



The State Bar of California

OPEN SESSION

AGENDA ITEM V.A.

JUNE 2024

COMMITTEE OF BAR EXAMINERS

DATE: June 21, 2024

TO: Members, Committee of Bar Examiners

FROM: Bethany Peak, Committee of Bar Examiners
Vince Reyes, Committee of Bar Examiners
Tara Clark, Program Director, Operations, Office of Admissions
David Lane, Attorney, Moral Character Determinations

SUBJECT: Recommendation to Adopt Revisions to the Moral Character Rules: Return from Public Comment

EXECUTIVE SUMMARY

At its January 26, 2024, meeting, the Committee of Bar Examiners (CBE) adopted a motion recommending that the Board of Trustees (Board) circulate revisions to the Rules of the State Bar related to Moral Character (Moral Character Rules). The Board concurred at its March 21–22, 2024 meeting. The rules were circulated for 60 days, during which the CBE received seven comments. A copy of the comment chart is included as Attachment A. After review of the comments, the working group recommends no changes to the proposed revisions to the Moral Character Rules. Additionally, the working group recommends that the CBE request that the Board adopt the revisions to the Moral Character Rules and transmit them to the Supreme Court for review and adoption.

BACKGROUND

The Office of Admissions is continuing its review of all rules, procedures, and practices. The goals of this review include ensuring clarity for applicants and consistent application of the rules and policies by staff, providing new tools for applicants to understand and meet their obligations, and updating obsolete or outdated rules, procedures, and practices. In addition, the Office of Admissions is examining its rules and processes with the aim of ensuring that all are necessary and appropriate for public protection and do not impose an unnecessary barrier to admission. In evaluating the rules and processes, the working group examined questions

received from applicants, common areas of misunderstanding or confusion amongst applicants, and applications from other jurisdictions.

On January 26, 2024, the CBE adopted a resolution by a vote of 13-1 recommending 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.

DISCUSSION

RULE CHANGES

The [agenda item](#) for the January 26, 2024, CBE meeting provides additional background describing the current revisions to the Moral Character Rules.

PUBLIC COMMENTS

The CBE received seven public comments on the proposed rules revisions. One of the commenters agreed with the proposal, three disagreed, two agreed if modified, and one stated no position. The comment chart in Attachment A identifies each commenter, lists their comment, and their position on the proposal. Two attachments unrelated to the rules package that did not express an opinion about the proposal were excluded. After reviewing the public comments, the working group recommends no changes to the proposed revisions.

One of the three commenters who disagreed with the proposal did not include a rationale for their position. Another commenter appeared to disagree with the transition to gender-neutral pronouns. The final commenter who disagreed with the proposal disagrees with the inclusion of rule 4.50(C) regarding the questionnaire requesting an update from an applicant who has received a positive moral character determination but is not yet certified to the California Supreme Court as qualified for admission to practice law in California, 18 months after the positive determination. The commenter appears unaware that the revision is intended to codify current practice. The working group does not recommend any changes to the proposal as a result of these comments.

One of the two commenters who agreed with the proposal, if modified, indicated that the State Bar should conduct a “complete full background investigation” after two extensions of a positive moral character determination, presumably in lieu of allowing the applicant to submit an unlimited number of extension applications. The working group believes this change is unwarranted because allowing submission of extension applications does not preclude the State Bar from investigating any relevant issues, and it benefits applicants by allowing them to submit truncated applications with lower fees to extend a positive determination. The second commenter who agreed with the proposal if modified posed questions regarding rule 4.50(C), such as when the requirement to submit an update to an application would take effect. As previously stated, this rule revision is intended to codify current practice, so all eligible applicants would continue to receive update questionnaires under the revised rule.

The commenter who agreed with the proposal attached a 27-page document, which included an invoice and a residential appraisal report. The commenter who indicated no position on the proposal attached a one-page letter from the Office of Chief Trial Counsel acknowledging receipt of the commenter's complaint against a California attorney. The two unrelated attachments have been omitted from the Public Comment Chart.

FISCAL/PERSONNEL IMPACT

The working group anticipates that the streamlined rules proposals will positively impact staff resources by reducing the number of applicant inquiries, and aid in the processing of applications by creating consistency within the rules. The working group further anticipates that the adoption of rule 4.40(C), which would allow submission of an application by an out-of-state attorney who is not in good standing in their home jurisdiction, would result in an increase in the number of moral character applications submitted. The amount of the increase is unknown but is anticipated to be small and absorbable with current resources.

RECOMMENDATIONS

It is recommended that the Committee of Bar Examiners request that the Board of Trustees adopt the proposed rules revisions as circulated for public comment and set forth in Attachments B and C.

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 that the Board of Trustees adopt the rules revisions set forth in Attachments B and C and request approval of the revisions by the Supreme Court.

ATTACHMENTS LIST

- A. Public Comment Chart
- B. Proposed Amendments to the Moral Character Rules (redline)
- C. Proposed Amendments to the Moral Character Rules (clean)

Comment Number	Name or Organization	Attorney or Public Member?	Professional Affiliation	Position (A/AM/D/NP) ¹	Public Comment
1.	Adele Schneidereit	Attorney member		D	
2.	Javier Partida	Public member		AM	What batch of bar passers would the 18 month reporting requirement begun with? Date of amendment and 18 months ahead? Passers not yet 18 months in after the amendment passes? Only passers after the amendment?
3.	Anonymous 1	Attorney member		AM	After the 2nd extension, the Bar must carry out its duty to complete full background investigation thus insuring candidates continue to meet high standards for admission
4.	Edward Tabash	Attorney member		D	<p>If someone is of good moral character and passes all such initial inspections, why keep pestering them for updates? We already admitted lawyers in California don't have to update the Bar every 18 months to show that we have not committed any acts of moral turpitude since we were initially cleared to be admitted to the practice of law</p> <p>The State Bar failed for years to follow up on the problems with Tom Girardi. So, now, we lawyers have to pay for this with ore stringent trust account reporting requirements. We day-to-day California lawyers were not responsible for the Bar's failure to follow up on complaints and to look red flags. Yet, now we are stuck with more involved reporting requirements.</p> <p>Let's not keep on piling on ever increasing reporting requirements.</p>
5.	HELEN LE	Decline to state		NP	<p>OPEN HEARING before state bar Court OF CALIFORNIA</p> <p>Stop Discriminate and Violate my civil right before state bar Court Of California</p> <p>Please Contact FBI about act discriminate /fraud /Violate my human right and civil right before FEDERAL COURT/State bar Court of California</p>

¹ A = Agree with proposal; AM = Agree if modified; D = Disagree with proposal; NP = No position on proposal

Comment Number	Name or Organization	Attorney or Public Member?	Professional Affiliation	Position (A/AM/D/NP) ¹	Public Comment
6.	Kate Shea	Public member		A	I filed a letter against foreman #283459 who tried for 4.5 years to take custody of my kids from me, filed for full ownership of property owned since 2003 in divorce; left my kids intentionally homeless for 90 days, on food stamps and they choose not to disclose to me they were living together. She takes my kids to Hawaii Thursday as I still wait for \$152,000 in bavg child support. They conned me out of 3 day trial in July 2023 with promise to put down \$600,000 as I still wait since 2019 for half my house to keep three teens housed and bar closed in case within days. I live in a town that does not deliver mail. The bar did nothing, appalling. Joseph Lopez is a criminal if you look up his divorce case it is a sham to take \$250,000 after having 63 prostitutes in a spreadsheet. \$4000 in women in one month should constitute a divorce. You did not need to allow these two to ruin the lives of three kids. He moved them an hour from me/where they grew up 2 months ago. Shameless.
7.	Anonymous 2	Public member		D	With all due respect and tolerance, what has become of us humans? There's a X and a Y chromosome. Enough really of this crap. Next thing we know we have to apologize for being heterosexual and a human with a brain.

TITLE 4. ADMISSIONS AND EDUCATIONAL STANDARDS

Adopted July 2007

DIVISION 1. ADMISSION TO PRACTICE LAW IN CALIFORNIA

LEGEND: The original proposed changes to the current rules are shown by underline for added language and ~~strikeout~~ for deleted language. Modified changes to the proposed rules are shown by double underline for added language and ~~double strikeout~~ for deleted language.

Chapter 1. General Provisions

Rule 4.3 Definitions

These definitions apply to the rules in this Division unless otherwise indicated.

- (A) An “American Bar Association Approved Law School” is a law school fully or provisionally approved by the American Bar Association and deemed accredited by the Committee.
- (B) An “attorney applicant” is an applicant who is or has been admitted as an attorney to the practice of law in any jurisdiction.
- (C) The “Attorneys’ Examination” is the version of California Bar Examination for which attorney applicants may apply, provided they have been admitted to the active practice of law in a United States jurisdiction at least four years immediately prior to the first day of administration of the examination and have been in good standing during that period. The Attorneys’ Examination includes essay questions and performance tests of the General Bar Examination but not its multiple-choice questions.
- (D) A “California accredited law school” is a law school accredited by the Committee but not approved by the American Bar Association.
- (E) The “California Bar Examination” is the examination administered by the Committee that an applicant must pass to be certified to the California Supreme Court as qualified for admission to practice law in California. The California Bar Examination includes the General Bar Examination and the Attorneys’ Examination.
- (F) “The Committee” is the Committee of Bar Examiners of the State Bar of California or, unless otherwise indicated, a subcommittee of two or more of its members ~~whom~~which the Committee authorizes to act on its behalf.
- (G) “Director of Admissions” or “Director, Admissions” means the Director of the State Bar Office of Admissions, or that person’s designee.
- (H) A “general applicant” is an applicant who has not been admitted as an attorney to the practice of law in any jurisdiction.

- (I) The “General Bar Examination” is the California Bar Examination required of every general applicant. The General Bar Examination consists of multiple-choice questions, essay questions, and performance tests.
- (J) The “First-Year Law Students’ Examination” is the examination that an applicant must pass, unless otherwise exempt.² It includes questions on contracts, torts, and criminal law.
- (K) An “informal conference” is ~~defined in Rule 4.45 as a meeting with an applicant initiated by the State Bar under rule 4.46 for the purpose of discussing issues relevant to an applicant’s moral character determination.~~
- (L) The “Office of Admissions” (“Admissions”) is the State Bar office authorized by the Board of Trustees and the Committee to administer examinations and otherwise act on their behalf.
- (M) “Receipt” of a document that the State Bar or Committee sends to an applicant is:
- (1) calculated ~~from as~~ the date of ~~mailing and is deemed to be electronic transmission or five~~ 5 days from the date of mailing to a California address; ~~ten~~ 10 days from the date of mailing to an address elsewhere in the United States; and ~~twenty~~ 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.
- (N) “Receipt” of a document sent to the State Bar or Committee is when it is physically received at the Office of Admissions or the date of electronic transmission, if permitted to be sent electronically.
- (O) The “State Bar” includes Office of Admissions (“Admissions”) directors, managers, and staff.
- (P) An “unaccredited law school” is a correspondence, distance-learning, or fixed-facility law school operating in California that the Committee registers but does not accredit.
- (Q) For purposes of calculating law study credit toward meeting the legal education requirements necessary to qualify to take the First-Year Law Students’ Examination and California Bar Examination, a “year” is defined as the law study successfully completed in the time between the same calendar dates for consecutive calendar years, minus one day.

² Business & Professions Code § 6060(h).

Rule 4.6 Investigations and Hearings [REPEALED]

~~In conducting an investigation or hearing, the Committee or the State Bar Court may receive evidence; administer oaths and affirmations; and compel by subpoena the attendance of witnesses and the production of documents.~~

Rule 4.6 adopted effective September 1, 2008.

Chapter 4. Moral Character Determination

Rule 4.40 Moral Character Determination

- (A) An applicant must be of good moral character as determined by the State Bar. The applicant has the burden of establishing that ~~he or she is~~ they are of good moral character.
- (B) “Good moral character” includes but is not limited to qualities of honesty, fairness, candor, trustworthiness, observance of fiduciary responsibility, respect for and obedience to the law, and respect for the rights of others and the judicial process.

Rule 4.40 adopted effective September 1, 2008; amended effective September 1, 2019.

Rule 4.41 Application for Determination of Moral Character

- (A) An ~~applicant must submit an~~ Application for Determination of Moral Character may be submitted after an Application for Registration has been approved. with required fingerprints and the fee set forth in the Schedule of Charges and Deadlines. ~~An attorney who is suspended for disciplinary reasons or disbarred, has resigned with disciplinary charges pending or is otherwise not in good standing for disciplinary reasons in any jurisdiction may not submit an application.~~
- (B) The State Bar will deem ~~An~~ Application for Determination of Moral Character ~~must be accompanied by fingerprints~~ complete when the applicant has submitted all required information, documentation, and the fee set forth in the Schedule of Charges and Deadlines. ~~may be submitted any time after filing an Application for Registration but is deemed filed only when the application is complete. The application will be deemed filed when the State Bar has determined it to be complete.~~
- ~~(C) An attorney who is suspended for disciplinary reasons or disbarred, has resigned with disciplinary charges pending, or otherwise not in good standing for disciplinary reasons in any jurisdiction may not submit an application. There shall be a rebuttable presumption that an attorney is not of good moral character if the attorney is currently suspended for disciplinary reasons, is disbarred, has resigned with disciplinary charges pending, or is otherwise not in good standing for disciplinary reasons in any jurisdiction.~~

- (C) An Application for Extension of Determination of Moral Character submitted under rule 4.52 will be governed by the rules in this chapter governing an Application for Determination of Moral Character.

Rule 4.41 adopted effective September 1, 2008; amended effective November 14, 2009; previously amended effective July 22, 2011; amended effective March 9, 2018.

Rule 4.42 Duty to Uupdate Application for Determination of Moral Character

Until ~~admitted to practice law~~, an applicant has taken the attorney's oath, the applicant who has submitted an Application for Determination of Moral Character has a continuing duty to ~~promptly~~ notify the Office of Admissions, ~~within 30 days~~, when ~~ever~~ information provided in the ~~a~~Application for Determination of Moral Character has changed or there is new information relevant to the application. The Office of Admissions must be in receipt of the notification from the applicant ~~Failure to provide updated or additional information~~ within ~~thirty~~ 30 days ~~of after~~ the change or addition to the information originally submitted. An applicant's ~~may be cause for suspension of a~~ positive moral character determination may be suspended for failure to satisfy this requirement.

Rule 4.42 adopted effective September 1, 2008; amended effective November 14, 2009.

Rule 4.43 Abandonment of Application for Determination of Moral Character

- ~~(A) — An Application for Determination of Moral Character is deemed abandoned and ineligible for a refund of fees if~~

~~(1) — it is not complete within sixty days after being initiated; or~~

~~(2) — it is complete but the applicant has failed to provide additional information requested by the State Bar within ninety days of the request.~~

- (A) The State Bar will notify the applicant if an Application for Determination of Moral Character has been deemed incomplete, and the applicant must cure the deficiencies within 60 days of receipt of the notification or the application will be deemed abandoned, absent a showing of good cause. ~~Once an application is deemed incomplete by the State Bar and the State Bar provides the applicant with an incomplete notice describing the deficiencies, the applicant will have 60 days from the date of the notice to cure the deficiencies. If the applicant fails to cure the deficiencies within 60 days, the application will be deemed abandoned, absent a showing of good cause.~~

- (B) If the State Bar requests additional information or documentation from the applicant after it has deemed an Application for Determination of Moral Character complete, the applicant must respond to the request within 90 days of receipt of the request or the application will be deemed abandoned, absent a showing of good cause. ~~An application that has been deemed complete and filed will be deemed abandoned if~~

~~the applicant fails to respond to a request for information or documentation within 90 days of the request, absent a showing of good cause.~~

- (C) ~~No refund of fees will be issued for an Application for Determination of Moral Character that has been deemed abandoned. The State Bar may retain an abandoned Application for Determination of Moral Character as part of the applicant's file.~~
- (D) ~~An applicant may request a review by the Committee of the State Bar's decision to deem an Application for Determination of Moral Character abandoned within 30 days of receipt service of the notice notification of abandonment.~~
- (E) ~~A new Once an Application for Determination of Moral Character has been deemed abandoned, the applicant must be submitted a new, complete Application for Determination of Moral Character with the required fee and fingerprints if an application has been abandoned to obtain a moral character determination. The State Bar may retain an abandoned application as part of the applicant's file.~~

Rule 4.43 adopted effective September 1, 2008; amended effective September 1, 2019.

Rule 4.44 Withdrawal of Application for Determination of Moral Character

- (A) ~~An applicant may withdraw an Application for Determination of Moral Character any time before being receipt of notification that the State Bar is unable to make a determination without further inquiry and analysis. An applicant who withdraws an application more than 30 days after submission is ineligible for a refund of fees. The State Bar may retain a withdrawn application as part of the applicant's file.~~
- (B) ~~An applicant may withdraw an application filed with the State Bar Court for a hearing on an adverse determination of moral character by filing a request for withdrawal with the Office of Chief Trial Counsel and forwarding a copy to the Office of Admissions.~~

Rule 4.44 adopted effective September 1, 2008; previously amended effective November 18, 2016; amended effective September 1, 2019.

Rule 4.45 Notice Regarding Status of Application for Determination of Moral Character

- (A) ~~Within 180 days of receiving a completed Application for Determination of Moral Character, the date on which the State Bar deems an Application for Determination of Moral Character to be complete and filed, the State Bar will notify the applicant that its determination of whether the applicant has received a positive moral character determination is positive or that it the application requires further consideration. A positive determination is valid for thirty six months.~~
- (B) ~~While an Application for Determination of Moral Character remains pending, a status report is issued to the applicant at least every 120 days.~~

- (B) If the State Bar requests additional information after the Application for Determination of Moral Character is deemed complete and filed, Within 120 days of receipt of additional the requested information from the applicant it has requested, the State Bar will notify the applicant that:
- (1) the applicant is determined to be of good moral character;
 - ~~(2) the applicant has not met the burden of establishing good moral character;~~
 - (2) the application requires further consideration;
 - (3) the applicant ~~is~~ will be invited to an informal conference; or
 - (4) the applicant is ~~advised to enter into~~ offered an Agreement of Abeyance pursuant to rule 4.48 with the State Bar.

Rule 4.45 adopted effective September 1, 2008; previously amended effective November 18, 2016; amended effective September 1, 2019.

Rule 4.46 Informal ~~C~~onference ~~R~~egarding ~~M~~moral ~~C~~haracter

- (A) Prior to rendering an adverse moral character determination ~~on a moral character application~~, the State Bar ~~shall~~ will invite the applicant to an informal conference ~~regarding the application~~. Acceptance of an invitation is not mandatory, and ~~declining it entails~~ no negative inference will be drawn from an applicant's decision to decline to participate in an informal conference.
- (B) The Committee ~~may~~ must establish procedures for an informal conference, ~~with the State Bar and require the State Bar to create which shall must include creating a record of it by tape audio recording, audio or video recording, of the conference, the opportunity for the or any other means. The applicant to may present information for consideration, and permission for the applicant's counsel to attend the conference with counsel, make a written or oral statement, and present documentary evidence and will have an opportunity to present information for consideration. in order to observe but Counsel is limited to observation and may not participate.~~

Rule 4.46 adopted effective September 1, 2008; previously amended effective November 14, 2009; amended effective September 1, 2019.

Rule 4.47.1 Request for Review ~~by~~ the Committee ~~of~~ Following an Adverse Moral Character Determination

- (A) An applicant notified of an adverse moral character determination ~~by the State Bar of~~ moral character may request ~~a~~ review of the determination by the Committee. The request must be submitted to the Office of Admissions within 30 days of ~~the date of receipt of the notice~~ notification of the State Bar's determination. The applicant may submit supplemental information ~~material~~ with the request.
- (B) The Committee must establish procedures for review of an adverse moral character determination issued by the State Bar, which must include that a review by a panel of two Committee members will occur within 60 days of receipt of the request for review and the panel will make a recommendation to the Committee at its next regularly scheduled meeting. The Committee may adopt the recommendation of the panel or take any other action it deems appropriate. The State Bar must notify the applicant of the Committee's decision within 10 days of the decision. Within 60 days of receipt of the a request for a review, the Committee will conduct a review of the record, which may include a review of including the transcript or recording of the informal conference. The Committee may request additional information from the applicant or from the State Bar. The Committee State Bar must notify the applicant of its the Committee's final determination within 30 days of its decision.

Rule 4.47.1 adopted effective September 1, 2019.

Rule 4.47 Appeal of Request for Hearing on an Adverse Moral Character ~~D~~etermination ~~of~~ Moral Character issued by the Committee

- (A) If the Committee issues an adverse moral character determination ~~of moral character,~~ the ~~an~~ applicant may file a request for hearing ~~on the determination~~ with the State Bar Court in accordance with the Rules of Procedure of the State Bar ~~on Moral Character Proceedings~~. The request must be filed with the fee set forth in the Schedule of Charges and Deadlines within ~~sixty~~ 60 days of receipt of notification of the Committee's adverse determination. ~~the date of service of the notice of adverse determination.~~
- (B) ~~A copy of the request for hearing must be served on the Office of Admissions and the Office of Chief Trial Counsel. Upon receipt of service, the Committee must promptly transmit all files related to the application to the Office of Chief Trial Counsel.~~

Rule 4.47 adopted effective September 1, 2008; previously amended effective July 24, 2015; amended effective September 1, 2019.

Rule 4.48 Agreement of Abeyance

- (A) The State Bar ~~and an applicant~~ or the Committee may suspend processing of an Application for Determination of Moral Character ~~by~~ upon the State Bar or the Committee and an applicant entering into an Agreement of Abeyance:
- (1) when a court has ordered an applicant charged with a crime to be treated, rehabilitated, or otherwise diverted;
 - (2) when a court has suspended the sentence of an applicant convicted of a crime and placed the applicant on probation;
 - (3) when an applicant is actively seeking or obtaining treatment for ~~chemical dependency or drug or alcohol addiction~~ a substance use issue; or
 - (4) ~~if~~ when the State Bar or the Committee and an applicant otherwise agree.
- (B) An Agreement of Abeyance must be in writing, ~~and~~ specify the period and conditions of abeyance, and be signed by a representative of the State Bar and the applicant. A copy of the agreement must be provided to the applicant.
- (C) Once the abeyance period has concluded or the conditions of abeyance have been satisfied, the State Bar or the Committee will continue processing the Application for Determination of Moral Character.

Rule 4.48 adopted effective September 1, 2008; amended effective September 1, 2019.

Rule 4.49 New ~~A~~pplication ~~F~~ollowing ~~an A~~dvse Moral Character Determination ~~of Moral Character~~

~~The State Bar may permit a~~ An applicant who has received an adverse moral character determination ~~to may file submit~~ another Application for Determination of Moral Character two years from the date of the final determination or at some other time set by the State Bar, ~~or the Committee, or the State Bar Court,~~ for good cause shown, at the time of ~~its~~ the adverse determination.

Rule 4.49 adopted effective September 1, 2008; previously amended effective July 24, 2015; amended effective September 1, 2019.

Rule 4.50 Suspension of ~~a Positive Moral Character Determination of Moral Character~~

- (A) ~~Before certifying an applicant for admission to the practice of law~~ At any time before an applicant has taken the attorney's oath, the State Bar may notify ~~an~~ the applicant that it has suspended a positive ~~determination of~~ moral character determination if it receives information that reasonably calls the applicant's character into question. The notice must specify the grounds for the suspension.
- (B) ~~The application of~~ If an applicant's ~~whose~~ positive moral character determination is ~~has been~~ suspended, the State Bar will notify the applicant that the determination has been reinstated or request additional information from the applicant within 120 days of the applicant's receipt of the suspension notification and, thereafter, process their Application for Determination of Moral Character is processed in accordance with Rule 4.45(B).
- (C) The State Bar will send an applicant who has received a positive moral character determination and is not yet certified to the California Supreme Court as qualified for admission to practice law in California a questionnaire to complete 18 months after the issuance of the determination. If an applicant fails to respond to the questionnaire within 60 days of the date on which it was sent receipt of the questionnaire, the positive determination will be suspended. The positive determination may be reinstated when the State Bar receives the completed questionnaire.

Rule 4.50 adopted effective September 1, 2008; previously amended effective July 22, 2011; amended effective September 1, 2019.

Rule 4.51 Validity ~~P~~period of ~~a Positive M~~moral ~~C~~character ~~D~~determination

A positive ~~determination of~~ moral character determination is valid for ~~thirty-six~~ 36 months or until submission of an Application for Extension of Determination of Moral Character. An applicant must have a valid positive determination to be certified to the California Supreme Court as qualified for admission to practice law in California ~~An applicant with a positive determination who has not been certified to practice law within this validity period must submit an Application for Extension of Determination of Moral Character.~~

Rule 4.51 adopted effective September 1, 2008.

Rule 4.52 Application for Extension of ~~Positive Moral Character~~ Determination of Moral Character

- (A) An applicant ~~who has received~~ may request an extension of a positive moral character determination ~~may submit by submitting~~ an Application for Extension of Determination of Moral Character. The application must be filed in the last ~~six~~ 6 months of the ~~initial thirty-six~~ 36-month validity period of the positive moral character determination, with the required fingerprints information, documentation, and the fee set forth in the

Schedule of Charges and Deadlines. ~~The application will be deemed filed when the State Bar has determined it to be complete. If the State Bar makes a positive determination before the initial thirty-six months expires, the initial thirty-six months is extended an additional thirty-six months. If the State Bar makes a positive determination after expiration of the initial thirty-six months, an extension of thirty-six months begins at the time of its determination. Failure to timely submit an Application for Extension of Determination of Moral Character within this time period will result in expiration of the applicant's positive determination.~~

- (B) ~~An applicant may request a review by the Committee of the State Bar's decision within 30 days of service of the notice of decision.~~
- (B) Approval of an Application for Extension of Determination of Moral Character will
reinstate the positive determination and extend the validity period for 36 months from
the date of approval of the extension application, or until submission of a subsequent
extension application. Subsequent extension applications may be submitted consistent
with the timelines and requirements described in rule 4.52(A). ~~An applicant may submit~~
~~subsequent Applications for Extension of Determination of Moral Character if needed.~~
~~If an applicant fails to submit an Application for Extension of Determination of Moral~~
~~Character prior to the expiration of the positive determination, the applicant must~~
~~submit a new Application for Determination of Moral Character with the required fees~~
~~and fingerprints to obtain a moral character determination.~~
- (C) If a positive moral character determination expires before an applicant submits an
Application for Extension of Determination of Moral Character, the applicant must
submit a new, complete Application for Determination of Moral Character with the
required fee and fingerprints to obtain a moral character determination.

Rule 4.52 adopted effective September 1, 2008; amended effective September 1, 2019.

TITLE 4. ADMISSIONS AND EDUCATIONAL STANDARDS

Adopted July 2007

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Chapter 1. General Provisions

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- (N) “Receipt” of a document sent to the State Bar or Committee is when it is physically received at the Office of Admissions or the date of electronic transmission, if permitted to be sent electronically.
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Rule 4.6 Investigations and Hearings [REPEALED]

Rule 4.6 adopted effective September 1, 2008.

² Business & Professions Code § 6060(h).

Chapter 4. Moral Character Determination

Rule 4.40 Moral Character Determination

- (A) An applicant must be of good moral character as determined by the State Bar. The applicant has the burden of establishing that they are of good moral character.
- (B) “Good moral character” includes but is not limited to qualities of honesty, fairness, candor, trustworthiness, observance of fiduciary responsibility, respect for and obedience to the law, and respect for the rights of others and the judicial process.

Rule 4.40 adopted effective September 1, 2008; amended effective September 1, 2019.

Rule 4.41 Application for Determination of Moral Character

- (A) An Application for Determination of Moral Character may be submitted after an Application for Registration has been approved.
- (B) The State Bar will deem an Application for Determination of Moral Character complete when the applicant has submitted all required information, documentation, and the fee set forth in the Schedule of Charges and Deadlines.
- (C) An Application for Extension of Determination of Moral Character submitted under rule 4.52 will be governed by the rules in this chapter governing an Application for Determination of Moral Character.

Rule 4.41 adopted effective September 1, 2008; amended effective November 14, 2009; previously amended effective July 22, 2011; amended effective March 9, 2018.

Rule 4.42 Duty to Update Application for Determination of Moral Character

Until an applicant has taken the attorney’s oath, the applicant has a continuing duty to notify the Office of Admissions when information provided in the Application for Determination of Moral Character has changed or there is new information relevant to the application. The Office of Admissions must be in receipt of the notification from the applicant within 30 days of the change or addition to the information originally submitted. An applicant’s positive moral character determination may be suspended for failure to satisfy this requirement.

Rule 4.42 adopted effective September 1, 2008; amended effective November 14, 2009.

Rule 4.43 Abandonment of Application for Determination of Moral Character

- (A) The State Bar will notify the applicant if an Application for Determination of Moral Character has been deemed incomplete, and the applicant must cure the deficiencies within 60 days of receipt of the notification or the application will be deemed abandoned, absent a showing of good cause.

- (B) If the State Bar requests additional information or documentation from the applicant after it has deemed an Application for Determination of Moral Character complete, the applicant must respond to the request within 90 days of receipt of the request or the application will be deemed abandoned, absent a showing of good cause.
- (C) No refund of fees will be issued for an Application for Determination of Moral Character that has been deemed abandoned. The State Bar may retain an abandoned Application for Determination of Moral Character as part of the applicant's file.
- (D) An applicant may request review by the Committee of the State Bar's decision to deem an Application for Determination of Moral Character abandoned within 30 days of receipt of notification of abandonment.
- (E) Once an Application for Determination of Moral Character has been deemed abandoned, the applicant must submit a new, complete Application for Determination of Moral Character with the required fee and fingerprints to obtain a moral character determination.

Rule 4.43 adopted effective September 1, 2008; amended effective September 1, 2019.

Rule 4.44 Withdrawal of Application for Determination of Moral Character

An applicant may withdraw an Application for Determination of Moral Character any time before receipt of notification that the State Bar is unable to make a determination without further inquiry and analysis. An applicant who withdraws an application more than 30 days after submission is ineligible for a refund of fees. The State Bar may retain a withdrawn application as part of the applicant's file.

Rule 4.44 adopted effective September 1, 2008; previously amended effective November 18, 2016; amended effective September 1, 2019.

Rule 4.45 Notice Regarding Status of Application for Determination of Moral Character

- (A) Within 180 days of the date on which the State Bar deems an Application for Determination of Moral Character to be complete, the State Bar will notify the applicant whether the applicant has received a positive moral character determination or the application requires further consideration.
- (B) If the State Bar requests additional information after the Application for Determination of Moral Character is deemed complete, within 120 days of receipt of the requested information from the applicant, the State Bar will notify the applicant that:
 - (1) the applicant is determined to be of good moral character;
 - (2) the application requires further consideration;

- (3) the applicant will be invited to an informal conference; or
- (4) the applicant is offered an Agreement of Abeyance pursuant to rule 4.48.

Rule 4.45 adopted effective September 1, 2008; previously amended effective November 18, 2016; amended effective September 1, 2019.

Rule 4.46 Informal Conference Regarding Moral Character

- (A) Prior to rendering an adverse moral character determination, the State Bar will invite the applicant to an informal conference. Acceptance of an invitation is not mandatory, and no negative inference will be drawn from an applicant's decision to decline to participate in an informal conference.
- (B) The Committee must establish procedures for an informal conference, which must include audio or video recording of the conference, the opportunity for the applicant to present information for consideration, and permission for the applicant's counsel to attend the conference in order to observe but not participate.

Rule 4.46 adopted effective September 1, 2008; previously amended effective November 14, 2009; amended effective September 1, 2019.

Rule 4.46.1 Request for Review by the Committee Following an Adverse Moral Character Determination

- (A) An applicant notified of an adverse moral character determination by the State Bar may request review of the determination by the Committee. The request must be submitted to the Office of Admissions within 30 days of receipt of notification of the State Bar's determination. The applicant may submit supplemental information with the request.
- (B) The Committee must establish procedures for review of an adverse moral character determination issued by the State Bar, which must include that a review by a panel of two Committee members will occur within 60 days of receipt of the request for review and the panel will make a recommendation to the Committee at its next regularly scheduled meeting. The Committee may adopt the recommendation of the panel or take any other action it deems appropriate. The State Bar must notify the applicant of the Committee's decision within 10 days of the decision.

Rule 4.47.1 adopted effective September 1, 2019.

Rule 4.47 Request for Hearing on an Adverse Moral Character Determination Issued by the Committee

If the Committee issues an adverse moral character determination, the applicant may file a request for hearing with the State Bar Court in accordance with the Rules of Procedure of the State Bar. The request must be filed with the fee set forth in the Schedule of Charges and Deadlines within 60 days of receipt of notification of the Committee's adverse determination.

Rule 4.47 adopted effective September 1, 2008; previously amended effective July 24, 2015; amended effective September 1, 2019.

Rule 4.48 Agreement of Abeyance

- (A) The State Bar or the Committee may suspend processing of an Application for Determination of Moral Character upon the State Bar or the Committee and an applicant entering into an Agreement of Abeyance:
 - (1) when a court has ordered an applicant charged with a crime to be treated, rehabilitated, or otherwise diverted;
 - (2) when a court has suspended the sentence of an applicant convicted of a crime and placed the applicant on probation;
 - (3) when an applicant is actively seeking or obtaining treatment for a substance use issue; or
 - (4) when the State Bar or the Committee and an applicant otherwise agree.
- (B) An Agreement of Abeyance must be in writing, specify the period and conditions of abeyance, and be signed by a representative of the State Bar and the applicant.
- (C) Once the abeyance period has concluded or the conditions of abeyance have been satisfied, the State Bar or the Committee will continue processing the Application for Determination of Moral Character.

Rule 4.48 adopted effective September 1, 2008; amended effective September 1, 2019.

Rule 4.49 New Application Following an Adverse Moral Character Determination

An applicant who has received an adverse moral character determination may submit another Application for Determination of Moral Character two years from the date of the final determination or at some other time set by the State Bar, the Committee, or the State Bar Court, for good cause shown, at the time of the adverse determination.

Rule 4.49 adopted effective September 1, 2008; previously amended effective July 24, 2015; amended effective September 1, 2019.

Rule 4.50 Suspension of a Positive Moral Character Determination

- (A) At any time before an applicant has taken the attorney's oath, the State Bar may notify the applicant that it has suspended a positive moral character determination if it receives information that reasonably calls the applicant's character into question. The notice must specify the grounds for the suspension.
- (B) If an applicant's positive moral character determination is suspended, the State Bar will notify the applicant that the determination has been reinstated or request additional information from the applicant within 120 days of the applicant's receipt of the suspension notification and, thereafter, process their Application for Determination of Moral Character in accordance with rule 4.45(B).
- (C) The State Bar will send an applicant who has received a positive moral character determination and is not yet certified to the California Supreme Court as qualified for admission to practice law in California a questionnaire to complete 18 months after the issuance of the determination. If an applicant fails to respond to the questionnaire within 60 days of receipt of the questionnaire, the positive determination will be suspended. The positive determination may be reinstated when the State Bar receives the completed questionnaire.

Rule 4.50 adopted effective September 1, 2008; previously amended effective July 22, 2011; amended effective September 1, 2019.

Rule 4.51 Validity Period of a Positive Moral Character Determination

A positive moral character determination is valid for 36 months or until submission of an Application for Extension of Determination of Moral Character. An applicant must have a valid positive determination to be certified to the California Supreme Court as qualified for admission to practice law in California.

Rule 4.51 adopted effective September 1, 2008.

Rule 4.52 Application for Extension of Determination of Moral Character

- (A) An applicant may request an extension of a positive moral character determination by submitting an Application for Extension of Determination of Moral Character in the last 6 months of the 36-month validity period of the positive moral character determination, with required information, documentation, and the fee set forth in the Schedule of Charges and Deadlines. Failure to timely submit an Application for Extension of Determination of Moral Character will result in expiration of the positive determination.

- (B) Approval of an Application for Extension of Determination of Moral Character will reinstate the positive determination and extend the validity period for 36 months from the date of approval of the extension application, or until submission of a subsequent extension application. Subsequent extension applications may be submitted consistent with the timelines and requirements described in rule 4.52(A).
- (C) If a positive moral character determination expires before an applicant submits an Application for Extension of Determination of Moral Character, the applicant must submit a new, complete Application for Determination of Moral Character with the required fee and fingerprints to obtain a moral character determination.

Rule 4.52 adopted effective September 1, 2008; amended effective September 1, 2019.