

TITLE 3. PROGRAMS AND SERVICES

Adopted July 2007¹⁹

DIVISION 3. NON-LICENSEE ATTORNEYS

Chapter 1. Multijurisdictional Practice

Article 2. Registered Legal Aid Attorneys

Rule 3.360 Definitions

- (A) A “Registered Legal Aid Attorney” is an attorney who meets the eligibility requirements of Rule 9.45 of the California Rules of Court (“Rule 9.45”) and is ~~registered~~ approved by the State Bar as a Registered Legal Aid Attorney.
- ~~(B) “Registered” means that the State Bar has issued a certificate of registration to an attorney it deems eligible to practice law as a Registered Legal Aid Attorney.~~
- ~~(C)~~ (B) An “eligible legal aid organization” is an entity or law school that meets the requirements of Rule of Court 9.45(a)(1).

Rule 3.360 adopted effective July 1, 2010; amended effective March 1, 2019.

Rule 3.361 Application

- (A) To apply to register for approval as a Registered Legal Aid Attorney, an attorney who meets the eligibility and employment requirements of Rule 9.45 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 Legal Aid Attorney³ 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 unexpired California positive moral determination or an application is currently under review ~~meet State Bar requirements for acceptable moral character; and~~

¹ See Rule 4.16(B).

² See Rule 4.3(B).

³ See Rule of Court 9.44.

- (4) prior to commencing employment, submit a Declaration signed no more than 60 days prior to submission by the attorney from the legal aid organization who will be providing the required supervision attesting that:
- (a) the applicant will work, with or without pay, as an attorney for the organization;
 - (b) the applicant will be supervised as specified in Rule 9.45;
 - (c) the eligible legal aid organization and the supervising attorney assume professional responsibility for any work performed by the applicant under this rule;
 - (d) the eligible legal aid organization will assume personal representation of the Registered Legal Aid Attorney if the Registered Legal Aid Attorney becomes ineligible to practice under this rule or is otherwise unavailable to continue the representation;
 - (e) the organization will notify the State Bar of California within 30 days of the cessation of the applicant's employment with that employer in California; and
 - (f) the person signing the declaration believes, to the best of their knowledge after reasonable inquiry, that the applicant qualifies for registration under this rule and is an individual of good moral character.
- (B) An application to practice law as a Registered Legal Aid Attorney ~~may~~ shall be denied for failure to comply with eligibility or application requirements or a material misrepresentation of fact.
- (C) An applicant cannot begin practicing until their Registered Legal Aid Attorney application has been approved. Approved applicants may practice while their moral character application is under review.
- (D) Registered Legal Aid Attorneys are allowed to serve multiple eligible legal aid organizations at once.

Rule 3.361 adopted effective July 1, 2010; amended effective March 1, 2019.

¹ See Rule 4.16(B).

² See Rule 4.3(B).

³ See Rule of Court 9.44.

Rule 3.362 Duties of Registered Legal Aid Attorney

~~An attorney employed as~~ A Registered Legal Aid Attorney ~~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 a~~ Registered Legal Aid Attorney registration including submission of an updated Declaration from the eligible legal aid organization signed by the qualifying supervisor on behalf of each eligible legal aid organization containing the attestations described in Rule 3.361 (A)(4), and submission of ~~submit~~ the fee set forth in the Schedule of Charges and Deadlines;
- ~~(C) — practice for no more than a total of five years as a Registered Legal Aid Attorney;~~
- (D) must meet the Minimum Continuing Legal Education (MCLE) requirements set forth in Rule 9.45;
- (E) must report a change of attorney supervisor in accordance with State Bar Requirements and submit a new declaration in Rule 3.361(A)(4), omitting the attestation regarding the attorney's moral character. A supervisor's designation of another attorney to provide supervision in their absence pursuant to Rule 9.45(i)(6) is not a reportable change of supervisors;
- ~~(E)~~(D) shall use the title "Registered Legal Aid Attorney" and no other in connection with activities performed as a Registered Legal Aid Attorney;
- ~~(F)~~(E) shall not imply or claim in any way to be a licensed attorney of the State Bar of California;
- ~~(G)~~(F) must maintain with the State Bar an address of record that is the current California office address of the attorney's employer and a current e-mail address;
- ~~(H)~~(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 eligible legal aid organization or cessation of employment; 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 any other legal authority;

- ~~(H)~~(H) submit a new application to register as a Registered Legal Aid Attorney **prior to** ~~before~~ beginning employment with a new eligible legal aid organization; and
- ~~(J)~~(I) otherwise comply with the requirements of Rule 9.45 and this Article.

Rule 3.362 adopted effective July 1, 2010; amended effective March 1, 2019.

Rule 3.363 Duties of employer

An employer **of a Registered Legal Aid Attorney** who meets the requirements of Rule 9.45 for an eligible legal aid organization ~~must~~ **shall-**

- ~~(A) — complete the Application for Approval as Eligible Legal Aid Organization and be approved by the State Bar as an eligible employer;~~
- ~~(B) — complete a Declaration signed by the supervising attorney of the Eligible Legal Aid Organization before employing a Registered Legal Aid Attorney, attesting that it~~
 - ~~(1) — is an eligible legal aid organization;~~
 - ~~(2) — agrees to supervise the Registered Legal Aid Attorney (“attorney”) and otherwise comply with the requirements of Rule 9.45 and these rules;~~
 - ~~(3) — deems the attorney, on the basis of reasonable inquiry, to be of good moral character;~~
 - (4) agrees to notify the State Bar of California, in writing, within thirty days if
 - (a) the attorney has ~~terminated~~ **left** employment **or the attorney’s supervisor is changed. A supervisor’s designation of another attorney to provide supervision in their absence pursuant to Rule 9.45(i)(6) is not a reportable change of supervisor;**
 - (b) the attorney is no longer eligible for employment **under** ~~as required by Rule 9.45 and these rules~~ **this Article;**
 - (c) the supervising attorney no longer meets the requirements of these rules;
 - (d) ~~its status~~ **it no longer meets the criteria** as an eligible legal aid organization ~~has changed;~~ or
 - (e) it has changed its office address.

Rule 3.363 adopted effective July 1, 2010; amended effective March 1, 2019.

Rule 3.364 Suspension of a Registered Legal Aid Attorney registration

- (A) Registration as a Registered Legal Aid Attorney is suspended
- (1) for failure to annually ~~register~~ renew registration as a Registered Legal Aid Attorney 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 9.45 and to 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 law;
 - (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 9.45(c)(3), (4), (5), (6), and (7).
- (B) An attorney suspended under these rules is not permitted to practice law during the suspension.
- (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.~~ "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
- (D) Appeal of a suspension is subject to the disciplinary procedures of the State Bar.

Rule 3.364 adopted effective July 1, 2010; amended effective March 1, 2019.

Rule 3.365 Termination of Registration

Approval ~~Permission~~ to practice law as a Registered Legal Services Attorney terminates

- (A) Registration as a Legal Aid Attorney terminates
- (1) for failure to meet the eligibility requirements of Rule 9.45(c)(1) or Rule

9.45(c)(2);

- (2) upon imposition of discipline for misconduct by a professional or occupational licensing authority;
 - (3) upon admission to the State Bar;
 - (4) upon receipt of negative moral character determination, or when an applicant's moral character has been suspended in accordance with State Bar Rule 4.48;
 - (5) for failure to address all grounds for suspension within six months of notice;
 - (6) for failure to report an employment termination, change of supervisor, addition of new employer, or change of employer within 30 days;
 - (7) upon repeal of Rule 9.45 or termination of the Registered Legal Aid Attorney program; or
 - (8) 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 apply for approval register as a Legal Aid Attorney 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 3.365 adopted effective July 1, 2010; amended effective March 1, 2019.

Rule 3.366 Reinstatement after termination

~~An attorney terminated as a Registered Legal Aid Attorney who seeks reinstatement must meet all eligibility and application requirements of these rules.~~

~~Rule 3.366 adopted effective July 1, 2010; amended effective March 1, 2019.~~

Rule ~~3.366~~ 3.367 Public information

State Bar records for attorneys ~~permitted~~ **approved** to practice law as Registered Legal Aid Attorneys are public to the same extent as records of licensed attorneys.

Rule 3.367 adopted effective July 1, 2010; amended effective March 1, 2019.