

Law Office Study Rules Proposal: Public Comment Chart

Attachment F

Name / Affiliation	Position on Proposed Rule	Comment (Verbatim)	Working Group Response to Comment
Anonymous	D		No change.
Anonymous	A	I agree that the changes should definitely give students a clear guideline with requirements for the program. Additionally, I think that there should be a list of subjects / matter outlined that would prepare the students in the LOS for the FYLE.	No change.
Anonymous	AM	<p>To whom it may concern, I would very much appreciate if the rulemaking body would reword its proposed changes to Rule 4.29, in light of the below concerns.</p> <p><u>[1] Comment on Proposed Rule 4.29(A)(1)</u> This paragraph should clarify that students currently enrolled in the LOS program will not be affected by the changed deadlines regarding the initial application to begin studies.</p> <p><u>[2] Comment on Proposed Rule 4.29(E)</u> I strongly agree that study hours completed “remotely” (out of the office, but still as a student or apprentice of the law firm) should count toward fulfillment of one’s Law Office Study obligations. Students might take vacations from their work office, or be sick, and may need the opportunity to complete their studies off-campus. For students managing a full-time work schedule along with the demands of the program requiring 18 hours per week, spending that much time in the office could sometimes be impracticable and extremely difficult. Offices are becoming more remote these days. Therefore, study should be allowed to be 100% remote.</p> <p><u>[3] Comment on Proposed Rule 4.29(F)</u> Contrary to Proposed Rule 4.29(F), I think students also should NOT be required to meet in-person with their mentors. I would reiterate the points above in regard to the virtues of remote learning. Virtually all of the benefits of interactive instruction can be enjoyed through Zoom, video meetings, telephone calls, etc. and do not have to be in-person. Remote supervision should not be required to be through video. I think that telephone calls between the student and his or her mentor should count toward the student’s required supervision hours. The benefits of seeing one’s mentor—whether on a screen or in person—are marginal. Alternatively, the student should be entitled to file an application of sorts with the State Bar showing special circumstances that warrant the State Bar to waive the in-person requirement in favor of remote supervision or to waive video supervision in favor of telephonic supervision.</p> <p><u>[4] Comment on Proposed Rule 4.29(C)</u> I disagree with the broad proposed requirement that LOS student shall not receive credit for studying “subjects previously completed.” There is a need for students to be refreshed on prior completed subjects, especially when they are studying for an upcoming bar exam or baby bar exam. They should not be penalized for the prudent act of refreshing themselves on prior subjects, especially since many students may have rushed the materials and need to go back. Denying LOS students credit for these hours could jeopardize the legal profession in that students will be incentivized to ignore subjects previously studied, when they really should know those subjects better for their legal careers.</p>	<p>[1] Agree. A change is proposed to add paragraph (L) to clarify that:</p> <ul style="list-style-type: none"> • the application deadlines proposed in (A)(2),(3) apply to those applying subsequent to the adoption of these rules • the clarification of eligibility requirements for attorney or judge shall not serve to disqualify an attorney or judge currently approved to supervise a LOS participant; however if the attorney or judge does not meet the eligibility criteria, they will not be approved for other LOS participants <p>[2] No change.</p> <p>[3] No change. The working group appreciates the thoughtful response, but respectfully disagrees with the commenter’s perspective. The rule proposal allows all of the study to be performed remotely, with the exception of 5 hours of in person direct supervisor per 3-month period. The working group believes this minimal amount of in person supervision is not onerous and is important to increase the value of the education provided. The working group also does not propose to change the requirement that any remote participation be conducted through video technology. This is a study program. The working group does not believe supervision by telephone to be an effective means to ensure the learning objectives are satisfied.</p>

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		<p>Therefore, this particular provision should not be adopted. Alternatively, it should be clarified.</p> <p><u>[5] Comment on Proposed Rule 4.29(A)(5)</u></p> <p>Students and mentors know their schedules better than anyone else. A student who studied 17 hours 59 minutes in one week should not lose all credit for that week (and compensated for it later), simply because he missed one minute. Rule 4.29(A)(5) should be amended to promote flexibility. Student should be able to “flex” their schedules so that study time that was missed in one week, can be performed during another week.</p> <p>For example, a student who only studies 16 hours in one week, but 20 hours the next week, should receive credit for 2 weeks of study because he or she studied for 36 hours—the equivalent of 2 weeks of study. Accordingly, the operative text of the regulation should simply require 432 hours of study in a 26-week period (the equivalent of 18 hours per week for 24 weeks in half a year).</p> <p>Alternatively, the Rule should allow students to show good cause why their study time should be flexed. Ultimately, the rule should alleviate the fear that students will lose credit for their studies in these circumstances.</p> <p><u>Conclusion</u></p> <p>Please consider these concerns in determining changes to the proposed regulations, or whether to adopt them at all. Thank you for your attention.</p>	<p>[4] No change. The working group appreciates the thoughtful response, but respectfully disagrees with the commenter’s perspective. LOS students should not be exempted from this requirement that is used for evaluation of credits earned for those who don’t receive a JD from an ABA approved or California Accredited law school.</p> <p>[5] The working group thanks the commenter for the recommendation and agrees that some additional flexibility may be warranted. The working group proposes to amend the requirement to encourage the completion of 18 hours per week, but to require the completion of 72 hours per month for a total of 432 hours for each six-month study session.</p>
Anonymous	A		No change.
Justin Brezhnev / an Individual	A	As a student in the Law Office Study Program, I believe that the proposed recommendations will make the program more accessible for students like me who cannot afford traditional law school. The amendments that modernize the program will make it easier for students like me to find attorneys to supervise them. That was the biggest hurdle in enrolling in this program - finding an attorney who could commit to the requirements. Your expansion of the rules will make it easier for everyone!	No change.
Justin Brezhnev / Founder & Program Director, Law Office Study Center	A	<p>Our team at the Law Office Study Center has been assisting students to pursue the apprenticeship pathway as a cost-effective alternative to traditional law school since 2020. When COVID-19 closed down law firms, we saw that many of the attorneys participating in our program adjusted how they operated their new normal – the standard for what we now see as a virtual-first modern law firm.</p> <p>More than 200 students pursuing the Law Office Study Program have requested using our program’s resources via our website so that they can complete an apprenticeship with an attorney registered with the CA State Bar. Many of the students using our resources identify as mothers, low-income students, second-career professional, and entrepreneurs who want to master the law. For these students, the physical location requirement has been the biggest roadblock in ensuring they commit to the full program of study. We believe that the changes the CA State Bar is considering would make the rules more equitable for those who face geographic barriers to participation.</p>	No change.

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		<p>Moreover, the clear guidance to students and their supervisors would help our center’s team relay the requirements that ensure lawyers feel more comfortable enrolling in the program and offering their time to make legal education and the practice of law more accessible.</p> <p>We thank the committees that are spearheading these rule changes and we encourage the CA State Bar to adopt the recommendations.</p>	
Andrew Cayabyab	A		No change.
Tristina Cole/LOSP	A	The guidance is much-needed. Although I was able to figure the process out, it’s because I have a legal mind. Many laypersons would not be able to accomplish what I have without more direction and understanding of the program, by the bar. Thank you for the opportunity to participate in the LOSP and I hope more people attempt this path in the future.	No change.
Tristina Cole / an individual	A	Thank you for the opportunity to provide feedback. Due to the expansion of online use of platforms such as Zoom, Meetup, etc. it is much more practical to allow the study to take place through these mediums. In fact, many firms still require remote employment and have not reopened their doors to the public or to their own employees. I commend the bar for acknowledging the update to modernize the LOSP and our ability to satisfy the requirements outside of an office space.	No change.
Melodie Grace	D		No change.
Darrell Griffin Jr	D	Wealthy socialites should not dictate rules on serious attorneys	No change.
Raymond Scott Hayden	A	CalBar appears to be coming out of the dark ages - I greatly appreciate the work they have been doing as of late. Communications have improved immensely.	No change.
Mary K. Jones	A		No change.
Judge Mark Juhas / Chair, California Access to Justice Commission	A	<p>The California Access to Justice Commission writes in support of the proposed changes to . . . the Law Office Study (LOS) program. [NOTE: this letter’s references to its support for the PTLS Program Rule Revisions is contained in the comment chart on the PTLS Program]</p> <p>The California Access to Justice Commission advances access to civil justice for all Californians, expands civil justice resources for low and moderate-income people, and develops innovations that reduce barriers to civil justice for Californians from diverse backgrounds. To do so, the Access Commission facilitates collaboration among the courts, the Bar, and the public—including all three branches of government and stakeholders throughout the state.</p>	No change.

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		<p>We Support the Proposed Amendments to the LOS Program.</p> <p>The Access Commission also supports the proposed changes to the LOS program in State Bar Rule 4.29, which, among other things, will:</p> <ul style="list-style-type: none">• Allow students to complete their studies in a physical location other than the law office or judge’s chambers with which they are associated, while maintaining a requirement for a minimum number of hours of in-person supervision. <p>California’s LOS program, authorized by Business and Professions Code section 6060 (e)(2) (B) and (C) and State Bar Rule 4.29, allows an alternative pathway to become a lawyer through study in a law office or judge’s chambers. An aspiring lawyer can take the California Bar Exam without attending law school. The LOS program provides a flexible and affordable option for people for whom traditional law schools may not be a good fit and recognizes that working closely with an experienced attorney can help a prospective attorney learn the skills and knowledge necessary to begin the practice of law. This pathway to licensure is available for those who may not be able to attend a traditional law school because their other responsibilities make attendance difficult, because they do not do well in traditional academic settings, or for financial or other reasons. This alternative pathway to licensure also may increase the delivery of legal services to people of limited means.</p> <p>The State Bar’s proposal to update LOS program requirements to reflect the realities of modern legal practice makes sense. The Access Commission supports eliminating unnecessary barriers to the successful completion of the LOS program. The State Bar’s proposals make it possible for more aspiring lawyers to succeed in the LOS program while maintaining program requirements necessary to make sure they receive appropriate training and education, striking a balance between in-person direct supervision and required in-person meetings with the potential for remote study and supervision where appropriate.</p> <p>The California Access to Justice Commission appreciates the State Bar’s review and proposals to update the Practical Training of Law Students (PTLS) and the Law Office Study (LOS) programs. The Access Commission supports the proposed changes.</p>	
Sarah Leon	A	I am a CA barred attorney who went through the LOS program. I now run my firm remotely. This change will make it more likely that I may be able in the future to supervise a LOS participant. Remote study and work can be as high-quality and effective as in-person.	No change.
Emily Makarewicz	A	These are great revisions and will make this program more accessible to many people.	No change.

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Krysten Mas	A	I strongly agree with the proposed revisions as a LOSP student. I believe the time restrictions and barriers against remote studying is indeed outdated and potentially harmful to accepting normal study tendencies (such as studying in libraries for quiet) which tends to be harder to achieve during business hours at the firm. These updates stand to improve the quality of study time, which is a very welcome update from my perspective, as quality is at least as important as quantity of study, possibly even more important. True learning of the law should be the goal, and I believe these proposed changes meet that end.	No change.
Frederick Mitchell	D	<p>A California Real Estate Broker should automatically meet the entrance requirements upon evidence of a license to practice real estate. Broker's should be automatically exempted from the First Year Law Student's Examination. A CA Broker has not only taken courses in law and completed the statutory equivalent of a Bachelor's Degree in Real Estate, he or she is licensed by the state to represent California's in the biggest financial transactions of their lives. The Broker Examination is at least equivalent to the FYLSX. The state issued Broker License should be the qualification required for admissions into the Law Office Study Program. There additional points.</p> <p>Only a CA RE Broker has the legal right to represent others in legal transactions. The Broker regulations under the Department of Real Estate are far more strict than the regulations for attorneys. Whereas a CA Broker may represent a tenant or landlord in court and write contracts on their behalf, an attorney may only conduct 1 real estate transaction without a broker license. The LOS Program must accept the Broker License as having met entry requirements and for exemption from the First Year Law Student Examination. Presentation of the license should be sufficient for acceptance into the LOS Program without any further academic requirements.</p> <p>The State Bar and the CA Supreme Court have ignored these facts to prevent CA Broker's from transitioning into the practice of law.</p>	No change. The working group appreciates the thoughtful response, but respectfully disagrees with the commenter's perspective. The working group does not believe that real estate brokers should be exempted from either the pre-legal education requirements or the First Year Law Students Examination requirements. Additionally, Bus. & Prof. Code section 6060 governs the pre legal education requirements needed to be certified to the Supreme Court for admission, and sets the requirement to pass the FYLSX for applicants whose legal education was obtained through the law office study program. If the Committee wished to make changes, a recommendation to amend the statute would need to be made. The working group does not recommend amending the statute for this one defined profession.
Zach Newman / Legal Aid Association of California	A	<p>We are writing on behalf of the Legal Aid Association of California (LAAC) regarding the proposed changes to the rules for the Law Office Study Program. We support the proposed changes because they make it easier for individuals to engage in remote work as well as easier to apply for and participate in the program.</p> <p>LAAC is the statewide membership association of over 100 public interest law nonprofits that provide free civil legal services to low-income people and communities throughout California. LAAC member organizations provide legal assistance on a broad array of substantive issues, ranging from general poverty law to civil rights to immigration, and also serve a wide range of low-income and vulnerable populations. LAAC serves as California's unified voice for legal services and is a zealous advocate advancing the needs of the clients of legal services on a statewide level regarding funding and access to justice.</p>	No change.

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		<p>We understand that the Law Office Study (LOS) program lets people qualify to take the California Bar Exam without attending law school by studying law for four years in a law office or judge’s chambers. This is an important alternative pathway to licensure for individuals who do not find the traditional law school path to be appropriate for them. The proposed changes will update the rules for the program, with the goal of eliminating unnecessary barriers to successfully completing the program. We support the proposed changes.</p> <p>Specifically, the proposed rule changes would get rid of the requirement that study be completed “during regular business hours.” It would also allow study to be conducted in a physical location other than literally in the law office or judge’s chambers. These rule changes make the program more contemporary, in regard to the increasing popularity of remote work. The rules would, however, require a supervisor to submit a plan regarding the remote supervision as well as require at least five hours of “direct supervision” happen in-person for each 12 weeks of study. On balance, this means those who want to complete their studies remotely can do so, while also receiving at least some in-person supervision. In addition, the new rules also seek to make application to and participation in the program requirements clearer and more specific. This will only help with ensuring potential applicants understand and can participate in the program through this critical alternative pathway to licensure.</p> <p>In sum, the Law Office Study (LOS) program offers a necessary and essential way for individuals to enter the legal profession outside of the law school system. Eliminating barriers to participation are a positive development. Thank you for giving us the opportunity to provide comment. Please contact us with any questions.</p>	
Gabrielle Nicolet	A	I completed the LOSP and agree that the rules are outdated and are, in some cases, impractical to follow due to changes in the nature of the way lawyers practice law and how people in our modern, high tech world work and study. The proposed changes would be beneficial to those who participate and would not adversely impact the program or the practice of law.	No change.
Jennifer Richardson	AM	I would love if participants in the LOS option would be allowed to advise clients like their PTLS counterparts. The only education I'm missing from LOS is the ability to represent clients in court under the direct supervision of my mentoring attorney.	No change. The working group appreciates the thoughtful response, but respectfully disagrees with the commenter’s perspective. The LOS program is a study program; representation of clients is not permitted. However, the proposed changes to the PTLS program will allow LOS program participants to become part of the PTLS program and, outside of the LOS hours, participate in the PTLS program to the same extent as those attending California law schools.

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Pamela Ross / All for the Family Legal Clinic, Inc.	A		No change.
Jason Schlossberg	A	I have first hand knowledge of a student and I can confirm the study time and effort is that of a Law student. The Bar should 100% modernize, and improve the program, and eliminate unnecessary barriers to participation. In many ways this would help to improve on all aspects of the program.	No change.
Logan Schlossberg	A	Looking for any information on the LOSP is difficult. Getting a hold of someone for help, to ask questions about the program, to ask questions once you are in the program, etc, again - incredibly difficult. The State Bar does not make learning about the Law Office Study Program easy. To have an actual counselor or person to ask questions to would be incredibly beneficial. We were given a point of contact once the program begins but it is close to impossible to get ahold of that person. If you have a question about the program or on what type of material you need to submit, you may have to wait weeks if not months for a response. Also, a way for apprenticeship students to connect with one another would also be very beneficial to the program itself. Whether it be a forum, an opt-in/opt-out choice to include contact information to connect with other LOSP students, or even online chat rooms to join, I really believe having an opportunity to connect with the State Bar and/or other students in the program would help.	No change. In addition to these rule changes, the State Bar is identifying changes needed to the website, Applicant Portal, declarations, forms, FAQs and the like to provide more clarity on the program requirements. We will consider Mr. Schlossberg's comments as we complete these updates.
Adele Schneidereit	D		No change.
Jason Shepardson	A	I started the LOS in May 2020 and was able to complete one year. I had to commute 40 min a day to be in the office. I ultimately discontinued the LOS because it was so difficult and time consuming to commute to the office. If the proposed rules are adopted I could actually do the LOS again. I hope it passes.	No change.
John Shepardson / Law Office of John A. Shepardson	A	I strongly believe in the proposed changes: 1. Society is changing as is the profession on work locations. Remote work is now common place. Requiring in-officer physical work is unnecessary to be a lawyer. 2. Remote work is good for the planet as it reduces greenhouse gases. 3. Remote opens up the profession for those working other jobs. 4. Abe Lincoln got the books and studied on his own and he didn't do too bad. 5. Equal opportunity for all. 6. Those that can't afford have a better chance. 7. Formal law school debt can crush the dream. 8. My son had to stop his try in part because of commute from Capitola over Highway 17.	No change.
Mark Suarez	A	The changes proposed for the Law Office Study Program by the State Bar of California will make legal education more accessible for students who cannot afford law school.	No change.

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Kent Tierney	D	Eliminating the traditional bar exam is not a good idea.	No change. The comment is beyond the scope of the proposed modifications to the rules for the LOS program.
Michael Trust	A		No change.
Cristi Michelin Vasquez	D		No change.
Marc Wasserman	A	This is excellent especially for those effected by the pandemic	No change.
Raymond Yeung	A	<p>The stated purpose of having a bar exam is to protect the public by ensuring that new attorneys hold a minimum level of knowledge, which it fails at miserably at doing, since the ridiculous number of possible tested subjects ensures that no subject can be tested in a sufficient depth, such that the examinee can be said to surely have an adequate level of knowledge in the area. In fact, since no substantive subject is guaranteed to be on the essay portion of the exam, one can pass the bar exam with zero knowledge of a subject, and then go on to practice in that area of law, learning as they go along. Some subjects such as immigration, which is highly relevant to many civil and criminal practitioners in California, are guaranteed to *not* be on the bar exam, which calls into question what skills the bar really ensures the examinee has. And no, the skill of creating fake rules ex nihilo for the purpose of having something to write on the essay portion (an actual tip given by bar prep companies) is not a skill that is reasonably related to protecting the public.</p> <p>We all know that the real purpose of having a bar exam is to allow the bar association to extort as much money as possible from prospective legal practitioners. Be that as it may, the public is not protected any further by preventing people from being able to take the bar exam in the first place, so the bar association may as well let anyone who wants to take the exam do so; or better yet, drop the pretense entirely and simply charge a fee to those qualified by law school or the LOS program to allow them to practice law.</p>	No change. The comment is beyond the scope of the proposed modifications to the rules for the LOS program.

Legend
A = Agree with proposed rule
AM = Agree if modified
D = Disagree with proposed rule