



The State Bar of California

OPEN SESSION AGENDA ITEM 50-5 JANUARY 2023

DATE: January 19, 2023

TO: Members, Board of Trustees

FROM: Louisa Ayrapetyan, Board Secretary, Office of the Executive Director

SUBJECT: Approval of Rule Proposals Public Comment Deadline Extension

EXECUTIVE SUMMARY

This agenda item seeks the Board of Trustees approval to extend the public comment period for four rule proposals by 30 days January 30, 2023 to March 1, 2023.

BACKGROUND

At its meeting on November 17–18, 2022, the Board of Trustees approved to circulate the following eight rule proposals for a 60-day public comment period:

1. Proposed Rule Revisions Regarding the Practical Training of Law Students Program
2. Proposed Revisions to Rules Pertaining to the Law Office Study Program
3. Proposed Amendments to the Rules of the State Bar Pertaining to Testing Accommodations
4. Proposed Amendments to Title 4 of the Rules of the State Bar Pertaining to Moral Character
5. Proposed Amendments to Rules Governing Minimum Continuing Legal Education
6. Proposed Amendments to the Rules of Professional Conduct Addressing Incivility
7. Proposed Amendment Requiring Attorneys to Complete Annual Civility Pledge
8. Proposed Amendments to State Bar Rules Related to Grants Administration

DISCUSSION

Per the Board of Trustees Policy Manual, section 3.13, public comment on rules, the State Bar makes available for public comment its proposals for the California Rules of Court and Rules of the State Bar. Proposals are circulated for a 45-day period, which can be shortened to a minimum of 30 days or extended to a maximum of 90 days, as designated by the Board.

On January 4, 2023, the executive director of the Bar Association of San Francisco (BASF) noted that BASF and many other bar associations across California would benefit from additional time to review proposed amendments to rules governing Minimum Continuing Legal Education with their boards to provide comments on these critical changes.

In light of BASF's request, staff considered the public comment timeless for all proposals currently out for public comment. Staff believe a 30-day extension would also be appropriate for the following three proposals:

1. Proposed Amendments to State Bar Rules Related to Grants Administration
2. Proposed Amendments to the Rules of Professional Conduct Addressing Incivility
3. Proposed Amendment Requiring Attorneys to Complete Annual Civility Pledge

Extending the public comment period for Admissions related rules will impact staff's ability to present the public comments to the Committee of Bar Examiners at their March meeting.

FISCAL/PERSONNEL IMPACT

None

AMENDMENTS TO RULES

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

Goal 4. Protect the Public by Engaging Partners

- c. 3. Engage diverse voices in the development and evaluation of State Bar policy.

RECOMMENDATIONS

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

RESOLVED, that the Board of Trustees approves to extend the public comment period for the following four rule proposals until March 1, 2023:

1. Proposed Amendments to Rules Governing Minimum Continuing Legal Education
2. Proposed Amendments to the Rules of Professional Conduct Addressing Incivility
3. Proposed Amendment Requiring Attorneys to Complete Annual Civility Pledge

4. Proposed Amendments to State Bar Rules Related to Grants Administration

ATTACHMENT LIST

None