



The State Bar of California

OPEN SESSION AGENDA ITEM III.A JUNE 2023

DATE: June 23, 2023

TO: Members, Committee of Bar Examiners

FROM: Alex Chan, Committee of Bar Examiners
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SUBJECT: Action on Revisions to the Special Admissions Rules: Recommendation to the Board of Trustees to Circulate for Public Comment Amendments to the State Bar Rules and Rules of Court Related to Registered In-House Counsel, Registered Legal Aid Attorneys, Registered Military Spouse Attorneys, Foreign Legal Consultants, and Out of State Attorney Arbitration Counsel

EXECUTIVE SUMMARY

In 2022, staff from the Office of Admissions embarked on a comprehensive review of its processes, applications, instructional material, website, and staff training and reference materials to assess whether changes were warranted to improve overall case processing and customer service. The goals of this exercise also included a review of the rules to identify any contradictions between the California Rules of Court, the State Bar rules, and governing statute; to clarify areas of ambiguity raised by staff or applicants, and more importantly, to examine the rules closely to determine whether any unnecessary hurdles exist that may prohibit participation and that do not further public protection. The proposals identified in the discussion derive from this review.

The State Bar of California offers attorneys admitted in other jurisdictions the ability to practice law in California under limited circumstances through one of several special admissions programs. This agenda item focuses on revisions to the rules for the Multijurisdictional Practice Program (MJP), a program that allows attorneys licensed in other U.S. jurisdictions the ability to

practice under specific conditions and in specific areas of law, and on the Foreign Legal Consultants Program, which allows attorneys licensed in other countries the ability to practice the law of their home jurisdiction in California. This agenda item proposes changes to these rules to eliminate unnecessary barriers to participation, streamline procedures for applying to and participating in the special admissions programs and to ensure that the rules are clear and consistent with applicable law. The agenda item also includes a minor technical amendment to the Out-of-State Attorney Arbitration Counsel rules.

This agenda item requests that the Committee of Bar Examiners recommend to the Board of Trustees that the proposed rule amendments regarding each of the MJP categories, Foreign Legal Consultants, and Out of State Attorney Arbitration Counsel, be circulated for a 60-day public comment period.

BACKGROUND

Special Admissions rules govern the extent to which those not formally admitted to the State Bar of California may practice in California.

REGISTERED IN-HOUSE COUNSEL (RIHC)

Rule 9.46 of the California Rules of Court (CRC) authorizes attorneys licensed in other U.S. jurisdictions to practice law within certain parameters if they meet the following qualifications: work for a “qualifying institution,” are in good standing in each jurisdiction in which they are licensed to practice (cannot have been disbarred or be facing charges, nor suspended from law for disciplinary misconduct in any other jurisdiction); remain an active licensee in at least one U.S. jurisdiction; and reside in California. Attorneys meeting these qualifications may register with the State Bar by submitting an application and applying for a moral character determination. Unlike licensees, RIHC are allowed to practice while awaiting their moral character determination.

The work of RIHC is limited to providing legal services in California to the qualifying institution that employs them, with a single exception. RIHC are not permitted to make court appearances in California state courts or to provide personal or individual representation to any customers, shareholders, owners, partners, officers, employees, servants, or agents of the qualifying institution. They are allowed to provide pro bono work under the supervision of a California attorney employed by either the qualifying institution or an eligible legal aid organization. RIHCs must renew their registration annually but are permitted to continue as RIHCs indefinitely. The Rules of the State Bar allow out-of-state attorneys to practice as both RIHC and RLAA.

REGISTERED LEGAL AID ATTORNEY (RLAA)

CRC rule 9.45 authorizes attorneys licensed in other U.S. jurisdictions to practice law for an eligible legal aid organization, as defined if they practice under supervision of a lawyer. The CRC specifies that the supervising attorney must approve court appearances in writing, and must

approve and personally sign pleadings, briefs, or other similar documents prepared by the RLAA to the extent necessary to protect the client or customer. The intent of the rule is to protect the public, but the burden that the rule has placed on supervisors may contribute to the low number of participants. As with RIHC, RLAA must be in good standing in each of jurisdictions in which they are licensed to practice (cannot have been disbarred or be facing charges, nor suspended from law for disciplinary misconduct in any other jurisdiction) and must remain an active licensee in at least one U.S. jurisdiction. As with RIHC, RLAA are allowed to work while awaiting their moral character determination. Unlike RIHC, RLAA cannot serve in this capacity indefinitely; they are capped at five years and are required to renew their registration annually. The Rules of the State Bar allow out-of-state attorneys to qualify to serve simultaneously as both RIHC and RLAA.

REGISTERED MILITARY SPOUSE ATTORNEY (RMSA)

CRC rule 9.41.1 authorizes attorneys licensed in other U.S. jurisdictions to practice law within specific parameters when their active duty military spouse or partner has been stationed in California. RMSAs have identical supervision requirements as RLAAAs. The supervising attorney must approve court appearances in writing, and must approve and personally sign pleadings, briefs, or other similar documents prepared by the RMSA. As with the other MJP attorneys, they must be in good standing in each one of the jurisdictions that they are licensed to practice in (cannot have been disbarred or be facing charges, nor suspended from law for disciplinary misconduct in any other jurisdiction) and must remain an active licensee in at least one U.S. jurisdiction. Attorneys practicing under this law, are permitted to practice law in California, under supervision, in all forms of legal practice that are permissible for a licensed attorney of the State Bar of California, including providing pro bono legal services. RMSAs are required to submit a moral character application, but, unlike applicants for admission to the bar, may practice while the moral character determination is pending. Unlike RIHC, RMSA cannot serve in this capacity indefinitely; they are capped at five years and are required to renew their registration annually.

REGISTERED FOREIGN LEGAL CONSULTANTS (FLC)

Rules of Court, rule 9.44, permits attorneys licensed in another country (and who are in good standing in that jurisdiction) to provide legal advice in California exclusively regarding the law of their foreign jurisdiction. RFLC applicants must apply for moral character determination as well.

In December 2022, following a brief presentation to the committee about some of the challenges to the existing rules, staff sought volunteers from the committee to assist in evaluating these programs and recommending changes. James Efting, Kareem Gongora, and Bethany Peak volunteered and participated in a working group with staff. After the May 2023 CBE meeting, Committee Chair, Paul Kramer and Committee member, Alex Chan met with staff and the original set of volunteers to address concerns expressed at that meeting, which were primarily focused on the level of supervision required of MJPs. The references to the working group throughout the rest of the agenda refer to these committee volunteers.

As noted previously, this review included assessing for impediments that may be contributing to participation in the special admissions programs, which aligns with the State Bar Strategic

Goals, specifically to enhance access to, and inclusion in, the legal system, by increasing the number of attorneys admitted through special admissions programs. To accomplish this goal, the State Bar met with legal aid organizations and attorneys to identify factors contributing to low numbers of Registered Legal Aid Attorneys and to revise rules to eliminate unnecessary hurdles for all special admissions programs.

A non-substantive change related to Out-of-State-Attorney Arbitration Counsel has also been included in this agenda item to correct an erroneous cross-reference.

DISCUSSION

In preparation for the MJP and FLC rule revision, State Bar staff met with key stakeholders to gather feedback about the programs. Staff specifically met with:

- Representatives of the Association of Corporate Counsel (ACC)
- Registered In-House Counsel with multiple years of experience
- Registered Legal Aid Attorney employers, RLAAs, and the Legal Aid Association of California
- Members of the Military Spouse JD Network (MSJDN)¹.

This stakeholder feedback contributed significantly to the analysis of the current Rules of Court and State Bar Rules for each of the MJP programs and FLC. In addition, the working group reviewed rules from other state jurisdictions, as well as the ABA model rule for RIHC programs to look for alignment or for promising practices that could strengthen the operations of these programs in California. The rule proposals presented here are a culmination of this work and of multiple discussions with the working group. Some of the changes are more technical, seeking specifically to improve clarity for applicants and their employers.

PROPOSED CHANGES APPLICABLE TO ALL MJP CATEGORIES AND FOREIGN LEGAL CONSULTANTS

Elimination of Separate Application for the Attorney's Employer

Current rules refer to the filing of a separate application for the MJP's employer (Business Entity, Legal Aid Organization, Military Spouse Attorney's supervisor) in addition to the attorney's application. The revised rules instead require a declaration of the employer attesting to its qualifications as an attachment to the attorney's application and each year thereafter with the attorney renewal filing. This enhances public protection by providing for annual or more frequent review of the employer's status and eliminates the separate employer's application and annual renewals.

Termination For Not Addressing a Cause for Suspension Matter

¹ The [MSJDN website](#) has a model rule for admission of military spouse attorneys, links to information on the RMSA programs in many states, and other helpful information.

At present, MJPs and FLCs can be suspended for a variety of rule infractions, such as failing to register and pay annual fees, or failure to comply with the rules of professional conduct. Once an MJP or FLC is suspended, there is no method for determining what an applicant's intention is; whether they plan to return to function as an MJP or FLC, or whether they plan to terminate. While MJPs and FLCs are informed about their suspension, staff are challenged when applicants do not respond to the notice. Cases remain stagnant in the Admissions Information Management System (AIMS) and the lack of response raises concerns that the applicant may be continuing to work as an MJP or FLC. The working group proposes amendments to the rules to require that MJP Attorneys and Foreign Legal Consultants take corrective action to resolve the matter that led to their suspension within six months, or else they will be terminated at the conclusion of that six-month period. Currently, the rules (State Bar Rules 3.374 (A), 3.364 (A), 3.353 (A), and 3.408 (A)) dictate that while MJPs and FLCs are in suspended status, they are not permitted to practice law. Doing so constitutes the unauthorized practice of law and could subject them to referral to OCTC for investigation, which also negatively impacts one's moral character. Requiring MJPs in suspended status to address the issues that led to the suspension provides the greatest likelihood of allowing them to return to practice, reducing the risk that they will continue to work while on suspended status, furthering public protection. Additionally, requiring that MJPs and FLCs apply annually and provide declarations from their employers on an annual basis, ensures that both the employee and employer remain eligible to participate in the program, strengthening the State Bar's ability to protect the public. MJP applicants who wish to be reinstated after being terminated for not addressing their suspension would be allowed to do so by submitting a new application. If the applicant's moral character determination has expired, a new complete moral character application will need to be filed as well.

Clarification of Requirement to Be Eligible to Practice Law

Rules for each of the programs require applicants to be in good standing in each jurisdiction in which they are licensed, and to be an active licensee in at least one jurisdiction. (See CRC rules, 9.41.1(a)(3)(B), 9.44(a), 9.45(a)(2)(B), and 9.46(a)(2)(B)). Staff has identified scenarios where, under the rules of a particular jurisdiction, a licensed attorney is deemed to be in good standing and an active licensee, but nonetheless ineligible to practice law. The working group felt that the spirit of the rules assumes the applicant is eligible to practice. The working group, therefore, proposes to amend each of the rules to clarify that in addition to being an active licensee, the attorney must be eligible to practice law in at least one jurisdiction

PROPOSED CHANGES TO ALL MJP CATEGORIES

Adding Failure to Report Employment Termination Within 30 Days to Reasons for Termination

RIHCs, RMSAs, and RLAAAs are all required by State Bar rule (State Bar Rule 3.375 (A), 3.355 (A), 3.365 (A)) to report to the State Bar within 30 days of having terminated employment with the qualifying institution or employer. Experience has shown that this does not always happen. In

fact, State Bar staff sometimes learn of the termination of employment only because the MJP attorney is submitting a new qualifying institution or supervisor declaration. They then discover that the former employment terminated many months prior. The rules do not provide a mechanism for sanctioning MJPs who fail to report employment terminations within 30 days. The working group, therefore, proposes to amend the rules to provide that MJPs who fail to report within 30 days that they ceased working for the qualifying institution or changed employers will be terminated from the program. Applicants will have the option to appeal the termination or reapply to get reinstated if they wish to return to the program. Failure to report either a termination of employment or a change in employer creates a risk that the individual will engage in the unauthorized practice of law and therefore threatens public protection. In addition to the rule amendments terminating those individuals as a means of improving compliance and public protection, staff will work to assist MJP attorneys in understanding and meeting their obligations by developing forms and applicant instructions to guide applicants on how to indicate and get approval for employer changes.

Eliminating voluntary transfer to inactive status as a ground for suspension

State Bar Rules 3.374 (A)(3) and 3.364 note that an applicant can be suspended “upon voluntary transfer to inactive status, or the functional equivalent in any jurisdiction where admitted to practice.” CRC rule 9.46 (a)(2)(b), Rule 9.45 (a)(2)(B), and 9.41.1 (a)(3)(B), however, provide that the MJP Attorney needs to remain active, and eligible to practice law in at least **one** jurisdiction and cannot have been disbarred, nor resigned with charges pending, nor been suspended from practicing law for disciplinary misconduct in any other jurisdiction. The working group considered the two different approaches and determined that the State Bar rules provide an unnecessary barrier to public protection. The working group therefore proposes to amend rules 3.374 (A)(3) and 3.364 (A)(3) to conform to the rules of court, and to include similar language in new rule 3.354 (A)(3).

Clarifying that Applicants Can Start Practicing Once an Application has been Approved

Because MJP applicants are required to submit a moral character application, there has been confusion as to when an applicant can actually start to practice. These rule changes (State Bar Rules 3.371(C), 3.361(C), and 3.351 (C)) clarify that, so long as an application for determination of moral character has been filed and received by the State Bar, an MJP can start practice once their MJP application has been approved. Changes to the rules related to the application (State Bar rules 3.371 (C), 3.361 (C), and 3.351(C)) will clarify that an applicant may practice while awaiting their moral character determination.

PROPOSED CHANGES TO REGISTERED LEGAL AID ATTORNEY AND REGISTERED MILITARY SPOUSE ATTORNEY RULES

Eliminating the Prohibition on Having Failed the California Bar Exam Within 5 Years Prior to Applying

Currently, Rule of Court rule 9.45 (c)(7) and rule 9.41.1 (c)(9) dictate that RLAA and RMSAs cannot have taken and failed the California Bar Exam within the five years preceding their initial application for these programs. This rule does not apply to RIHCs. Staff received significant stakeholder feedback about the chilling effect this has on participation and researched the origins of this rule to determine its intent, and whether that intent continues to be justified.

In 2002, the California Supreme Court formed the Multijurisdictional Practice Implementation Committee and charged it with drafting rules that would expand the circumstances under which attorneys licensed to practice law in U.S. jurisdictions other than California could be permitted to practice law in California. That Committee designed the Registered Legal Services Attorney (now Registered Legal Aid Attorney) program to allow licensed attorneys from other U.S. jurisdictions the ability to provide legal services to indigent clients on an interim basis **before** taking the California bar examination, under the supervision of an experienced member of the State Bar, at a qualifying provider of legal services. The RLAA program was originally intended to be open to out-of-state attorneys (who have yet to demonstrate that they possess the minimum competence required to practice law) on a temporary basis, and under the supervision of a California attorney.

This may no longer be an RLAA applicant's intent. Some applicants may wish to continue in the capacity of an RLAA as a long-term career. The working group evaluated the purpose of this limitation and concluded that the requirement may no longer be relevant, may create an unnecessary barrier to participation in this important program, and is not necessary for public protection. RLAA typically come to the program with some level of practice experience from another jurisdiction and are overseen by a licensed CA attorney. While the working group acknowledges that the public protection reason was established because this individual has not yet established that they meet the minimum competence required of entry-level attorneys and as an RLAA are now being allowed to practice California law, they are doing so in a limited environment and under the supervision of a licensed attorney. Opening the program to out-of-state attorneys regardless of whether or when they may have taken the bar exam would not pose a threat to public protection, given the requirements that they remaining good standing and eligible to practice law in at least one of the jurisdictions in which they have been licensed, must receive a positive moral character determination, and most importantly, must work under the supervision of a licensed California attorney.

The requirement that an applicant cannot have taken and failed the California Bar Exam for the five years prior to their initial application may disincentivize applicants from taking the bar exam altogether. Potential applicants would have to know with at least five years of anticipation whether to apply for the California Bar Exam or to seek practice in California as an RLAA or RMSA, and this may not be feasible. Given that the current rules do not prevent the RLAA from taking and failing the CA bar exam during their tenure as an RLAA, the prohibition on not having failed it within five years of first applying appears inconsistent and unnecessary. The working group recommends repealing this requirement to eliminate an unnecessary hurdle to program participation.

Supervision Requirements for RLAA and RMSAs

Staff has repeatedly heard from stakeholders that the supervision required of RLAA and RMSA is too onerous, specifically that the supervising attorney must approve in writing any appearance in court, deposition, arbitration, or other proceedings, and that the supervising attorney must also read, approve and personally sign any pleadings, briefs, or other similar documents prepared by the RLAA and RMSA to the extent necessary for protection of the public and customers. The working group can only surmise that the supervision rule intended to provide protect the public from non-California licensed attorneys who may not have the requisite skill in certain instances to practice California law without supervision.

Since the creation of the RMSA program in 2019, the State Bar has received only 25 RMSA applications. When discussing this with the Military Spouse JD Network, they report that the supervision requirements contribute to the low participation rate. When the RMSA rules were drafted in 2018, the supervision requirements received sufficient criticism, compelling the Board to direct that the supervision requirements be revisited in one year. Staff began considering the supervision requirements following the direction of the Board, but proposals for change had not yet been brought to the committee or the Board.

The working group recognizes the burden that this level of oversight could put on the supervising attorney, which may deter legal aid organizations and other employers from recruiting RLAA and RMSAs. However, they believe public protection continues to demand a level of supervision because these individuals, though lawyers, have not met the requirements to be licensed in California. Initially, the working group, proposed to remove the requirement that supervisors had to approve in writing any appearance in court, deposition, arbitration, or other proceedings, and to read, approve and personally sign any pleadings, briefs, or other similar documents prepared by the RLAA and RMSAs. At the April 2023 CBE meeting, concerns were expressed about eliminating these requirements, specifically with regard to out-of-state attorneys who have minimal or no experience in law practice. After further discussion, the working group proposes to distinguish between out-of-state attorneys with less than five years of experience (as well as those that have not practiced in three of the last five years) from those with more law practice experience. The proposed rules require supervisors of RLAA and RMSAs with less law practice experience to approve in writing any appearance in court, deposition, arbitration, or other proceedings, and to read, approve and personally sign any pleadings, briefs, or other similar documents prepared by the RLAA and RMSAs. Five years of practice as well as having 3 of 5 past years of practice are the most common minimum number of years of practice required for jurisdictions that allow out of state attorneys to become licensed without having to sit for an exam (admission on motion). This strikes the appropriate balance of protecting the public while removing barriers for out of state attorneys with years of practice experience from finding opportunities to serve in California.

Another safeguard that currently exists is State Bar Rule 3.351 (A)(5)(C) and State Bar Rule 3.351 (A)(5)(c) requiring that the supervising attorney “assume professional responsibility for any work performed by the applicant.” The CBE working group felt assured that this requirement, along with the appropriate level of supervision upholds public protection.

Five-year Cap on Serving as RLAA

The rules originally limited an RLAA's ability to serve as an RLAA to three years. That was extended to five years in 2018. A review of other states found that most jurisdictions that allow out of state attorneys to provide pro bono work or legal aid services in their state do not have a cap on the number of years that they can participate. Washington D.C. limits the ability to serve in this capacity to one year but considers petitions to extend that service beyond one year. Discussions with legal aid programs and current RLAAs indicate RLAAs are not necessarily or even commonly hired to serve on a temporary basis, or to serve in volunteer or lower-level capacities. Some legal aid organizations hire RLAAs hoping to keep them employed with the organization long-term, with no expectation that they eventually become fully licensed in California. Some RLAAs serve in supervisory or management roles in these organizations. California currently suffers from a significant justice gap. It is estimated that to fully meet the needs of Californians currently eligible for legal aid, the state would need more than 13,000 more legal aid attorneys. This represents more than eight times the current number of State Bar-funded legal aid attorneys. Despite this, we place limitations on how long RLAAs can serve. The working group evaluated all of this information and concluded that the five-year limit on participation as an RLAA should be eliminated. The legal needs of indigent Californians are vast, and RLAAs can help to reduce the justice gap.

Five-Year Limitation on Participation in RMSA Program

Currently, CRC rule 9.41.1 (c) (3) limits the participation of RMSAs to a maximum of five years. However, RMSAs have another hard end date to their ability to serve, with the rules providing that their status is generally terminated if the Service Member is no longer an active member of the United States Uniformed Services or is transferred to another state, jurisdiction, or territory outside of California, or one year after the date of termination of the registered military spouse attorney's marriage, civil union, or registered domestic partnership. In light of the uncertain length a military service member may be stationed in California, the working group concluded that having a hard five-year deadline seemed unnecessary and unfair. The working group thus proposes to eliminate the specific five-year term limit. The working group does not believe that the limitation furthers public protection and feels it may disrupt the provision of legal services in California. Public protection would be preserved, given that applicants would still be required to work under supervision of a licensed California attorney.

PROPOSED CHANGES SPECIFIC TO REGISTERED IN-HOUSE COUNSEL PROGRAM

Residency Requirement²

² State Bar Rule 3.370 requires a technical correction in the event that the elimination of the residency requirement for RIHC is not adopted: Rule 3.370 (D) notes that RIHCs must reside in California and references Rule of Court rule 9.46 (c)(7) regarding the residency requirement.

Currently, CRC rule 9.46 (c)(7) and State Bar Rule 3.370 (D) require that a RIHC must reside in California on more than a transient basis to be eligible to participate. Staff report an increase in the number of applicants expressing interest in participating as RIHC, but who indicate they are not willing or able to relocate to California. Staff have investigated whether other jurisdictions require in-state residency for out-of-state attorneys serving as RIHC and found that the practice varies. For example, New York allows RIHCs to serve from out of state, while other jurisdictions, such as Colorado, require in-state residency. The working group discussed the recent increase in remote work and that geographic boundaries may mean less than they used to. The way business and legal transactions are being handled post-pandemic has changed; there is an increase in the amount of remote work, teleconferencing, video hearings and electronic court filings occurring nationally. The working group believes that removing the residency requirement would not pose a threat to public protection. If anything, it is a necessary update in light of technological advancements that permit individuals to practice as RIHC while living out of state, and that opens the door to the possibility of increased legal services in California. The working group recommends eliminating the residency requirement.

Continuing to Prohibit RIHC to Serve as Pro Hac Vice

The working group considered a recommendation from stakeholders that the rules be amended to allow RIHC to also serve as pro hac vice. Pro Hac Vice are lawyers licensed in another state who formally petition a California court for permission to appear on behalf of a particular case and on a limited basis. They must associate with California counsel as the attorney of record. RIHCs on the other hand are not permitted to make court appearances and are required to work for a qualifying institution with an office in California. The working group concluded that RIHC and Pro Hac Vice serve two distinct functions; one is intended to represent a client in court in rare circumstances (pro hac vice actually means “for this occasion”), while the other is an ongoing assignment intended to support non-court based legal needs of an organization. Allowing RIHC to appear in court changes the nature of their role and alters a foundational construct of that rule. Thus, they do not recommend that RIHC be allowed to serve as pro hac vice and no rule changes are being proposed. It is important to note that RLAA are allowed to appear in court when providing pro bono services under the supervision of a California attorney employed by an eligible legal aid organization.

PROPOSED CHANGES SPECIFIC TO REGISTERED MILITARY SPOUSE ATTORNEYS

Timing of Required Declaration from Supervising Attorney

One of the challenges reported by potential RMSA applicants is the fact that they are required to line up employment and secure a declaration from the future supervisor before having been found otherwise eligible to participate in the program. The working group agreed that this is a barrier to participation that can be remedied by a change in process. Under the new process, applicants will first submit their RMSA application and application for determination of moral character, along with their signed agreement to be subject to the disciplinary authority of the

Supreme Court and State Bar, and to work under the supervision of a California-licensed attorney while serving as an RMSA. Applicants found to meet the criteria will be “conditionally approved.” Documentation would be provided to the applicant as they seek employment, with the assurance that they can participate in the program as long as they find a supervisor who meets the criteria set forth in the rule. Once an employer is found; the applicant can then submit the supervising attorney attestation and the requirements in CRC rule 9.41.1 (d) can be met. A small change to CRC rule 9.41.1 is proposed to support that process change, authorizing RMSA applicants to submit the signed supervisor declaration prior to starting, and not as part of the application.

This change does not alter the requirements but eliminates a significant hurdle that currently impacts potential RMSAs from participating. Revisions are also proposed to State Bar Rule 3.351 (A)(5) to reflect the two-step application process which allows “conditionally approved” RMSA applicants the ability to identify employers and to submit the declaration once employment has been identified. The working group considered whether this would pose a public protection risk, for example, that someone would begin practicing as an RMSA without getting a supervisor because they now have a title. The working group concluded that the risk is minimal, and directed staff to ensure that all instructions and materials provided to RMSAs are clear that there is no authority to practice until fully approved.

There were no reports from RLAAAs that obtaining a declaration from the eligible legal aid organization presented a problem for applicants. We presume that eligible legal aid organizations are familiar with the requirements for recruiting RLAAAs, unlike potential RMSA employers that can come from a variety of legal practices.

Correction to the RMSA Rules- Adding Rules Related to Suspension

When the State Bar rules for RMSA were developed in 2018, they failed to include language specifying what actions will result in suspension of registration as an RMSA. The RMSA rule proposal includes a recommendation to add a section on suspensions that mirrors the criteria and processes contained in the RIHC and RLAA rules.

PROPOSED CHANGES SPECIFIC TO FOREIGN LEGAL CONSULTANTS

The working group evaluated the current rules related to foreign legal consultants and the rules from other states, and did not identify needed improvements to the FLC rules. The working group does recommend minor technical, non-substantive amendments, however, which are reflected in Attachment M. The rules of court were also restructured to align with the other MJP rules of court.

FISCAL/PERSONNEL IMPACT

If these proposals are adopted, an increase in revenue from the increased number of MJP and moral character applications can be anticipated. Staff does not have sufficient information on which to estimate the number of additional applications, however, and whether this additional workload will require additional staffing resources. The proposed changes also provide more information and clarity to applicants, which may reduce the volume of inquiries, thereby reducing staff time spent responding to questions and allowing more time to process applications.

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

Goal 2. Protect the Public by Enhancing Access to and Inclusion in the Legal System

- a. 1. Increase the number of attorneys admitted through special admissions programs.

RECOMMENDATIONS

It is recommended that the Committee of Bar Examiners request that the Board of Trustees circulate for a 60-day public comment period the rule changes reflected in Attachments A through R to revise the California Rules of Court and State Bar Rules relevant to Multijurisdictional Practice, Foreign Legal Consultants, and Out-of-State Attorney Arbitration Counsel.

PROPOSED MOTION

Should the Committee of Bar Examiners agree with the staff recommendation, the following motion should be made:

MOVE, that the Committee of Bar Examiners recommend to the Board of Trustees to circulate the proposed rules set forth in Attachments A through R for a 60-day public comment period.

ATTACHMENTS LIST

- A. Proposed Amendments to Title 3 of the Rules of the State Bar Relevant to, Registered In-House Counsel (Redline)
- B. Proposed Amendments to Title 3 of the Rules of the State Bar Relevant to, Registered In-House Counsel (Clean)

- C.** Proposed Amendments to CA Rules of Court, Rule 9.46 Relevant to Registered In-House Counsel (Redline)
- D.** Proposed Amendments to CA Rules of Court, Rule 9.46 Relevant to Registered In-House Counsel (Clean)
- E.** Proposed Amendments to Title 3 of the Rules of the State Bar Relevant to Registered Legal Aid Attorneys (Redline)
- F.** Proposed Amendments to Title 3 of the Rules of the State Bar Relevant to Registered Legal Aid Attorneys (Clean)
- G.** Proposed Amendments to CA Rules of Court, Rule 9.45 Relevant to Registered Legal Aid Attorney (Redline)
- H.** Proposed Amendments to CA Rules of Court, Rule 9.45 Relevant to Registered Legal Aid Attorney (Clean)
- I.** Proposed Amendments to Title 3 of the Rules of the State Bar Relevant to Registered Military Spouse Attorneys (Redline)
- J.** Proposed Amendments to Title 3 of the Rules of the State Bar Relevant to Registered Military Spouse Attorneys (Clean)
- K.** Proposed Amendments to CA Rules of Court, Rule 9.41.1 Relevant to Registered Military Spouse Attorney (Redline)
- L.** Proposed Amendments to CA Rules of Court, Rule 9.41.1 Relevant to Registered Military Spouse Attorney (Clean)
- M.** Proposed Amendments to Title 3 of the Rules of the State Bar Relevant to Foreign Legal Consultants (Redline)
- N.** Proposed Amendments to Title 3 of the Rules of the State Bar Relevant to Foreign Legal Consultants (Clean)
- O.** Proposed Amendments to CA Rules of Court, Rule 9.44 Relevant to Registered Foreign Legal Consultant (Redline)
- P.** Proposed Amendments to CA Rules of Court, Rule 9.44 Relevant to Registered Foreign Legal Consultant (Clean)
- Q.** Proposed Amendments to Title 3 of the Rules of the State Bar Relevant to Out-of-State Attorney Arbitration Counsel (Redline and Clean)

R. Attachment R: Proposed Amendments to Title 3 of the Rules of the State Bar Relevant to Out-of-State Attorney Arbitration Counsel (Clean)