



The State Bar *of California*

OPEN SESSION AGENDA ITEM IIIB APRIL 2023

DATE: April 21, 2023

TO: Members, Committee of Bar Examiners

FROM: James Efting, Committee of Bar Examiners
Kareem Gongora, Committee of Bar Examiners
Bethany Peak, Committee of Bar Examiners
Amy C Nuñez, Assistant Director, Administration & Examinations

SUBJECT: Action on Revisions to the Special Admissions Rules: Recommendation to Circulate for Public Comment Rules Related to Registered In-House Counsel, Registered Legal Aid Attorneys, Registered Military Spouse Attorneys, and Foreign Legal Consultants

EXECUTIVE SUMMARY

The State Bar of California offers attorneys admitted in other jurisdictions the ability to practice law in California under limited circumstances through one of several special admissions programs. This agenda item focuses on revisions to the rules for the Multijurisdictional Practice Program (MJP), a program that allows attorneys licensed in other U.S. jurisdictions the ability to practice under specific conditions and in specific areas of law, and on the Foreign Legal Consultants Program, which allows attorneys licensed in other countries the ability to practice the law of their home jurisdiction in California.

A volunteer group of Committee of Bar Examiners (committee) members and staff examined the California Rules of Court and the Rules of the State Bar for Registered In-House Counsel, Registered Legal Aid Attorney, Registered Military Spouse Attorney, and Registered Foreign Legal Consultants with multiple purposes in mind: to eliminate barriers to participation (where it was not needed for public protection); where possible, to streamline procedures for applying to and participating in the special admissions programs; and, to ensure that the rules are clear and consistent with applicable law. The review of these rules also addresses one of the State Bar Strategic Goals, specifically to enhance access to, and inclusion in, the legal system, by

increasing the number of attorneys admitted through special admissions programs. To accomplish this goal, the State Bar is tasked to identify factors contributing to low numbers of Registered Legal Aid Attorneys and to revise rules to eliminate unnecessary hurdles for all special admissions programs.

This agenda item requests that the Committee of Bar Examiners take the following action: (1) approve each set of proposed Special Admissions Rule changes for the MJP categories and Registered Foreign Legal Consultants, (2) approve each set of corresponding California Rules of Court changes for the MJP categories and Registered Foreign Legal Consultants, and (3) recommend to the Board of Trustees that the proposed rule amendments be circulated for a 60-day public comment period.

BACKGROUND

Special Admissions rules govern the extent to which those not formally admitted to the State Bar of California may practice in California. They include the following categories:

Registered In-House Counsel (RIHC)

Rule 9.46 of the California Rules of Court authorizes attorneys licensed in other U.S. jurisdictions to practice law within certain parameters if they meet the following qualifications: work for a “qualifying institution,” are in good standing in each jurisdiction in which they are licensed to practice (cannot have been disbarred or be facing charges, nor suspended from law for disciplinary misconduct in any other jurisdiction); remain an active licensee in at least one U.S. jurisdiction; and reside in California. Attorneys meeting these qualifications may register with the State Bar by submitting an application, applying for a moral character determination and once the application is approved are then allowed to practice as Registered In-House Counsel (RIHC) in California for a qualifying institution. Unlike licensees, RIHC are allowed to practice while awaiting their moral character determination.

The work of RIHC is almost exclusively limited to providing legal services in California only to the qualifying institution that employs them. They are also allowed to provide pro bono work under the supervision of a California attorney, for the qualifying institution that employs them, or to an eligible legal aid organization. RIHC are not permitted to make court appearances in California state courts or to provide personal or individual representation to any customers, shareholders, owners, partners, officers, employees, servants, or agents of the qualifying institution. The Rules of the State Bar allow out-of-state attorneys to qualify for both RIHC and RLSA.

Registered Legal Aid Attorney

Rule 9.45 of the California Rules of Court authorizes attorneys licensed in other U.S. jurisdictions to practice law within certain parameters if they meet the following qualifications: must register with the State Bar by submitting an application and an application for moral character, and once the application is approved are then allowed to practice as Registered and

work under the supervision of a California attorney who is employed by an eligible California-based nonprofit organization or law school that provides civil legal services to indigent and disenfranchised Californians. As with RIHC, a Registered Legal Aid Attorneys (RLAA) must be in good standing in each of jurisdictions in which they are licensed to practice (cannot have been disbarred or be facing charges, nor suspended from law for disciplinary misconduct in any other jurisdiction) and must remain an active licensee in at least one U.S. jurisdiction. Attorneys practicing law under this rule may practice law in California only while working, with or without pay, at an eligible legal aid organization, as defined in the rule, and, at that institution and only on behalf of its clients or customers, may engage, under supervision, in all forms of legal practice that are permissible for a licensee of the State Bar of California. Approved RIHC applicants are allowed to work while awaiting their moral character determination. The Rules of the State Bar allow out-of-state attorneys to qualify for both RIHC and RLAA.

Registered Military Spouse Attorney

Rule 9.41.1 of the California Rules of Court authorizes attorneys licensed in other U.S. jurisdictions to practice law within specific parameters when their military spouse has been stationed in California. Those attorneys need to meet the following qualifications: must register with the State Bar by submitting an application and an application for moral character, and once the application is approved are then allowed to practice as Registered Military Spouse Attorneys and work under the supervision of a California attorney. As with the other MJP attorneys, they must be in good standing in each one of the jurisdictions that they are licensed to practice in (cannot have been disbarred or be facing charges, nor suspended from law for disciplinary misconduct in any other jurisdiction) and must remain an active licensee in at least one U.S. jurisdiction. Additionally, RMSAs must be married to, in a civil union with, or a registered domestic partner of an active-duty service member of the U.S. Uniformed Services who has been stationed within California. Attorneys practicing under this law, are subject to all applicable rules, regulations, and statutes and is permitted to practice law in California, under supervision, in all forms of legal practice that are permissible for a licensed attorney of the State Bar of California, including pro bono legal services. All MJP applicants are required to submit a moral character application, but, unlike applicants for admission to the bar, may practice while the moral character determination is pending.

Registered Foreign Legal Consultants

Rules of Court, Rule 9.44, governing Registered Foreign Legal Consultants (RFLC), permits attorneys licensed in another country (and who are in good standing in that jurisdiction) to provide legal advice in California exclusively regarding the law of their foreign jurisdiction. RFLC applicants must apply for moral character determination as well.

In 2018, State Bar staff reviewed the MJP rules with a similar intent as today, to identify whether changes were needed to support increased access to legal services. At that time, the CA State Bar MJP only included RIHC and RLAA (formerly referred to as Registered Legal Services Attorney). As a result of that review of rules, a third category was included in the MJP in 2019, the Military Spouse Attorney (RMSA) category. Below is a summary of the rules that

affected eligibility, program requirements or practice that were proposed in 2018, and which became effective in 2019.

MJP Rule Changes Incorporated in 2019

The current requirements for MJPs came about as part of a comprehensive effort to increase access to legal services in 2019.

- The State Bar Rules and California Rules of Court were modified to allow for MJPs to participate in pro bono work opportunities. The rules were revised to authorize RIHC the ability to provide pro bono services for eligible legal aid organizations, or for the institution that employs them (under the supervision of a CA attorney) and the rules for RMSAs explicitly state that pro bono service is permitted under the supervision of an attorney.
- Application procedures were revised to eliminate the need to submit two applications to serve as RIHC and to provide pro bono work; one application and one set of fees could encourage pro bono work.
- The qualifying institution that employs a RIHC had to be a corporation, partnership, association, or other legal entity that employed at least 10 employees or one full-time California attorney. In 2019, the number of employees was reduced to five.
- The definition of a qualifying legal service provider was modified to expand beyond only those eligible for IOLTA funding and to include nonprofit legal aid entities and nonprofit law schools that provide civil legal aid.
- The Rule of Court was modified to allow RLAAAs to participate in the program for a maximum of five years, rather than three.
- Rules were revised to make it possible for RLAAAs to provide legal services to more than one legal aid entity.

In 2022, staff from the Office of Admissions embarked on a comprehensive review of its processes, applications, instruction material, website, and staff training and reference materials to assess whether changes were warranted to improve overall case processing and customer service. The goals of this exercise also included a review of the rules to identify any contradictions between the California Rules of Court, the State Bar rules, and governing statute; to clarify any ambiguity raised by staff or applicants, and more importantly, to examine the rules closely to determine whether any unnecessary hurdles exist that may prohibit participation and that do not further public protection. The proposals identified in the discussion derive from this review.

In December 2022, following a brief presentation to the committee about some of the challenges to the existing rules, staff sought volunteers from the committee to assist in evaluating these programs and recommending changes. James Efting, Kareem Gongora, and Bethany Peak volunteered and participated in a working group with staff. References to the working group throughout the rest of the agenda refer to these committee volunteers.

DISCUSSION

In preparation for the MJP and FLC rule revision, State Bar staff met with key stakeholders to gather feedback about how the programs have operated since the rule changes of 2019. Staff specifically met with:

- Representatives of the Association of Corporate Counsel (ACC)
- Registered In-House Counsel with multiple years of experience
- Registered Legal Aid Attorney employers, RLAA's, and the Legal Aid Association of California
- Members of the Military Spouse JD Network (MSJDN)¹.

This stakeholder feedback contributed significantly to the analysis of the current Rules of Court and State Bar Rules for each of the MJP programs and FLC. Staff also reviewed rules from other state jurisdictions, as well as the ABA model rule for RIHC programs to look for alignment or for promising practices that could strengthen the operations of these programs in California. The rule proposals presented here are a culmination of this work and of multiple discussions with the working group.

PROPOSED CHANGES APPLICABLE TO ALL MJP CATEGORIES AND FOREIGN LEGAL CONSULTANTS

Clarification of Requirement to Be Eligible Practice Law

Rules for each of the programs require applicants to be in good standing in each jurisdiction in which they are licensed, and to be an active licensee in at least one jurisdiction. (See Rules, 9.41.1(a)(3)(B), 9.44(a), 9.45(a)(2)(B), 9.46(a)(2)(B)). Staff has identified scenarios where, under the rules of a particular jurisdiction, a licensed attorney is deemed to be in good standing and an active licensee, but nonetheless ineligible to practice law. The working group felt that the spirit of the rules assumes the applicant is eligible to practice. The working group, therefore, proposes to amend each of the rules to clarify that in addition to being an active licensee, the attorney must be eligible to practice law in at least one jurisdiction

Termination For Not Addressing Suspension Matter

At present, MJPs and FLCs can be suspended for a variety of infractions, such as failing to register and pay annual dues, or failure to comply with the standards of professional conduct. Once an MJP or FLC is suspended, there is no method for determining what an applicant's intention is; whether they plan to return to function as an MJP or FLC, or whether they plan to terminate. This change will require that Multijurisdictional Practice Attorneys and Foreign Legal Consultants take corrective action to resolve the matter that led to their suspension. Currently, the rules (Special Admissions Rules 3.374 (A), 3.364 (A), *revised* 3.353 (A), and 3.408 (A)) dictate

¹ The [MSJDN website](#) has a model rule for admission of military spouse attorneys, links to information on the RMSA programs in many states, and other helpful information.

that while MJPs and FLCs are in suspended status, they are not permitted to practice law. Requiring MJPs in suspended status to address the issues that led to the suspension provides the greatest likelihood of allowing them to return to practice and provides assurance that they have not continued to work while on suspended status. The new rule furthers public protection. MJP applicants who wish to be reinstated after being terminated for not addressing their suspension would be allowed to do so by submitting a new application. If the applicant's moral character application has expired, a new moral character application will need to be submitted as well. The working group recommends terminating an MJP or FLC attorney who has not taken corrective action to resolve the matter that led to the suspension within six months.

Clarifying that Applicants Can Start Practicing Once Application has been Approved

Because MJP and FLC applicants are required to submit a moral character application, there has been confusion on when an applicant can actually start to practice. These rule changes (Special Admissions Rules 3.371(C), 3.361(C), 3.355 (C), and 3.402 (C)) propose to clarify that an MJP and FLC applicant can start practice once their application has been approved. Changes to the rules related to the application (Rule 3.371 (A)(3), 3.361 (A)(3), 3.351(A)(3), and 3.401 (D)) will clarify that an applicant may practice while awaiting their moral character determination.

PROPOSED CHANGES TO ALL MJP CATEGORIES

Adding Failure to Report Employment Termination Within 30 Days to Reasons for Termination

RIHCs, RMSAs, and RLAAAs, are all required by State Bar rule (Special Admissions Rule 3.375 (A), 3.355 (A), 3.365 (A)) to report to the State Bar within 30 days of having terminated employment with the qualifying institution or employer. Experience has shown that this does not always happen. In fact, State Bar staff sometimes learn of the termination of employment only because the MJP attorney is submitting a new qualifying institution or supervisor declaration. They then discover that the former employment terminated many months prior. The rules do not provide a mechanism for sanctioning MJPs who fail to report employment terminations within 30 days. The Rules also require each of these MJP to "maintain an address of record with the State Bar, which must be the current California office address of the attorney's employer and a current e-mail address". Failure to report either a termination of employment or a change in employer creates the potential to engage in the unauthorized practice of law and threatens public protection. Staff will develop forms and applicant instruction to guide applicants on how to make employer changes. However, if staff subsequently learn of the termination of employment, they will be terminated from the program. We anticipate that this change will improve compliance considerably. The recommendation is to terminate MJPs who fail to report employment terminations within 30 days.

Clarifying That SB Rules Conform With Rule of Court Related to Suspension Due to Inactive Status

State Bar Rules 3.374 (A)(3) and 3.364 note that an applicant can be suspended “upon voluntary transfer to inactive status, or the functional equivalent in any jurisdiction where admitted to practice.” This needs to be corrected to correspond with CA Rule 9.46 (a)(2)(b), Rule 9.45 (a)(2)(B), and 9.41.1 (a)(3)(B) which note that the MJP Attorney needs to remain active, and eligible to practice law in at least **one** jurisdiction and has not been disbarred, nor resigned with charges pending, nor been suspended from practicing law for disciplinary misconduct in any other jurisdiction. Corrections will be made to Rule 3.374 (A)(3), 3.364 (A)(3), and the forthcoming 3.354 (A)(3).

PROPOSED CHANGES TO REGISTERED LEGAL AID ATTORNEYS AND REGISTERED MILITARY SPOUSE ATTORNEY

Requirement That Applicant Cannot Have Taken and Failed the CA Bar Exam Within the Preceding 5 Years of Applying

Currently, CA Rule of Court 9.45 (c)(7) and Rule 9.41.1 (c)(9) dictate that RLAAAs and RMSAs cannot have taken and failed the California Bar Exam within the preceding five years of the initial application. This rule does not apply to RIHCs. Staff received significant stakeholder feedback about the chilling effect this has on participation and researched the origins of this rule to determine its intent, and whether that intent continues to be justified.

In 2002, the California Supreme Court formed the Multijurisdictional Practice Implementation Committee and charged it with drafting rules that would expand the circumstances under which attorneys licensed to practice law in jurisdictions in the United States other than California (out-of-state attorneys) are permitted to practice law in California. This formed the rules for Legal Services Attorneys (now titled Registered Legal Aid Attorneys) and designed the program which would allow licensed attorneys from other U.S. jurisdictions the ability to provide legal services to indigent clients on an interim basis **before** taking the California bar examination, under the supervision of an experienced member of the State Bar, at a qualifying provider of legal services. The original rule limited practice to three years, after which “attorneys must take and pass the California bar examination if they want to continue to practice law in California.”

It appears that the RLAA program was originally intended to be open to out-of-state attorneys wishing to temporarily serve in the capacity of RLAA prior to taking the bar examination, which may no longer be an applicant’s intent. Some applicants may wish to continue in the capacity of an RLAA as a long-term career. Committee working group members noted that this requirement may no longer be relevant and may create an unnecessary barrier to participation and may not be necessary for public protection. While the working group acknowledges that the public protection reason was established because this individual was unable to pass the bar exam and as an RLAA are now being allowed to practice law in California, they are doing so in a limited environment and under the supervision of a licensed attorney. Opening the program to out-of-state attorneys, regardless of whether they have taken the bar exam, would not pose a threat to public protection, given the fact that they would still be required to satisfy other

program requirements, such as remaining in good standing and eligible to practice law in at least one of the jurisdictions that they have been licensed in, must clear moral character, and must work under the supervision of a licensed California attorney.

The requirement that an applicant cannot have taken and failed the California Bar Exam for the five years prior to their initial application may disincentivize applicants from taking the bar exam altogether. Potential applicants would have to know with at least five years of anticipation whether to apply for the California Bar Exam or to seek practice in California as an RLAA or RMSA, and this may not be feasible. The working group recommends eliminating this requirement in an effort to eliminate an unnecessary hurdle that prohibits greater program participation.

Supervision Requirements for RLAA and RMSAs

Staff shares the concerns expressed by stakeholders about the onerous supervision required of RLAA and RMSA, specifically that the supervising attorney must approve in writing any appearance in court, deposition, arbitration, or other proceedings, and that the supervising attorney must also read, approve and personally sign any pleadings, briefs, or other similar documents prepared by the RLAA and RMSA. The supervision rule was clearly intended to protect the public from non-California licensed attorneys who may not have the requisite skill in certain instances to practice California law without supervision.

Since the creation of the RMSA program in 2019, the State Bar has only received 25 RMSA applications. When discussing this with the Military Spouse JD Network, they report that the supervision requirements contribute to the low participation rate. When the RMSA rules were drafted in 2018, the supervision requirements received sufficient criticism, compelling the Board to direct that the supervision requirements be revisited in one year. Staff began considering the supervision requirements following the direction of the Board, but proposals for change had not yet been brought to the committee or the Board.

The working group recognizes the burden that this level of oversight puts on the supervising attorney, which may deter legal aid organizations and other employers from recruiting RLAA and RMSAs. However, they believe public protection continues to demand a level of supervision. The working group, therefore, proposes to add the additional safeguard that exists in the RMSA rule on supervision requiring the supervisor to agree to assume control of the work of the RLAA in the event the RLAA is terminated, but to eliminate the need for a supervisor to approve in writing any appearance in court, deposition, arbitration, or other proceedings, and the need for a supervising attorney to read, approve and personally sign any pleadings, briefs, or other similar documents prepared by the RLAA and RMSAs.

Another safeguard currently exists in CA Rule of Court 9.45 (d)(3) (iii) requiring “the eligible legal aid organization and the supervising attorney assume professional responsibility for any work performed by the applicant under this rule.” The CBE working group believe that this change eliminates an unnecessary hurdle and with the additional requirement that the supervisor assume control of the work of the RLAA in the event of a termination, hence public protection is not threatened.

On Limiting Participation to Five Years for RLAAAs

California allows longer participation as an RLAA than many other states. The CBE working group discussed whether the limitation to five years was necessary for public protection and they do not find that to be the case. Rather, the CBE working group recommends that the five-year limit on participation as an RLAA be eliminated on the basis that allowing RLAAAs to continue beyond 5 years may provide more legal services to California. The working group recognizes elimination of this five-year rule could be interpreted as a form of permanent alternative licensure for licensed out-of-state attorneys to work strictly in public interest law. The group concluded that the benefits are vast and would not threaten public protection, given the safeguards that exist, such as remaining in good standing and eligible to practice in at least one of the jurisdictions that they have been licensed in, clearing moral character, and working under a licensed California attorney. The proposal is to eliminate the five-year rule.

On Limiting Participation to Five Years for RMSAs

Currently, Rule 9.41.1 (c) (3) limits the participation of RMSAs to a maximum of five years. The working group proposes to eliminate the term limit given that a military spouse may be stationed in California beyond five years. The working group do not believe that the limitation furthers public protection and that it may disrupt the provision of legal services in California. Public protection would be preserved, given that applicants would still be required to meet all the program requirements. The change proposes to specify that an RMSA would remain eligible to practice as long as their spouse or registered domestic partner continues to be stationed within California.

PROPOSED CHANGES SPECIFIC TO REGISTERED IN-HOUSE COUNSEL

On the Number of Employees at Qualifying Institutions

The CBE working group recommends that the number of employers required for Qualifying Institutions be reduced from requiring at least five to a minimum of three (Rule of Court 9.46 (a)(1)(A)). The working group discussed the fact that most other states with a RIHC program do not have a minimum number of employees and that requiring qualifying institutions to have more employees limits the opportunity for RIHCs to serve in smaller companies. The group was also concerned with removing the requirement on employees altogether and decided on maintaining a minimum number of employees preserves the integrity of the program. The working group decided that reducing the minimum to three employees does not pose a threat to public protection.

Residency Requirement for Registered In-House Counsel²

Currently, Rule 9.46 (c)(7) and State Bar Rule 3.370 (D) require that a RIHC reside in California. Staff report an increase in the number of applicants expressing interest in participating as RIHC, but who are also not willing or able to relocate to California. Staff have investigated whether other jurisdictions require in-state residency for out-of-state attorneys serving as RIHC and found that the practice varied. For example, New York allows RIHCs to serve from out of state, while other jurisdictions, such as Colorado, require in-state residency. Staff and the CBE working discussed that geographic boundaries do not have the same significance as they did when individual states were first charged with regulating the conduct of the lawyers who practice within their borders. The way business and legal transactions are being handled post-pandemic has changed; there is an increase in the amount of telecommuting, teleconferencing, video hearings and electronic court filings occurring nationally. The working group believes that removing the residency requirement would not pose a threat to public protection. If anything, it's an act that recognizes that technological advancements would permit individuals to practice as an RIHC while living out of state, and that opens the door to the possibility of increased legal services in California. The working group recommends eliminating the residency requirement.

One of the suggestions received from a set of stakeholders was whether the State Bar should allow RIHC to also serve as pro hac vice. The committee working group discussed this and decided that the conditions for serving as pro hac vice are not the same conditions for serving as RIHC. Pro Hac Vice are lawyers licensed in another state who must formally petition a California court for permission to appear on behalf of a client on a particular case and on a limited basis. RIHCs are not permitted to make court appearances and are required to work for a qualifying institution with an office in California. The working group concluded that RIHC and Pro Hac Vice serve two distinct functions; one is intended to represent a client in Court with a limited scope (on an individual case and on a limited basis), while the other is an ongoing assignment intended to support the legal needs of an organization and not in the court. Allowing RIHC to appear in court changes the nature of their role and alters a foundational construct of that rule; that they do not appear in court.

PROPOSED CHANGES SPECIFIC TO REGISTERED LEGAL AID ATTORNEYS

There are no rule proposals specific to Registered Legal Aid Attorneys.

PROPOSED CHANGES SPECIFIC TO REGISTERED MILITARY SPOUSE ATTORNEYS

On the Submission of a Declaration from the Supervising Attorney

² State Bar Rule 3.370 Requires Technical Correction in the event that the elimination of the residency requirement for RIHC is not adopted: Rule 3.370 (D) notes that RIHCs must reside in CA and references the corresponding CA Rule of Court 9.46 (c)(8) regarding the residency requirement. The actual reference should be CA Rule of Court 9.46 (c)(7); there is no Court 9.46 (c)(8).

One of the challenges reported by potential RMSA applicants is the fact that a declaration signed by the supervising attorney attesting that they will supervise the applicant and assume responsibility for any work performed by the RMSA is required very early in the application process. The signed supervising attorney declaration is required as part of the application which implies that an RMSA must seek employment without having been approved by the program yet, or the RMSA must identify an employer before applying and being approved for the program. Either of those scenarios will be addressed with this rule change. Staff propose to address this by bifurcating the application process into two steps. Step one, the applicant establishes eligibility to participate in the program by ensuring that they meet all of the requirements in Rule 9.41.1 (d) (1) and (2). Once the applicant has submitted their RMSA application, and moral character application, and signed their written agreement to be subject to the disciplinary authority of the Supreme Court and State Bar, and to work under the supervision of a CA-licensed attorney while serving as an RMSA, that applicant could be “conditionally approved.” Documentation would be provided to the applicant as they seek employment, with the assurance that they can participate in the program, once the next step of the application process is complete. The second step initiates once an employer is found; the applicant can then submit the supervising attorney attestation and the requirements in Rule 9.41.1 (d) can be met. The proposed would amend rule 9.41.1 (d) (3) to authorize RMSA applicants to submit the signed supervisor declaration prior to starting, and not as part of the application as follows:

(3) Prior to commencing employment, submit to the State Bar of California a declaration signed by a qualifying supervising attorney.

This change does not alter the requirements but eliminates a significant hurdle that currently impacts potential RMSAs from participating. State Bar Rule 3.351 (A)(5) would also be revised to reflect the two-step application process which allows “conditionally approved” RMSA applicants the ability to identify employers and to submit the declaration once employment has been gained. The working group considered whether this would pose a public protection risk, for example, that someone would begin practicing as an RMSA without getting a supervisor because they now have a title. Staff plan to make this clear in the material provided to RMSAs.

Correction to the RMSA Rules- Adding Rules Related to Suspension

When the State Bar rules for RMSA were developed in 2018, they failed to include language specifying what actions will result in suspension of registration as an RMSA. The RMSA rule proposal includes a recommendation to include a section on suspensions that mirrors the criteria and processes contained in the suspension section of the RIHC and RLAA rules. As noted earlier, the proposed rule will also include a recommendation to terminate an RMSA that has not corrected or resolved a matter that led to the suspension within six months.

PROPOSED CHANGES SPECIFIC TO FOREIGN LEGAL CONSULTANTS

There are no rule proposals specific to Foreign Legal Consultants.

Other grammatical and technical amendments are included in the proposal.

FISCAL/PERSONNEL IMPACT

If these proposals are adopted, an increase in revenue from the increased number of MJP and moral character applications can be anticipated. If the number of increased applications does not require more staffing, this could financially benefit the Office of Admissions, which is currently operating with a deficient budget. The proposed changes also provide more information and clarity to applicants, which may reduce the volume of inquiry, thereby reducing staff time spent responding to questions and allowing more time to process applications.

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

It is recommended that the Committee of Bar Examiners request that the Board of Trustees circulate for a 60-day public comment period the rule changes reflected in Attachments A through F to revise the Special Admissions Rules relevant to Multijurisdictional Practice and Foreign Legal Consultants and the proposed revisions to the CA Rules of Court reflected in Attachments G through P relevant to Multijurisdictional Practice and Foreign Legal Consultants

PROPOSED MOTION

Should the Committee of Bar Examiners agree with the staff recommendation, the following motion should be made:

MOVE, that the Committee of Bar Examiners recommend to the Board of Trustees to circulate the proposed rules set forth in Attachments A through P for a 60-day public comment period.

ATTACHMENTS LIST

- A. Proposed Amendments to Title 3 of the Rules of the State Bar Relevant to, Registered In-House Counsel (Redline)

- B.** Proposed Amendments to Title 3 of the Rules of the State Bar Relevant to, Registered In-House Counsel (Clean)
- C.** Proposed Amendments to Title 3 of the Rules of the State Bar Relevant to Registered Legal Aid Attorneys (Redline)
- D.** Proposed Amendments to Title 3 of the Rules of the State Bar Relevant to Registered Legal Aid Attorneys (Clean)
- E.** Proposed Amendments to Title 3 of the Rules of the State Bar Relevant to Registered Military Spouse Attorneys (Redline)
- F.** Proposed Amendments to Title 3 of the Rules of the State Bar Relevant to Registered Military Spouse Attorneys (Clean)
- G.** Proposed Amendments to Title 3 of the Rules of the State Bar Relevant to Foreign Legal Consultants (Redline)
- H.** Proposed Amendments to Title 3 of the Rules of the State Bar Relevant to Foreign Legal Consultants (Clean)
- I.** Proposed Amendments to CA Rules of Court 9.46 Relevant to Registered In-House Counsel (Redline)
- J.** Proposed Amendments to CA Rules of Court 9.46 Relevant to Registered In-House Counsel (Clean)
- K.** Proposed Amendments to CA Rules of Court 9.45 Relevant to Registered Legal Aid Attorney (Redline)
- L.** Proposed Amendments to CA Rules of Court 9.45 Relevant to Registered Legal Aid Attorney (Clean)
- M.** Proposed Amendments to CA Rules of Court 9.41.1 Relevant to Registered Military Spouse Attorney (Redline)
- N.** Proposed Amendments to CA Rules of Court 9.41.1 Relevant to Registered Military Spouse Attorney (Clean)
- O.** Proposed Amendments to CA Rules of Court 9.44 Relevant to Registered Foreign Legal Consultant (Redline)

P. Proposed Amendments to CA Rules of Court 9.44 Relevant to Registered Foreign Legal Consultant (Clean)