



The State Bar *of California*

Admissions Rules Revisions: Request to Circulate for Public Comment Examinations Moral Character for Out-of-State Attorneys

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Board of Trustees, May 18–19, 2023



Admissions Rules & Process Review

- Comprehensive review
- Areas of confusion for public
- Requirement does not further public protection
- Creates an unnecessary barrier to admission to practice law
- Lack of clarity
- Lack of consistency
- Areas of confusion for staff





Admissions Rules & Process Review

- Rules of Court
- Rules of the State Bar
- Statutes
- Applicant-Facing Material
 - Forms & Instructions – Hardcopy and Digital
 - Website language
 - FAQs
 - AIMS Applicant Portal
- Processes
- Training



Rules for Review

Rules to Board in May 2023: Request to Circulate for Public Comment

- Examinations Rule 4.62
- Moral Character Rule 4.41

Back to Board in November 2023 for adoption



Examinations

Rules of the State Bar, Title 4 Division 1 Chapter 5 Rule 4.62



Background: Examinations Rule 4.62

- Establishes a timeframe for returning exam answers back to applicants who were unsuccessful on the bar exam
- Prior to 2019, exam answers were manually processed and prepared for USPS mailing
- Statutory language and rule are not in alignment; and not aligned with current practice
- Current practice provides greater access to exam answers for applicants



Moral Character

Rules of the State Bar, Title 4 Division 1 Chapter 4 Rule 4.41



Background: Moral Character Rule 4.41

- Current rule prohibits out-of-state attorney applicants who have been disbarred, are suspended for disciplinary reasons, or are otherwise not in good standing for disciplinary reasons from submitting an Application for Determination of Moral Character
- Creates a situation in which one of these attorneys may pass the bar exam but cannot be admitted



Proposal: Moral Character Rule 4.41

Modifying the rule will:

- Provide an opportunity for these out-of-state attorneys to submit an Application for Determination of Moral Character
- Create a rebuttable presumption that the applicant does not possess the requisite moral character based on their standing in the other jurisdiction, which the applicant will have to overcome
- Provide California with the ability to make its own determination as to whether the conduct should bar licensure



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 circulating for a 60-day public comment period the changes to the rule regarding access to exam answers and scores as set forth in Attachment A; and it is

FURTHER RESOLVED, that the Board of Trustees approves circulating for a 60-day public comment period the changes to moral character rule 4.41 as set forth in Attachment B; and it is

FURTHER RESOLVED, that this authorization for release for public comment is not, and shall not be construed as, a statement or recommendation of approval of the proposed amended rules.

