

## **Proposed Amendments to Title 3 of the Rules of the State Bar, Rules 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10 and 3.11 (Redline)**

### **Rule 3.1 Practical Training of Law Students Program (No Change Proposed; Provided for Information Only)**

Practical Training of Law Students is a program that allows a supervised law student certified by the State Bar to negotiate and appear on behalf of a client in the limited circumstances permitted by Rule of Court 9.42 and these rules.<sup>1</sup>

*Rule 3.1, adopted effective July 1, 2010.*

### **Rule 3.2 Eligibility**

(A) To be considered for the State Bar program for Practical Training of Law Students a law student must meet the eligibility requirements of Rule of Court 9.42(c).

(B) Other qualifications notwithstanding, a person is ineligible to apply for certification ~~who if~~

(1) they are ~~is~~ licensed to practice law in any U.S. jurisdiction; or

(2) they have previously taken the California Bar Examination; however, a law student who is certified by the State Bar and graduates or completes their studies during the period stated in the Notice of Law Student Certification and then takes the first California Bar Examination for which they are eligible after graduating or completing their studies may participate in the program until the State Bar releases results for that examination as permitted by Rule 3.9 (B).

~~(2) has not taken the first California Bar Examination for which he or she is eligible;~~

*Rule 3.2, adopted effective July 1, 2010.*

### **Rule 3.3 Application**

(A) To apply to be a certified law student, an ~~eligible~~ applicant must

(1) register as a general applicant for admission to the practice of law in California;<sup>2</sup>

(2) submit an Application for Practical Training of Law Students Program<sup>3</sup> with

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<sup>1</sup> Rule of Court 9.42 (a).

<sup>2</sup> Rule 4.3 (G) defines “general applicant.” Rule 4.16 (B) explains the Application for admissions.

<sup>3</sup> See Rule 4.16 (B).

(a) the fee<sup>4</sup> set forth in the Schedule of Charges and Deadlines;

(b) a current e-mail address not to be disclosed on the State Bar's Web site or otherwise to the public without the applicant's consent;

(c) a Declaration of Law School Official attesting that the law student meets the eligibility requirements of these rules and is qualified to be a certified law student, absent any subsequent notification to the contrary that the official agrees to provide, except that a law student who is studying law in a law office or judge's chambers and is not enrolled in a law school is exempt from this requirement; and

(d) if the law student is studying law in a law office or judge's chambers, a Declaration from the attorney or judge who has been approved to supervise the law student's studies attesting that the law student meets the eligibility requirements of these rules and is qualified to be a certified law student, absent any subsequent notification to the contrary that the attorney or judge agrees to provide; and

~~(d)~~ (e) a Declaration of Supervising Attorney attesting that for a specified period the attorney will supervise the applicant as required by these rules.

(B) An application for the Practical Training of Law Students program is not considered to be complete until all required documentation has been submitted and deemed complete by the State Bar and applicable fees paid. Applications that are submitted incomplete will be deemed abandoned if not brought to completed status within sixty days of the initial submission of the application. No refund shall be issued for an abandoned application.

~~(B)~~ (C) Upon approval of the application, the State Bar issues a "Notice of Law Student Certification" ("notice") stating that the applicant is a certified participant in the program for Practical Training of Law Students for the period stated in the notice.<sup>5</sup>

*Rule 3.3, adopted effective July 1, 2010.*

#### Rule 3.4 Change or Addition of Supervising Attorney

(A) A certified law student may request to change the supervising attorney during the period of certification without submitting a new application. To change the supervising attorney the certified law student must:

(1) Submit the request to change supervising attorney with

(a) The fee set forth in the Schedule of Charges and Deadlines; and

(b) A Declaration of Supervising Attorney from the new supervising attorney attesting that for the remainder of the period stated in the Notice of Law

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<sup>4</sup> Rule of Court 9.42 (f).

<sup>5</sup> See Rule 3.8.

Student Certification the attorney will supervise the applicant as required by these rules.

- (B) A law student may add an additional supervising attorney at the time of initial application, or at any time during the period stated in the Notice of Law Student Certification by submitting a request to add a supervising attorney. For each additional supervising attorney, the law student must submit a Declaration of Supervising Attorney from the added attorney and the fee set forth in the Schedule of Charges and Deadlines.
- (C) A request to change or add a supervising attorney is not considered to be complete until all required documentation has been submitted and deemed complete by the State Bar and applicable fees paid. Requests that are submitted incomplete will be deemed abandoned if not brought to completed status within sixty days of the initial submission of the request. No refund shall be issued for an abandoned request.

#### **Rule ~~3.5~~ 3.4 Permitted activities**

- (A) A certified law student may engage only in the activities permitted by Rule of Court 9.42(d) under the conditions prescribed by that rule.
- (B) Nothing in this rule prohibits a certified law student from providing advice or representation that might be provided by anyone who is not a licensee of the State Bar of California.

*Rule 3.4, adopted effective July 1, 2010; amended effective January 25, 2019.*

#### **Rule ~~3.6~~ 3.5 Duties of certified law student**

A certified law student must

- (A) act as a certified law student only during the period stated in the Notice of Law Student Certification;<sup>6</sup>
- (B) at all times comply with Rule of Court 9.42 and these rules;
- (C) maintain a current e-mail address with the State Bar;
- (D) upon ceasing to be eligible for the program, promptly inform the State Bar and cease any activity that a certified law student is permitted to perform; and

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<sup>6</sup> See Rule 3.8.

(E) not claim in any way to be a licensee of the State Bar of California.

*Rule 3.5, adopted effective July 1, 2010; amended effective January 25, 2019.*

### **Rule ~~3.7~~ ~~3.6~~ Supervising Attorney**

(A) “Supervising Attorney” is an active licensee of the State Bar of California in good standing who agrees to supervise a certified law student as required by these rules.<sup>7</sup> A licensee who is inactive, suspended, or subject to discipline, or who has resigned or been disbarred may not be a Supervising Attorney. In these rules, “Supervising Attorney” may also refer to a government agency attorney who meets all requirements for a Supervising Attorney and whom the Supervising Attorney delegates to supervise the permitted activities of a certified law student.

(B) A Supervising Attorney must

- (1) be an active licensee of the State Bar of California who has been an active licensee in good standing and has practiced law in California or taught law in a law school as a full-time occupation for at least the two years before supervising a certified law student;
- (2) supervise the permitted activities of a certified law student as specified by Rule 9.42(d);
- (3) personally assume professional responsibility for any activity a certified law student performs pursuant to these rules;
- (4) provide training and counsel that prepares a certified law student to satisfactorily perform an activity permitted by these rules in a manner that best serves the interest of a client;
- (5) read, approve, and sign any document prepared by the certified law student for a client;
- (6) supervise at one time no more than five certified law students or twenty-five if employed full-time to supervise law students in a law school or government training program; and
- (7) promptly notify the State Bar that they ~~he or she~~ no longer meets the requirements of these rules or that their ~~his or her~~ supervision is ending before the period stated in the Notice of Certification.

*Rule 3.6, adopted effective July 1, 2010; amended effective January 25, 2019.*

### **Rule ~~3.8~~ ~~3.7~~ Designation as certified law student**

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<sup>7</sup> Rule of Court 9.42 (a)(2).

- (A) A certified law student may use the title “Certified Law Student” and no other in connection with activities performed as a certified law student.
- (B) On written materials prepared pursuant to these rules, a certified law student must use the title Certified Law Student with ~~his or her~~ their name and provide the name of ~~his or her~~ their Supervising Attorney.

*Rule 3.7, adopted effective July 1, 2010.*

**Rule 3.9 ~~3.8~~ Duration of certification**

- (A) Subject to the exceptions set forth in this rule, a certified law student may perform an activity that complies with these rules for the period stated in the Notice of Law Student Certification and only while the supervising attorney identified in the application supervises the student. ~~A request to change the supervising attorney requires a new application.~~
- (B) A student who graduates from law school, completes their studies in a law office or judge’s chamber, or completes one year of study in a master of laws (LL.M.) program during the period stated in the Notice of Law Student Certification and then takes the first California Bar Examination for which they are ~~he or she is~~ eligible after graduating or completing their studies may participate in the program until the State Bar releases results for that examination.
- (C) Certification terminates before the end of the period stated in the Notice of Law Student Certification if
  - (1) the certified law student no longer meets the eligibility requirements of these rules;
  - (2) in the case of a certified law student who is studying in a law office or judge’s chambers, the student is placed on suspended status for failure to comply with all requirements set forth in Rule 4.29;
  - (3) ~~(2)~~ the certified law student requests that certification terminate on an earlier date;
  - (4) ~~(3)~~ the certified law student fails to take the first California Bar Examination for which ~~he or she is~~ they are eligible, as defined by the State Bar; or
  - (5) ~~(4)~~ the State Bar revokes certification.<sup>8</sup>

*Rule 3.8, adopted effective July 1, 2010.*

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<sup>8</sup> See Rule 3.9.

**Rule ~~3.9~~ 3.10 Revocation of certification**

The State Bar may revoke certification for noncompliance with any applicable rule or law.<sup>9</sup> The State Bar must provide the certified law student a written notice of revocation which will be transmitted by email to the student, the supervising attorney or attorneys, and the law school official, where applicable, at the emails provided in the application to participate in the program. The revocation is effective ~~ten days~~ one day from the date of its transmission.

*Rule 3.9, adopted effective July 1, 2010.*

**Rule ~~3.10~~ 3.11 Request for review of revocation**

A certified law student whose certification has been revoked may request review of the revocation. The request must be in writing and received by the State Bar no more than fifteen days from the date of transmission of the notice. Any arguments or evidence in support of the request must be submitted together with the request. Within sixty days of receiving the request, the State Bar must provide the certified law student with a written determination affirming or denying the revocation. The determination constitutes the final action of the State Bar.

*Rule 3.10, adopted effective July 1, 2010.*

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<sup>9</sup> Rule of Court 9.42 (e).