



# The State Bar of California

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## **OPEN SESSION AGENDA ITEM 50-2 JUNE 2023**

**DATE:** June 12, 2023

**TO:** Members, Board of Trustees

**FROM:** Donna S. Hershkowitz, Chief of Programs & Legislative Director

**SUBJECT:** Technical Correction to May 2023 Board Agenda Item 705 Resolution Regarding Moral Character Rules

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### **EXECUTIVE SUMMARY**

On May 19, 2023, the Board of Trustees approved without amendment Agenda Item 705, which requested Board adoption of rule revisions regarding moral character as well as rule revisions for the Practical Training of Law Students (PTLS) and Law Office Study (LOS) programs. Unlike the Board resolutions regarding the PTLS and LOS rules, the resolution regarding the moral character rules did not direct staff to submit the moral character rules to the Supreme Court for review and approval, instead providing that the rules were adopted with an effective date of July 1, 2023. Following further discussion with the State Bar's Supreme Court liaison, this agenda item recommends revising that resolution to direct staff to transmit the moral character rules to the Supreme Court, with the intent that the rules have an effective date 60 days after approval by the Supreme Court.

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### **BACKGROUND**

Rule 9.5 of the California Rules of Court provides that, upon approval by the Board, all State Bar rules recommended by the Committee of Bar Examiners pertaining to the admission to practice law must be submitted to the Supreme Court for review and approval.

Following consultations with the State Bar's liaison to the Supreme Court prior to the May Board meeting, State Bar staff understood the proposed moral character rules did not need to be submitted to the Supreme Court. After subsequent consultation with the Court liaison, staff recommends that the moral character rules, like the PTLS and LOS rules, be transmitted to the Supreme Court for approval.

## **DISCUSSION**

On May 19, 2023, the Board of Trustees approved without amendment Agenda Item 705, which requested Board adoption of rule revisions regarding moral character as well as rule revisions for the Practical Training of Law Students (PTLS) and Law Office Study (LOS) programs. Unlike the Board resolutions regarding the PTLS and LOS rules, the resolution regarding the moral character rules did not direct staff to submit the moral character rules to the Supreme Court for review and approval, instead providing that the rules were adopted with an effective date of July 1, 2023. Following recent discussions with the Supreme Court liaison, consistent with rule 9.5 of the California Rule of Court, it is appropriate for the State Bar to submit the moral character rules revisions to the Supreme Court for review and approval.

## **FISCAL/PERSONNEL IMPACT**

None

## **AMENDMENTS TO RULES**

None

## **AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL**

None

## **STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS**

None

## **RECOMMENDATIONS**

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

**RESOLVED**, that the Board of Trustees revises the resolution adopted on May 19, 2023, as part of Agenda Item 705, related to the moral character rules to add the following resolution:

**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 moral character rule changes 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, and not on July 1, 2023.

## **ATTACHMENT LIST**

- A. Agenda Item 705, Resolution Adopted by the Board of Trustees May 19, 2023

## **ATTACHMENT A**

### **Agenda Item 705. Resolution Adopted by Board of Trustees May 19, 2023**

**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.