

one-half of those supervisors supporting also reopening the Pathway to all eligible participants.

- 17 percent of supervisors recommended not extending the Original PLP. Interestingly, 68 percent of those responding in this way had indicated they were satisfied or very satisfied with the PLL they supervised.
- 20 percent recommended against extending or reopening the Pathway PLP. Similarly, 61 percent of those responding in this manner indicated they were satisfied or very satisfied with the PLL they supervised.

Eligible PLLs

When the Pathway PLP was established, it was advertised extensively on the State Bar's website and via the State Bar's social media. The State Bar issued a news release, as did the Supreme Court, and there was media coverage in the legal press in the months from July 2020 through February 2021, when the programs were being created. As many Board members will recall, there were well-attended publicly noticed meetings, and the Bar sought public comment on the proposed rules, for which we received several hundred comments.

Unfortunately, some of those eligible for the program had long since stopped reviewing the State Bar's website or following State Bar social media posts. Many moved out of state, and some started careers outside the legal field. There were nearly 2,700 individuals who had scored between 1390 and 1439 on a bar exam administered between July 2015 and February 2020 and who had not yet, as of the start of the program, been admitted to the State Bar. Direct emails were not sent to this cohort.

By October 2022, 863 had become fully licensed by having passed the bar exam, and 673 had participated or were still participating in the Pathway PLP. The State Bar surveyed the remaining 1,154 Eligible PLLs who had not applied for the Pathway PLP to learn more about why they did not apply. Nearly 85 percent of respondents reported they did not hear about the program in time to do so. Thirteen percent of respondents noted that they were unable to afford to quit or reduce hours at their current places of employment so they could complete the required supervised hours. Fourteen percent did not participate for "other" reasons. Eighty-nine percent of respondents reported their continuing interest in obtaining a license to practice law in California, with 81 percent indicating that they were interested in applying should the program be reopened to allow them to participate.

DISCUSSION

The conditions brought about by the COVID-19 pandemic were devastating and life-altering in so many ways. There is no doubt, however, that the crisis resulted in a number of innovations, including improved health care processes, new drugs, medical devices, and telemedicine options, new collaboration techniques, an openness to remote work, education, and testing, and so much more. As a famous quote, often attributed to Albert Einstein, states, "In the midst of every crisis lies opportunity." The need to respond quickly to address a crisis creates more openness to broad innovation and allows us to create rapid, impactful change. The PLPs operated by the State Bar are two examples of such impactful change. Nearly three-quarters of

2020 law graduates who joined the Original PLP have been or are about to become fully licensed to practice law in California, having had the opportunity to practice under supervision and gain real-world experience. Over 80 percent of the participants in the Pathway Program have or are about to become fully licensed. The survey of supervisors revealed that more than 90 percent were satisfied or very satisfied with the work of the PLL. And importantly, the program did not come at the expense of public protection. State Bar data reflect that for attorneys with up to two years in practice, the annual rate of complaints received is 1.3 percent (i.e., of all attorneys in the cohort, complaints are made against 1.3 percent of them). For 2020 and 2021 combined, the complaint rate against PLLs was .9 percent (with 19 complaints having been received against 15 PLLs). Of the 12 cases closed to date, one has resulted in a cease-and-desist letter; the remainder have closed with no discipline or nondisciplinary measures.

As the December 31, 2022, sunset date approaches, staff have evaluated various options for the programs, including allowing them to sunset or recommending a limited extension through, for example, the next bar exam cycle. An argument can certainly be made that these programs were created to address a once-in-a-generation global pandemic, that crisis has largely subsided, and therefore the programs should be allowed to expire. The counter argument, however, is that although there were unique circumstances supercharging the innovation that led to the creation of these programs, the programs have now demonstrated their value as a meaningful way to train motivated individuals in the practice of law.

OPTIONS FOR BOARD CONSIDERATION

Staff recommendations are guided by the following policy considerations and objectives:

- We have learned a lot of things due to innovations adopted during the pandemic. As is proving true in many areas impacted by such innovation, the return to normalcy does not mean returning to exactly the way we did things previously.
- We should be fair and open-minded as it relates to participants who have not completed program requirements by the sunset date (this includes recognizing challenges some may have faced in getting a supervisor and starting in the program, as well as the real challenges that people face in trying to both work and study for the bar exam).
- Public protection is of primary importance.
- Fairness. More than three-quarters of Eligible PLLs who responded to the survey (equaling 40 percent of all Eligible PLLs who did not participate and have not yet been admitted to the bar) indicated that they were not aware of the program.
- Over the past couple of years, there has been increased interest, nationally, in advancing other methods for admission to the bar apart from a traditional bar exam. There is growing openness to the notion that there may be other ways to demonstrate minimum competence than a traditional bar exam.

Taking these policy considerations and objectives into account, staff present the below options for Board consideration. Staff recommends that the Board present this entire set of options to the Supreme Court. Because of the different posture of Original and Expanded Pathway PLLs, staff recommends that the Board request that the Court direct the State Bar to pursue at least

one option that explicitly addresses each program. Attachment D comprises a chart that depicts the recommended global provisions and options described in narrative form below.

Global Provisions Applicable to All Options

To meet the policy objective of ensuring public protection, every one of the recommended options would preclude extending the program to participants who do not have an active, unexpired positive moral character determination on December 31, 2022, who have not received the required score on the MPRE, or who have not satisfied the 10-hour New Attorney Training requirements by the end of the year.⁸ There has been sufficient time allotted to meet these requirements, and it would be contrary to the interests of public protection to allow individuals who have not satisfied these requirements to continue practicing, even under supervision.

Option 1: Extend the Pathway PLP for Remaining Participants and Reopen the Pathway PLP to New Participants

This option would extend the existing program for one year, through December 31, 2023, for currently active participants in the program whose only remaining unmet requirements are completion of the required 300 hours of supervised practice and/or receipt of the evaluation of their supervisor upon completion of those hours. They would also need to have a supervisor currently in place to qualify to continue on in the program.

There are currently 29 Pathway PLLs who have not met the hours or evaluation requirement. There are four more whose only additional unmet requirement is Minimum Continuing Legal Education, a requirement which can be satisfied before the end of the year.

As noted above, 1,154 individuals were eligible for the Pathway Program but did not apply. The vast majority of survey respondents indicated the reason for not applying was that they had not learned about the program before the application deadline. Staff believes that most of those in fact had not learned of the program until they received the survey asking why they did not participate. The failure to email eligible participants directly was in error, and staff strongly believe the program should be reopened to permit these remaining candidates the opportunity to apply. Staff recommend opening the application period to June 30, 2022, and sunseting the program December 31, 2025. This timeframe is recommended in order to afford this second Expanded Pathway cohort a roughly equivalent amount of time to complete program requirements as the current cohort will have if the first part of this option is adopted.

Option 2: Extend the Original PLP for Remaining Participants to Provide More Opportunities to Pass the Bar Exam

This option would extend the Original Program by three years, to December 31, 2025, for those participants whose only outstanding requirement is passage of the California Bar Exam. As with

⁸ Under the current rules, participants who receive a negative moral character determination are suspended from the program pending their appeal of that determination. If they succeed in having the adverse determination reversed, they are allowed back in the program and to become licensed. None of the options below would seek to undo that protection.

option 1, they would need to have a supervisor currently in place to qualify to continue in the program.

There are currently 168 participants in the Original PLP who have not passed the bar exam, 125 of whom have no outstanding requirements other than bar passage.

Studying to take the bar exam while working as a PLL has been difficult for some. Combining bar study with PLL work was one of the top five challenges reported by PLLs in the Original Program, with 41 percent identifying this as a challenge. This option would allow program participants additional opportunities to be able to pass the exam, while continuing to provide value to their supervisors and clients.

Option 3: Extend the Original PLP for Remaining Participants to Allow Development of a Pilot Supervised Practice Pathway to Licensure

This option would extend the Original PLP for the same length of time and under the same conditions as option 2. However, instead of requiring the continuing participants to sit for and to pass a bar exam before the termination of the program, this option would have the State Bar develop for Supreme Court approval a supervised practice pathway to licensure for this small cohort. The program would be developed during the course of the program extension.

The BRC has had several meetings devoted to consideration of a pathway to licensure that does not involve a traditional bar exam; discussing supervised practice, changes in law school curricula, and the development of assessments either as part of or separate from supervised practice. The discussions have been fulsome, the information presented has been interesting and useful, but the BRC is divided. They have not been able to pass a motion to recommend pursuing such a path to licensure, nor have they been successful in passing a motion that would prohibit it.

Staff believe that conducting a pilot project using this cohort would be helpful in allowing the BRC, or a future body, to make a more informed decision based on empirical data about the value of a permanent supervised practice pathway to licensure. Developing a new, untested (in California) model for licensure applicable to thousands of people annually is a daunting task; it is understandable why, without more data, the BRC has been unable to come to consensus. While some may so posit, staff do not believe this option inappropriately wades into territory that is more properly the purview of the BRC. Rather, this option would enable for better thinking on whether to implement a more global program in the future—and if so, how.

In addition, the Legislature has, at least implicitly, expressed interest in the State Bar exploring such options. In adding new Business and Professionals Code section 6034.1 this year, which imposed limitations on the bar's consideration of certain innovative programs, the Legislature expressly stated that "[t]his section does not limit the State Bar's ability to provide limited practice licenses to law students and law graduates under certain conditions, and with the supervision of active State Bar-licensed attorney." The State Bar's exploration of a supervised licensure program would be in alignment with this provision.

Option 4: Extend the Original PLP for Remaining Participants to Allow Development of a Permanent Alternative Licensure Status

This option is the same as option 3, except instead of developing a supervised practice pathway during the period of program extension, the State Bar would, beginning January 1, 2025, develop a plan to segue the remaining Original PLLs into a permanent alternative licensure status. Staff envision that this could take one of two forms:

- A permanent PLL license, under which licensees would be permitted to perform the full scope of services of a fully licensed lawyer, but always under supervision; or
- A limited scope license, under which licensees would be able to perform certain tasks, in defined areas, but without supervision.

The development of this alternative licensure status would be delayed to January 1, 2025, in conformity with Business and Professional Code section 6034.1, which permits the State Bar to reinstate conversations about such limited scope licenses at that time.

Option 5: Extend the Original PLP for Remaining Participants and Allow Participants to Take the One-Day Attorneys' Exam Instead of the Full Two-Day Bar Exam

This option would extend the Original PLP for three years, through December 31, 2025, and allow continuing participants to demonstrate minimum competence by passing the one-day Attorneys' Exam in lieu of the full two-day bar exam. Today, attorneys licensed in other U.S. jurisdictions, who have been active licensees in good standing for at least four years immediately preceding the California bar examination they are sitting for, may elect to take the Attorneys' Examination rather than the general bar examination. (See Business and Professions Code section 6062.)⁹ In short, these attorneys need only to take the essays and performance test but are not required to sit for the 200-question multiple choice, Multistate Bar Exam.

This option would recognize the value of the work performed as a PLL in the same manner that having practiced for at least four years in another jurisdiction is ascribed value. To ensure fairness and protection of the public, staff recommend that the Supreme Court establish a minimum number of hours that must be worked as a PLL before this option is made available. This condition is necessary because, even though the program has been in existence for two years, we have only limited anecdotal information about how many hours Original PLLs have actually worked in a PLL capacity. Staff recommend, however, that time worked as a PLL before December 31, 2022, is allowed to be considered along with hours worked subsequent to that date, both with verification from the supervisor.

Options Not Recommended

Staff considered but do not recommend the following options, as they do not further the policy objectives and considerations discussed above:

⁹ The requirement is simply that they be licensed and have been in active status for at least the four years immediately preceding the exam. There is no requirement that they have performed a minimum amount of hours of legal practice prior to being eligible to sit for the Attorneys' Exam.

- Permit the Original PLP to sunset.
- Reopen the Pathway PLP for those who did not previously apply; sunset the program as to the remaining participants.
- Terminate and do not reopen the Pathway PLP.

Committee of Bar Examiners Input

Because there was not sufficient time to seek the input of the CBE as a whole prior to this meeting of the Board of Trustees, staff sought members' individual opinions about what they would recommend to the Board. Five of the 19 members of the committee responded.¹⁰

- 1 recommended creating a permanent licensure status for PLLs that does not require passage of a bar exam.
- 2 recommended sunseting both programs at the end of this calendar year as currently set forth in the California Rules of Court.
- 1 recommended sunseting the Original PLP but extending the Pathway PLP for current participants and reopening the program for those who did not previously apply due to lack of notice.
- 1 recommended sunseting the Original PLP and the sunseting the Pathway PLP for those who haven't met all the requirements but re-opening the Pathway for those who did not receive notice and therefore did not apply for the program.

Arguments made by these committee members in support of termination of the Original PLP include the fact that the purpose of the program was to provide relief to those graduating during the height of the pandemic. The feeling is that conditions leading to the creation of the program have passed, and the bar exam has returned to an in-person event. There was also an issue of fairness raised—vis-à-vis 2021 and 2022 law graduates who were afforded no similar ability to practice as PLL. Three of the five respondents also referred to or alluded in their responses to the work the BRC has been undertaking, suggesting that a Board recommendation to create a permanent pathway would not be appropriate at this time, due to both purview and complexity reasons.

FISCAL/PERSONNEL IMPACT

When the State Bar launched the PLP, admitting nearly 1,600 individuals to the two programs, workload was absorbed by existing staff in the Office of Admissions. Reopening or extending the programs would have the following impacts:

Option 1: Reopening the Pathway PLP to as many as 1,154 applicants will require application processing. In addition, data suggests that very few of these applicants have a current positive moral character determination. Moral character receives and processes 7,000 to 7,500 cases per year. The cost of processing moral character applications exceeds the revenue received for this purpose. The cost of applying for the PLP is \$55, or \$50 if the PLP work will be performed with an Interest on Lawyers' Trust Account-funded program. This revenue is not sufficient to

¹⁰ Two members were just named to the committee in the weeks before their input was solicited. They likely did not feel they were in a position to respond.

cover the costs of processing each participant, which includes not only the review of the application but also the review of hours reported and supervisor evaluations. Adding up to 1,154 new moral character applications without additional staff will impact staff's ability to process all applications timely, though the exact number of Eligible PLLs who will apply to participate in the program, as well as the timing of submission of their corresponding moral character applications, is unknown.

The costs and workload associated with extending the current program for the roughly 30 participants who meet the criteria would be minor and absorbable.

Option 2: Continuing this program for the approximately 130 remaining applicants eligible under this option would have minor and absorbable costs. Over the course of the three-year period of the extension, it would be expected that as many as two-thirds of the applicants could change supervisors, requiring staff to process new supervisor declarations and confirm eligibility.

Option 3: The costs of developing and launching a pilot supervised practice program envisioned by this option are unknown at this time and would vary depending on the level of oversight built into the new licensure status, as well as the revenue to be generated from new licensing fees. The fiscal and personnel implications of this approach would be taken into consideration in developing a specific program design if and when the Court directs the State Bar to do so. The fact that this program would be capped at roughly 130 people will assist in keeping the costs under control.

Option 4: The costs of developing and launching a plan to segue the remaining Original PLLs into a permanent alternative licensure status are unknown at this time and would vary depending on the level of oversight built into the new licensure status, as well as the revenue generated from new licensing fees. The fiscal and personnel implications of this approach would be taken into consideration in developing a specific program design if and when the Court directs the State Bar to do so. The fact that this program would be capped at roughly 130 people will assist in keeping the costs under control.

Option 5: The costs of extending the program for approximately 130 participants and permitting them to take the Attorneys' Exam instead of the general bar exam would be minimal.

AMENDMENTS TO RULES OF PRACTICE OF THE STATE BAR COURT

Title 9, Division 4, Rules 9.49 and 9.49.1

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

Goal 2. Protect the Public by Enhancing Access to and Inclusion in the Legal System

- a. 1. Increase the number of attorneys admitted through special admissions programs.

RECOMMENDATIONS

Should the Board of Trustees concur in the proposed action, passage of the following resolution is recommended:

RESOLVED, that the Board of Trustees directs staff to transmit to the Supreme Court for its consideration options 1 to 5 as discussed in this agenda item and set forth in Attachment D, with the recommendation that the Court adopt option 1 and one of the options set forth as options 2 through 5; and it is

FURTHER RESOLVED, the Board of Trustees directs staff to assist the Court by preparing draft language for each of the options transmitted.

ATTACHMENTS LIST

- A.** Letter from Leah T. Wilson to the Justices of the California Supreme Court, May 24, 2022
- B.** Letter from Supreme Court to Alan K. Steinbrecher, July 16, 2020
- C.** 2022 Provisional Licensure Program Survey: Preliminary Findings
- D.** Provisional Licensure Program: Options for Continuation



The State Bar of California

OFFICE OF THE EXECUTIVE DIRECTOR

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SENT VIA EMAIL

May 24, 2022

Honorable Chief Justice Tani Cantil-Sakauye
Honorable Associate Justices
California Supreme Court
350 McAllister Street
San Francisco, CA 94102

RE: Request for Extension of Provisional Licensure Programs under Rules 9.49 and 9.49.1 of the California Rules of Court

Dear Chief Justice Cantil-Sakauye and Associate Justices:

I want to begin by thanking the Court for its leadership in creating the Provisional Licensure Program (PLP) in 2020. The Court's recognition of the circumstances faced by 2020 graduates and the direction to provide an opportunity for them to practice law while they struggled with many challenges in the early part of the pandemic provided an unprecedented opportunity for this initial PLP cohort. For ease of reference, this cohort will be described as 2020 graduate Provisionally Licensed Lawyers (PLL), and the program created under rule 9.49 as the 2020 graduate PLP. The Court's subsequent recognition of the importance of expanding the program to include those who scored between 1390 and 1439 on a California Bar Examination administered within the prior five years increased the reach and scope of the PLP. The cohort who participated in this expanded pathway PLP will be described as expanded pathway PLLs.

As of May 18, 2022, of the 915 individuals in the 2020 graduate PLP, 619, or 68 percent, have been admitted to the State Bar. Of the 671 individuals in the expanded pathway PLP, 458, or 68 percent, have been admitted. With two-thirds of participants admitted to the State Bar prior to the program's June 1 sunset, it is safe to say that for many the PLP has been a success.

However, in recent weeks the State Bar has heard from 2020 graduate PLLs and expanded pathway PLLs who have not yet satisfied the relevant requirements for licensure. We have also received compelling correspondence about the value of the PLP for participants, clients, and employer organizations. In response to this feedback the State Bar conducted a thorough review of the circumstances of the PLLs who will not qualify for admission as of June 1; the causes are myriad and include failure to pass the bar exam or the Multistate Professional

Responsibility Examination (MPRE), delays in the moral character determination process, and lack of sufficient supervised practice hours.¹ Based on this review and in light of requests received from both PLLs and their employers, the State Bar is requesting that the Supreme Court extend until December 31, 2022, both the 2020 graduate and expanded pathway PLPs. This proposed expansion would provide participants with the opportunity to satisfy all outstanding licensure criteria, including, for the 2020 graduate PLP, passage of the bar exam.

In the event that the Court considers this proposed expansion overbroad, an additional, more limited, expansion option is also provided; under this option both the 2020 graduate PLP and the expanded pathway PLP would be extended until September 30, 2022. This more narrow approach would provide continuity for those currently active PLLs who have not satisfied all other program requirements, but have not yet achieved the required score on the Multistate Professional Responsibility Examination (MPRE) or are still awaiting initial action by State Bar staff on their Application for Determination of Moral Character or Application for Extension of Determination of Moral Character.

Each option is described more fully below.

THE 2020 GRADUATE PROVISIONAL LICENSURE PROGRAM, RULE 9.49 OF THE CALIFORNIA RULES OF COURT

Option 1: Requested Extension to December 31, 2022

As of May 18, 2022, there were 217 active 2020 graduate PLLs² who had not yet met one or more of the following requirements for admission to the State Bar:

- Passing the MPRE
- Receiving an initial moral character determination from State Bar staff or a decision on a request for extension of a positive moral character determination
- Passing the California Bar Exam

Correspondence and testimony received from 2020 graduate PLLs who have not satisfied all requirements necessary for licensure have included examples of the ways in which limited license practice is occurring in many different settings and benefitting a wide array of clients. Legal services organizations in particular have voiced strong support for a continuation of the

¹ There are also a number of PLLs who have not completed the required 10 Hour New Attorney Training and remain active in the PLPs because the one-year deadline for completion has not passed. This requirement is not highlighted in this letter because for most PLLs, this is not the lone requirement not yet completed, and for 2020 graduate PLLs, as long as the time for completion does not pass before they become fully licensed, failure to meet this requirement does not stand in the way of licensure.

² There were 10 active 2020 graduate PLLs as of May 18, 2022, who met all of the requirements. We expect that they are in the process of getting sworn into the State Bar, at which time they will no longer be able to be active in the 2020 graduate PLP.

PLP, reinforcing the message that PLL services are valuable to both under-resourced providers and the clients they serve.³

There are 209 active 2020 graduate PLLs who have not yet passed the bar exam. A small number (28) did not sit for any of the four exams administered since the start of the pandemic (October 2020, February 2021, July 2021, or February 2022); the rest sat for at least 1, and as many as 4 exams. Many of these 209 PLLs have been working full-time as a PLL, working part-time as a PLL and part-time in another capacity to meet financial obligations, or even working full-time as a PLL and part-time in another capacity. Whatever the specific circumstance, full-time work (or full-time *plus* work) has likely significantly impacted these PLLs' ability to devote the necessary attention to bar exam study. We have also heard from some 2020 graduate PLLs who did not sit for the February bar exam because it was administered in person and they were uncomfortable about the risk of exposure to COVID-19, either for themselves or immunocompromised family members.

In addition to the significant number of 2020 graduate PLLs who have not satisfied the bar passage requirement, there are 16 2020 graduate PLLs who will not receive an initial moral character determination from State Bar staff, or a decision on a request for extension of a positive moral character determination, prior to the June 1 deadline. Processing delays on the part of both impacted 2020 graduate PLLs and the State Bar are responsible for this circumstance.

An extension of the program to December 31, 2022, would provide 2020 graduate PLLs one additional opportunity to sit for and pass the bar exam (July 2022), up to two additional opportunities to achieve a passing score on the MPRE, and sufficient time for the initial moral character determination process to occur. In light of the totality of factors that have resulted in over 200 2020 graduate PLLs not satisfying the requirements for licensure, the State Bar believes that such an extension is appropriate and would not create a risk to public protection. Therefore, we respectfully request that the Court amend rule 9.49 to implement this option.

Option 2: Limited Extension to September 30, 2022, to Receive Initial Moral Character Determination or Pass the MPRE

If the Court does not agree to an extension of the program of this duration or scope, the State Bar requests that the Court consider extending the program through September 30, 2022, to enable currently active 2020 graduate PLLs who have met all other program and admission requirements as of June 1, 2022, to continue to practice while awaiting the initial staff

³ Many participants and employer organizations have advocated for a permanent nonexam pathway to licensure for the 2020 graduate PLL population. If an extension of the PLP is granted, the State Bar will survey PLP participants and employers to understand more about these cohorts. An evaluation of survey responses will provide valuable insight to the State Bar and the Court as we examine the future of these programs, the paraprofessional program proposal likely to be submitted to the Court by the State Bar later this year, and the nonexam pathway currently under consideration by the Blue Ribbon Commission on the Future of the California Bar Examination.

determination on their Application to Determine Moral Character or Application for Extension of Determination of Moral Character and/or to pass the MPRE. As of May 18, 2022, there were 16 active 2020 graduate PLLs who are awaiting a determination on their moral character application, and 50 active 2020 graduate PLLs who have yet to pass the MPRE (with some overlap between the two groups). The MPRE will next be administered in August, and results are anticipated to be released to the State Bar by the end of September. The State Bar heard from a number of PLLs over the course of the program who were concerned that while the bar exam was administered remotely up until the February 2022 exam, the MPRE was only administered in person. For some, health considerations for themselves and their loved ones stood in the way of their taking the MPRE before March 2022. This abbreviated extension will give eligible 2020 graduate PLLs one more opportunity to sit for the MPRE. Additionally, the State Bar believes that with each applicant's cooperation, we will be able to issue the initial staff determination of moral character by September 30.

THE EXPANDED PROVISIONAL LICENSURE PROGRAM WITH A PATHWAY TO LICENSURE

Option 1: Requested Extension to December 31, 2022

There are currently 129⁴ active expanded pathway PLLs who have not met one or more of the following program requirements and are therefore not eligible for admission to the State Bar:

- Passing the MPRE
- Receiving an initial moral character determination from State Bar staff or a decision on a request for extension of a positive moral character determination
- Completing at least 300 hours with a positive supervisor evaluation

Additionally, there are a small number of expanded pathway PLLs who have met the hours requirement and all other requirements for admission, but are awaiting supervisor evaluation. Although the State Bar anticipates being able to issue the initial moral character determination for all active expanded pathway PLLs prior to the June 1 deadline, an extension of the program paralleling the approach for the 2020 graduate PLP will prevent unnecessary disruption for the expanded pathway PLLs, their employers, and the public, and minimize confusion about the rules being applied to the two distinct (yet similar) provisionally licensed populations.

Option 2: Limited Extension to September 30, 2022, to Receive Initial Moral Character Determination or Pass the MPRE

As of May 18, 2022, there were 27 active expanded pathway PLLs who had not received either an initial moral character determination or action on their request for extension of their moral character application; of these 27 expanded pathway PLLs, 3 had not yet achieved a passing score on the MPRE. There are an additional 15 expanded pathway PLLs who have received a

⁴ There were 56 active PLLs as of May 18, 2022, who have satisfied all program requirements. It is assumed that they are in the process of getting sworn in to the State Bar, and are maintaining the PLL status so as to be able to continue work pending the swearing in.

positive moral character determination but have not yet reported a passing score on the MPRE. As noted above, the State Bar anticipates that August MPRE scores will be released by September 30. An extension to September 30, 2022, will therefore allow the State Bar to complete the initial or extension moral character determination for qualifying expanded pathway PLLs and will provide them with an additional opportunity to pass the MPRE.

CONCLUSION

Based on the foregoing, the State Bar respectfully requests that the Supreme Court amend rules 9.49 and 9.49.1 of the California Rules of Court to extend the Provisional Licensure Programs, both the original program and the expanded pathway program, to December 31, 2022, for all currently active PLLs. The State Bar believes this extension is appropriate and would not pose a significant risk to public protection. If the Court does not agree that an extension of this duration and scope is warranted, the State Bar requests that both programs be extended until September 30, 2022, for currently active PLLs who have met all program and admission requirements, with the exception of having an active positive moral character determination, having received a passing score on the MPRE, or both. This limited extension will allow qualifying PLLs to keep practicing for their current employers while these two final licensing requirements are resolved in one fashion or another.

Thank you for your consideration of this request. Please let me know if I can provide additional information to the Supreme Court to facilitate deliberation or answer any questions the Court may have.

Sincerely,

A handwritten signature in dark ink, appearing to read "Leah T. Wilson", with a stylized flourish at the end.

Leah T. Wilson
Executive Director

cc: Ruben Duran, Chair, State Bar Board of Trustees
Brandon Stallings, Vice-Chair, State Bar Board of Trustees
Hailyn Chen, Member, Board of Trustees, Former Chair of the Provisional Licensure Program Working Group



Supreme Court of California

JORGE E. NAVARRETE
CLERK AND EXECUTIVE OFFICER
OF THE SUPREME COURT

EARL WARREN BUILDING
350 McALLISTER STREET
SAN FRANCISCO, CA 94102
(415) 865-7000

July 16, 2020

SENT VIA USPS AND EMAIL

Alan K. Steinbrecher, Chair
State Bar of California, Board of Trustees
180 Howard Street
San Francisco, CA 94105
asteinbrecher@steinbrecherspan.com

RE: California Bar Exam

Dear Mr. Steinbrecher,

The changing circumstances surrounding the ongoing COVID-19 pandemic in California, and throughout the country, have had an unprecedented impact on professional licensure testing for graduates seeking admission to many professions, including not only law, but medicine, nursing, architecture, and engineering. The court understands that many law school graduates are being substantially affected by the resulting disruption. Some graduates have lost job offers. Many are about to lose health insurance, cannot find a job to pay bills, or are in fear of deportation if they cannot enter the bar in time to retain job offers. Many more have student loan payments that become due in mid-November, but without a law license and the ability to work, they fear going into default.

With these considerations in mind, the court has sought the safest, most humane and practical options for licensing law graduates by encouraging and working with the State Bar to pursue the option of administering the California Bar Examination online as a remote test, to avoid the need for, and dangers posed by, mass in-person testing. The court also directed the State Bar to engage in focused conversations with the National Conference of Bar Examiners (NCBE) to address the ability to administer an online version of the multiple-choice Multistate Bar Examination.

Our sister states also struggle with similar issues. Many have recently canceled in-person testing plans and have increasingly turned to online solutions. Although a few less populous states have been able to accommodate a diploma privilege that grants entry for all of the graduates of their states' constituent American Bar Association (ABA)-accredited law schools, the law schools in California, unlike in other states, represent a diverse array of ABA-accredited, California-accredited, and California-registered schools. If California were to adopt diploma-privilege criteria used by other states, graduates of nearly four dozen California law schools would not meet those criteria and would be excluded.

With these considerations in mind, the court seeks a path that ensures the fair and equal treatment of all graduates, regardless of law school accreditation status, while also ensuring that protections remain in place for consumers of legal services.

After considering all letters, comments, the actions of other states, discussions with the NCBE, consultations with the informal state bar workgroup on the status of the bar exam, and having given careful thought to the expressed needs of bar applicants, the court directs the State Bar as follows:

The September 9-10 administration is cancelled. Joining at least 15 other jurisdictions that have, to date, taken similar measures, the State Bar is directed to make the necessary arrangements for the online remote administration of the bar examination on October 5-6, 2020, and extend registration for this exam through July 24, 2020. The State Bar has worked diligently on measures for the successful deployment of the exam online. Based on that work and current information, the court has determined that an online exam can be administered and delivered without the need for an examinee to have a high-speed or constant internet connection. The court asks that the State Bar clearly explain the necessary system requirements and other details concerning the circumstances of an online exam in a “Frequently Asked Questions” guide.

The court strongly encourages law schools to assist those graduates who lack internet access at home, or who have home environments not amenable to two days of uninterrupted examination, by employing the same and similar measures, including the use of school facilities and equipment, that schools have utilized to allow students to complete the Spring 2020 semester.

In consideration of the fact that California is one of two states with the highest pass score for its minimum competency exam, and based on findings from recently completed bar examination studies as well as data from ongoing studies, the court directs the State Bar to modify the pass score for the California Bar Examination to allow for a minimum passing score of 1390, which is approximately two standard errors below the median recommended cut score of 1439 from the 2017 Standard Setting Study. This modified minimum passing score is effective for the administration of the bar examination on October 5-6, 2020, and will be applied prospectively to future administrations of the California Bar Examination (irrespective of whether the exam is administered online in the future). The court will consider any further changes pending recommendations offered by the forthcoming Blue-Ribbon Commission on the Future of the California Bar Examination.

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. Moreover, the court recognizes 2020 graduates may not be in a position to study and prepare for a fall bar 2020 examination. Therefore, in order to mitigate these hardships faced by graduates while fulfilling the responsibility to protect the public by ensuring that persons engaged in the practice of law are minimally competent to do so, the court directs the State Bar to implement, as soon as possible, a temporary supervised provisional licensure program — a limited license to practice specified areas of law under the supervision of a licensed attorney.

This program will be made available for all 2020 graduates of law schools based in California or those 2020 graduates of law schools outside California who are permitted to sit for the California Bar Examination under Business and Professions Code sections 6060 and 6061. More information will be forthcoming regarding this program, and the State Bar will issue a

July 16, 2020

3

“Frequently Asked Questions” guide concerning the details. At a minimum, this provisional licensure program shall remain in effect until at least June 1, 2022 to permit 2020 graduates maximum flexibility. This timeframe will afford the 2020 graduates several opportunities to take the exam of their choosing through February 2022 and await the exam results. In addition, in order to expedite relief and pursuant to the court’s inherent authority over the admission of attorneys into the practice of law, the State Bar should afford a public comment period of at least 15 days for any proposed supervised provisional licensure program rules. (*In re Attorney Discipline System* (1998) 19 Cal.4th 582; Cal. Rules of Court, Rule 9.3.)

With the exception of postponing the October 2020 First-Year Law Students’ Examination to November 2020 or any amendments to the rules governing the number of times an examinee can sit for that exam, this letter supersedes the court’s prior April 27, 2020 letter.

Sincerely,

A handwritten signature in blue ink, appearing to read "JORGE E. NAVARRETE", with a stylized, looped design.

JORGE E. NAVARRETE
Clerk and
Executive Officer of the Supreme Court

cc: Donna Hershkowitz



The State Bar *of California*

2022 Provisional Licensure Program (PLP) Survey: Preliminary Findings

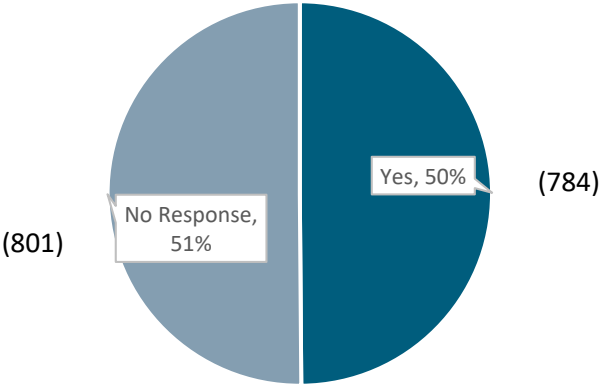
Mission Accountability & Advancement Division

November 2022

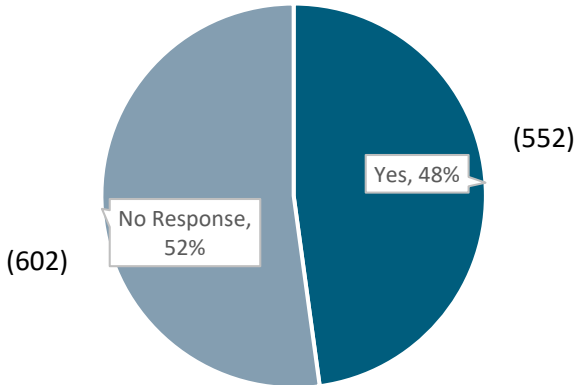
2022 PLP Survey Response Rates

- Three separate surveys were administered to PLL participants (Original and Pathway), their supervisors, and State Bar applicants that were eligible for the Pathway program.
- Response rate ranged between 34 percent to 50 percent.
- The respondents are representative of the pool of participants surveyed for PLP participants, supervisors, and Expanded PLP (Pathway).

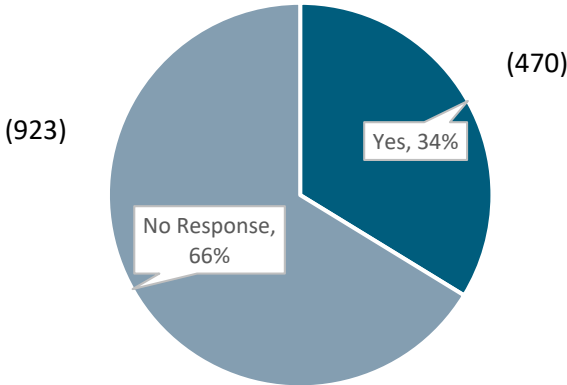
PLL Participants



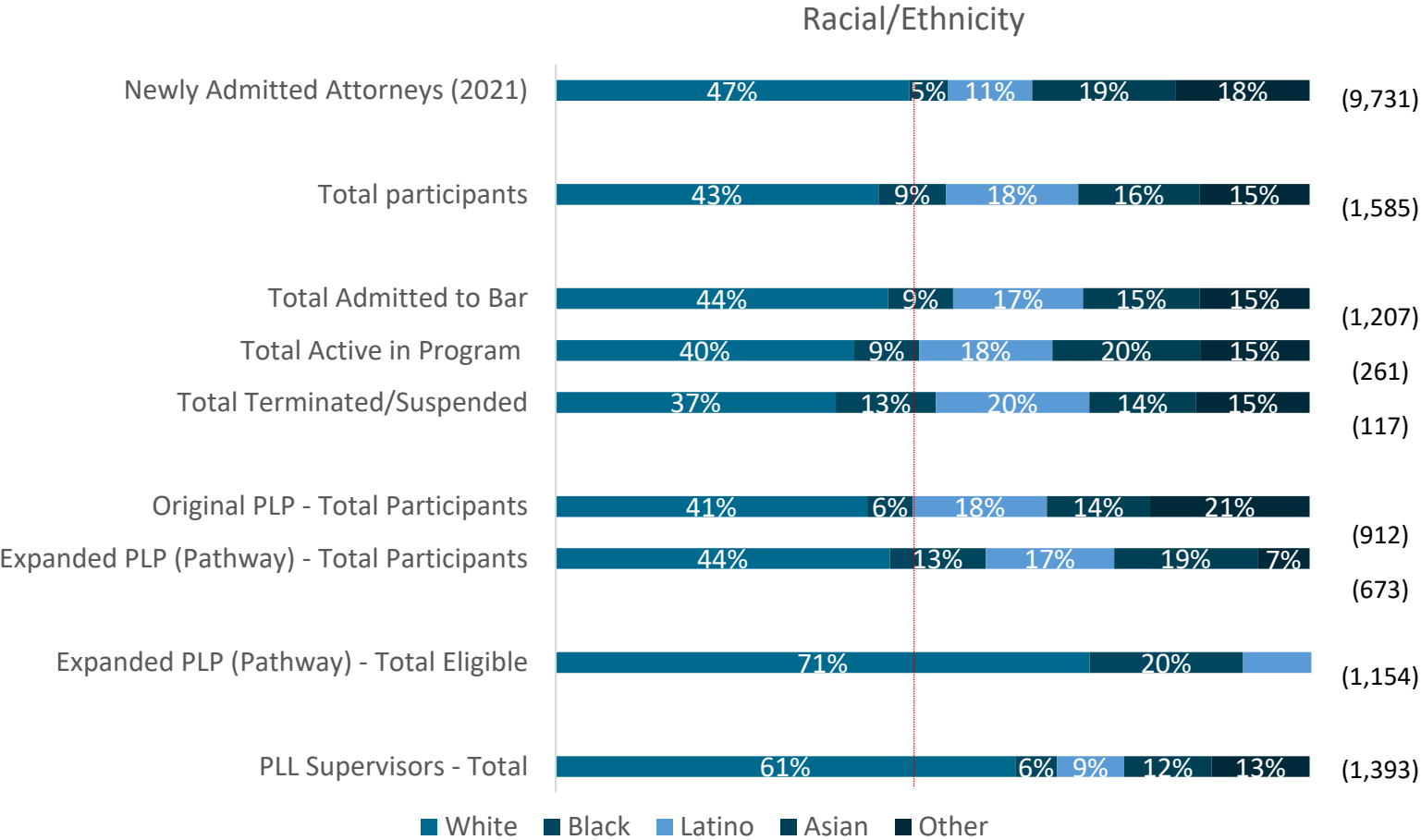
Pathway Eligible (Non-participants)



PLL Supervisors



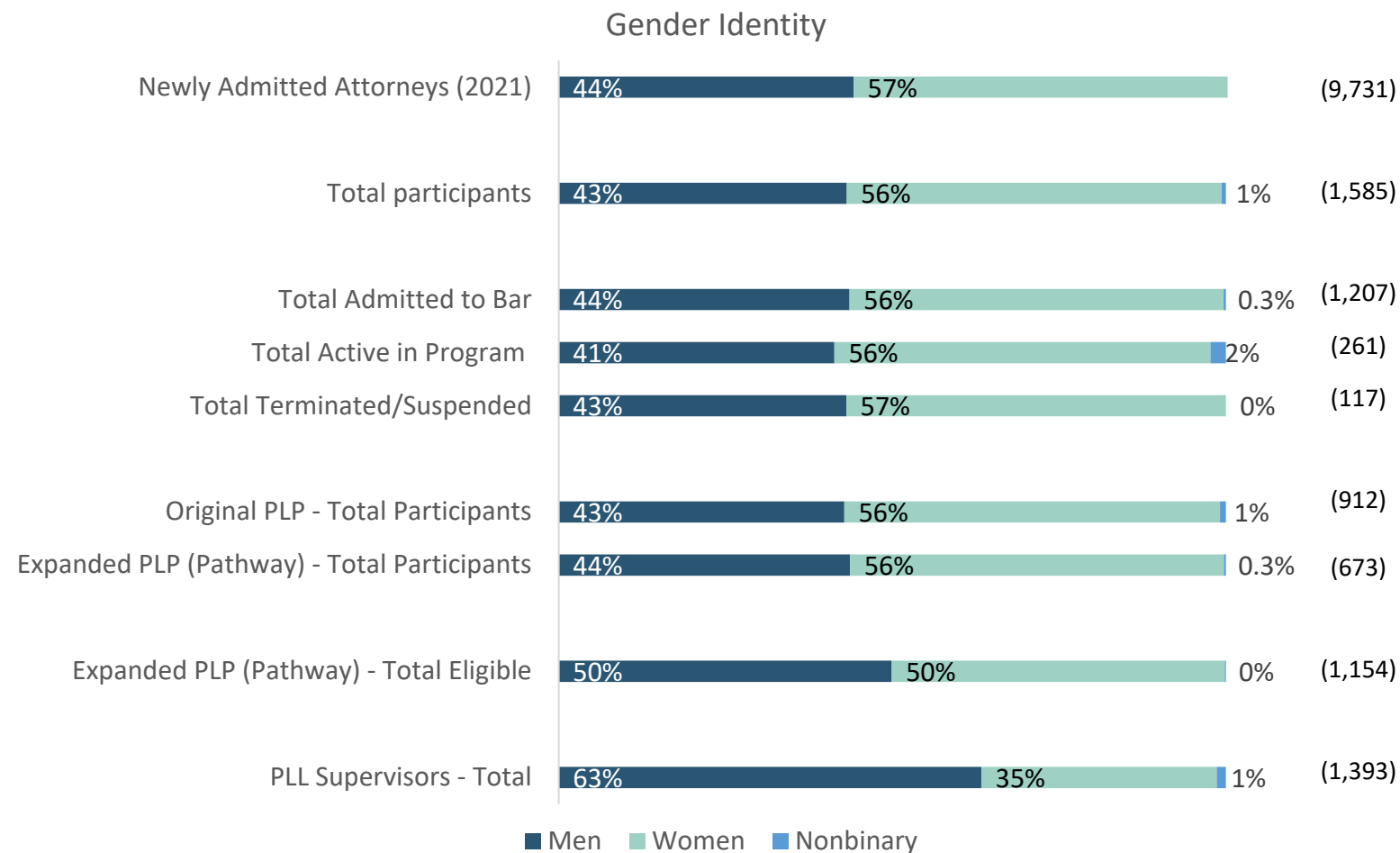
PLP: Race/Ethnicity



- PLL participants are more diverse than newly admitted attorneys and PLL supervisors.



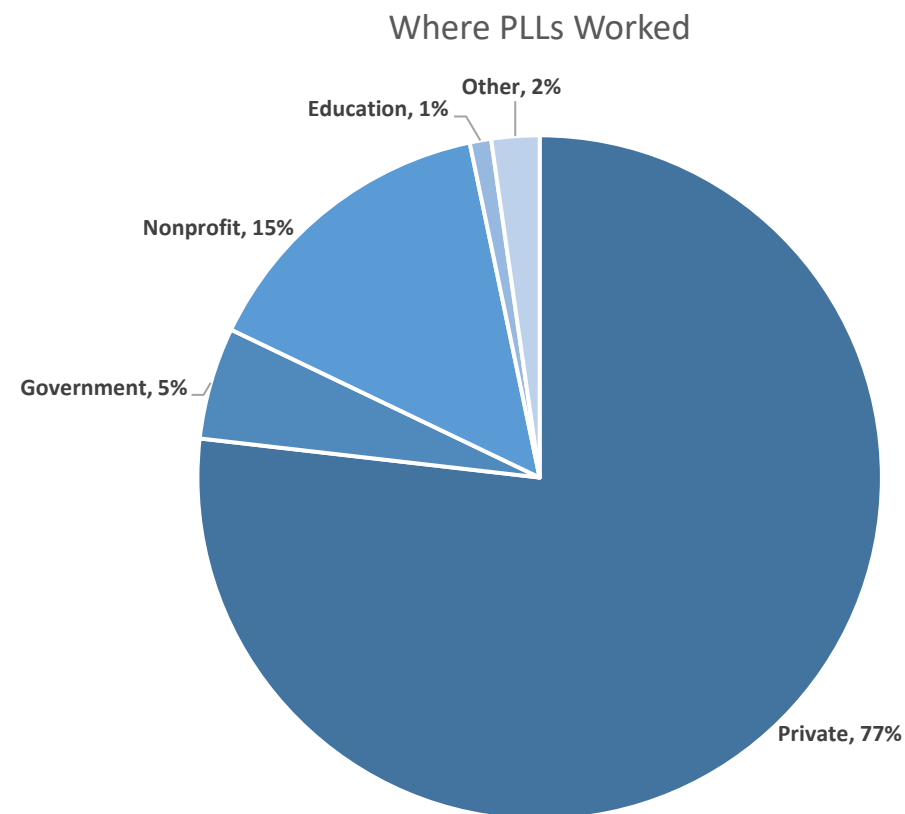
PLP: Gender Identity



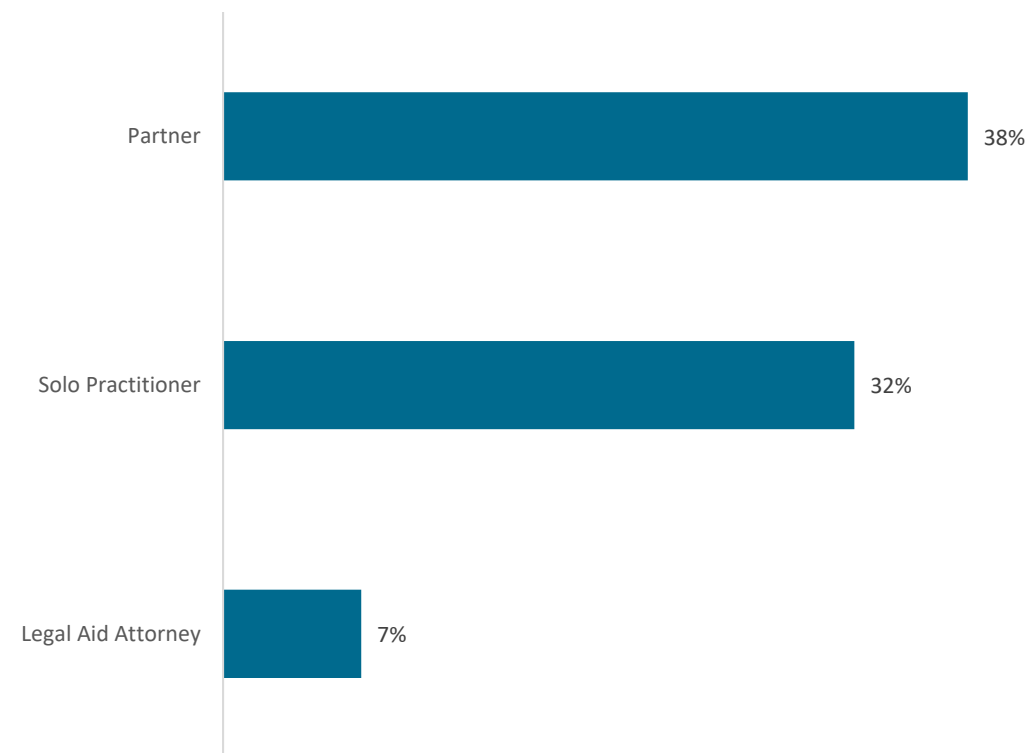
- The share of women among PLL participants is comparable to newly admitted attorneys. However, there were fewer women among applicants eligible for the Expanded PLP (Pathway) program and PLL supervisors.



Workplace Settings

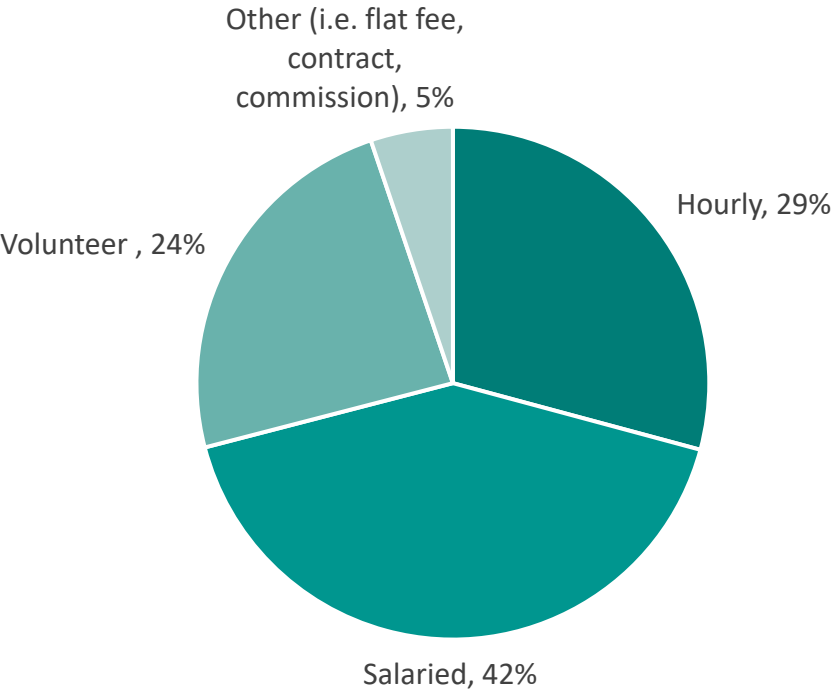


Top Three Occupations of PLL Supervisors

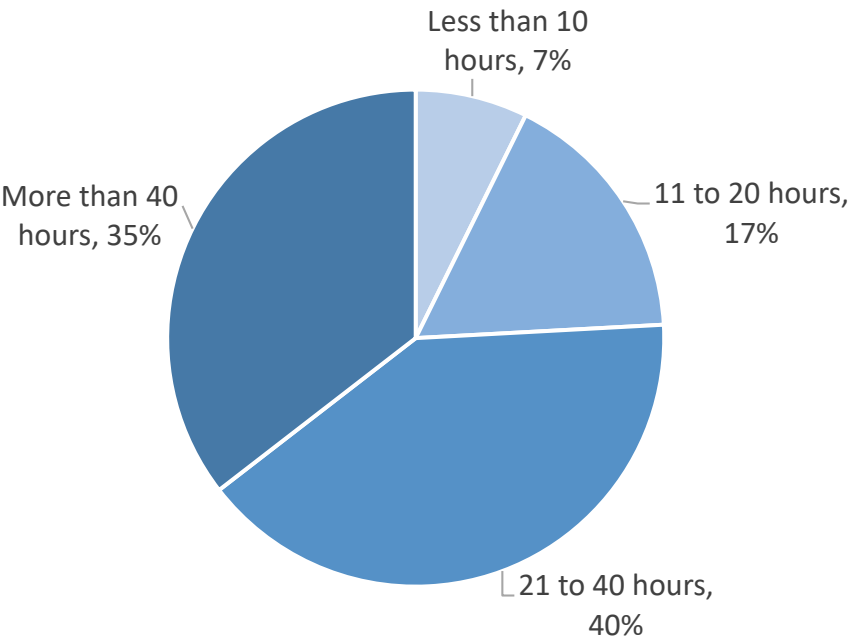


Compensation Type

PLL Compensation Type

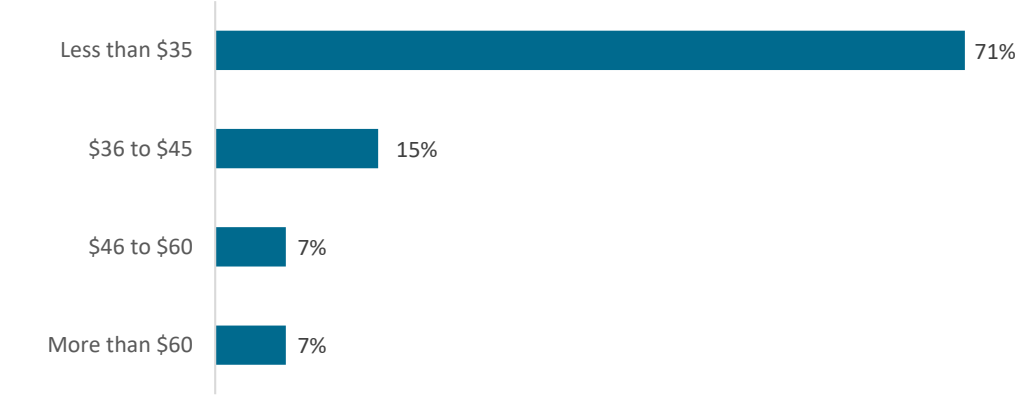


Average Hours PLL Worked Per Week

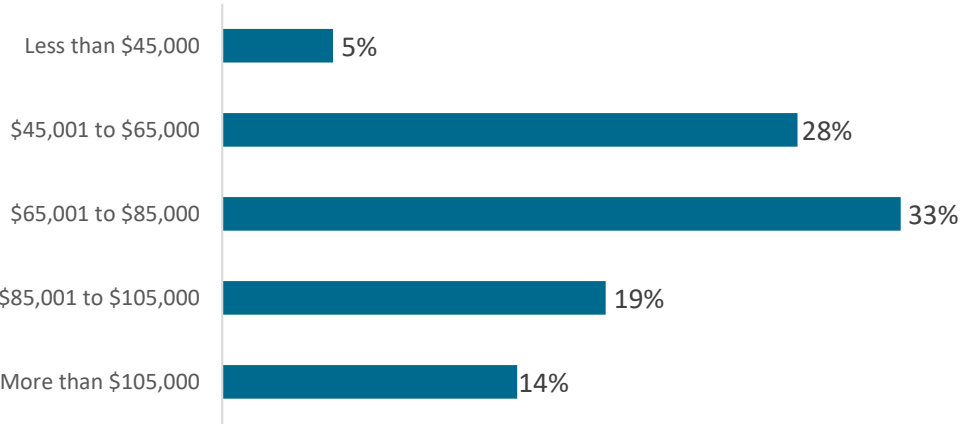


Compensation

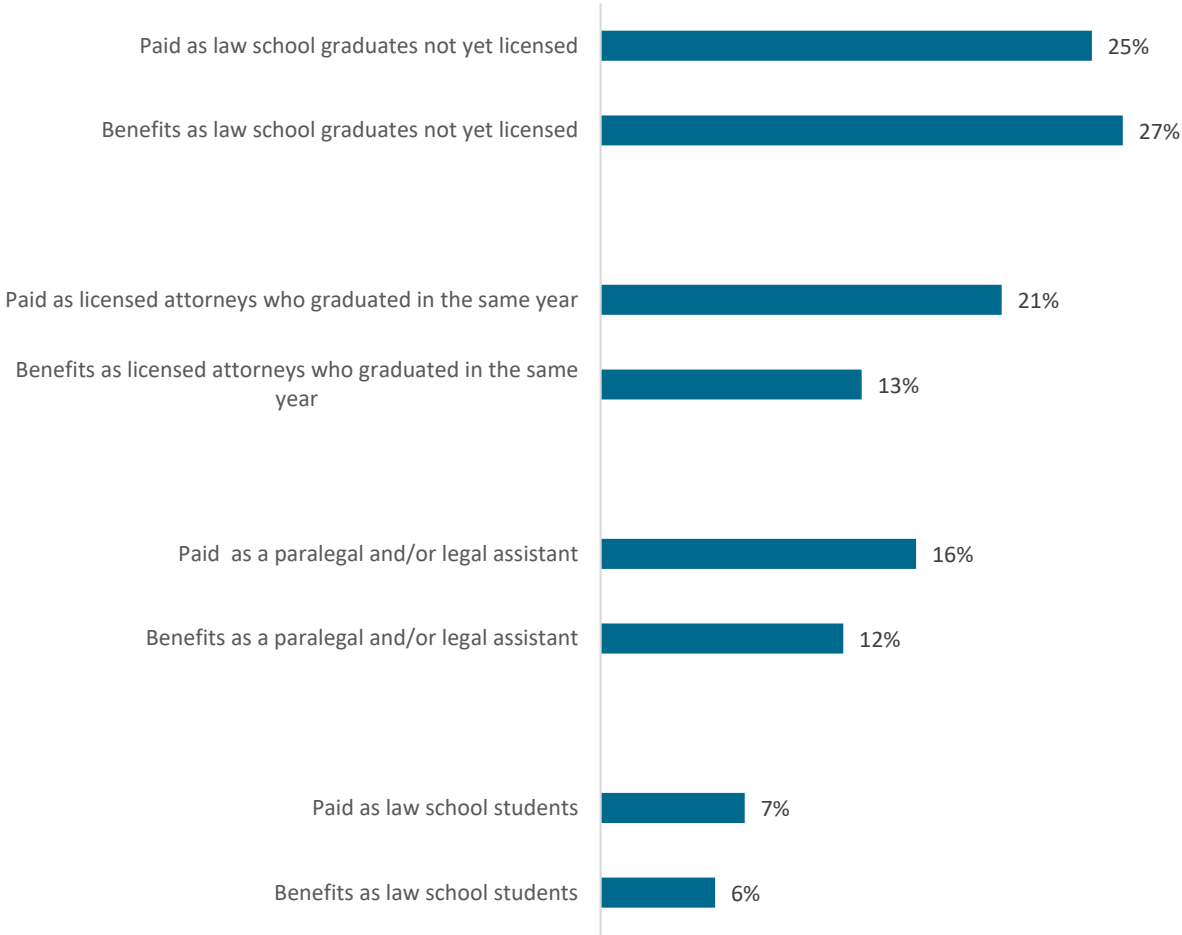
PLL Reported Compensation: Hourly



PLL Reported Compensation: Salaried

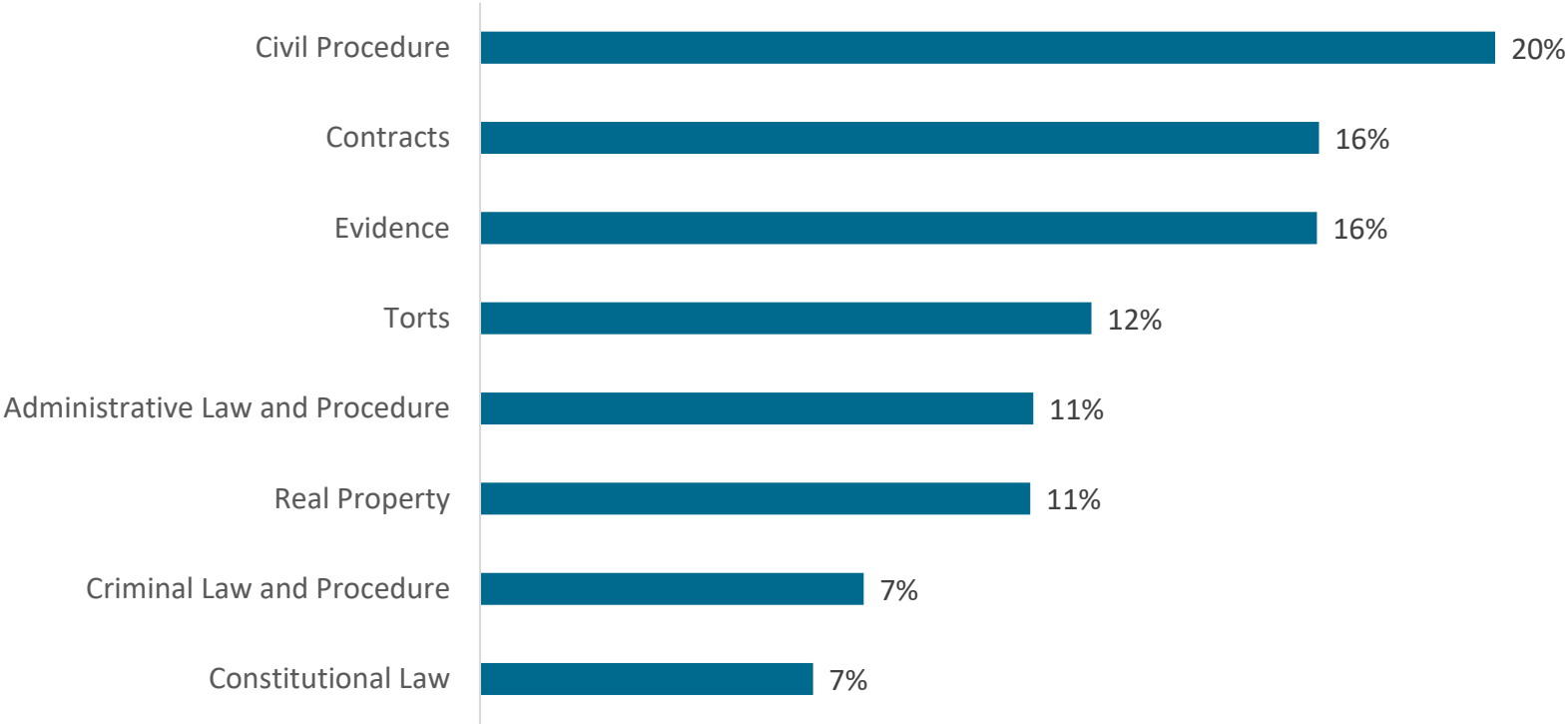


Comparison of PLL Compensation (reported by PLL Supervisors)



Knowledge and Skills

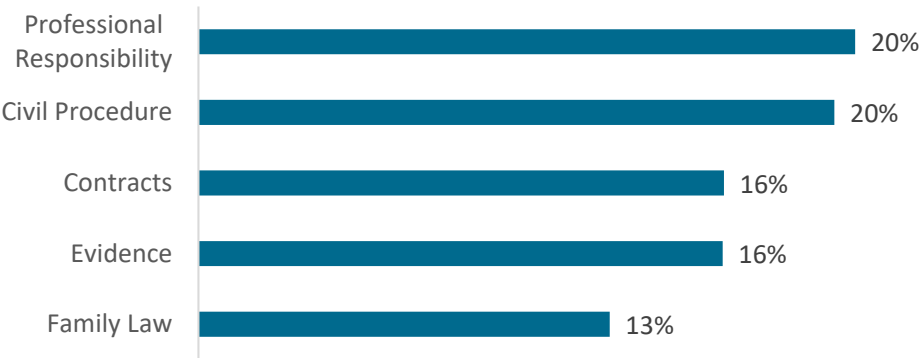
8 Core Competencies PLLs Drew Upon



*Average of PLL and supervisor responses

Knowledge and Skills

Top Five Subject Areas PLLs Utilized



Skills PLL Utilized



*Average of PLL and supervisor responses

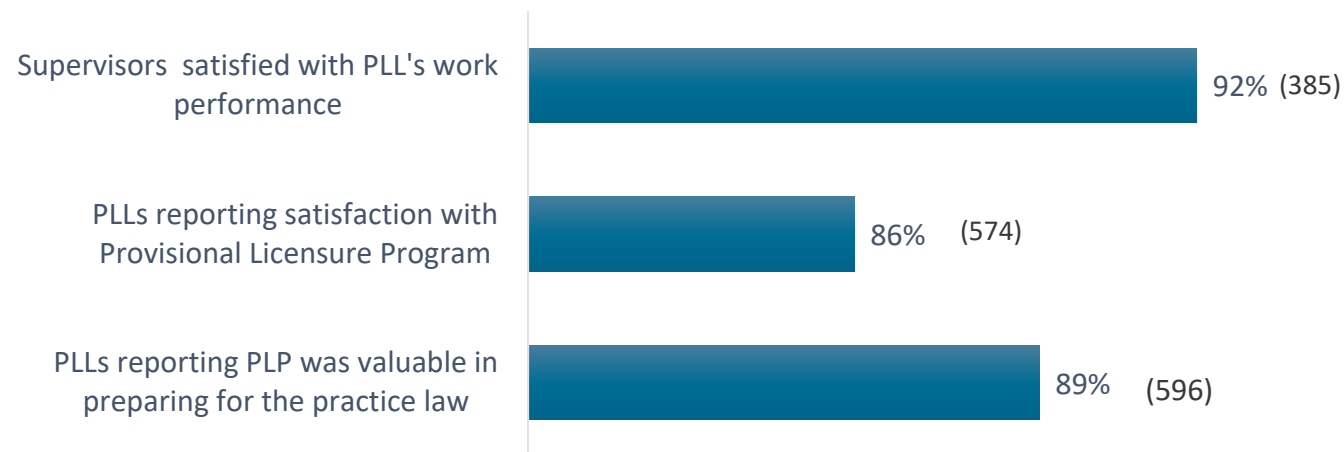
Legal Aid PLLs Work Included:

- Advocacy for children with disabilities
- Civil Rights
- Criminal
- COVID 19 Disaster Relief
- Domestic violence/Sexual Assault
- Emergency Rental Assistance, Eviction Defense, and Homelessness prevention work
- Human Trafficking
- Immigration services
- Non-litigation civil legal matters
- Occupational Safety, workers compensation, unemployment insurance
- Veteran benefits and support



Satisfaction Levels Reported by PLP Participants and Supervisors

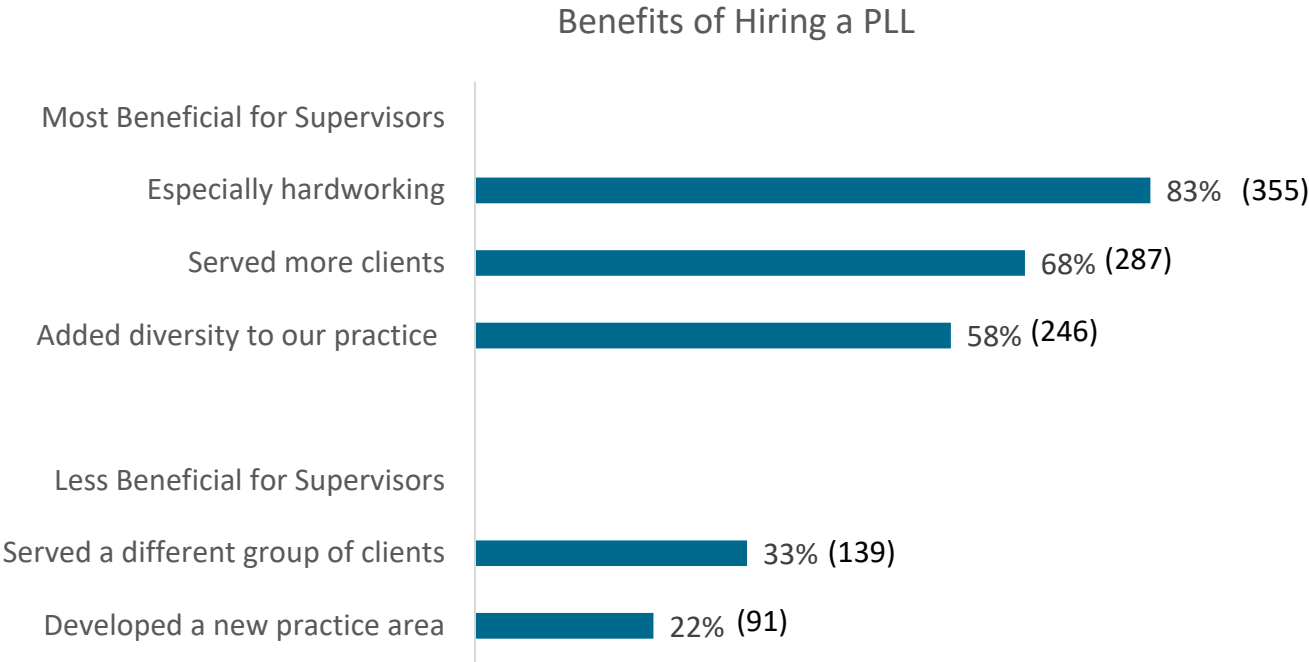
Satisfaction with the Provisional Licensure Program



- There was no differences in satisfaction rates by race/ethnicity or gender identity.
- Similarly, the percentage of PLP participants reporting the program to valuable preparing for the practice of law did not vary by race/ethnicity, or gender identity.



Benefits of PLP Reported by PLL Supervisors



Benefits of PLP Reported by PLL

Benefits of Working as a PLL

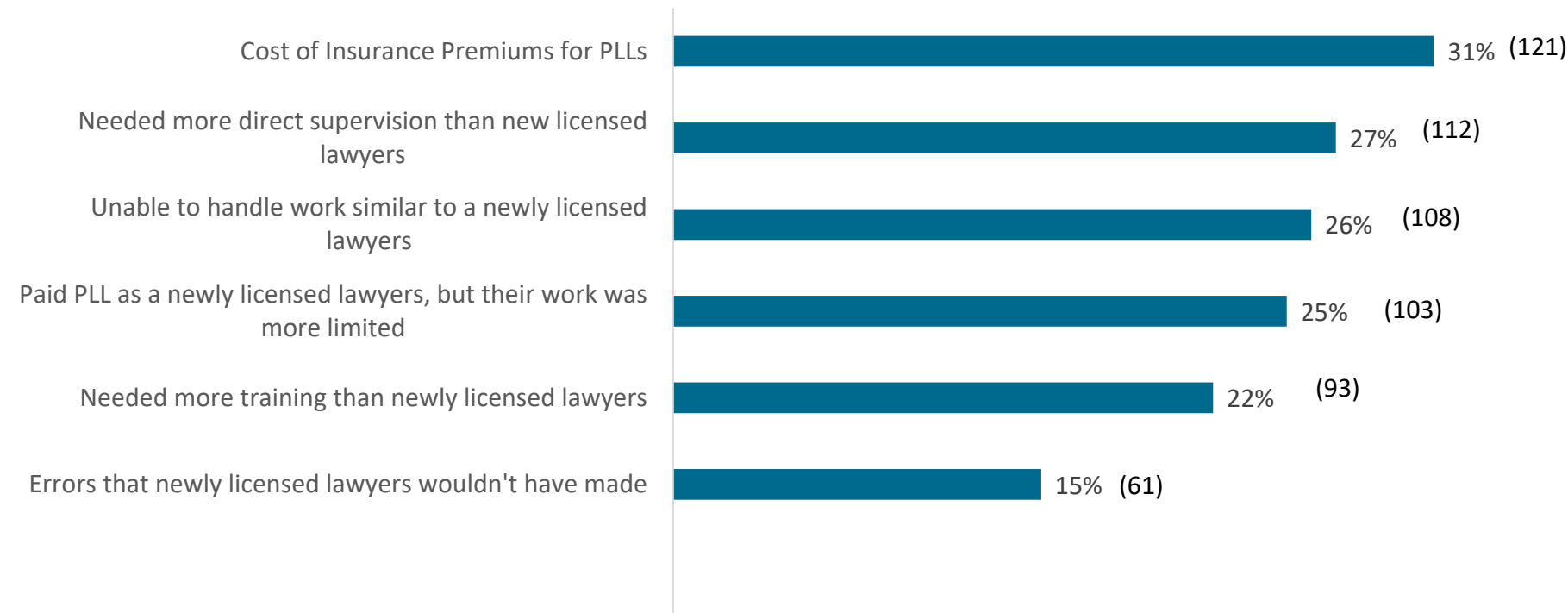


- Additional Benefits: Career Advancement Opportunity, Mentorship, Ability to serve diverse communities, and Self-fulfilling work
- PLLs currently active in the program for both Original and Pathway rated benefits of working across all nine factors at higher levels than those admitted, terminated, or suspended from the PLP.



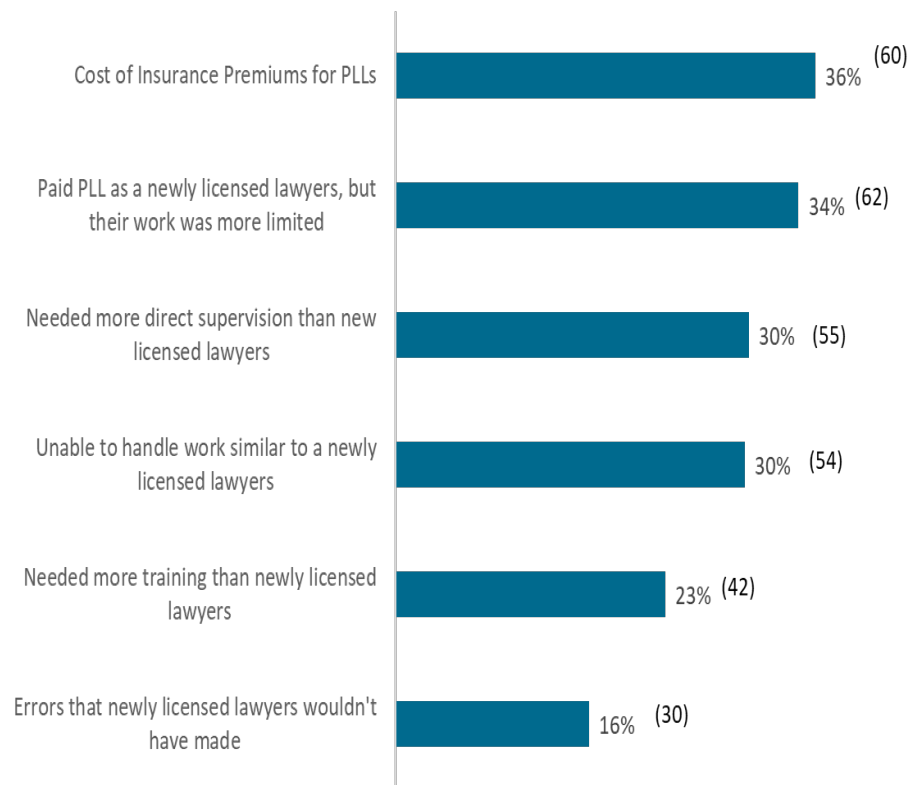
Total Supervisors: Challenges

Challenges Reported by PLL Supervisors

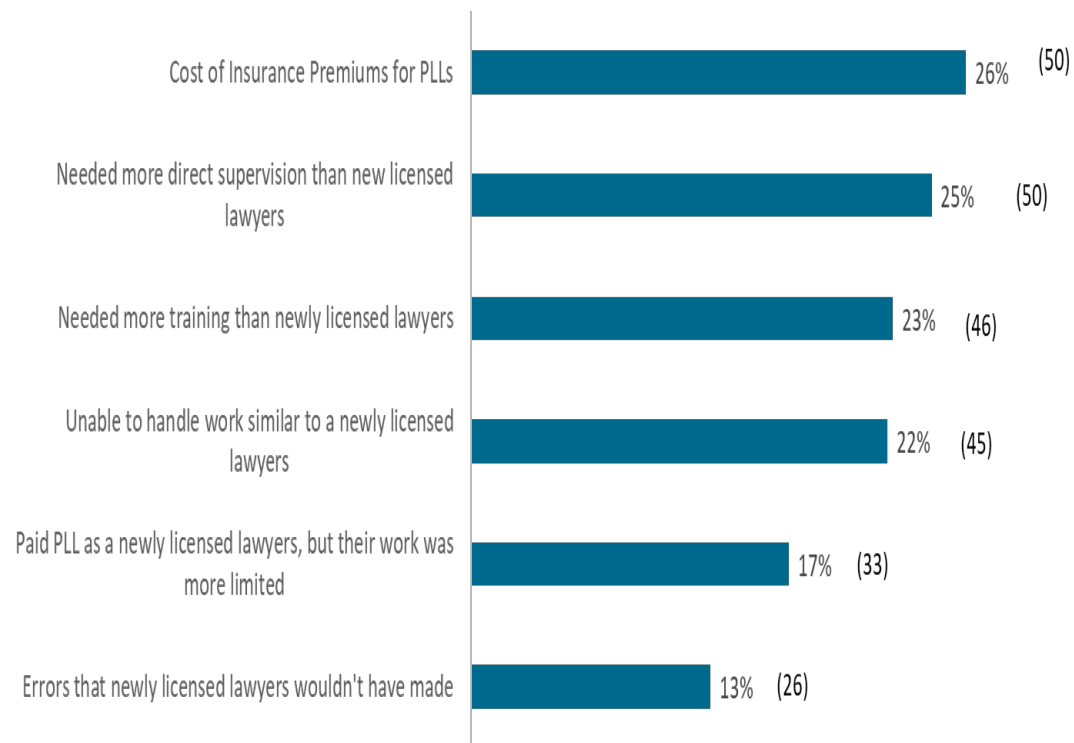


Supervisors of PLLs: Challenges Reported by Program

Challenges Reported by Supervisors of Original PLLs



Challenges Reported by Supervisors of Pathways PLLs

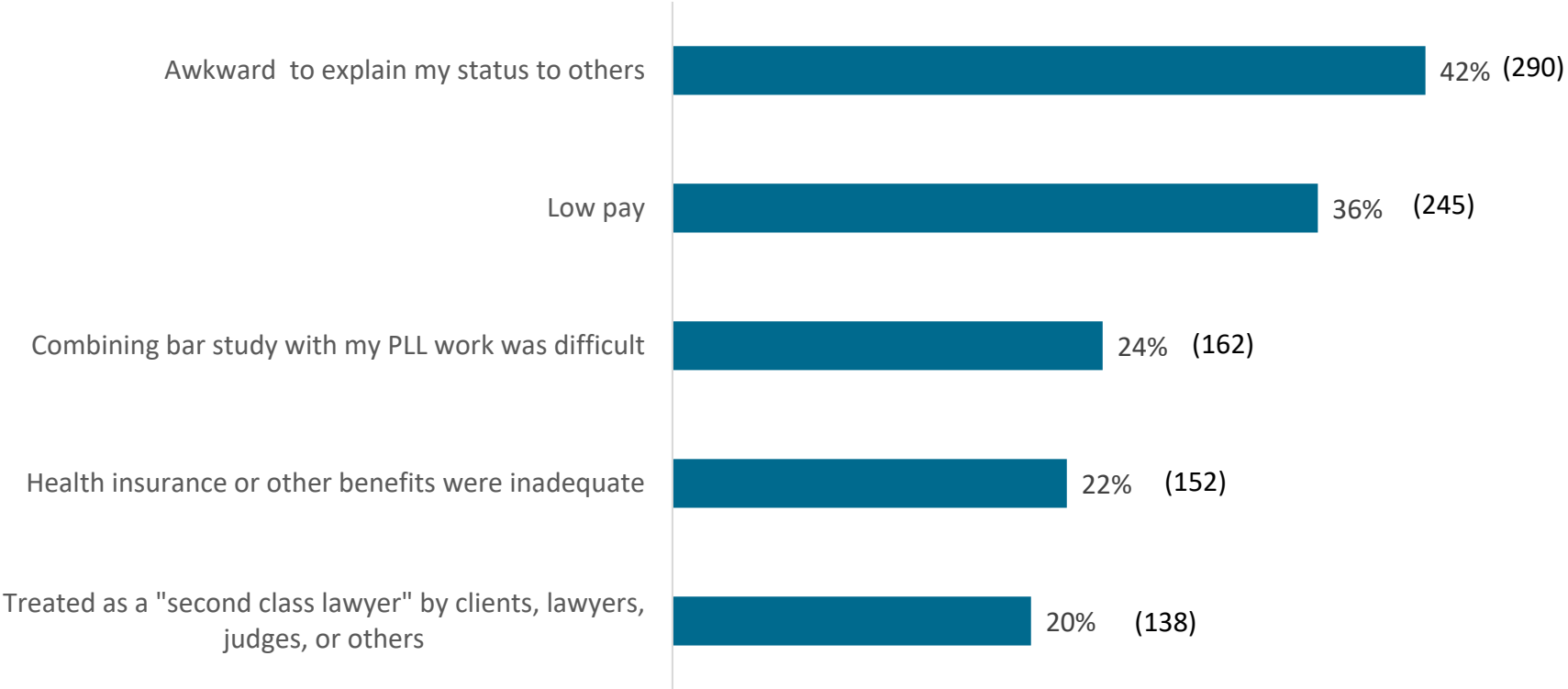


- Supervisors reported the cost of insurance premium for PLLs as the top challenge.
- However, the second most frequent challenge identified by supervisors of Original PLLs was that PLLs' work was more limited given that they were paid as newly licensed lawyers. In contrast, the second most frequent challenge identified by supervisors of Pathways PLLs was the need to provide more supervision and training than is required for newly licensed lawyers.



Challenges Reported by Total PLLs

Top Five Challenges Reported by PLLs



Challenges Reported by Original PLLs

Top Five Challenges Reported by Original PLLs

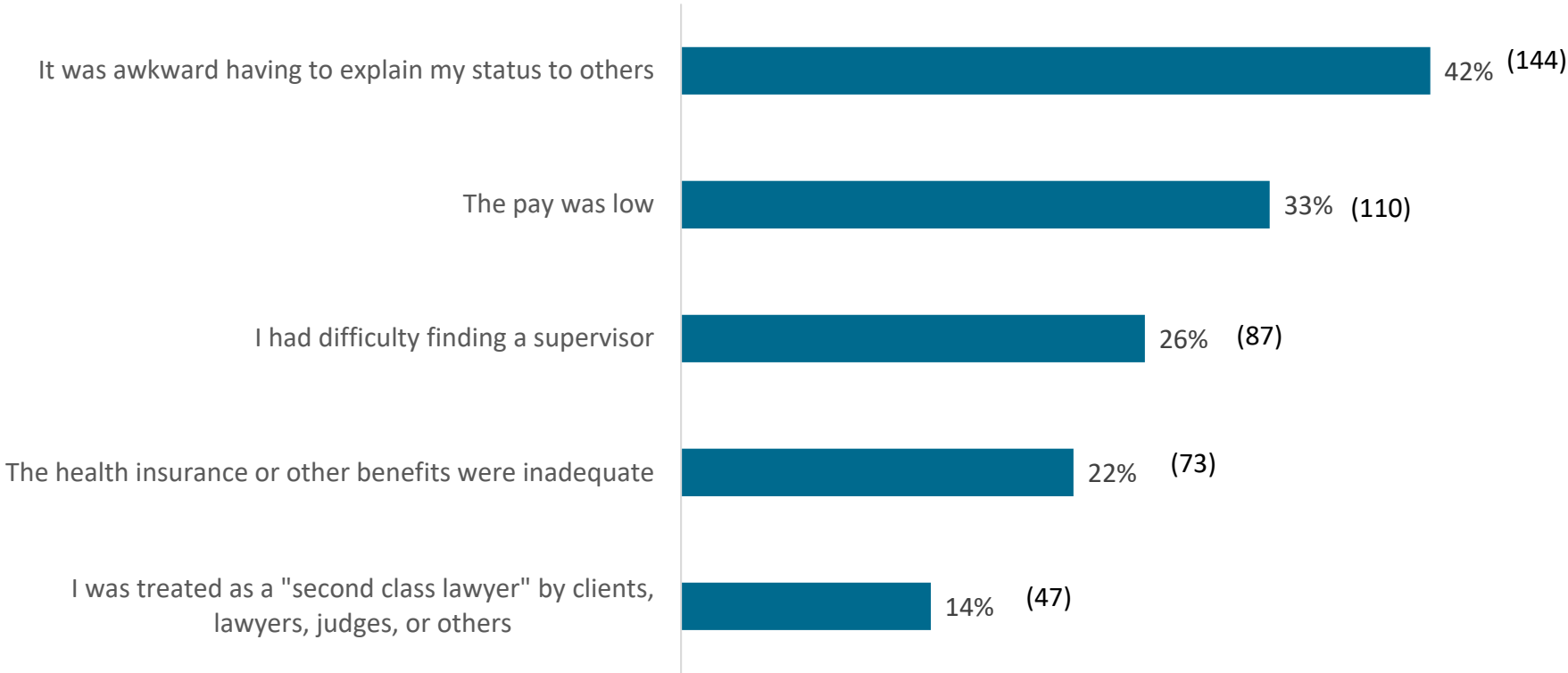


- Both Original and Pathway PLLs reported the awkwardness in explaining their PLP status to others as the top challenge.
- However, the second most frequent challenge identified by Original PLLs was combining the study of the Bar with working as a PLL. In contrast, the second most frequent challenge identified by Pathways PLLs was low compensation.



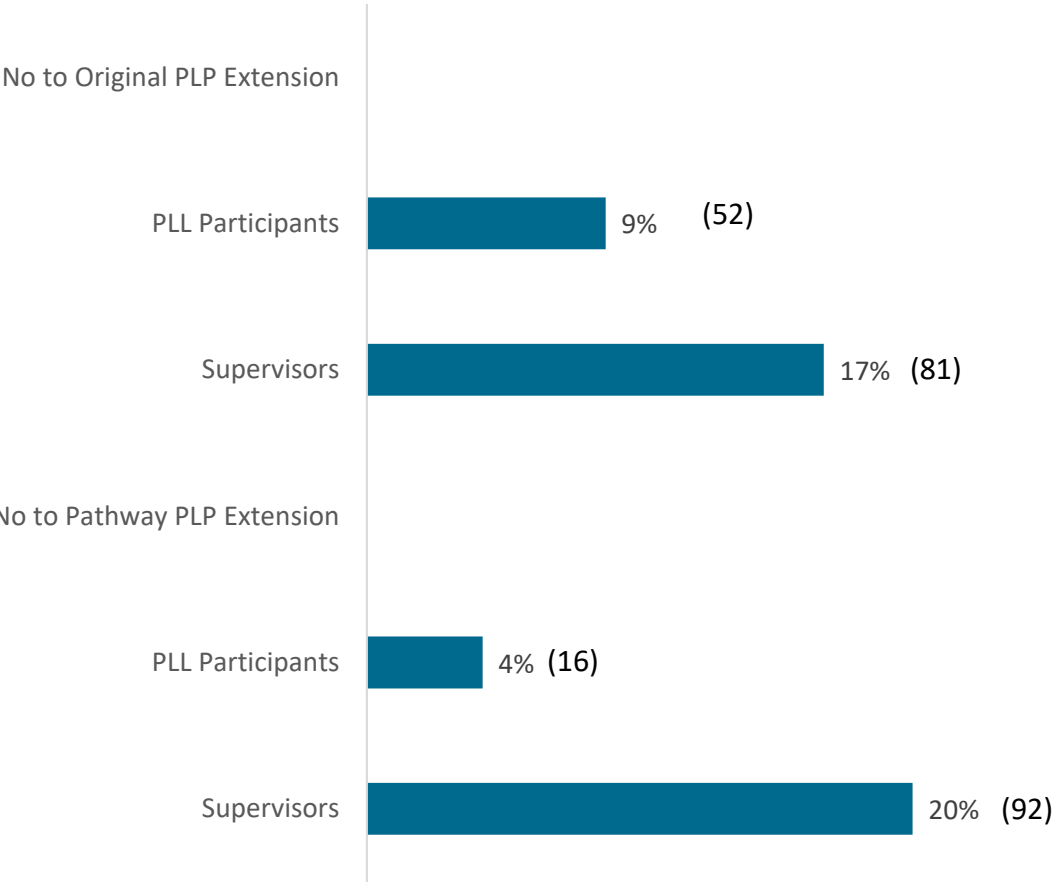
Challenges Reported by Pathway PLLs

Top Five Challenges Reported by Pathways PLLs

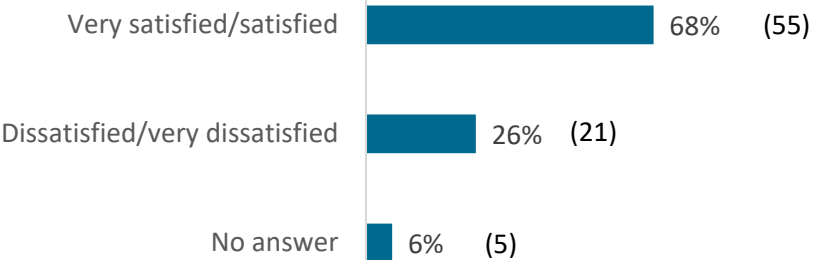


Not in Support of a PLP Extension

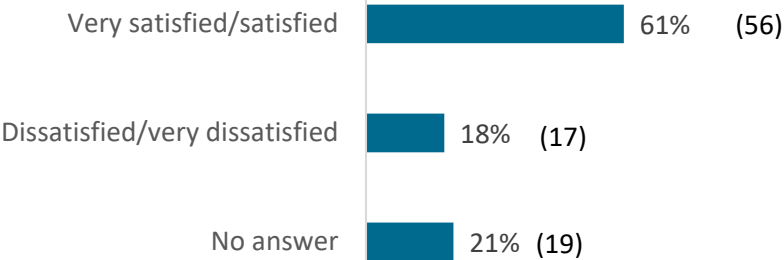
Not in Support of a PLP Extension



Level of Satisfaction for Supervisors
Recommending No Extension of Original PLP

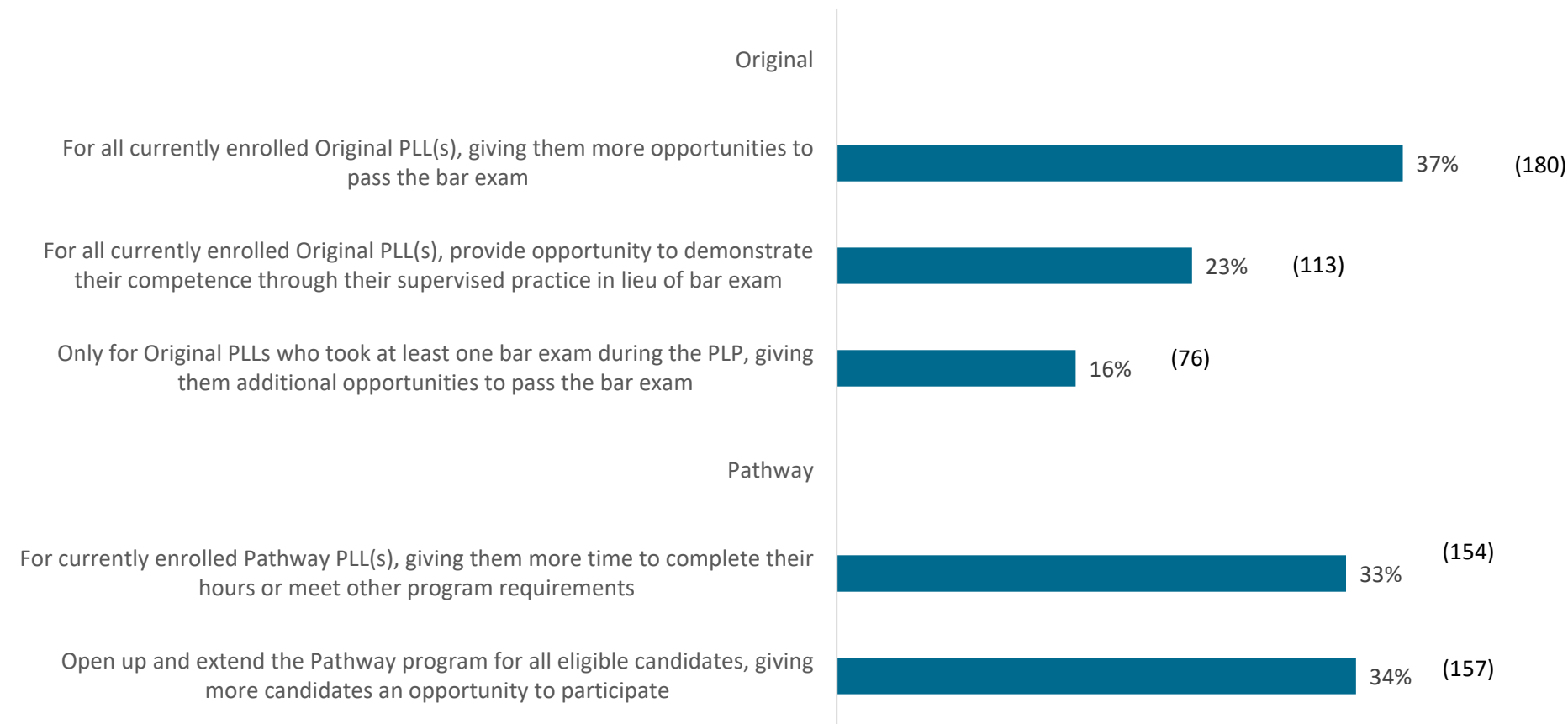


Level of Satisfaction for Supervisors
Recommending No Extension of Pathway PLP



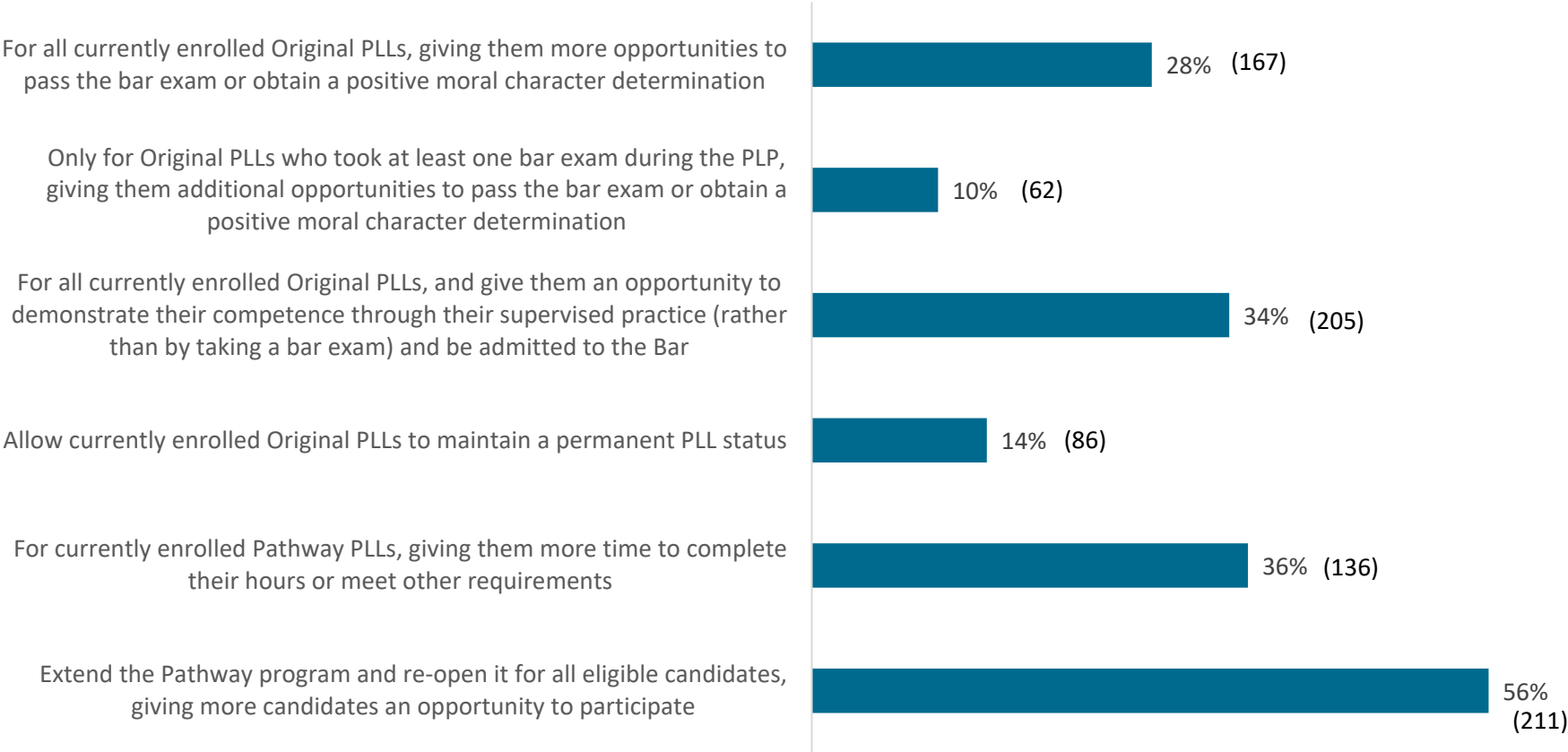
Supervisors In Support of a PLP Extension

PLL Supervisor Recommendations for PLP Extension

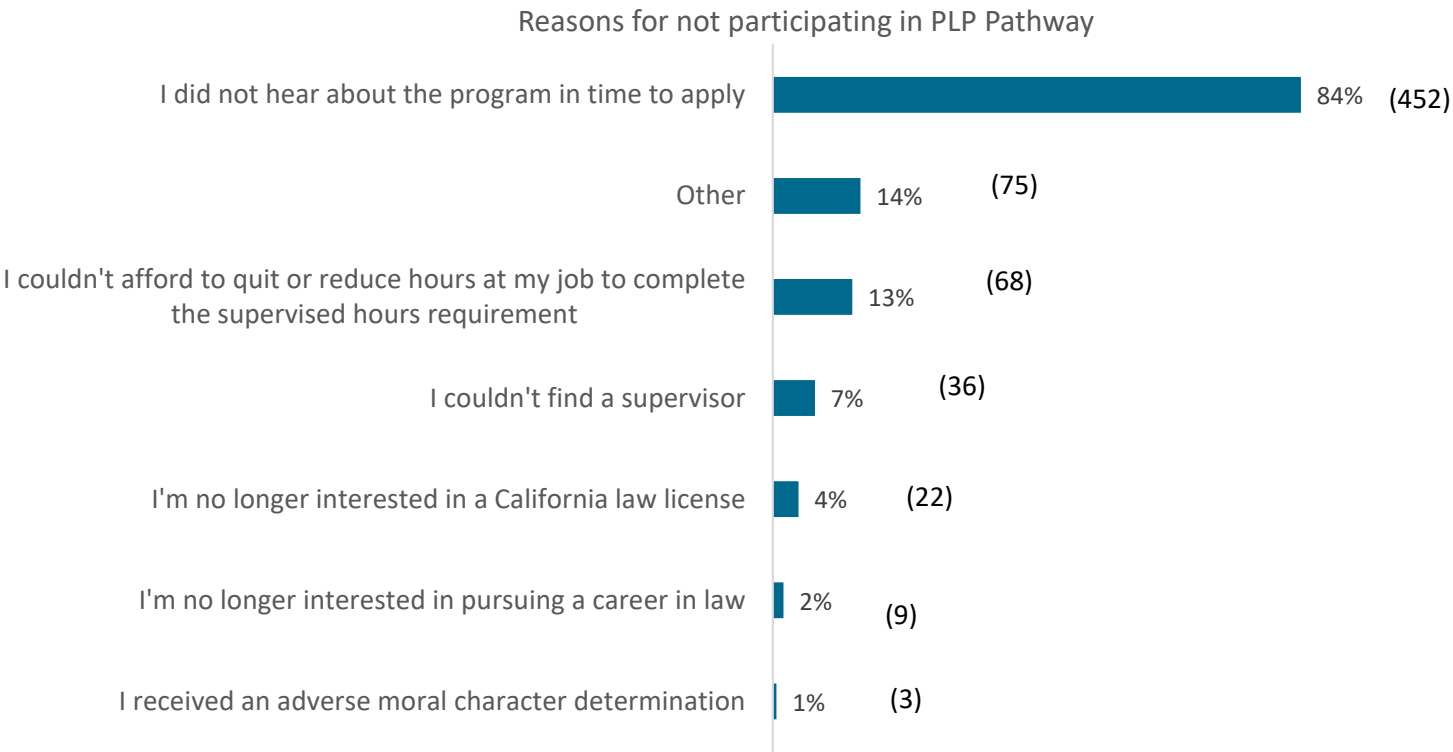


PLLs In Support of a PLP Extension

PLL Participant Recommendations for PLP Extension

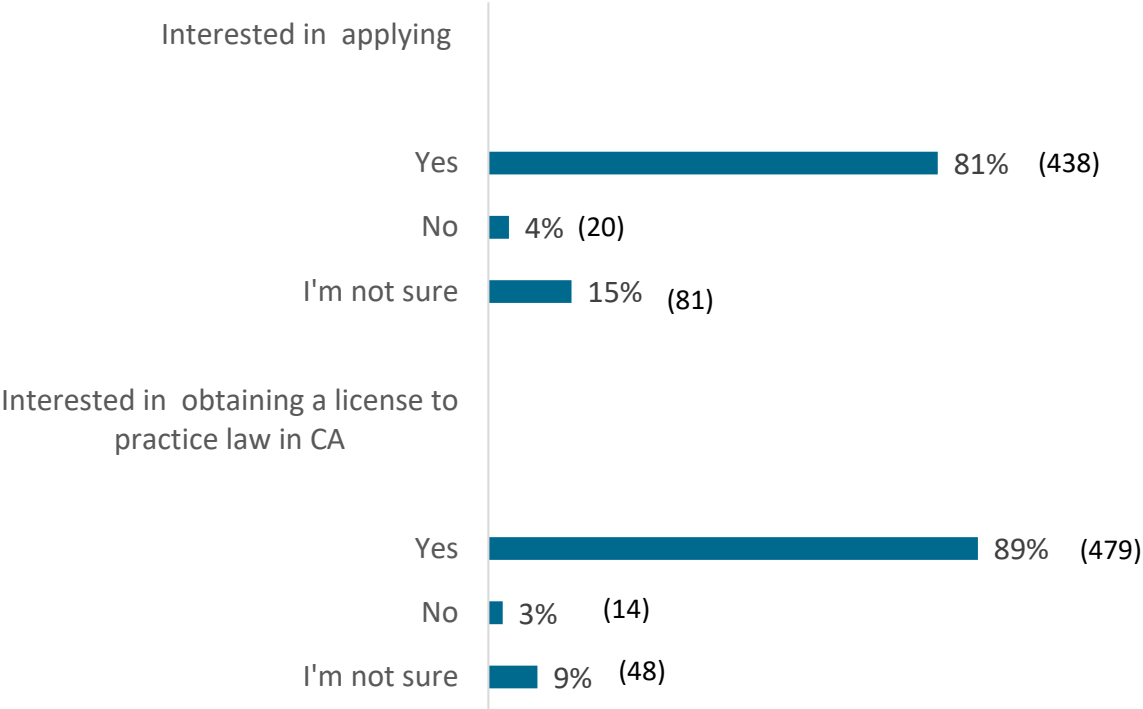


PLP Pathway Eligible (Non-Participants)



PLP Pathway Eligible (Non-participants)

PLP Pathway Eligible Interested in PLP and Practicing Law in CA



PROVISIONAL LICENSURE PROGRAM: OPTIONS FOR CONTINUATION

Option	Program	Description	Applies To Those Who:
1	Pathway	<p>Extend the program for 1 year (through December 31, 2023) for those who are currently in it but have not yet reached the required 300 hours or do not have the required positive supervisor evaluation</p> <p>Re-open the program to those who did not apply previously. Applications due June 30, 2023; program expires 12/31/2025</p>	<ul style="list-style-type: none"> • Are active PLLs (i.e., not suspended or terminated) as of 12/31/2022 • Have achieved a passing MPRE score • Have an active positive moral character determination as of 12/31/2022 • Have completed the 10-hour New Attorney Training • Have an approved supervisor in place as of 12/31/2022
2	Original	Extend the program for 2 years – through December 31, 2024 - to provide more opportunities to pass the bar.	<ul style="list-style-type: none"> • Have achieved a passing MPRE score • Have an active positive moral character determination as of 12/31/2022 • Have completed the 10-hour New Attorney Training as of 12/31/2022 • Have an approved supervisor in place as of 12/31/2022
3	Original	<p>Extend to 12/31/2025 for those who have met every other requirement but have yet to pass bar exam; for all others, the program will terminate on 12/31/2022.</p> <p>During the pendency of the program the State Bar will develop a pilot supervised practice pathway to licensure, with appropriate assessments to determine minimum competence. This will serve as a small, monitored pilot to provide empirical data, experience-based qualitative information, and insight to the Supreme Court and any successor to the Blue Ribbon Commission considering a path to determine minimum competence through means other than a traditional bar exam.</p>	<ul style="list-style-type: none"> • Have achieved a passing MPRE score • Have an active positive moral character determination as of 12/31/2022 • Have completed the 10-hour New Attorney Training • Have an approved supervisor in place as of 12/31/2022
4	Original	<p>Extend to 12/31/2025 for those who have met every other requirement but have yet to pass CBX; for all others, the program will terminate on 12/31/2022</p> <p>Beginning 1/1/2025, the State Bar will develop a plan to segue this group into a permanent alternative license status, which could take the form of a permanent PLL (full scope of licensure but always under supervision) or a limited scope license but without supervision.</p>	<ul style="list-style-type: none"> • Have achieved a passing MPRE score • Have an active positive moral character determination as of 12/31/2022 • Have completed the 10-hour New Attorney Training • Have an approved supervisor in place as of 12/31/2022

PROVISIONAL LICENSURE PROGRAM: OPTIONS FOR CONTINUATION

Option	Program	Description	Applies To Those Who:
5	Original	Extend to 12/31/2025 for those who have met every other requirement but have yet to pass the CBX; permit them to demonstrate minimum competence by getting a passing score on the attorney exam in lieu of the full bar exam.	<ul style="list-style-type: none">• Have achieved a passing MPRE score• Have an active moral character determination as of 12/31/2022• Have completed the 10-hour New Attorney Training as of 12/31/2022• Have an approved supervisor in place as of 12/31/2022• Have completed a minimum number of hours of supervised legal work (over the course of their work as a PLL), as verified by their supervisor and have a positive evaluation.