



The State Bar of California

OPEN SESSION

AGENDA ITEM III.A

JANUARY 2024

COMMITTEE OF BAR EXAMINERS

DATE: January 26, 2024

TO: Members, Committee of Bar Examiners

FROM: Robert Brody, Committee of Bar Examiners
Ashley Silva-Guzman, Committee of Bar Examiners
Tara Clark, Program Director, Operations, Office of Admissions

SUBJECT: Action on Revisions to the Practical Training of Law Students Rules:
Recommendation to Circulate Revised Rules for Public Comment

EXECUTIVE SUMMARY

Revisions to the rules related to the Practical Training of Law Student (PTLS) Program came before the Committee of Bar Examiners (CBE) and the Board of Trustees (Board) in 2022 and 2023. In July 2023, the revised rules were submitted to the California Supreme Court for approval. On September 20, 2023, the Court denied the proposed changes to the rules.

Following the Court's denial, additional changes have been made to the proposed rule revisions. The working group recommends that the CBE advance the revised proposal to the Board to circulate for a 60-day public comment period.

BACKGROUND

The rule proposal in part responded to the [October 20, 2021 order](#) of the California Supreme Court to evaluate whether to include Law Office Study (LOS) students in the PTLS Program, and consider if any further rule amendments should be made for additional protection to the public and the judicial system. The effort to review the PTLS rules was also incorporated in the Office of Admissions' initiative to review its rules, procedures, and practices to ensure clarity for applicants, consistent application of the rules and policies by staff, provide new tools for applicants to understand and meet their obligations, and update obsolete or outdated rules, procedures, and practices.

PTLS Rules

On October 14, 2022, the CBE recommended that the Board circulate the rule changes for public comment. The Board agreed, and the proposed rule changes were circulated for a 60-day public comment period. A total of 27 submissions were received, of which 16 agreed with the proposal as circulated, 5 agreed if modified, and 6 disagreed. The working group recommended no changes to the proposed revisions after reviewing public comment. On March 24, 2023, the CBE agreed and approved sending the revised rules to the Board for adoption and submission to the Supreme Court for approval. At its May 18-19, 2023 meeting, the Board adopted the changes to the rules related to the PTLS Program and directed staff to submit them to the Supreme Court for approval. On September 20, 2023, the Court denied the proposed changes to the rules (Attachment A). The Court provided a letter regarding the denial in which it expressed concern about potential ethical implications that could arise if LOS students studying in judges' chambers concurrently participate in the PTLS Program and directed the State Bar to evaluate how best to address the concern and to propose any additional changes that may be necessary for protection to the public and the judicial system.

The working group has recommended further revisions the proposed revisions to the PTLS rules. A copy of the Proposed Amendments to Title 9 of the Rules of Court, Rule 9.42 is included as Attachment B. A copy of the Proposed Amendments to Title 3, Division 1, Chapter 1 of the Rules of the State Bar is included as Attachment C.

DISCUSSION

The agenda items for the [October 12, 2022 CBE meeting](#), [November 17-18, 2022 Board meeting](#), [March 24, 2023 CBE meeting](#), and the [May 18-19, 2023 Board meeting](#) provide background regarding the previous recommended revisions to PTLS Rules.

Generally, the proposed rule changes are intended to remove unnecessary barriers to participating in the PTLS Program and improve program administration. The rules have been further revised to address the Court's feedback. The proposed revisions to the rules since submission to the Court are discussed below.

Rule 9.42 of the Rules of Court

In response to the Court's feedback, the working group further revised rule 9.42 of the Rules of Court to exclude those studying law in a judge's chambers from participating in the PTLS Program. The working group contemplated allowing this group of students to participate in PTLS, but in light of the very small number of Law Office Study participants who study under a judge, and the complexity of crafting an appropriate ethical screening mechanism, the working group concluded that excluding these participants made the most sense and was the most responsive approach to the concerns the Supreme Court raised.

Specifically:

- 9.42(a) “Definitions” was amended to remove the phrase “or judge’s chambers,” and include an explicit statement that “‘law student,’ for the purposes of this rule, does not include a student studying law in a judge’s chambers.”
- 9.42(c) “Eligibility for certification” was amended to remove “or judge’s chambers” and “or judge” from subsection 3. Subsection 4 was also added, which states, “an applicant who is studying law in a judge’s chambers is ineligible to become a certified law student.”

Other amendments: The working group further revised rule 9.42(a) and (c) to remove the reference to a “bachelor of laws (LL.B.) program” since LL.B. programs no longer exist in the United States and, therefore, a law student cannot be currently enrolled in an LL.B. program.

Title 3, Division 1, Chapter 1 of the Rules of the State Bar

The working group made similar changes to rules 3.3 and 3.9 of the Rules of the State Bar to disallow someone studying law in a judge’s chambers to participate in the PTLS Program.

The working group made additional changes to the Rules of the State Bar, which it believes are necessary for the protection of the public and the judicial system.

Rule 3.6(F) was created to require the certified law student to notify their PTLS supervisor of any possible past or present conflicts. It requires the student to disclose “if they are or have been employed, interned, externed, received academic credit, or volunteered in the legal field, or participated in the Law Office Study Program, inform their supervisor of the name of the firm(s) or organization(s) with which they are or were affiliated and the names(s) of the individuals supervising them in that capacity.”

Additionally, the working group revised rules 3.3(B) and 3.4(C) regarding when the State Bar deems an application or request complete and when it will be abandoned. Notably, the revisions allow the applicant 60 days from receipt of notification to cure deficiencies instead of 60 days from submission of the application.

Finally, the working group made changes to rules 3.6(D) and 3.7(B)(8) to require notification to the State Bar within 30 days of the certified law student becoming ineligible for the program, or the Supervising Attorney no longer meeting the requirements of the rules or their supervision ended before the previously stated date, respectively.

Other minor amendments: The working group revised rule 3.3(A)(1) to incorporate the reference to rule 4.3(H) from the footnote into the rule. Rules 3.10 and 3.11 were revised for consistency to use the term “receipt,” as defined in rule 4.3(M) and (N).

FISCAL/PERSONNEL IMPACT

The working group anticipates that the impact of the revised PTLS rules will be minor and

absorbable with existing resources. Staff have already updated the State Bar's website and PTLS forms, so further revisions will be accomplished quickly. However, revisions to the PTLS application in the Admissions Information Management System (AIMS) will be contingent upon the availability of resources in the Office of Information Technology.

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 B and C to revise the Practical Training of Law Student rules. It is further recommended that the Committee of Bar Examiners authorizes staff to make nonsubstantive, grammatical changes to the proposed rule revisions set forth in Attachments B and C, if necessary, before the Board of Trustees reviews the proposed rule revisions.

PROPOSED MOTION

Should the Committee of Bar Examiners agree with the working group's recommendation, the following motion should be made:

MOVE, that the Committee of Bar Examiners recommends to the Board of Trustees to circulate the proposed rule revisions set forth in Attachments B and C for a 60-day public comment period.

FURTHER MOVE, that the Committee of Bar Examiners authorizes staff to make nonsubstantive, grammatical changes to the proposed rule revisions set forth in Attachments B and C, if necessary, before the Board of Trustees reviews the proposed rule revisions.

ATTACHMENTS LIST

- A. September 20, 2023, Supreme Court Order and Letter
- B. Proposed Amendments to Title 9 of the Rules of Court, Rule 9.42 (redline)
- C. Proposed Amendments to Title 3, Division 1, Chapter 1 of the Rules of the State Bar (redline)

SUPREME COURT
FILED

SEP 20 2023

Jorge Navarrete Clerk

S281003

ADMINISTRATIVE ORDER 2023-09-20-02

Deputy

IN THE SUPREME COURT OF CALIFORNIA

EN BANC

ORDER RE REQUEST FOR APPROVAL OF AMENDMENTS TO CALIFORNIA
RULES OF COURT, RULE 9.42, AND RULES OF THE STATE BAR OF
CALIFORNIA PERTAINING TO MORAL CHARACTER, LAW OFFICE STUDY,
AND THE PRACTICAL TRAINING OF LAW STUDENTS (STATE BAR RULES 3.2-
3.11, 4.3, 4.5, 4.6, 4.29, 4.40-4.52)

On July 18, 2023, the State Bar of California filed a request to approve amendments to California Rules of Court, rule 9.42, and Rules of the State Bar of California pertaining to Moral Character, Law Office Study, and the Practical Training of Law Students (State Bar Rules 3.2-3.11, 4.3, 4.5, 4.6, 4.29, 4.40-4.52). The request is denied.

It is so ordered.

GUERRERO

Chief Justice

CORRIGAN

Associate Justice

LIU

Associate Justice

KRUGER

Associate Justice

GROBAN

Associate Justice

Associate Justice

EVANS

Associate Justice



Supreme Court of California

JORGE E. NAVARRETE
CLERK AND EXECUTIVE OFFICER
OF THE SUPREME COURT

EARL WARREN BUILDING
350 McALLISTER STREET
SAN FRANCISCO, CA 94102
(415) 865-7000

September 20, 2023

SENT VIA USPS AND EMAIL

Leah T. Wilson
Executive Director
State Bar of California
180 Howard Street
San Francisco, California 94102

RE: S281003: Request that the Supreme Court of California Review and Approve Proposed Amendments to California Rules of Court, rule 9.42, and State Bar Rules 3.2–3.11, 4.3, 4.5, 4.6, 4.29, 4.40–4.51

Dear Ms. Wilson:

The State Bar filed a request on July 18, 2023 (Request), for approval of proposed amendments to California Rules of Court, rule 9.42, and to certain State Bar Rules relating to the moral character determinations for attorney admissions, the Law Office Study (LOS) program, and the Practical Training for Law Students (PTLS) program. After careful consideration, the court filed an administrative order today, denying the Request. The purpose of this letter is to provide the State Bar’s Board of Trustees (Board), the Committee of Bar Examiners (Committee), and bar staff with some insight into the court’s concerns with the proposal.

Rules Relating to the Moral Character Determination Process

The Request indicates that the proposed revisions to the State Bar Rules governing the moral character determination process are the result of a comprehensive review of the admissions rules meant “to clarify the State Bar Rules, and to eliminate any State Bar Rules that do not advance the State Bar’s mission or that serve as unnecessary barriers to participation in Admissions programs.” (Request at 9.) While the Request provides a few specific explanations for some of the proposed rule revisions, in most cases, the explanations are insufficient for the court to determine the propriety of the requested revisions. The court urges the State Bar to provide more detailed reasons to support the rule revisions.

For example, the State Bar proposes significant revisions to State Bar Rule 4.52 that are not adequately explained in the Request. In particular, the State Bar proposes to delete two sentences from State Bar Rule 4.52(A) regarding the length of an extension of a positive moral character determination and the effective date of that extension. That language would seem to be important to an applicant who has requested an extension, but the State Bar has not provided a reasonable justification for the deletion.

Further, State Bar Rule 4.3(M) defines “receipt” for purposes of determining the time of receipt of a document that the State Bar sends to an applicant. However, a number of the rules at issue in the Request use different terminology to describe the time frames within which applicants must respond to notices or requests from the State Bar, including, within the same rule, from the “date of the notice” (e.g., State Bar Rule 4.43(A)), from “service of the notice” (State Bar Rule 4.43(C)), or simply from the “request” (State Bar Rule 4.43(B)). If the State Bar transmits these documents electronically, it is not evident whether these various terms are meaningfully different from the revised definition of “receipt” in State Bar Rule 4.3(M). The State Bar should endeavor to standardize the rules governing the moral character application process to incorporate the definition of “receipt” or should explain the reasoning behind using different terminology to describe the trigger dates for an applicant’s response.

Rules governing the LOS and PTLs programs

The court acknowledges the State Bar’s efforts, in response to the court’s [October 20, 2021 order](#), in determining that LOS students, as well as LLM students, should be permitted to participate in the PTLs program and in considering whether any rule amendments may be necessary to provide additional protections to the public and to the judicial system. In addition, the court appreciates the State Bar’s proposed significant expansion of the rules relating to the LOS program that, among other things, provide increased flexibility by allowing remote work and calculating the required hours on a monthly, rather than weekly, basis. However, the court is concerned that the State Bar has not adequately considered potential ethical implications that could arise for certain proposed PTLs participants, specifically for those LOS students concurrently studying under the supervision of a judge.

For example, under the proposed amendments to Rules of Court, rule 9.42, an LOS student studying under the supervision of a judge who sits on a criminal court could conceivably concurrently participate in the PTLs program as a certified law student for the local district attorney’s office and, in that capacity, appear before the judge supervising the LOS student or other judges on the same bench. Similarly, pursuant to those same amendments, an LOS student studying under the supervision of a judge who

September 20, 2023

3

sits on a civil court could conceivably concurrently participate in the PTLS program as a certified law student and represent civil litigants before the same court.

The proposed rule revisions neither preclude these dual roles, nor attempt to mitigate or prevent any actual or potential ethical concerns that might arise. For example, an LOS student studying under the supervision of a judge may have access to internal court documents related to pending proceedings being concurrently handled by the student's PTLS program attorney supervisor. Similarly, an LOS student studying under the supervision of a judge and concurrently representing either the local district attorney's office or a client through the PTLS program might be viewed as having special access or influence within the court, casting doubt on the court's impartiality and creating the appearance of impropriety. Accordingly, the State Bar should endeavor to address the ethical concerns described above and, pursuant to the court's [October 20, 2021 order](#), "consider whether any rule amendments may be necessary to provide additional protections to the public and to the judicial system."

Conclusion

The court wishes to express its appreciation to the Board, the Committee, and bar staff for conducting a comprehensive review of the admissions rules and engaging in a thoughtful analysis of the LOS and PTLS programs in response to this court's October 2021 order, and for submitting these rule amendments for consideration.

Sincerely,



JORGE E. NAVARRETE

Clerk and
Executive Officer of the Supreme Court

Enclosure

cc: Rec.

Proposed Amendments to Title 9 of the Rules of Court, Rule 9.42 (Redline)

Rule 9.42 Certified Law Students

(a) Definitions

(1) A "law student" is a student currently enrolled in a juris doctor (J.D.) ~~or; master of laws (LL.M.)-or bachelor of laws (LL.B.)~~ program in a law school accredited by the examining committee, approved by the American Bar Association, or registered with the examining committee; or a student currently studying law in a law office ~~or judge's chambers~~ who has been approved by the State Bar for such study. ~~For purposes of this rule, "law student" does not include a student studying law in a judge's chambers.~~

~~(4)~~ (2) A "certified law student" is a law student who has a currently effective certificate of registration as a certified law student from the State Bar.

~~(2)~~ (3) A "supervising attorney" is a licensee of the State Bar who agrees to supervise a certified law student under rules established by the State Bar and whose name appears on the application for certification.

(Subd (a) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(b) State Bar certified law student program

The State Bar must establish and administer a program for registering law students under rules adopted by the Board of Trustees of the State Bar.

(Subd (b) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(c) Eligibility for certification

To be eligible to become a certified law student

(1) An applicant who is a student in a J.D. ~~or LL.B.~~ program at a law school must:

(A) Have successfully completed one full year of studies (minimum of 270 hours) at a law school accredited by the American Bar Association or the State Bar of California, or both, or have passed the first year law students' examination; and

~~(2)~~ (B) Have been accepted into, and be enrolled in, the second, third, or fourth year of law school in good academic standing or have graduated from law school, subject to the time period limitations specified in the rules adopted by the Board of Trustees of the State Bar. ~~and~~

~~(3) Have either successfully completed or be currently enrolled in and attending academic courses in evidence and civil procedure.~~

(2) An applicant who is a student in an LL.M. program at a law school must:

(A) have a first degree in law, acceptable to the State Bar, from a law school in a foreign country;

(B) Have successfully completed one semester in the program, or two quarters in a program operating on a quarter system, and be accepted to and enrolled in a second or subsequent semester or third or subsequent quarter, or no longer be enrolled having completed one year of study, subject to the time period limitations specified in the rules adopted by the Board of Trustees of the State Bar.

(3) An applicant who is studying law in a law office ~~or judge's chambers~~ must:

(A) Have successfully completed one year of legal studies in a law school, or through study in a law office ~~or judge's chambers~~;

(B) Have passed the first-year law students' examination; and

(C) Be actively continuing the study of law pursuant to Rule 4.29 of the Rules of the State Bar, under the supervision of the attorney ~~or judge~~ approved by the State Bar to provide supervision or have completed the course of study subject to the time period limitations specified in the rules adopted by the Board of Trustees of the State Bar.

(4) An applicant who is studying law in a judge's chambers is ineligible to become a certified law student.

(Subd (c) amended effective January 1, 2019.)

(d) Permitted activities

Subject to all applicable rules, regulations, and statutes, a certified law student may:

(1) Negotiate for and on behalf of the client subject to final approval thereof by the supervising attorney or give legal advice to the client, provided that the certified law student:

(A) Obtains the approval of the supervising attorney to engage in the activities;

(B) Obtains the approval of the supervising attorney regarding the legal advice to be given or plan of negotiation to be undertaken by the certified law student; and

(C) Performs the activities under the general supervision of the supervising attorney;

(2) Appear on behalf of the client in depositions, provided that the certified law student:

(A) Obtains the approval of the supervising attorney to engage in the activity;

(B) Performs the activity under the direct and immediate supervision and in the personal presence of the supervising attorney (or, exclusively in the case of government agencies, any deputy, assistant, or other staff attorney authorized and designated by the supervising attorney); and

(C) Obtains a signed consent form from the client on whose behalf the certified law student acts (or, exclusively in the case of government agencies, from the chief counsel or prosecuting attorney) approving the performance of such acts by such certified law student or generally by any certified law student;

(3) Appear on behalf of the client in any public trial, hearing, arbitration, or proceeding, or before any arbitrator, court, public agency, referee, magistrate, commissioner, or hearing officer, to the extent approved by such arbitrator, court, public agency, referee, magistrate, commissioner, or hearing officer, provided that the certified law student:

(A) Obtains the approval of the supervising attorney to engage in the activity;

(B) Performs the activity under the direct and immediate supervision and in the personal presence of the supervising attorney (or, exclusively in the case of government agencies, any deputy, assistant, or other staff attorney authorized and designated by the supervising attorney);

- (C) Obtains a signed consent form from the client on whose behalf the certified law student acts (or, exclusively in the case of government agencies, from the chief counsel or prosecuting attorney) approving the performance of such acts by such certified law student or generally by any certified law student; and
- (D) As a condition to such appearance, either presents a copy of the consent form to the arbitrator, court, public agency, referee, magistrate, commissioner, or hearing officer, or files a copy of the consent form in the court case file; and
- (4) Appear on behalf of a government agency in the prosecution of criminal actions classified as infractions or other such minor criminal offenses with a maximum penalty or a fine equal to the maximum fine for infractions in California, including any public trial:
 - (A) Subject to approval by the court, commissioner, referee, hearing officer, or magistrate presiding at such public trial; and
 - (B) Without the personal appearance of the supervising attorney or any deputy, assistant, or other staff attorney authorized and designated by the supervising attorney, but only if the supervising attorney or the designated attorney has approved in writing the performance of such acts by the certified law student and is immediately available to attend the proceeding.

(Subd (d) amended effective January 1, 2007.)

(e) Failure to comply with program

A certified law student who fails to comply with the requirements of the State Bar certified law student program must have his or her certification withdrawn under rules adopted by the Board of Trustees of the State Bar.

(Subd (e) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(f) Fee and penalty

The State Bar has the authority to set and collect appropriate fees and penalties for this program.

(Subd (f) amended effective January 1, 2007.)

(g) Inherent power of Supreme Court

Nothing in these rules may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California.

(Subd (g) amended effective January 1, 2007.)

TITLE 3. PROGRAMS AND SERVICES

Adopted July 2007

Division 1. PROSPECTIVE LICENSEES

Chapter 1. Practical Training of Law Students Program

Rule 3.1 Practical Training of Law Students Program

Practical Training of Law Students is a program that allows a supervised law student certified by the State Bar to negotiate and appear on behalf of a client in the limited circumstances permitted by Rule of Court 9.42 and these rules.¹

Rule 3.1 adopted effective July 1, 2010.

Rule 3.2 Eligibility

- (A) To be considered for the State Bar program for Practical Training of Law Students a law student must meet the eligibility requirements of Rule of Court 9.42(c).
- (B) Other qualifications notwithstanding, a person is ineligible to apply for certification ~~who~~ if:
 - (1) ~~they are~~ is licensed to practice law in any U.S. jurisdiction; or
 - (2) they have previously taken the California Bar Examination; however, a law student who is certified by the State Bar and graduates or completes their studies during the period stated in the Notice of Law Student Certification and then takes the first California Bar Examination for which they are eligible after graduating or completing their studies may participate in the program until the State Bar releases results for that examination as permitted by Rule 3.9 (B).
 - ~~(2) — has not taken the first California Bar Examination for which he or she is eligible.~~

Rule 3.2 adopted effective July 1, 2010.

Rule 3.3 Application

- (A) To apply to be a certified law student, an ~~eligible~~ applicant must:

¹ Rule of Court 9.42 (a).

- (1) register as a general applicant, as defined in rule 4.3(H), for admission to the practice of law in California;² and
 - (2) submit an Application for Practical Training of Law Students Program³ with
 - (a) the fee⁴ set forth in the Schedule of Charges and Deadlines;
 - (b) a current email address not to be disclosed on the State Bar's Web site or otherwise to the public without the applicant's consent;
 - (c) a Declaration of Law School Official attesting that the law student meets the eligibility requirements of these rules and is qualified to be a certified law student, absent any subsequent notification to the contrary that the official agrees to provide, except that a law student who is studying law in a law office ~~or judge's chambers~~ and is not enrolled in a law school is exempt from this requirement; and —
 - (d) if the law student is studying law in a law office ~~or judge's chambers~~, a Declaration from the attorney ~~or judge~~ who has been approved to supervise the law student's studies attesting that the law student meets the eligibility requirements of these rules and is qualified to be a certified law student, absent any subsequent notification to the contrary that the attorney ~~or judge~~ agrees to provide; and
 - (e) a Declaration of Supervising Attorney attesting that for a specified period the attorney will supervise the applicant as required by these rules.
- (B) The State Bar will deem an application for the Practical Training of Law Students Program is not considered to be complete when until all required documentation has been submitted and deemed complete by the State Bar and applicable the required fees paid. The State Bar will notify the applicant that an application has been deemed incomplete, and the applicant must cure the deficiencies within 60 days of receipt, as defined in rule 4.3(M), of the notification or the application will be deemed abandoned, absent a showing of good cause. Applications that are submitted incomplete will be deemed abandoned if not brought to completed status within sixty days of the initial submission of the application. No refund of fees shall be issued for an abandoned application.

² ~~Rule 4.3(G) defines "general applicant."~~ Rule 4.16(B) explains the Application for Admission.

³ See Rule 4.16(B).

⁴ Rule of Court 9.42(f).

- (C) Upon approval of the application, the State Bar issues a “Notice of Law Student Certification” (“notice”) stating that the applicant is a certified participant in the program for Practical Training of Law Students for the period stated in the notice.⁵

Rule 3.3 adopted effective July 1, 2010.

Rule 3.4 Change or Addition of Supervising Attorney

- (A) A certified law student may request to change the supervising attorney during the period of certification without submitting a new application. To change the supervising attorney the certified law student must:
- (1) submit the request to change supervising attorney with
 - (a) the fee set forth in the Schedule of Charges and Deadlines; and
 - (b) a Declaration of Supervising Attorney from the new supervising attorney attesting that for the remainder of the period stated in the Notice of Law Student Certification the attorney will supervise the applicant as required by these rules.
- (B) A law student may add an additional supervising attorney at the time of initial application, or at any time during the period stated in the Notice of Law Student Certification by submitting a request to add a supervising attorney. For each additional supervising attorney, the law student must submit a Declaration of Supervising Attorney from the added attorney and the fee set forth in the Schedule of Charges and Deadlines.
- (C) The State Bar will deem a request to change or add a supervising attorney ~~is not considered to be~~ complete ~~when until~~ all required documentation has been submitted and ~~deemed complete by the State Bar and applicable the required fees~~ paid. The State Bar will notify the applicant that a request has been deemed incomplete, and the applicant must cure the deficiencies within 60 days of receipt of the notification or the request will be deemed abandoned, absent a showing of good cause. ~~Requests that are submitted incomplete will be deemed abandoned if not brought to completed status within sixty days of the initial submission of the request.~~ No refund of fees shall be issued for an abandoned request.

Rule 3.5 ~~3.4~~ Permitted activities

- (A) A certified law student may engage only in the activities permitted by Rule of Court 9.42(d) under the conditions prescribed by that rule.

⁵ See Rule 3.~~98~~.

- (B) Nothing in this rule prohibits a certified law student from providing advice or representation that might be provided by anyone who is not a licensee of the State Bar of California.

Rule 3.4 adopted effective July 1, 2010; amended effective January 25, 2019.

Rule 3.6 ~~3.5~~ Duties of certified law student

A certified law student must:

- (A) act as a certified law student only during the period stated in the Notice of Law Student Certification;⁶
- (B) at all times comply with Rule of Court 9.42 and these rules;
- (C) maintain a current email address with the State Bar;
- (D) immediately upon becoming ceasing to be ineligible for the program, promptly inform the State Bar and cease any activities that require certification under these rules and notify the State Bar within 30 days of becoming ineligible a certified law student is permitted to perform; and
- (E) not claim in any way to be a licensee of the State Bar of California; and
- (F) if they are or have been employed, interned, externed, received academic credit, or volunteered in the legal field, or participated in the Law Office Study Program, inform their supervisor of the name of the firm(s) or organization(s) with which they are or were affiliated and the name(s) of the individuals supervising them in that capacity.

Rule 3.5 adopted effective July 1, 2010; amended effective January 25, 2019.

Rule 3.7 ~~3.6~~ Supervising Attorney

- (A) “Supervising Attorney” is an active licensee of the State Bar of California in good standing who agrees to supervise a certified law student as required by these rules.⁷ A licensee who is inactive, suspended, or subject to discipline, or who has resigned or been disbarred may not be a Supervising Attorney. In these rules, “Supervising Attorney” may also refer to a government agency attorney who meets all requirements for a Supervising Attorney and whom the Supervising Attorney delegates to supervise the permitted activities of a certified law student.

⁶ See Rule 3.98.

⁷ Rule of Court 9.42(a)(~~32~~).

(B) A Supervising Attorney must:

- (1) be an active licensee of the State Bar of California who has been an active licensee in good standing and has practiced law in California or taught law in a law school ~~as a full-time occupation~~ for at least the two years before supervising a certified law student;
- (2) supervise the permitted activities of a certified law student as specified by rule 9.42(d);
- (3) personally assume professional responsibility for any activity a certified law student performs pursuant to these rules;
- (4) provide training and counsel that prepares a certified law student to satisfactorily perform an activity permitted by these rules in a manner that best serves the interest of a client;
- (5) read, approve, and sign any document prepared by the certified law student for a client;
- (6) supervise at one time no more than five certified law students or twenty-five if employed full-time to supervise law students in a law school or government training program; and
- (7) ~~promptly~~ notify the State Bar within 30 days that ~~they~~ he or she no longer meets the requirements of these rules or that ~~their~~ his or her supervision is ending before the period stated in the Notice of Certification.

Rule 3.6 adopted effective July 1, 2010; amended effective January 25, 2019.

Rule 3.8 ~~3.7~~ Designation as certified law student

- (A) A certified law student may use the title “Certified Law Student” and no other in connection with activities performed as a certified law student.
- (B) On written materials prepared pursuant to these rules, a certified law student must use the title Certified Law Student with ~~his or her~~ their name and provide the name of ~~his or her~~ their Supervising Attorney.

Rule 3.7 adopted effective July 1, 2010.

Rule ~~3.9~~ **3.8** Duration of certification

- (A) Subject to the exceptions set forth in this rule, a certified law student may perform an activity that complies with these rules for the period stated in the Notice of Law Student Certification and only while the supervising attorney identified in the application supervises the student. ~~A request to change the supervising attorney requires a new application.~~
- (B) A student who graduates from law school, completes their studies in a law office ~~or~~ judge's chamber, or completes one year of study in a master of laws (LL.M.) program during the period stated in the Notice of Law Student Certification and then takes the first California Bar Examination for which they are ~~he or she is~~ eligible after graduating or completing their studies may participate in the program until the State Bar releases results for that examination.
- (C) Certification terminates before the end of the period stated in the Notice of Law Student Certification if:
- (1) the certified law student no longer meets the eligibility requirements of these rules;
 - (2) in the case of a certified law student who is studying in a law office ~~or judge's chambers,~~ the student is placed on suspended status for failure to comply with all requirements set forth in rule 4.29;
 - (3) the certified law student requests that certification terminate on an earlier date;
 - (4) the certified law student fails to take the first California Bar Examination for which ~~he or she is~~ they are eligible, as defined by the State Bar; or
 - (5) the State Bar revokes certification.⁸

Rule 3.8 adopted effective July 1, 2010.

Rule ~~3.10~~ **3.9** Revocation of certification

The State Bar may revoke certification for noncompliance with any applicable rule or law.⁹ The State Bar must provide the certified law student a written notice of revocation which will be transmitted by email to the student, the supervising attorney or attorneys, and the law school official, where applicable, ~~at~~ the email addresses provided in the application to participate in

⁸ See Rule 3.~~10~~9.

⁹ Rule of Court 9.42(e).

the program. The revocation is effective ~~ten days~~ one day from receipt of the notice ~~the date of its transmission~~.

Rule 3.9 adopted effective July 1, 2010.

Rule 3.11 ~~3.10~~ Request for review of revocation

A certified law student whose certification has been revoked may request review of the revocation. The request must be in writing and submitted to ~~received by~~ the State Bar ~~no more than~~ within fifteen days of the student's receipt from the date of transmission of the notice of revocation. Any arguments or evidence in support of the request must be submitted together with the request. Within sixty days of receipt, as defined in rule 4.3(N), of ~~the~~ request, the State Bar must provide the certified law student with a written determination affirming or denying the revocation. The determination constitutes the final action of the State Bar.

Rule 3.10 adopted effective July 1, 2010.