

Proposed Amendments to Title 4 of the Rules of the State Bar, Rule 4.29 (Redline)

Rule 4.29 Study in a law office or judge's chambers

(A) A person who intends to comply with the legal education requirements of these rules and Section 6060 of the Business and Professions Code by study in a law office or judge's chambers must

(1) register as a general applicant for admission to the practice of law in California;

~~(1)(2)~~ submit the required ~~form~~ application and all required documentation with the fee set forth in the Schedule of Charges and Deadlines ~~within thirty days of~~ no less than thirty days prior to the intended date of beginning study;

(3) Have their application approved by the State Bar prior to beginning study, with no credit available for hours of study completed before State Bar approval;

~~(2)(4)~~ submit semi-annual reports, as required by section (B)(5) below on the ~~Committee's~~ State Bar's form or as otherwise directed by the State Bar, with the fee set forth in the Schedule of Charges and Deadlines within thirty days of completion of each six-month period; and

~~(3)(5)~~ have studied law in a law office or judge's chambers ~~during regular business hours for at least eighteen hours each week for a minimum of forty-eight weeks to receive credit for one year of study or for at least 72 hours per month for six consecutive months eighteen hours a week for a minimum of twenty-four weeks to receive credit for one-half year of study~~ completing each six-month study session in no more than twenty-six weeks. Participants are encouraged to engage in their studies for a consistent 18 hours per week for a minimum of 24 weeks for each one-half year of study.

(B) The attorney or judge with whom the applicant is studying must

(1) be an active licensee of the State Bar of California who has been an active licensee in good standing for a minimum of five consecutive years immediately prior to beginning oversight of the applicant's studies and has been engaged in the active practice of law for that time, or be a judge of a court of record of this state;

~~(1) be admitted to the active practice of law in California and be in good standing for a minimum of five years;~~

(2) provide the ~~Committee~~ State Bar ~~within thirty days of the applicant's beginning study~~ an outline of a proposed course of instruction for each six month period for the full number of years of study required that he or she they will personally supervise/oversee, to be submitted by the applicant with other application materials no less than thirty days prior to the applicant beginning study as required by section (A)(1) above;

- (3) ~~personally~~ directly supervise the applicant at least five hours a week;
- (4) examine the applicant at least once a month on study completed the previous month;
- (5) report to the ~~Committee~~ State Bar every six months on the ~~Committee's~~ State Bar's form or in any other manner directed by the State Bar, to be submitted by the applicant as required by section (A)(4) above, the number of hours the applicant studied each week ~~during business hours~~ in the law office or chambers; the number of hours devoted to ~~supervision~~ personal oversight of the course of instruction and the number of hours devoted to direct supervision of the student; specific information on the books and other materials studied, such as chapter names, page numbers, and the like; ~~the name of any other applicant supervised~~ and any other information the ~~Committee~~ State Bar may require;
- (6) attach to the report copies of the graded monthly examinations for each of the six months of the study period, including questions, answers, and any written feedback or grades, and
- ~~(6)(7) not personally supervise~~ personally oversee the course of instruction of more than two applicants simultaneously.

(C) Students in the Law Office Study Program are subject to the requirements of Rule 4.32 and will not receive credit for hours of study devoted to repetition of studies previously completed.

(D) Students in the Law Office Study program who participate in the Practical Training of Law Students program will not receive study-hour credit for time spent engaging in activities undertaken as part of the Practical Training for Law Students program.

(E) The hours of study in a law office or judge's chambers required by section (A)(5) can be completed in whole or in part in a physical location outside the law office or judge's chambers at the discretion of the attorney or judge, subject to the requirement of section (F) for a minimum number of hours of direct supervision to be provided in-person. If the attorney or judge permits an applicant to complete the hours of study entirely in a location other than the law office or judge's chambers, the outline of the proposed course of instruction required by section (B)(2) must include a plan for how the attorney or judge will provide adequate supervision for the student without having the student physically present.

(F) For each twelve weeks of study, a minimum of five hours of the direct supervision required under section (B)(3) must be provided through in-person interaction between the attorney or judge and the student with both physically present in the same location. Part or all of the remaining required hours of direct supervision may be provided by the attorney or judge and the student engaging in synchronous interaction using remote video technology. If the attorney or judge intends for some of the hours of direct supervision to be provided using remote video technology, the outline of the proposed course of instruction required by section (B)(2) must

state the number of hours of direct supervision proposed to be provided using remote video technology each week and include a plan for how the attorney or judge will ensure that the direct supervision provided in this manner will result in the same level of engagement as in-person direct supervision.

(G) A student who is studying law in a law office or judge's chambers and who wishes to study under a different attorney or judge must file a new application with the fee set forth in the Schedule of Charges and Deadlines no less than fifteen days prior to beginning study with the new attorney or judge. The application must include a declaration from the new attorney or judge and a new outline of the proposed course of instruction required under section (B)(2). If the student makes this change during a six-month study period, the student must, within thirty days of beginning study with the new attorney or judge, submit a report from the previous attorney or judge on all study completed with that attorney or judge, with the required fee for submission of a semi-annual report. The first report reflecting the study conducted under the new attorney or judge shall cover only the remainder of that initial six-month period.

(H) An application for approval of study in a law office or judge's chambers 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 a completed status within sixty days of the initial submission of the application. No refund shall be issued for an abandoned application.

(I) An applicant whose application to study in a law office of judge's chambers is denied by the State Bar is eligible for a refund of all fees submitted for the application to study law in a law office or judge's chambers.

(J) A semi-annual report required under section (B)(5) that is submitted more than thirty days but no more than sixty days after the completion of a six-month period of study is subject to a late fee as set forth in the Schedule of Charges and Deadlines and will not be accepted without submission of the late fee. A semi-annual report that is submitted more than sixty days after the completion of the six-month period of study will not be accepted and the student will not receive credit for that six-month period.

(K) Failure to submit a semi-annual report within one year of beginning study in a law office or judge's chambers or within one year of submission of the most recent semi-annual report will result in the applicant being moved to suspended status. An applicant who has been placed on suspended status who wishes to resume study, in the same or a different law office or judge's chambers must submit an application to resume study with all required materials and the required fee. A student who resumes study after being placed on suspended status will receive credit for any six-month periods of study deemed completed by the State Bar prior to the suspension.

(L) (1) The changes to the application deadlines in paragraph (A)(2)-(3) that take effect in 2023 shall apply to initial applications filed after the effective date of the rule change.

(2) The changes to the eligibility criteria for the supervising attorney or judge in paragraph (B)(1) that take effect in 2023 shall not serve to disqualify an attorney or judge approved prior to the effective date of the rule change. However, an attorney or judge who does not meet the then-current eligibility criteria shall not be approved to supervise any other law office study participant.