

TITLE 3. PROGRAMS AND SERVICES

Adopted July 2007 ~~March 2019~~

DIVISION 3. NON-LICENSEE ATTORNEYS

Chapter 1. Multijurisdictional Practice

Article 3. Registered In-House Counsel

Rule 3.370 Definitions

- (A) ~~An attorney registered as~~ **A** Registered In-House Counsel is an attorney who meets the eligibility requirements of Rule 9.46 of the California Rules of Court ("Rule 9.46") and is ~~registered~~ **approved** by the State Bar as Registered In-House Counsel.
- ~~(B) "Registered" means that the State Bar has issued a certificate of registration to an attorney it deems eligible to practice law as Registered In-House Counsel.~~
- ~~(C)~~ **(B)** A "qualifying institution" is a corporation, a partnership, an association, or other legal entity that meets the requirements of Rule of Court 9.46(a)(1).
- ~~(C) "Reside in California" as used in Rule 9.46(c)(8) means to live or be located in California on more than a temporary or transient basis.~~

Rule 3.370 adopted effective July 1, 2010; amended effective March 1, 2019.

Rule 3.371 Application

- (A) To apply to ~~register~~ **for approval** as **a** Registered In-House Counsel, an attorney who meets the eligibility and employment requirements of Rule 9.46 must
- (1) submit an Application for Registration¹ as an attorney applicant for admission to the State Bar of California with the fee set forth in the Schedule of Charges and Deadlines;²
 - (2) submit an Application for Registered In-House Counsel³ with the fee set forth in the Schedule of Charges and Deadlines;
 - (3) submit a complete moral character application with the fee set forth in the Schedule of Charges and Deadlines, unless the attorney possesses an

¹ See Rule 4.16(B).

² See Rule 4.3(B).

³ See Rule of Court 9.46(d).

unexpired California positive moral determination or an application is currently under review; complete moral character application with the fee set forth in the Schedule of Charges and Deadlines; and meet State Bar requirements for acceptable moral character; and

- (4) ~~submit to the State Bar a Declaration~~ signed no more than 60 days prior to submission; by an officer, director, or general counsel of the Qualifying Institution employing them attesting that⁴:
 - (a) it is a qualifying institution as defined in Rule 3.370 (B);
 - (b) it will employ the applicant as an attorney upon the approval of the application and the nature of the employment conforms to Rule 9.46 and this Article;
 - (c) the signer believes, to the best of his or her knowledge after reasonable inquiry, that the applicant qualifies for registration under this Article and is an individual of good moral character;
 - (d) it has adopted and provided to its employees written personnel policies which acknowledge and inform them of the requirements of Rule 9.46 and this Article and attaches a copy of the relevant portions of those policies to the declaration; and
 - (e) it acknowledges and will comply with the duties and obligations imposed upon a Qualifying Institution by Rule 9.46 and this Article;
 - (5) submit a declaration agreeing that they will be subject to the disciplinary authority of the Supreme Court of California and the State Bar of California and attesting that they will not practice law in California other than on behalf of the qualifying institution during the time they is registered in-house counsel in California, except if supervised, a registered in- house counsel may provide pro bono services through an eligible legal aid organization upon approval by the State Bar; and
 - (6) if applicable, submit a supplemental form identifying the eligible legal aid organization as defined by Rules of Court, rule 9.45 (a)(1), through which the attorney intends to provide pro bono services, and the Declaration in Rule 3.361(A)(4).
- (B) An application to practice law as a Registered In-House Counsel ~~may~~ shall be denied for failure to comply with eligibility or application requirements or a material misrepresentation of fact in the application.
- (C) An applicant cannot begin practicing law until their Registered In-House Counsel application has been approved. Approved applicants may practice while their moral character application is under review.

Rule 3.372 Duties of Registered In-House Counsel

An attorney employed as Registered In-House Counsel ~~must~~

- (A) is subject to the disciplinary authority if the Supreme Court of California and the State Bar of California;
- (B) ~~must annually renew its registration as Registered In-House Counsel registration,~~ submit the fee set forth in the Schedule of Charges and Deadlines, and a Declaration signed by an officer, a director, or general counsel of the Qualifying Institution containing the attestations described in Rule 3.371(A)(4) omitting the moral character attestation; and if applicable, the Declaration described in Rule 3.361(A)(4);
- (C) must meet the Minimum Continuing Legal Education (MCLE) requirements set forth in Rule 9.46;
- (D) shall use the title "Registered In-House Counsel" in connection with activities performed as Registered In-House Counsel;
- (E) shall not imply or claim in any way to be a licensed attorney of the State Bar of California;
- (F) must maintain an address of record with the State Bar, which must be the current California office address of the attorney's employer and a current e-mail address;
- (G) must report to the State Bar within thirty days any of the following:
 - (1) a change in status in any jurisdiction where they are or were admitted to practice law and engaged in the practice of law, such as transfer to inactive status, disciplinary action, suspension, resignation, disbarment, or a functional equivalent;
 - (2) termination of employment with the qualifying institution or cessation of employment; ~~or~~
 - (3) if applicable, a change of supervisor at the eligible legal aid organization for which the attorney is providing pro bono services, including the Declaration required under Rule 3.361 (A)(4), omitting the moral character attestation. A supervisor's designation of another attorney to provide supervision in his or her absence pursuant to Rule 9.45(i)(6) is not a reportable change of supervisors; or
 - (4) any information required by the State Bar Act, such as that required by sections 6068(o) and 6086.8(c) of the California Business and Professions Code, or by any other legal authority;

- (H) must submit a new application to register as Registered In-House Counsel before beginning employment with a new qualifying institution;⁵ and
- (I) must otherwise comply with the requirements of Rule 9.46 and these rules.

Rule 3.372 adopted effective July 1, 2010; amended effective March 1, 2019.

Rule 3.373 Duties of employer

An employer of a Registered In-House Counsel who meets the requirements of Rule 9.46 for a qualifying institution ~~must~~ shall

- (A) ~~complete the Application for Approval as Qualifying Institution and be approved by the State Bar as a qualifying employer;~~
- (B) ~~complete a Declaration signed by an officer, a director, or a general counsel of the Qualifying Institution, before employing a Registered In-House Counsel, attesting that it~~
 - (1) ~~is a qualifying institution;~~
 - (2) ~~deems the attorney, on the basis of reasonable inquiry, to be of good moral character;~~
 - (3) agrees to notify the State Bar of California, in writing, within thirty days if
 - (a) the attorney has ~~terminated~~ left employment or their supervisor has changed. A supervisor's designation of another attorney to provide supervision in his or her absence pursuant to Rule 9.45(i)(6) is not a reportable change of supervisors;
 - (b) the attorney is no longer eligible for employment under ~~as required by Rule 9.46 and these rules~~ this Article;
 - (c) ~~its status as~~ it no longer meets the criteria for a qualifying institution ~~has changed~~; or
 - (d) it has changed its office address.

Rule 3.373 adopted effective July 1, 2010; amended effective March 1, 2019.

Rule 3.374 Suspension of Registered In-House Counsel

- (A) Registration as a Registered In-House Counsel is suspended

⁴ Rule of Court 9.46(a)(1).

³ Rule of Court 9.46(a)(1).

- (1) for failure to annually register renew registration as a Registered In-House Counsel and submit any related fee and penalty set forth in the Schedule of Charges and Deadlines;
 - (2) for failure to comply with New Attorney Training and Minimum Continuing Legal Education requirement of Rule 9.46 and pay any related fee and penalty set forth in the Schedule of Charges and Deadlines;
 - (3) upon voluntary transfer to inactive status, or the functional equivalent in any all jurisdictions where admitted to practice; or
 - (4) for failure to comply with the laws or standards of professional conduct applicable to a licensee of the State Bar;
 - (5) for failure of its employer to meet the criteria for a qualifying institution; or
 - (6) for failure to meet the eligibility requirements of Rule 9.46(c), (3), (4), (5), (6), and (7).
- (B) An attorney suspended under these rules is not permitted to practice law.
- (C) A notice of suspension is effective ten days from the date of receipt. “Receipt” of a document that the State Bar or Committee sends an applicant is: (1) calculated as the date of electronic transmission or five 5 days from the date of mailing to a California address; 10 days from the date of mailing to an address elsewhere in the United States; and 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. ~~Receipt is deemed to be five days from the date of mailing to a California address; ten days from the date of mailing to an address elsewhere in the United States; and twenty days from the date of mailing to an address outside the United States. Alternatively, receipt is when the State Bar delivers a document physically by personal service or otherwise.~~
- (D) Appeal of a suspension is subject to the disciplinary procedures of the State Bar.

Rule 3.374 adopted effective July 1, 2010; amended effective March 1, 2019.

Rule 3.375 Termination of Registration

- (A) Approval Registration as a In-House Counsel terminates
- (1) for failure to meet the eligibility requirements of Rule 9.46(c)(1) or Rule 9.46(c)(2) upon imposition of discipline for misconduct by a professional or occupational licensing authority;

- (1) upon admission to the State Bar;
 - (2) For failure to address all grounds for suspension within six months of notice;
 - (3) For failure to report an employment termination, or change of employer within 30 days;
 - (4) upon receipt of a negative moral character determination or when an applicant's moral character has been suspended in accordance with State Bar Rule 4.48;
 - (5) upon repeal of Rule 9.46 or termination of the Registered In-House Counsel program; or
 - (6) upon request.
- (B) An attorney whose registration has been terminated under these rules is not permitted to practice law in California and must submit a new application and comply with Rules of Court, rule 9.9.5 governing attorney fingerprinting to register apply for approval as In-House Counsel in order to practice law in California.
- (C) A notice of termination is effective ten days from the date of receipt. "Receipt" of a document that the State Bar or Committee sends an applicant is: (1) calculated as the date of electronic transmission or five 5 days from the date of mailing to a California address; 10 days from the date of mailing to an address elsewhere in the United States; and 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. ~~Receipt is deemed to be five days from the date of mailing to a California address; ten days from the date of mailing to an address elsewhere in the United States; and twenty days from the date of mailing to an address outside the United States. Alternatively, receipt is when the State Bar delivers a document physically by personal service or otherwise.~~
- (D) Appeal of a termination is subject to the disciplinary procedures of the State Bar.

Rule 3.375 adopted effective July 1, 2010; amended effective March 1, 2019.

~~Rule 3.376 Reinstatement after termination~~

~~An attorney terminated as Registered In-House Counsel who seeks reinstatement must meet all eligibility and application requirements of Rule 9.46 and these rules.~~

Rule 3.376 adopted effective July 1, 2010; amended effective March 1, 2019

Rule ~~3.377~~ 3.376 Public information

State Bar records for attorneys ~~permitted~~ approved to practice law as Registered In-House Counsel are public to the same extent as licensed attorney records.

Rule 3.377 adopted effective July 1, 2010; amended effective March 1, 2019.