



The State Bar of California

OPEN SESSION AGENDA ITEM 705 MAY 2023

DATE: May 18, 2023

TO: Members, Board of Trustees

FROM: Donna S. Hershkowitz, Chief of Programs & Legislative Director
Tara Clark, Assistant Director for Operations, Office of Admissions

SUBJECT: Proposed Amendments to Admissions Rules Related to Moral Character, Law Office Study, and the Practical Training of Law Students Program (Rule of Court Title 9, Division 4, Rule 9.42, and State Bar Rules 3.2–3.10, 4.3, 4.5, 4.6, 4.29, 4.40–4.52, 4.80–4.93, and Appendix A): Return from Public Comment and Request for Adoption Following Transmission to the Supreme Court for Approval

EXECUTIVE SUMMARY

The Committee of Bar Examiners explored revisions to the Rules of the State Bar (Admissions Rules) and rule 9.42 of the California Rules of Court pertinent to Moral Character, the Law Office Study (LOS) program, and the Practical Training of Law Students (PTLS) program as part of its effort to evaluate existing rules with the intent to streamline processes, create greater transparency and consistency in the administration of Admissions functions, and eliminate unnecessary barriers to participation in Admissions programs. Following a 60-day public comment period, the Committee of Bar Examiners is recommending adoption of the Moral Character and PTLS rules as circulated, and adoption of the LOS rules with minor modifications made in response to the public comment received. The committee is further recommending that the Board submit proposals for PTLS and LOS rule amendments to the Supreme Court for approval consistent with rule 9.5 of the California Rules of Court.

BACKGROUND

The State Bar is undertaking a comprehensive review and evaluation of admission rules, practices, and procedures to ensure that they are consistent with applicable law, clear to applicants, and applied with consistency. Staff is also examining each rule to identify and

eliminate any that do not further the State Bar's public protection mission, and potentially serve as unnecessary barriers that stand in the way of applicants participating in specific Admissions programs.

Rule 9.5 of the California Rules of Court provides that, upon approval by the Board, all State Bar rules recommended by the CBE pertaining to the admission to practice law must be submitted to the Supreme Court for review and approval. After consultation with the State Bar's liaison to the Supreme Court, it was determined that rule 9.5 does not cover the rules relating to moral character, and thus those rules need only be approved by the Board.

MORAL CHARACTER

Applicants for admission to practice law in California must be of good moral character. (See Cal. Bus. & Prof. Code, § 6060(b)(1) and Rule 4.40.) Good moral character is defined as including "qualities of honesty, fairness, candor, trustworthiness, observance of fiduciary responsibility, respect for and obedience to the law, and respect for the rights of others and the judicial process." (Rule 4.40(B).)

All applicants for admission to the State Bar, or for California's special admissions programs, are required to submit an application to allow the State Bar to begin the process of assessing whether the applicant possesses the requisite moral character. The application includes information about residence history, employment history, civil lawsuits, law enforcement matters, honor code violations, bankruptcies, driving records, military service, educational history, certifications and licenses, a discussion of other bars to which the applicant has applied but not been admitted, complaints and professional discipline related to a business, trade, or professional license, and similar matters.

In evaluating California's rules and processes to identify needed areas of change, staff examined, among other things, questions received from applicants, common areas of misunderstanding or confusion amongst applicants, and applications from other jurisdictions.

On November 17, 2022, the Board approved circulating the proposed rule changes for a 60-day public comment period. A total of 11 submissions were received; 1 submission included only an unrelated attachment with no comment. Of the 10 written comments, 6 agree with the proposal as circulated, 1 agrees if modified, and 3 disagree.

LAW OFFICE STUDY (LOS)

California's LOS program allows individuals to qualify to be admitted to the practice of law without attending law school, by studying law for four years in a law office or judge's chambers. By allowing aspiring lawyers to complete their legal education by studying with an attorney or judge, California has created a path to licensure 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 reasons. The program is authorized by Business and Professions Code section 6060(e)(2)(B) and (C), and the specific requirements for study in a law office or judge's chambers are set out in State Bar Rule 4.29.

In October of 2021, the California Supreme Court issued an Order directing the State Bar to consider whether changes to Rule 9.42 of the California Rules of Court to allow LOS participants to participate in the PTLs program would be “prudent,” and whether any further rule amendments should be made to provide additional protections to the public and to the judicial system. [Order in re Petition to Amend Cal. Rules of Court Rule 9.42 \(Oct. 20, 2021, No. S269663\) \[2021 Cal. LEXIS 7360\].](#)

On November 17, 2022, the Board approved circulating the proposed rule changes for a 60-day public comment period. A total of 33 individuals and organizations submitted public comments, with the vast majority in full agreement with the proposal as submitted (Agree – 24; Agree if modified – 2; Disagree – 7. Those who expressed disagreement with the proposal either submitted no explanation for their position or provided comments that were not relevant to the proposal that was circulated for public comment.)

PRACTICAL TRAINING OF LAW STUDENTS (PTLS)

California’s PTLs program allows law students certified by the State Bar and working under the supervision of an attorney to provide specified legal services to clients. The purpose of the PTLs program is to improve the training of lawyers by giving law students the opportunity to gain hands-on experience while ensuring the protection of the clients they work with by having the students closely supervised. Students learn the skills and judgment that they will need to practice law in a way that cannot be replicated in a classroom; the attorneys who provide supervision find PTLs students to be a valuable addition to their teams. The requirements for students participating in the PTLs program, requirements for supervision of PTLs students, and restrictions as to what services PTLs students may provide are set forth in California Rules of Court Rule 9.42 and State Bar Rules 3.1 to 3.10.

On November 17, 2022, the Board approved circulating the proposed rule changes for a 60-day public comment period. A total of 27 individuals and organizations submitted public comment, with the majority in full agreement with the proposal as submitted (Agree – 16; Agree if modified – 5; Disagree – 6.)

DISCUSSION

The rule changes proposed in this item will ensure clarity for applicants and Admissions program participants, consistent application of rules and policies by staff, update obsolete or outdated rules, procedures, and practices, and eliminate barriers to participation that are not necessary for public protection.

MORAL CHARACTER

The proposed rule revisions generally reflect the themes of codifying current practice, ensuring consistency within the rules, clarifying areas of confusion for applicants, modifying definitions to be clearer and more accurate, eliminating or modifying inconsistent, inaccurate, or unnecessary rules, and transitioning to gender-neutral pronouns. The most significant changes reflected in the revised rules include:

- Codifying the existing practice of having applicants update their moral character application 18 months into the 36-month validity period of a positive moral character determination.
- Clarifying the obligations to respond timely to requests for additional information necessary to process moral character applications and clarifying when a moral character application may be deemed abandoned for failure to provide requested information.
- Eliminating unnecessary rules related to processes governed by the Rules of Procedure of the State Bar of California.

(See Attachment A.)

For an in-depth description of the changes, please see the agenda items for the [October 14, 2022, CBE meeting](#) and the [November 17, 2022, Board meeting](#).

Public Comments

The CBE received 11 public comments on the proposal, although 1 contained no content other than an unrelated attachment. Of the remaining 10 commenters, 6 agree with the proposal as circulated, 1 agrees if the proposal is modified, and 3 disagree. The comment chart set forth as Attachment B identifies each commenter, a verbatim recitation of their comment, their position on the proposal (as identified by the commenter), and the recommendation presented to the committee as to whether the comment identifies the need for a further change to the proposal. After thorough review of the comments, neither staff nor the committee believe any changes to the revised rules are needed.

Of the three commenters who disagreed with the proposal, one did not include a rationale for their position. Another commenter disagrees with the fact that the State Bar conducts a review of applicants' moral character, asserting that a background check by the Department of Justice is sufficient. However, Business and Professions Code section 6060 expressly requires a positive determination of moral character before an applicant may be admitted to the practice of law in California. The CBE did not consider elimination of the moral character determination process, does not believe elimination of the process is wise, and believes elimination of the process goes beyond the scope of this rule proposal. The final commenter who disagreed with the proposal asserted that "too often lawyers with serious moral issues are allowed to practice" and stated that applicants should "never" be allowed to practice if they were involved in a fraternity prank that results in someone's death. The committee disagrees with identifying specific acts that would forever bar an applicant from receiving a positive moral character determination, regardless of circumstances, rehabilitation, and length of time from the incident. Under California rules and process, there is no act of misconduct that, in and of itself, precludes an applicant from obtaining a positive moral character determination.

The commenter who agreed with the proposal if modified, indicated that the rules should "include accountability for Crimes against Humanity." The committee believes no modification

to the rule proposal is necessary as the Application for Determination of Moral Character requests each applicant's criminal history.

One of the commenters who agreed with the proposal attached a "Right to Sue Notice" from the California Civil Rights Department. The two unrelated attachments have been omitted from the Public Comment Chart.

LAW OFFICE STUDY

The proposal seeks to amend State Bar rules to update the LOS rules to reflect the realities of modern legal practice and to clarify program requirements. To accomplish this, the Board approved circulating for public comment changes to the LOS rules to accomplish the following:

- Allow for a significant amount of the study to be conducted remotely, but in a manner that still requires supervision by the attorney or judge;
- To ensure that adequate supervision is provided when a student is studying remotely, the supervisor will be required to submit a plan for any remote supervision;
- Maintain a small number of required in person meetings between the student and the supervising attorney or judge (five hours every twelve weeks of study, resulting in at least two in person meetings for each six-month study session);
- Require the application and supporting documentation to be submitted and approved no less than thirty days prior to the applicant beginning study, rather than within thirty days after beginning study, and to provide for a refund of fees if an application is denied;
- Specify that a student must complete twenty-four weeks of study within a twenty-six week period to receive credit for a half year of study;
- Specify that an attorney supervising an LOS student must have been admitted to practice in California and in good standing continuously for a minimum of five years immediately preceding the application and have been engaged in the active practice of law for that time, and a judge supervising an LOS student must be a judge of a court of record of this state with no minimum number of years of admission to practice, in accordance with the requirement in Business and Professions Code section 6060(e)(2)(C);
- Clarify the requirements for the outline of the proposed course of instruction that must be submitted with the application materials;
- Revise and clarify the requirements for what must be submitted in the semiannual reports and the procedures for submitting these reports;
- Make express the prohibition on receiving credit for hours of study devoted to study of subjects previously completed;
- Identify the procedure for a student to change their supervisor;
- Ease administration of the program for State Bar staff by providing that failure to submit a semiannual report within one year of beginning study or within one year of submission of the most recently submitted semiannual report will result in the student being placed on suspended status and being required to submit a new application to resume study; and
- Make other technical and conforming changes, including changes to the Schedule of Charges and Deadlines.

(See Attachments C and D.)

The agenda items for the [October 14, 2022, CBE meeting](#) and the [November 17, 2022, Board meeting](#) provide a thorough explanation of the rule changes.

Public Comments

As described above, during the 60-day comment period, the State Bar received a total of 33 comments on the LOS proposal, with the vast majority (24) in full agreement with the proposal as submitted. An additional 2 commenters agreed with the proposal if modified. Seven disagreed. However, those in disagreement either submitted no explanation for their position (4) or provided comments that were not relevant to the proposal that was circulated for public comment (3). The comment chart set forth as Attachment E identifies each commenter, a verbatim recitation of their comment, their position on the proposal (as identified by the commenter), and the recommendation presented to the committee as to whether the comment identifies the need for a further change to the proposal. After thorough review of the comments the committee agreed that the following changes were appropriate:

- Provide for greater flexibility in how a student can satisfy the hours requirement.
- Add language to ensure that the changes to the timeline for submission of the initial application are not read to invalidate applications that were submitted timely under the language of the rule currently in print. Language was similarly added to ensure that a judge or attorney previously approved to supervise the LOS student is not subsequently deemed ineligible due to the language of the rule changes.

The public comment chart details other suggestions which the committee did not accept.

PRACTICAL TRAINING OF LAW STUDENTS

The proposed rules seek to eliminate unnecessary barriers to participation in the program and to improve administration of the program by clarifying procedural requirements. To accomplish this, the proposed rules:

- Expand the program to allow participation of LOS and LLM students;
- Eliminate the eligibility requirement that a student have successfully completed or be enrolled in a course in evidence and a course in civil procedure to participate in the PTLs program;
- Create procedures to enable a student to more easily understand how to add a supervising attorney or change their supervising attorney;
- Maintain the requirement that a supervising attorney have practiced law or taught law for the two years before supervising a PTLs student, but remove the requirement that they have done so full-time;
- Revise the procedure and timeline for notifying the student when their certification is revoked; and
- Make other technical and conforming changes.

(See Attachments F, G, and H.)

The agenda items for the [October 14, 2022, CBE meeting](#) and the [November 17, 2022, Board meeting](#) provide a thorough explanation of the rule changes.

Public Comment

Over the course of the 60-day public comment period, 27 individuals and organizations submitted public comment, 16 expressing full agreement with the proposal, 5 in agreement if modified, and 6 noting disagreement. The comment chart set forth as Attachment I identifies each commenter, provides a verbatim recitation of their comment, the commenter's position on the proposal (as identified by the commenter), and the recommendation presented to the committee as to whether the comment identifies the need for a further change to the proposal. After thorough review of the comments the committee does not believe that additional changes to the proposal are necessary.

Expansion of the Program to LOS and LLM Students

Two of the public commenters expressed concern with the expansion of the program, one noting disagreement with allowing LOS students to participate, the other disagreeing with expanding it to students in LLM programs. The commenter who disagreed with expansion to LOS students argues that the PTLS program should not include LOS students because they "are not part of an established California law school, which have required curriculums and oversight". Another commenter opposed expanding the programs to LLM students noting that since LLM programs are typically only two-year programs, public protection would be at risk.

The committee is not convinced by these arguments, and does not recommend altering the planned expansion based on these comments.

In 2021, attorney Michael Millen petitioned the California Supreme Court requesting the adoption of amendments to rule 9.42 of the California Rules of Court to permit students in the LOS program to participate in the PTLS program. In response, the Supreme Court issued an Order directing the State Bar to consider whether changes to rule 9.42 to allow LOS participants to participate in the PTLS program would be "prudent," and whether any further rule amendments should be made to provide additional protections to the public and to the judicial system.

In California, the Legislature and the State Bar have committed to providing an alternative path to becoming a lawyer through study in a law office or judge's chambers. The structure of the LOS program, like the PTLS program, recognizes that working closely with an experienced attorney can help a prospective attorney to learn the skills and knowledge they will need when they begin to practice law. Although the LOS program is a study program, with required hours of study and examinations, it is typical for students in the LOS program also to perform non-academic work for their supervisors, gaining hands-on experience in addition to academic training. Participation in the PTLS program would seem to be a good fit for this model of learning, allowing LOS students to provide services to clients, under supervision, that they are

currently not permitted to provide. An LOS student might choose to participate in the PTLS program under the supervision of the same attorney who supervises the student's LOS studies, or they might choose to work with a different PTLS supervising attorney and learn more about a different type of practice.

Opening up the PTLS program to participation by LOS students can be accomplished while still maintaining protection of the public. LOS students in the PTLS program would be subject to the same restrictions on their activities and requirements for close supervision by the supervising attorney that apply to traditional law students in the PTLS program, ensuring protection of the clients served by those students. To make a clear distinction between the hours LOS students must spend on their legal studies and time spent on activities in the PTLS program, the proposed amendments expressly provide that time spent in PTLS activities cannot be counted towards the hours of study required in the LOS program.

Students in LLM programs are typically students with law degrees from schools outside the U.S., or attorneys licensed outside the U.S. These students enroll in LLM programs to become eligible to take the California Bar Exam by completing a year of study in a U.S. law school. The benefit to LLM students of participation in the PTLS program is the same as for students in JD programs: participation in this program can help them to become better lawyers by giving them hands-on experience in the practice of law while they complete their studies. The concern as to LLM students is that because their prior legal education was in another country, their academic training may not have provided them with sufficient training on U.S. law to put them on equal footing with someone who completed one year of a California law school. The proposed rules address this concern by requiring that an LLM student complete one semester, or two quarters, in the LLM program before participating in the PTLS program.

Requirements to Be Enrolled in or Have Completed Academic Courses in Evidence and Civil Procedures

The issue that was raised most often by those who requested modifications to the proposal or disagreed with the proposal revolved around the elimination of the requirement to "have successfully completed or be currently enrolled in and attending academic course in evidence and civil procedure" to be eligible for the program. Three of the five requesting modifications raised this issue, as did two who expressed their disagreement. Staff notes, however, that four commenters who stated their agreement with the proposal expressly referenced this change among the proposal's positive elements. The committee analyzed the issue of coursework prerequisites for LOS participation thoroughly before circulating the rule for public comment, and again upon receipt of the public comments. The committee believes this requirement poses an unnecessary barrier to participation and is not essential. The committee also notes that it is unclear precisely how this requirement would be implemented for LOS students who are not required to follow a set curriculum and whose level of study on these issues could vary from participant to participant.

The committee also notes that an evidence and civil procedure prerequisite is unusual among the various states' law student practice programs. Most states have no specific coursework prerequisites for participation, and in those states with such requirements the most common

courses required are professional responsibility and legal ethics. The experience of other states suggests that students who do not meet the requirement for coursework in evidence and civil procedure would nonetheless be capable of providing competent services to clients through the PTLS program. Indeed, under the existing rules in California, students may begin participation in the PTLS program when they have only just begun their courses in evidence and civil procedure, performing the same kinds of work as the students who have already completed those courses.

The committee acknowledge that most attorneys who serve as supervisors in the PTLS program who responded to a survey conducted by the State Bar find it useful for their students to have this background. Two hundred and forty-eight supervising attorneys responded to the survey (out of a total of one thousand and fifty-eight who received the survey link), and a majority of those responding said that they do find these requirements useful. Seventy-five percent rate the importance of being enrolled in or completing a course in evidence as a 4 or 5 (on a scale of 1 to 5); and forty-two percent rate civil procedure as a 4 or 5. However, a considerable number of survey respondents noted that courses in criminal law or criminal procedure would be better preparation for their PTLS students than civil procedure. Other survey respondents recommended ethics or professional responsibility. Still others recommended trial advocacy, or coursework specific to their own area of practice, such as family law or wills and trusts.

Taking these survey results as a whole, and considering the approach in other states, the committee felt the coursework requirements of rule 9.42 (c)(3) should be eliminated. Law offices, agencies and law school clinical programs are free to create their own requirements for the students who apply to work with them and may choose to accept only those students who have taken certain courses or studied specific areas of the law. Eliminating the regulatory requirement for specific course work will open the program to more students and allow the offices where PTLS students work to tailor their requirements to their office-specific needs.

FISCAL/PERSONNEL IMPACT

This proposal impacts the Office of Admissions and is anticipated to result in minimal resource savings for the State Bar. Resource savings are anticipated as procedures for processing applications for determination of moral character are streamlined. Although eliminating some existing barriers to participation in the PTLS and LOS programs may result in a greater number of applications to participate in these programs, the increase in workload is not anticipated to be significant. The changes to the rules will also necessitate changes to AIMS, as well as the State Bar's public website, impacting both the Office of Information Technology and the Office of Strategic Communications & Stakeholder Engagement. Staff have met with both Communications and Information Technology to ensure that the changes can be made as part of their regular processes for updating the technology and improving the State Bar's outward facing materials.

AMENDMENTS TO RULES OF COURT

Title 9, Division 4, Rule 9.42

AMENDMENTS TO RULES OF THE STATE BAR OF CALIFORNIA

Title 3, Division 1, Chapter 1, Rules 3.2 through 3.10

Title 4, Division 1, Chapter 3, Rule 4.29

Title 4, Division 1, Chapter 1, rules 4.3, 4.5, 4.6; Division 1, Chapter 4, rules 4.40–4.52

Appendix A, Schedule of Charges and Deadlines

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

None – core business operations

RECOMMENDATIONS

Should the Board of Trustees concur in the proposed action, passage of the following resolution is recommended:

RESOLVED, that following the 60-day public comment period, the Board of Trustees adopts the changes to the rules regarding moral character as set forth in Attachment A, with an effective date of July 1, 2023; and it is

FURTHER RESOLVED, that following the 60-day public comment period, the Board of Trustees adopts the changes to the rules regarding the Law Office Study program as set forth in Attachments C and D; and it is

FURTHER RESOLVED, that following the 60-day public comment period, the Board of Trustees adopts the changes to the rules regarding the Practical Training of Law Students program as set forth in Attachments F, G, and H; and it is

FURTHER RESOLVED, that the Board of Trustees directs staff, consistent with the requirements of rule 9.5 of the California Rules of Court, to submit the proposed rule changes regarding the Law Office Study Program and the Practical Training of Law Students Program to the Supreme Court for review and approval with the intent that the rules have an effective date sixty days after approval by the Supreme Court.

ATTACHMENTS LIST

- A.** Proposed Amendments to Title 4 of the Rules of the State Bar, pertaining to Moral Character (Redline)
- B.** Public Comment Chart – Moral Character

- C.** Proposed Amendments to Title 4 of the Rules of the State Bar, Rule 4.29 pertaining to Law Office Study (Redline)
- D.** Proposed Amendments to Appendix A of the Rules of the State Bar, pertaining to Law Office Study (Redline)
- E.** Public Comment Chart – Law Office Study Program
- F.** Proposed Amendments to Title 9 of the Rules of Court, Rule 9.42 pertaining to Practical Training of Law Students (Redline)
- G.** 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, 3.10, and 3.11 pertaining to Practical Training of Law Students (Redline)
- H.** Proposed Amendments to Appendix A of the Rules of the State Bar, pertaining to Practical Training of Law Students (Redline)
- I.** Public Comment Chart – Practical Training of Law Students Program

TITLE 4. ADMISSIONS AND EDUCATIONAL STANDARDS

Adopted July 2007

DIVISION 1. ADMISSION TO PRACTICE LAW IN CALIFORNIA

Chapter 1. General Provisions

Rule 4.3 Definitions

These definitions apply to the rules in this Division unless otherwise indicated.

- (A) An “American Bar Association Approved Law School” is a law school fully or provisionally approved by the American Bar Association and deemed accredited by the Committee.
- (B) An “attorney applicant” is an applicant who is or has been admitted as an attorney to the practice of law in any jurisdiction.
- (C) The “Attorneys’ Examination” is the California Bar Examination for which attorney applicants may apply, provided they have been admitted to the active practice of law in a United States jurisdiction at least four years immediately prior to the first day of administration of the examination and have been in good standing during that period. The Attorneys’ Examination includes essay questions and performance tests of the General Bar Examination but not its multiple-choice questions.
- (D) A “California accredited law school” is a law school accredited by the Committee but not approved by the American Bar Association.
- (E) The “California Bar Examination” is the examination administered by the Committee that an applicant must pass to be certified to the California Supreme Court as qualified for admission to practice law in California. The California Bar Examination includes the General Bar Examination and the Attorneys’ Examination.
- (F) “The Committee” is the Committee of Bar Examiners of the State Bar of California or, unless otherwise indicated, a subcommittee of two or more of its members ~~whom~~ which the Committee authorizes to act on its behalf.
- (G) “Director of Admissions” or “Director, Admissions” means the Director of the State Bar Office of Admissions, or that person’s designee.
- (H) A “general applicant” is an applicant who has not been admitted as an attorney to the practice of law in any jurisdiction.
- (I) The “General Bar Examination” is the California Bar Examination required of every

general applicant. The General Bar Examination consists of multiple-choice questions, essay questions, and performance tests.

- (J) The “First-Year Law Students’ Examination” is the examination that an applicant must pass, unless otherwise exempt.³ It includes questions on contracts, torts, and criminal law.
- (K) An “informal conference” is ~~defined in Rule 4.45~~ a meeting with an applicant initiated by the State Bar for the purpose of discussing issues relevant to an applicant’s moral character determination.
- (L) The “Office of Admissions” (“Admissions”) is the State Bar office authorized by the Board of Trustees and the Committee to administer examinations and otherwise act on their behalf.
- (M) “Receipt” of a document that the State Bar or Committee sends an applicant is:
 - (1) calculated ~~from as~~ the date of ~~mailing and is deemed to be~~ electronic transmission or five 5 days from the date of mailing to a California address; ~~ten 10~~ days from the date of mailing to an address elsewhere in the United States; and ~~twenty 20~~ days from the date of mailing to an address outside the United States; or
 - (2) when the State Bar or Committee delivers a document physically by personal service or otherwise.
- (N) “Receipt” of a document sent to the State Bar or Committee is when it is physically received at the Office of Admissions or the date of electronic transmission if permitted to be sent electronically.
- (O) An “unaccredited law school” is a correspondence, distance-learning, or fixed-facility law school operating in California that the Committee registers but does not accredit.
- (P) For purposes of calculating law study credit toward meeting the legal education requirements necessary to qualify to take the First-Year Law Students’ Examination and California Bar Examination, a “year” is defined as the law study successfully completed in the time between the same calendar dates for consecutive calendar years, minus one day.

Rule 4.3 adopted effective September 1, 2008; previously amended effective July 22, 2011; amended effective September 1, 2019.

Rule 4.5 Submissions

³ Business & Professions Code § 6060(h).

- (A) A document filed with the State Bar or Committee pursuant to these rules must be completed according to instructions; verified or made under penalty of perjury;⁴ and submitted with any required fee.
- (B) A document, which must be complete as defined by the instructions for filing, is deemed filed upon receipt.
- (C) The information obtained by the State Bar as a result of the fingerprinting of an applicant is used to establish identity of the applicant, to determine the moral character of the applicant, and to disclose criminal records of the applicant in California or elsewhere. Any information obtained as a result of fingerprint submission is confidential and for official use of the Committee and the State Bar.
- (D) Information on an examination application that is not required, but is submitted voluntarily by an applicant, including ~~ethnic survey and identification information furnished with applications to take the California Bar Examination~~ demographic data or other identifying information, is separated from the applications at initial processing and may not be associated with applicants, their files, or their examination answers during grading unless there is reasonable doubt about the identity of a person taking an examination and the State Bar requires the information to verify identity.

Rule 4.5 adopted effective September 1, 2008; previously amended effective July 22, 2011; amended effective September 1, 2019.

Rule 4.6 Investigations and Hearings [REPEALED]

~~In conducting an investigation or hearing, the Committee or the State Bar Court may receive evidence; administer oaths and affirmations; and compel by subpoena the attendance of witnesses and the production of documents.~~

Rule 4.6 adopted effective September 1, 2008.

Chapter 4. Moral Character Determination

Rule 4.40 Moral Character Determination

- (A) An applicant must be of good moral character as determined by the State Bar. The applicant has the burden of establishing that ~~he or she is~~ they are of good moral character.
- (B) “Good moral character” includes but is not limited to qualities of honesty, fairness, candor, trustworthiness, observance of fiduciary responsibility, respect for and obedience to the law, and respect for the rights of others and the judicial process.

⁴ Code of Civil Procedure § 2015.5.

Rule 4.40 adopted effective September 1, 2008; amended effective September 1, 2019.

Rule 4.41 Application for Determination of Moral Character

- (A) An ~~applicant must submit an~~ Application for Determination of Moral Character may be submitted after an Application for Registration has been approved. with required fingerprints and the fee set forth in the Schedule of Charges and Deadlines. An attorney who is suspended for disciplinary reasons or disbarred, has resigned with disciplinary charges pending or is otherwise not in good standing for disciplinary reasons in any jurisdiction may not submit an application.
- (B) An Application for Determination of Moral Character must be accompanied by fingerprints and the fee set forth in the Schedule of Charges and Deadlines ~~may be submitted any time after filing an Application for Registration but is deemed filed only when the application is complete. The application will be deemed filed when the State Bar has determined it to be complete.~~
- (C) An attorney who is suspended for disciplinary reasons or disbarred, has resigned with disciplinary charges pending, or otherwise not in good standing for disciplinary reasons in any jurisdiction may not submit an application.

Rule 4.41 adopted effective September 1, 2008; amended effective November 14, 2009; previously amended effective July 22, 2011; amended effective March 9, 2018.

Rule 4.42 Duty to Uppdate Application for Determination of Moral Character

Until ~~admitted to practice law,~~ an applicant has taken the attorney's oath, the applicant ~~who has submitted an Application for Determination of Moral Character~~ has a continuing duty to ~~promptly~~ notify the Office of Admissions, within 30 days, whenever information provided in the application has changed or there is new information relevant to the application. Failure to provide updated or additional information within ~~thirty~~ 30 days after the change or addition to the information originally submitted may be cause for suspension of a positive moral character determination.

Rule 4.42 adopted effective September 1, 2008; amended effective November 14, 2009.

Rule 4.43 Abandonment of Application for Determination of Moral Character

- (A) ~~An Application for Determination of Moral Character is deemed abandoned and ineligible for a refund of fees if~~
- (1) ~~it is not complete within sixty days after being initiated; or~~
- (2) ~~it is complete but the applicant has failed to provide additional information requested by the State Bar within ninety days of the request.~~

- (A) Once an application is deemed incomplete by the State Bar and the State Bar provides the applicant with an incomplete notice describing the deficiencies, the applicant will have 60 days from the date of the notice to cure the deficiencies. If the applicant fails to cure the deficiencies within 60 days, the application will be deemed abandoned, absent a showing of good cause.
- (B) An application that has been deemed complete and filed will be deemed abandoned if the applicant fails to respond to a request for information or documentation within 90 days of the request, absent a showing of good cause.
- (C) An applicant may request a review by the Committee of the State Bar's decision to deem an application abandoned within 30 days of service of the notice of abandonment.
- (D) ~~A new~~ Once an Application for Determination of Moral Character has been deemed abandoned, the applicant must ~~be submitted~~ a new, complete Application for Determination of Moral Character with the required fee and fingerprints ~~if an application has been abandoned to obtain a moral character determination. The State Bar may retain an abandoned application as part of the applicant's file.~~

Rule 4.43 adopted effective September 1, 2008; amended effective September 1, 2019.

Rule 4.44 Withdrawal of Application for Determination of Moral Character

- (A) An applicant may withdraw an Application for Determination of Moral Character any time before being notified that the State Bar is unable to make a determination without further inquiry and analysis. An applicant who withdraws an application is ineligible for a refund of fees. The State Bar may retain a withdrawn application as part of the applicant's file.
- ~~(B) — An applicant may withdraw an application filed with the State Bar Court for a hearing on an adverse determination of moral character by filing a request for withdrawal with the Office of Chief Trial Counsel and forwarding a copy to the Office of Admissions.~~

Rule 4.44 adopted effective September 1, 2008; previously amended effective November 18, 2016; amended effective September 1, 2019.

Rule 4.45 Notice Regarding Status of Application for Determination of Moral Character

- (A) Within 180 days of ~~receiving a completed Application for Determination of Moral Character,~~ the date on which the State Bar deems an application to be complete and filed, the State Bar will ~~notify~~ the applicant ~~that its determination of whether the applicant has received a positive moral character determination is positive or that it the application requires further consideration. A positive determination is valid for thirty-six months.~~

~~(B) While an Application for Determination of Moral Character remains pending, a status report is issued to the applicant at least every 120 days.~~

(B) If the State Bar requests additional information after the application is deemed complete and filed, Wwithin 120 days of receiving additional the requested information ~~it has requested~~, the State Bar will notifyes the applicant that:

- (1) the applicant is determined to be of good moral character;
- (2) ~~the applicant has not met the burden of establishing good moral character;~~
- (3) the application requires further consideration;
- (4) the applicant ~~is~~ will be invited to an informal conference; or
- (5) the applicant is ~~advised to enter into~~ offered an Agreement of Abeyance with the State Bar.

Rule 4.45 adopted effective September 1, 2008; previously amended effective November 18, 2016; amended effective September 1, 2019.

Rule 4.46 Informal Conference Regarding Moral Character

- (A) Prior to rendering an adverse determination on a moral character application, the State Bar ~~shall~~ will invite the applicant to an informal conference regarding the application. Acceptance of an invitation is not mandatory, and ~~declining it entails~~ no negative inference will be drawn from an applicant's decision to decline to participate in an informal conference.
- (B) The Committee may establish procedures for an informal conference, ~~with the State Bar and require the State Bar to create~~ which shall include creating a record of it by ~~tape audio~~ recording, video recording, or any other means. The applicant may attend the conference with counsel; ~~make a written or oral statement; and present documentary evidence~~ and will have an opportunity to present information for consideration. Counsel is limited to observation and may not participate.

Rule 4.46 adopted effective September 1, 2008; previously amended effective November 14, 2009; amended effective September 1, 2019.

Rule 4.47~~6~~.1 Request for Review by the Committee of an Adverse Determination

- (A) An applicant notified of an adverse determination by the State Bar of moral character may request a review by the Committee. The request must be submitted to the Office of Admissions within 30 days of the date of the notice of the State Bar's determination. The applicant may submit supplemental material with the request.

- (B) Within 60 days of receipt of ~~the a~~ request for a review, the Committee will conduct a review of the record, which may include a review of the transcript or recording of the informal conference. The Committee may request additional information from the applicant or from the State Bar. The ~~Committee~~ State Bar must notify the applicant of ~~its~~ the Committee's final determination within 30 days of its decision.

Rule 4.47.1 adopted effective September 1, 2019.

Rule 4.47 ~~Appeal of Request for Hearing on an~~ Adverse ~~Determination of~~ Moral Character Issued by ~~the~~ Committee

- (A) If the Committee issues an adverse determination of moral character, an applicant may file a request for hearing on the determination with the State Bar Court in accordance with the Rules of Procedure of the State Bar ~~on Moral Character Proceedings~~. The request must be ~~filed~~ submitted with the fee set forth in the Schedule of Charges and Deadlines within ~~sixty~~ 60 days of the date of service of the notice of adverse determination.

~~(B) — A copy of the request for hearing must be served on the Office of Admissions and the Office of Chief Trial Counsel. Upon receipt of service, the Committee must promptly transmit all files related to the application to the Office of Chief Trial Counsel.~~

Rule 4.47 adopted effective September 1, 2008; previously amended effective July 24, 2015; amended effective September 1, 2019.

Rule 4.48 Agreement of Abeyance

- (A) The State Bar ~~and an applicant~~ or Committee may suspend processing of an Application for Determination of Moral Character ~~by~~ upon the State Bar or the Committee and an applicant entering into an Agreement of Abeyance:
- (1) when a court has ordered an applicant charged with a crime to be treated, rehabilitated, or otherwise diverted;
 - (2) when a court has suspended the sentence of an applicant convicted of a crime and placed the applicant on probation;
 - (3) when an applicant is actively seeking or obtaining treatment for ~~chemical dependency or drug or alcohol addiction~~ a substance use issue; or
 - (4) ~~if~~ when the State Bar and an applicant otherwise agree.
- (B) An Agreement of Abeyance must be in writing and specify the period and conditions of abeyance. A copy of the agreement must be provided to the applicant.

- (C) Once the abeyance period has concluded or the conditions of abeyance have been satisfied, the State Bar or the Committee will continue processing the application.

Rule 4.48 adopted effective September 1, 2008; amended effective September 1, 2019.

Rule 4.49 New Application Following an Adverse Determination of Moral Character

~~The State Bar may permit a~~ An applicant who has received an adverse moral character determination ~~to may file submit~~ another Application for Determination of Moral Character two years from the date of the final determination or at some other time set by the State Bar or the Committee, for good cause shown, at the time of its adverse determination.

Rule 4.49 adopted effective September 1, 2008; previously amended effective July 24, 2015; amended effective September 1, 2019.

Rule 4.50 Suspension of a Positive Determination of Moral Character

- (A) ~~Before certifying an applicant for admission to the practice of law~~ At any time before an applicant has taken the attorney's oath, the State Bar may notify ~~an the~~ applicant that it has suspended a positive ~~determination of~~ moral character determination if it receives information that reasonably calls the applicant's character into question. The notice must specify the grounds for the suspension.
- (B) The application of an applicant whose positive moral character determination has been suspended is processed in accordance with Rule 4.45.
- (C) The State Bar will send an applicant who has received a positive moral character determination and is not yet certified to the California Supreme Court as qualified for admission to practice law in California a questionnaire to complete 18 months after the issuance of the determination. If an applicant fails to respond to the questionnaire within 60 days of the date on which it was sent, the positive determination will be suspended. The positive determination may be reinstated upon receipt of the completed questionnaire.

Rule 4.50 adopted effective September 1, 2008; previously amended effective July 22, 2011; amended effective September 1, 2019.

Rule 4.51 Validity Period of a Positive Moral Character Determination

A positive ~~determination of~~ moral character determination is valid for ~~thirty-six~~ 36 months. ~~An applicant with a positive determination who has not been certified to practice law within this validity period must submit an Application for Extension of Determination of Moral Character.~~

Rule 4.51 adopted effective September 1, 2008.

Rule 4.52 Extension of a Positive Moral Character Determination

- (A) An applicant who has received a positive moral character determination may submit an Application for Extension of Determination of Moral Character. ~~The application must be filed~~ in the last ~~six~~ 6 months of the ~~initial thirty-six~~ 36-month validity period of a positive moral character determination, with ~~the~~ required fingerprints and the fee set forth in the Schedule of Charges and Deadlines. The application will be deemed filed when the State Bar has determined it to be complete. ~~If the State Bar makes a positive determination before the initial thirty-six months expires, the initial thirty-six months is extended an additional thirty-six months. If the State Bar makes a positive determination after expiration of the initial thirty-six months, an extension of thirty-six months begins at the time of its determination.~~ Failure to submit an Application for Extension of Determination of Moral Character within this time period will result in expiration of the applicant's positive determination.
- ~~(B) An applicant may request a review by the Committee of the State Bar's decision within 30 days of service of the notice of decision.~~
- (B) An applicant may submit subsequent Applications for Extension of Determination of Moral Character if needed. If an applicant fails to submit an Application for Extension of Determination of Moral Character prior to the expiration of the positive determination, the applicant must submit a new Application for Determination of Moral Character with the required fees and fingerprints to obtain a moral character determination.

Rule 4.52 adopted effective September 1, 2008; amended effective September 1, 2019.

Name	Position on Proposed Rule	Comment (Verbatim)	Response to Comment
Frederick Mitchell	D	<p>The moral character evaluation is a ruse. No actual state agency requires this unnecessary invasion of privacy. A Department of Justice background check is sufficient. Further, the number of corrupt judges and attorneys in California proves that the moral character evaluation is merely for profit and is a discriminatory arbitrary tool used to instill fear in applicants, primarily minorities and those applicants who disagree with the state bar's onerous lawlessness. This practice is another reason why the State Bar should be disbanded. The State Bar has unconstitutionally privatized the practice of law.</p> <p>The State of California should register law school graduates to practice law and strike the State Bar from our constitution. The State of California should subsequently pay reparations to every attorney and to every person denied admissions to the state bar dating back to the founding of this racketeering influenced and corrupt organization.</p>	No change. Staff thanks the commenter for the submission, but the comment goes beyond the scope of the proposal.
John Holman	A	<p>To Whom it May Concern</p> <p>I have just received the Right to Sue from DFEH on the Sugar Workers Union located in Crockett C,A. It is in regards to the Sugar Workers Union #1 dereliction of duty, can you please help me recover my loses due to their selective duty of who they will and will not represent. I was abandoned by them and left to defend my self against the company C&H Sugar, I received two right to sue notices (federal and state) I fought and won my case by myself, which cost me close to \$100,000.00 and that is me being generous to the Sugar Workers Union #1, as my losses are actually much worse and more than that. After settling the discrimination case with C&H Sugar, I went to the DFEH and filed a complaint against the Sugar Workers Union for the discrimination and to be recompensated for my losses. I received a Right To Sue for the Sugar Workers Union #1, from what I understand federal and state laws prohibits discrimination, which gives me grounds to contact the Union (Sugar Workers Union#1, Ritchie Thakers) to help me become as close to whole again after denying me representation which cost my family and I over \$100,00.00 for a case that had merit. I believe the Sugar Workers Union is obligated by law to represent me in a discriminatory situation as a protected class of people due to my disability. I have asked them for help and Ritchie Thaker has completely and totally denied me any assistance. Now I have become completely disabled because of this incident and can no longer work forcing me onto SSDI. Can you please help me with this,I feel like I have been strongly discriminated against, but it's by the Sugar Workers Union not the Company and the Business agent Ritchie Thakers is intentionally denying me help, the Sugar Workers Union has even made threats because of me asking them for representation. I believe Ritchie's motives are because of my disability and Ritchie is retaliating against me for the company.(his motive for that is</p>	No change. Staff thanks the commenter for the submission, but the comment goes beyond the scope of the proposal.

		<p>because the company pays his medical so he doesn't want to jeopardize losing his medical insurance like he let happen to me and my family who have preexisting medical conditions.) Thank You so much for any and all efforts into helping me get some closer on this situation.</p> <p>Sincerely</p> <p>John Holman 602-743-4278 johnholman09@gmail.com</p>	
Melodie Grace	A		No change.
Corina A. Yetter	A	I am in favor of clarification and simplified process that also makes it easier to prevent those who are subject to criminal prosecution for crimes of moral turpitude from practicing law while their case is pending.	No change.
Raymond Yeung	A	The existence of vague rules and regulations concerning admissibility to the practice of law erodes public trust in the bar association. The legal profession has historically been stereotyped as being exclusive and elitist, and moreover, it is often speculated that minority applicants are disproportionately burdened by inconsistent application of standards. Whether that is true or false, it is objectively true that the legal system has a history of attempting to exclude minorities through "nickel-and-diming" tactics in the licensing process. Public trust in the licensing system is crucial to the legitimacy of the legal profession, and part of earning that trust is consistent application of clear rules.	No change.
Anonymous	A	atty should be given latitude to contest findings or rulings of the court since they are the most knowledgeable and it is them who has the most at stake.	No change.
CMorrison	AM	To include accountability for Crimes against Humanity www.crimesstate.com , see ICC complaint	No change. The application requests specific information from each applicant, including their criminal history.
Raymond Scott Hayden	A		No change.
Adele Schneidereit	D		No change.
Darrell Griffin Jr	D	Too often lawyers with serious moral issues are allowed to practice while people with minor misdemeanor cannabis charges are prevented from practicing. People who have previously participated in "fraternity" pranks that killed people should never have been allowed to practice.	No change. Staff disagrees with the commenter's observations. There is no act of misconduct that, in and of itself, automatically disqualifies an individual from obtaining a positive moral character determination.

*Two attachments unrelated to the proposals are not included.

Legend

A = Agree with proposed rule

AM = Agree if modified

D = Disagree with proposed rule

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 or 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.

ATTACHMENT D

TITLE 4, DIVISION 1

ADMISSIONS FEES

BAR EXAMINATION-RELATED FEES EFFECTIVE WITH FEBRUARY 2016 ADMINISTRATION

OTHER FEES EFFECTIVE JANUARY 1, 2016

<i>Rule</i>	<i>Description</i>	<i>Amount</i>	<i>Deadline</i>
4.29 <u>(A)(2)</u>	Intention <u>Application</u> to Study Law in Law Office or Judge's Chambers	\$158	Not applicable
4.29 <u>(A)(4)</u>	Law Office or Judge's Chambers Initial Study and Semi-Annual Report	\$105	Not applicable <u>30 days after completion of six-month study period</u>
<u>4.29 (G)</u>	<u>Change of attorney or judge</u>	<u>\$35</u>	<u>Not applicable</u>
<u>4.29 (J)</u>	<u>Late fee for semi-annual report</u>	<u>\$40</u>	<u>31-60 days after completion of six-month study period</u>
<u>4.29 (K)</u>	<u>Application to Resume Study in a Law Office or Judge's Chambers</u>	<u>\$130</u>	<u>Not applicable</u>

Public Comment Chart – Law Office Study Program

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.</p> <p>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>

Public Comment Chart – Law Office Study Program

		<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	<p>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!</p>	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> <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>	No change.

Public Comment Chart – Law Office Study Program

		We thank the committees that are spearheading these rule changes and we encourage the CA State Bar to adopt the recommendations.	
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> <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. 	No change.

Public Comment Chart – Law Office Study Program

		<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.
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	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	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

Public Comment Chart – Law Office Study Program

		<p>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>	<p>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.</p>
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> <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</p>	<p>No change.</p>

Public Comment Chart – Law Office Study Program

		<p>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.
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.

Public Comment Chart – Law Office Study Program

Adele Schneiderei	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.
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	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	No change. The comment is beyond the scope of the proposed modifications to the rules for the LOS program.

Public Comment Chart – Law Office Study Program

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

Proposed Amendments to Title 9 of the Rules of Court, Rule 9.42 (Redline)

Rule 9.42 Certified Law Students

(a) Definitions

(1) A "law student" is a student currently enrolled in a juris doctor (J.D.), master of laws (LL.M.) or bachelor of laws (LL.B.) program in a law school accredited by the examining committee, approved by the American Bar Association, or registered with the examining committee; or a student currently studying law in a law office or judge's chambers who has been approved by the State Bar for such study.

~~(1)~~ (2) A "certified law student" is a law student who has a currently effective certificate of registration as a certified law student from the State Bar.

~~(2)~~ (3) A "supervising attorney" is a licensee of the State Bar who agrees to supervise a certified law student under rules established by the State Bar and whose name appears on the application for certification.

(Subd (a) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(b) State Bar certified law student program

The State Bar must establish and administer a program for registering law students under rules adopted by the Board of Trustees of the State Bar.

(Subd (b) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(c) Eligibility for certification

To be eligible to become a certified law student

(1) An applicant who is a student in a J.D. or LL.B. program at a law school must:

(A) Have successfully completed one full year of studies (minimum of 270 hours) at a law school accredited by the American Bar Association or the State Bar of California, or both, or have passed the first year law students' examination; and

~~(2)~~ (B) Have been accepted into, and be enrolled in, the second, third, or fourth year of law school in good academic standing or have graduated from law school, subject to the time period limitations specified in the rules adopted by the Board of Trustees of the State Bar; and

~~(3) Have either successfully completed or be currently enrolled in and attending academic courses in evidence and civil procedure.~~

(2) An applicant who is a student in an LL.M. program at a law school must:

(A) have a first degree in law, acceptable to the State Bar, from a law school in a foreign country;

(B) Have successfully completed one semester in the program, or two quarters in a program operating on a quarter system, and be accepted to and enrolled in a second or subsequent

semester or third or subsequent quarter, or no longer be enrolled having completed one year of study, subject to the time period limitations specified in the rules adopted by the Board of Trustees of the State Bar.

(3) An applicant who is studying law in a law office or judge's chambers must:

(A) Have successfully completed one year of legal studies in a law school, or through study in a law office or judge's chambers;

(B) Have passed the first year law students' examination; and

(C) Be actively continuing the study of law pursuant to Rule 4.29 of the Rules of the State Bar, under the supervision of the attorney or judge approved by the State Bar to provide supervision or have completed the course of study subject to the time period limitations specified in the rules adopted by the Board of Trustees of the State Bar.

(Subd (c) amended effective January 1, 2019.)

(d) Permitted activities

Subject to all applicable rules, regulations, and statutes, a certified law student may:

(1) Negotiate for and on behalf of the client subject to final approval thereof by the supervising attorney or give legal advice to the client, provided that the certified law student:

(A) Obtains the approval of the supervising attorney to engage in the activities;

(B) Obtains the approval of the supervising attorney regarding the legal advice to be given or plan of negotiation to be undertaken by the certified law student; and

(C) Performs the activities under the general supervision of the supervising attorney;

(2) Appear on behalf of the client in depositions, provided that the certified law student:

(A) Obtains the approval of the supervising attorney to engage in the activity;

(B) Performs the activity under the direct and immediate supervision and in the personal presence of the supervising attorney (or, exclusively in the case of government agencies, any deputy, assistant, or other staff attorney authorized and designated by the supervising attorney); and

(C) Obtains a signed consent form from the client on whose behalf the certified law student acts (or, exclusively in the case of government agencies, from the chief counsel or prosecuting attorney) approving the performance of such acts by such certified law student or generally by any certified law student;

(3) Appear on behalf of the client in any public trial, hearing, arbitration, or proceeding, or before any arbitrator, court, public agency, referee, magistrate, commissioner, or hearing officer, to the extent approved by such arbitrator, court, public agency, referee, magistrate, commissioner, or hearing officer, provided that the certified law student:

(A) Obtains the approval of the supervising attorney to engage in the activity;

(B) Performs the activity under the direct and immediate supervision and in the personal presence of the supervising attorney (or, exclusively in the case of government agencies, any deputy, assistant, or other staff attorney authorized and designated by the supervising attorney);

- (C) Obtains a signed consent form from the client on whose behalf the certified law student acts (or, exclusively in the case of government agencies, from the chief counsel or prosecuting attorney) approving the performance of such acts by such certified law student or generally by any certified law student; and
 - (D) As a condition to such appearance, either presents a copy of the consent form to the arbitrator, court, public agency, referee, magistrate, commissioner, or hearing officer, or files a copy of the consent form in the court case file; and
- (4) Appear on behalf of a government agency in the prosecution of criminal actions classified as infractions or other such minor criminal offenses with a maximum penalty or a fine equal to the maximum fine for infractions in California, including any public trial:
- (A) Subject to approval by the court, commissioner, referee, hearing officer, or magistrate presiding at such public trial; and
 - (B) Without the personal appearance of the supervising attorney or any deputy, assistant, or other staff attorney authorized and designated by the supervising attorney, but only if the supervising attorney or the designated attorney has approved in writing the performance of such acts by the certified law student and is immediately available to attend the proceeding.

(Subd (d) amended effective January 1, 2007.)

(e) Failure to comply with program

A certified law student who fails to comply with the requirements of the State Bar certified law student program must have his or her certification withdrawn under rules adopted by the Board of Trustees of the State Bar.

(Subd (e) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(f) Fee and penalty

The State Bar has the authority to set and collect appropriate fees and penalties for this program.

(Subd (f) amended effective January 1, 2007.)

(g) Inherent power of Supreme Court

Nothing in these rules may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California.

(Subd (g) amended effective January 1, 2007.)

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.¹

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~~ 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 3.3 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;²
 - (2) submit an Application for Practical Training of Law Students Program³ with
 - (a) the fee⁴ set forth in the Schedule of Charges and Deadlines;

¹ Rule of Court 9.42 (a).

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

³ See Rule 4.16 (B).

⁴ Rule of Court 9.42 (f).

- (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
 - (e) ~~(d)~~ 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.⁵

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 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

⁵ See Rule 3.8.

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 3.6 ~~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;⁶
- (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
- (E) not claim in any way to be a licensee of the State Bar of California.

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.⁷ A licensee who is inactive, suspended, or subject to discipline, or who has resigned or been disbarred may

⁶ See Rule 3.8.

⁷ Rule of Court 9.42 (a)(2).

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 3.8 ~~3.7~~ Designation as certified law student

- (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 3.9 ~~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 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.⁸

Rule ~~3.9~~ 3.10 Revocation of certification

The State Bar may revoke certification for noncompliance with any applicable rule or law.⁹ 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 ~~3.10~~ 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.

⁸ See Rule 3.9.

⁹ Rule of Court 9.42 (e).

ATTACHMENT H

Schedule of Charges and Deadlines

TITLE 3, DIVISION 1, CHAPTER 1

PRACTICAL TRAINING OF LAW STUDENTS

<i>Rule</i>	<i>Description</i>	<i>Amount</i>	<i>Deadline</i>
3.3(A)(2)(a)	Application	\$55	Not applicable
3.3(A) <u>3.4</u>	Request to change <u>or add</u> supervising attorney	\$25	Not applicable

Public Comment Chart – Practical Training of Law Students Program

ATTACHMENT I

Name / Affiliation	Position on Proposed Rule	Comment (Verbatim)	Working Group Response to Comment
Anonymous	D		No change.
Anonymous	AM	<p>PTLS applicants should remain required to have completed or be enrolled in Evidence & Civil Procedure, as they are foundational cornerstones to one's understanding of the fundamentals of the practice of law in California. These course are integral to the very basics of what is admissible versus inadmissible, and filing deadlines and procedures.</p> <p>However, with respect to Cal. Rules of Court 9.42 (d)(3), the proposed modification is to remove the requirement of "personal presence of the supervising attorney" to allow law students to appear before the court with their supervising attorney present in a virtual fashion. Virtual appearances are modernly more commonplace, and therefore supervising attorneys should be permitted to directly and immediately supervise a provisionally-trained law student on such virtual platforms.</p> <p>Finally, students who have reached expiration of eligibility (by the date of results after first time taking the Bar) should be permitted to be eligible for the PTLS program until Bar exam passage, so as to encourage the pursuit of licensure.</p>	<p>No change. The working group appreciates the thoughtful response, but respectfully disagrees with the commenter.</p> <p>Under the current rule, students need not have completed courses in Evidence and Civil Procedure, but need only be enrolled in them when they apply to the PTLS program. Based on the experience of those students who participate in PTLS who have not yet completed these courses, and the experience in other states where these courses are not required for participation in programs similar to PTLS, the working group disagrees that this course work is needed for students to be able to participate in hands-on training in the PTLS program.</p> <p>The proposal that Rules of Court 9.42(d)(3) be modified to allow a PTLS student to appear in court with their supervising attorney present through video appearance, and that students be allowed to remain in the PTLS program after receiving results from their first bar exam, until they have passed, are beyond the scope of the currently proposed modifications.</p>
Anonymous	A		No change.
Kelly Lynn Campbell-McKay	A	I am a Law Student and have been in the Practical Training for Law Students program since my second year. The opportunities to learn and apply my understanding of the law in the program have been invaluable. It is a surprise to me that students of the law on alternative paths such as the LOSP have not had the same learning opportunities as Law students, and I feel like the lack of practical training is a detriment to the legal community as a whole. The most astute legal minds I have worked with all have clerked with attorneys and judges during	No change.

Public Comment Chart – Practical Training of Law Students Program

Name / Affiliation	Position on Proposed Rule	Comment (Verbatim)	Working Group Response to Comment
		their time at law school, and the PTSL program should be promoted and expanded as much as is practicable for the benefit of the profession.	
Anna L. Capria	A	This seems like a great opportunity to increase access to law background to make it more equitable for all.	No change.
Tanya Asim Cooper / Pepperdine University Caruso School of Law	AM	Evidence and Civil Procedure should remain requirements for the PTLS program. In our law clinic, certified law students represent victims of domestic violence and human trafficking in California courts and engage in all aspects of litigation. They need these courses to represent clients.	No change. The working group appreciates the thoughtful response, but respectfully disagrees with the commenter’s perspective. Under the current rule, students need not have completed courses in Evidence and Civil Procedure, but need only be enrolled in them when they apply to the PTLS program. Based on the experience of those students who participate in PTLS who have not yet completed these courses, and the experience in other states where these courses are not required for participation in programs similar to PTLS, the working group disagrees that this course work is needed for students to be able to participate in hands-on training in the PTLS program. This was an issue expressly discussed with the Committee prior to the circulation of the rule for public comment. The working group continues to support the proposal to eliminate these requirements on a programmatic level. Those entities accepting PTLS students continue to have the authority to mandate the education and experience required to participate as a PTLS student with them.
Crystal Dean	A	<ul style="list-style-type: none">•I believe Rule 9.42(c) requires revision to include apprentices in the Practical Training of Law Students Program administered by the State Bar of California.•Presently, the rule excludes apprentices. It requires a declaration by a Dean of a law school to confirm that the student is enrolled in law school and in evidence and civil procedure classes. It further requires that the applicant to the program represent that they are enrolled in a law school.•I believe the rule is bias and excludes apprentices from an invaluable opportunity to both our education and the future representation of clients.•The rule was enacted as rule 983.2 on December 29, 1993, under the title Practical Training of Law Students. According to the California Regulatory Law Reporter, Vol 13, Nos. 2 and 3 (Spring/Summer 1993), “the purpose	No change.

Public Comment Chart – Practical Training of Law Students Program

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		<p>of these rules . . . is to provide for the operation of a program of practical training for law students as a valuable complement to academic classes.” [[And Vol 13, No. 1 (Winter 1993)]]</p> <ul style="list-style-type: none">•State Bar’s Title 4, Division One rules set forth the education standards for the practice of law. Under which Rule 4.29 outlines how an apprenticeship in the law office study program can “comply with the legal education requirements of these rules”. This indicates that it considers us students of the law like any other.•Further, if the apprenticeship path is a legitimate path to practice law, why is it treated differently or not afforded the same opportunities? As first years in the program, we must pass the First Year Law Students’ Exam to move forward, just as those students in unaccredited law schools. If we as students have proved that we are similarly schooled and proven by the same test, we should all be able to participate.•A final point, is that California is one of four states that allow apprenticeship. The other 3 states, Washington, Vermont, and Virginia, all have comparable certified law student or practical training programs, and all 3 of those states allow their apprentices to participate in those programs. This is not an unprecedented change, and I and my fellow apprentices urge the revision of rule 9.42 to include us.•Thank you for your time and consideration. <p>I am attaching my initial request which was submitted to the Judicial Council asking for this revision in August of 2021, which includes the same agreement by licensed attorneys and other law office study program students.</p>	
Pam Delgado	D	<p>[1] I believe that civil procedure and evidence courses are essential for the program. Eliminating those requirements would facilitate errors that could be vital to a client’s case.</p> <p>[2] Additionally, the rules should be more clearly defined as to what the certified law student is able to do, as I was a participant and was not allowed by the court to appear on behalf of clients, even with the supervision of my attorney. Other admitted attorneys would not work with me, as attorneys are not educated on what a certified law student can and cannot do.</p>	<p>[1] No change. The working group appreciates the thoughtful response, but respectfully disagrees with the commenter’s perspective. Under the current rule, students need not have completed courses in Evidence and Civil Procedure, but need only be enrolled in them when they apply to the PTLs program. Based on the experience of those students who participate in PTLs who have not yet completed these courses, and the experience in other states where these courses are not required for participation in programs similar to PTLs, the working group disagrees that this course work is needed for students to be able to participate in hands-on training in the PTLs program. This was an issue expressly discussed with the Committee prior to the circulation of the rule for public comment. The working group continues to support the proposal to eliminate these requirements on a</p>

Public Comment Chart – Practical Training of Law Students Program

Name / Affiliation	Position on Proposed Rule	Comment (Verbatim)	Working Group Response to Comment
			<p>programmatic level. Those entities accepting PTLS students continue to have the authority to mandate the education and experience required to participate as a PTLS student with them.</p> <p>[2] No change. The working group appreciates the thoughtful response, but respectfully disagrees with the commenter’s perspective. The working group believes Rule 9.42(d) provides appropriate specificity as to what activities a certified law student may undertake. The State Bar will be making changes to its website concurrent with the adoption of rule changes and will consider this comment in doing so. The State Bar will also consider highlighting this program in an upcoming update to all State Bar licensees, so they are aware of its requirements.</p>
Darrell Griffin Jr	D	Students need practical training. Most of this comes from clinics and collaborative courts. One on one with an actual attorney would be better	No change. The working group appreciates the thoughtful response, but respectfully disagrees with the commenter’s perspective. The proposed modifications do not affect the requirements for attorney supervision of students in the PTLS program.
Mia Grindon	A	This change makes sense and will enable future legal practitioners to gain hands-on experience earlier in their careers, which will enable them to be more capable attorneys upon passing the bar. The distinction between JD and LLM students is arbitrary and they deserve similar opportunities. Furthermore, Evidence and Civil Procedure has not proven necessary for me in effectively speaking on the record.	No change.
Raymond Scott Hayden	A	Excellent idea to improve opportunities for Law Students in LOS and LLM Programs!	No change.
Mary K. Jones	AM	<p>I oppose inclusion of Students in a Master of Laws program as most masters of law programs are 2 years full-time. Not enough educational hours to protect public. Half the education requirement now in effect and required by the State Bar requires 3 years of study at an ABA school, 4 years at State Bar Accredited school, 4 years under Judge or Attorney.</p> <p>DePaul University College of Law Masters program, "can be completed part-time in 2-1/2 years."</p>	No change. The working group appreciates the thoughtful response, but respectfully disagrees with the commenter’s perspective. The proposal to allow those in LLM programs to participate in the PTLS program is not changing the credit requirements for those programs or the

Public Comment Chart – Practical Training of Law Students Program

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		I approve the PTLS inclusion of those students in the Law Office Study Program.	requirements for credits needed in an LLM program to sit for the bar exam or be certified to the Supreme Court for admission to the State Bar.
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 Practical Training of Law Students (PTLS) program [NOTE: this letter’s references to its support for the LOS Program Rule Revisions is contained in the comment chart on the LOS 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> <p>We Support the Proposed Amendments to the PTLS Program.</p> <p>The Access Commission appreciates the State Bar’s efforts to review and evaluate admission rules, practices, and procedures to identify possible improvements and eliminate unnecessary barriers to participation. For the PTLS program, the proposed amendments will, among other things:</p> <ul style="list-style-type: none">• Authorize students in the Law Office Study (LOS) program and in Masters of Laws (LLM) programs to participate; and• Eliminate the requirement that students have completed or be currently enrolled in courses in evidence and civil procedure to be eligible. <p>The Access Commission supports these changes, specifically including the proposed amendments to the definition of “law student” in Rule 9.42 of the Rules of Court, and proposed amendments to Rules 3.2 through 3.11 of the Rules of the State Bar, pertaining to the PTLS program.</p> <p>California’s PTLS program (also known as the Certified Law Student program) allows law students certified by the State Bar and working under the supervision of an attorney to provide specified legal services to clients. The PTLS program gives law students the opportunity to gain hands-on experience while ensuring the protection of the public through attorney supervision.</p> <p>On October 20, 2021, the California Supreme Court directed the State Bar to study and consider whether changes to rule 9.42 would authorize students enrolled in a law office or judicial chambers’ studies program (i.e., the LOS program) to participate in the PTLS program would be prudent. The Court also directed the State Bar to</p>	No change.

Public Comment Chart – Practical Training of Law Students Program

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		<p>consider whether any rule amendments may be necessary to provide additional protections to the public and the judicial system. See Order in re Petition to Amend Cal. Rules of Court Rule 9.42 (Oct. 20, 2021, No. S269663) (en banc).</p> <p>The Access Commission agrees with the State Bar’s conclusion that allowing LOS program participants as well as LLM students to participate in the PTLS program makes sense and is prudent. We agree with the State Bar’s recognition of the value of hands-on experience as part of legal education, and that allowing participation may help LOS program participants and LLM students become better lawyers. The Access Commission also agrees that the proposed changes still maintain public protection, primarily through restrictions on activities and attorney supervision as well as through a requirement that LOS participants have completed one year of legal study and have passed the first-year law students’ examination and be actively continuing the study of law in a law office or judges’ chambers. Allowing LOS participants and LLM students to participate in the PTLS program also may increase the delivery of legal services to people of limited means.</p> <p>In addition, the Access Commission agrees with the removal of the requirement that participants must have successfully completed or be currently enrolled in evidence and civil procedure courses. This is an unnecessary barrier to participation at odds with requirements in other states. In many cases, hands-on experience, under the supervision of a lawyer, is an effective way to study evidentiary and civil procedure issues. Further, as noted by the State Bar, law offices, law schools, and others are free to create their own requirements for student participation, which may include prerequisite courses on evidence, civil procedure, ethics or professional responsibility, trial advocacy, or certain substantive areas relevant to the work where appropriate, and need not be a barrier to participation in the program where not necessary. The Access Commission also appreciates the proposed rule changes clarifying PTLS program requirements.</p>	
Sarah Leon	A	I am a CA barred attorney who became an attorney through the LOS. I was not able to participate in PTLS while in the LOS program. I support this change. All California attorneys should have the opportunity to prepare for their role.	No change.
Frederick Mitchell	A		No change.
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 revisions to State Bar rules regarding the PTLS program to increase eligibility and decrease barriers to participation.</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</p>	No change.

Public Comment Chart – Practical Training of Law Students Program

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		<p>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> <p>We understand that the California’s Practical Training of Law Students (PTLS) program is a way for law students that are certified by the Bar and working under the supervision of an attorney to provide specified legal services to clients. PTLS helps students gain hands-on skills through real-world contact with clients. But, some of the rules of the program currently make it such that those participating in the Law Office Study (LOS) program cannot participate, along with LLM students. The current proposal seeks to fix these issues.</p> <p>Specifically, the current rules require students to have taken or be enrolled in evidence and civil procedure in order to be in the PTLS program. The currently proposed changes would amend the rules to eliminate the requirement for students to have taken or be enrolled in these courses, whereby LOS and LLM students can be able to engage in the PTLS program. LOS and LLM students should have the same opportunity to participate in PTLS, and this proposal resolves that inequitable barrier. Moreover, these students would not pose a greater risk to the public than law students because all students, no matter what program they are in, are subjected to the same rules and requirements, including close supervision by a lawyer. Last, the proposals also make other rules clearer, which aids prospective and current students in knowing about the requirements are and, consequently, how to be successful in the program.</p> <p>Altogether, the PTLS program is, like the LOS program, an important way for students to get experience and education in a non-traditional or alternative way. Making it so that LOS and LLM students can participate is a positive development because it ensures those involved in these other pathways can actually participate in this valuable experiential program. Thank you for giving us the opportunity to provide comment. Please contact us with any questions.</p>	
Pamela Ross / All for the Family Legal Clinic	A	Our clinic has been able to help so many more families through the use of certified student attorneys in our nonprofit practice. We also have one paralegal that is doing the Law Office Study Program and not being able to participate in the in court training is detrimental to her progression as a lawyer in training as compared to her peers that are in law school and allowed to have this hands on training.	No change.
Adele Schneidereit	D		No change.
Logan Schlossberg	A	It should be highly considered that apprentices should be included in the PTLS program. The rule is bias and prevents students in the apprenticeship program from gaining incredibly important skills that other students get the opportunity to benefit from. As a student in the LOSP, I have passed the FYLSE, have passed the MPRE, have successfully studied and completed both Civil Procedure and Evidence, and am on track to complete the program in 4 years to take the California Bar Exam. It does not seem fair that students like myself would not get	No change.

Public Comment Chart – Practical Training of Law Students Program

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		the opportunity to be included in the PTLS program especially where vital information and hands-on learning takes place. Since the apprenticeship is considered a legitimate way to study the law and work towards sitting for the CBX, why would students in the program be exempt from the PTLS program? I truly hope you reconsider Rule 9.42(c) and make the necessary revisions to include us students in the LOSP. I very much thank you for your time.	
Claire Solot / Legal Services Funders Network	AM	<p>The Legal Services Funders Network (LSFN) is a San Francisco Bay Area network of funders who fund civil legal service organizations as a poverty alleviation strategy. Founded by a group of five funders in the fall of 2014, there are currently well over 100 California funders participating, as well as dozens of funders based outside of California. Our funder network is multi-sectoral and is comprised of: Private Foundations; Community Foundations; Law Firm Foundations & Law Firms; Corporate Foundations; Government Funders (state and local); Crowd Source Funders; Individuals and funders who give via Donor Advised Funds (DAFs); Law Schools and Philanthropic Services Advisors.</p> <p>The LSFN Public Interest Bar Fellowship was created in 2020 in response to the COVID 19 pandemic and the delay of the July Bar Exam. Since that time we have graduated over 80 Fellows, who during their fellowships have added over 37,000 hours of additional capacity to Legal Services Organizations (LSO). Over two-thirds of our Fellows have continued in the public interest sector, and many were hired as full-time staff attorneys by their LSO Hosts or other LSOs involved in our program. On June 1, 2023 we will welcome our fourth cohort of LSFN Fellows, which will include our 100th LSFN Fellow.</p> <p>The LSFN Fellowship is made possible via our partnership with the law schools located in and near the counties where we place our LSFN Fellows. The law schools are our key marketers when it comes to letting their May graduates know about our program. In addition, completing their law schools’ course of study and receipt of a law degree is important to our Legal Services Organizations (LSO) Hosts. Registering for the California’s Practical Training of Law Students (PTLS) is a component of the LSFN Fellowship.</p> <p>Since inception, the LSFN annually receives applications from LLM students. To date, all of these applicants have been international students, who not only have legal experience in their home countries, they have tremendous language capacity. One of our first LLM applicants spoke five languages! Modifying the PTLS rules to allow LLM students to participate would be a positive change that would add capacity (both in terms of staff and language) to legal services organizations. Additionally, the LSFN supports eliminating the requirement to have taken or be enrolled in evidence and civil procedure. Not only do many LLM programs not offer these courses, there are many areas of public interest law that one can engage in that do not require these subject matter backgrounds. It is for these reasons that the LSFN supports making LLM students eligible for the PTLS program and that the evidence and civil procedure requirements be amended.</p>	No change. The working group appreciates the thoughtful response, but respectfully disagrees with the commenter’s perspective on the Law Office Study Program in general, and supports allowing LOS participants in the PTLS program, working under the supervision and direction of a licensed California attorney who meets the eligibility criteria for supervision.

Public Comment Chart – Practical Training of Law Students Program

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		<p>However, the LSFN does not support changing the PTLS program eligibility to include students studying law in a law office or judge’s chamber for the following reasons:</p> <ol style="list-style-type: none"> 1. Unlike the LLM students, the LOSP students are not part of an established California law school, which have required curriculums and oversight. 2. The LOSP students by definition are already exposed to practical training via their law office or judge supervisors. 3. With the influx of alternative law school experiences (including online, part-time and programs that enroll students who are incarcerated), the value and relevance of the LOSP program is questionable. For example, in our 2022 LSFN cohort we had a Fellow who attended a California accredited law school part-time over four years. Our Fellow is the parent of two young children, worked full-time while in law school and commuted 20 miles each way to attend classes. This Fellow could have opted for the LSPO program, but felt that it was important to attend an accredited law school. Additionally, more and more law schools are offering classes online and on weekends. In recent years, LSOP students appears to have shifted from the original intended group (those who cannot afford based on time, money and logistics to attend a traditional three year, full-time, in person law school) to people like Kim Kardashian, who could attend law school is she chose to do so, but opted instead to participate in the LOSP. 4. The costs associated with overseeing the LOSP program are not justified and should be repurposed. According to the Daily Journal, in 2007 just 32 students registered for California's LSOP program. As of 2004, according to the Los Angeles Times, only 64 attorneys had acquired their legal training and passed the bar exam since 1980, out of the 436 people who registered for the program. In 2006 only one out of the five LOSP students passed the bar exam. A more recent 2015 article in the California Encyclopedia of Law (california.lawi.us) noted that in the past five years only 39 LOSP passed the California bar exam, averaging less than eight (8) individuals annually. The process to become a LOSP and LOSP supervisor is intense and time consuming, not only for the participants, but for the State Bar. Given the many options that now exist to attend law school, it is time that the State Bar revisit offering the LOSP program. Note: the LSFN is extremely supportive of the value of experiential learning. However, we believe it is best suited for students who have participated in a formal, law school program and after they have completed core first year academic studies. 	
Tamir Sukkary	A	I support all these changes. Thank you.	No change.
Megan Thompson	A	Glad this is on motion. As a LOSP, I was defeated to be informed the opportunity to participate as a Certified Law Student was not available to me. Even after I passed the FYLSX and completed my studies in Evidence and CivPro to qualify (and submitted the requisite reporting/paperwork). Working in a law office, the opportunities to participate in hearings (instead of merely observing) would have been incredibly helpful. There are safeguards in place, such as obtaining the client’s written consent and the supervising attorney being present. This type of real	No change.

Public Comment Chart – Practical Training of Law Students Program

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		world experience is key and goes to the soul of the LOSP. It will create better attorneys, more prepared to advocate on behalf of clients, which is ultimately the goal after all. I'm taking the Bar this February, but I hope this impacts future lawyers in my position who just truly want to do the best they can as an attorney when we get to the other side of the bar.	
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 PTLS program.
Michael Trust	AM	No issues with law office/chambers and LLM students being eligible. However, I do think that passing Evidence and Civ Pro should still be required. These are fundamental to most hands-on training experiences that students are going to receive.	No change. Under the current rule, students need not have completed courses in Evidence and Civil Procedure, but need only be enrolled in them when they apply to the PTLS program. Based on the experience of those students who participate in PTLS who have not yet completed these courses, and the experience in other states where these courses are not required for participation in programs similar to PTLS, the working group disagrees that this course work is needed for students to be able to participate in hands-on training in the PTLS program. This was an issue expressly discussed with the Committee prior to the circulation of the rule for public comment. The working group continues to support the proposal to eliminate these requirements on a programmatic level. Those entities accepting PTLS students continue to have the authority to mandate the education and experience required to participate as a PTLS student with them.
Cristi Michelin Vasquez	D	I think it is important for the law students to understand procedures and to understand evidence. While they are supervised by their supervising attorney, They are eligible to make appearances and in doing so are speaking to the court without the benefit of first having their supervising attorney proof their verbal comments. As such, they should have some understanding of permissible evidence. Additionally, they should have an understanding of what is permissible from the other side. This program should be the beginning of training in preparation, not a substitute for education and knowledge.	No change. The working group appreciates the thoughtful response, but respectfully disagrees with the commenter's perspective. The current requirements do not require completion of evidence and civil procedure coursework to participate in the PTLS program. Rather, current enrollment in those courses is all that is required.

Public Comment Chart – Practical Training of Law Students Program

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			The working group continues to support the proposal to eliminate these requirements on a programmatic level. Those entities accepting PTLS students continue to have the authority to mandate the education and experience required to participate as a PTLS student with them.
Corina A. Yetter	A	I agree with making the Practical training of law students more accessible so that more law students may discover whether or not they prefer courtroom litigation before they make career choices.	No change.
Raymond Yeung	A	The experience granted by the PTLS program is incredibly useful to future legal practitioners. The practice of law involves many skills that simply cannot be taught in a classroom or read from a book. It allows students to forge connections in the workplace that may lead to an advantage in future hiring, and it allows students to see whether legal practice is something they want to do in the long term. The opportunity to participate in such a beneficial program should be extended to as many students as possible.	No change.

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