

## TITLE 3. PROGRAMS AND SERVICES

Adopted July 2007

### DIVISION 3. NON-LICENSEE ATTORNEYS

#### Chapter 1. Multijurisdictional Practice

#### Article 3. Registered In-House Counsel

##### Rule 3.370 Definitions

- (A) An attorney registered as 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 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) 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).
- (D) “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 as Registered In-House Counsel, an attorney who meets the eligibility and employment requirements of Rule 9.46 must
  - (1) submit an Application for Registration<sup>1</sup> as an attorney applicant for admission to the State Bar of California with the fee set forth in the Schedule of Charges and Deadlines;<sup>2</sup>
  - (2) submit an Application for Registered In-House Counsel<sup>3</sup> with the fee set forth in the Schedule of Charges and Deadlines;
  - (3) meet State Bar requirements for acceptable moral character; and

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<sup>1</sup> See Rule 4.16(B).

<sup>2</sup> See Rule 4.3(B).

<sup>3</sup> See Rule of Court 9.46(d).

- (4) submit a Declaration signed by an officer, a director, or a general counsel of Qualifying Institution.<sup>4</sup>
- (B) An application to practice law as Registered In-House Counsel may be denied for failure to comply with eligibility or application requirements or a material misrepresentation of fact in the application.

*Rule 3.371 adopted effective July 1, 2010; amended effective March 1, 2019.*

#### Rule 3.372 Duties of Registered In-House Counsel

An attorney employed as Registered In-House Counsel must

- (A) annually renew registration as Registered In-House Counsel and submit the fee set forth in the Schedule of Charges and Deadlines;
- (B) meet the Minimum Continuing Legal Education (MCLE) requirements set forth in Rule 9.46;
- (C) use the title “Registered In-House Counsel” in connection with activities performed as Registered In-House Counsel;
- (D) not claim in any way to be a licensed attorney of the State Bar of California;
- (E) 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;
- (F) report to the State Bar within thirty days
  - (1) a change in status in any jurisdiction where 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
  - (3) 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 other legal authority;
- (G) submit a new application to register as Registered In-House Counsel before beginning employment with a new qualifying institution;<sup>5</sup> and
- (H) otherwise comply with the requirements of Rule 9.46 and these rules.

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<sup>4</sup> Rule of Court 9.46(a)(1).

<sup>5</sup> Rule of Court 9.46(a)(1).

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

### Rule 3.373 Duties of employer

An employer who meets the requirements of Rule 9.46 for a qualifying institution must

- (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 employment;
    - (b) the attorney is no longer eligible for employment as required by Rule 9.46 and these rules;
    - (c) its status as 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 In-House Counsel is suspended
  - (1) for failure to annually register as 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 the 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 jurisdiction 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; or
  - (5) 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 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) Registration as 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;
  - (2) upon admission to the State Bar;
  - (3) upon repeal of Rule 9.46 or termination of the Registered In-House Counsel program; or
  - (4) 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 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 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 Public information

State Bar records for attorneys permitted 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.*