



PROVISIONAL LICENSURE PROGRAM FAQs

In response to the challenges facing law students due to the COVID-19 pandemic, the [California Supreme Court on July 16, 2020](#), directed the State Bar of California “to implement, as soon as possible, a temporary supervised provisional licensure program – a limited license to practice specified areas of law under the supervision of a licensed attorney.”

On October 22, 2020, the Court approved New Rule 9.49, implementing the provisional licensure program, **effective November 17, 2020**.

These FAQs reflect provisions in the current rule. The Provisional Licensure Working Group is considering expanding the program; any changes recommended by the working group would need to be approved by the Board of Trustees and submitted to the Supreme Court.

1. What professional services can a provisionally licensed lawyer provide?
 - Under Rule 9.49, a provisionally licensed lawyer would be allowed to provide a broad array of legal services for clients, including appearing before a court, drafting legal documents, contracts or transactional documents, and pleadings, engaging in negotiations and settlement discussions, and providing other legal advice, provided that the work is performed under the supervision of a qualifying supervising lawyer. Unlike other states that adopted provisional licensure programs, the limits on what a provisionally licensed lawyer can do, or what needs to be done under direct versus general supervision, are largely left to the supervising attorney to determine the readiness of the provisionally licensed lawyer.
2. Who can apply for provisional licensure in California under the new rule?
 - Under the new rule, all 2020 law school graduates—meaning anyone who became eligible under Business and Professions Code sections 6060 and 6061 to sit for the California Bar Examination between December 1, 2019, and December 31, 2020, either by graduating from a qualifying law school with a juris doctor (JD) or master of laws (LLM) degree during that time period, or by otherwise meeting the legal education requirements—would be eligible to apply for provisional licensure. They may apply regardless of whether they have taken the California bar exam, as long as they have already submitted a complete [Application for Determination of Moral Character to the State Bar](#) (that has not resulted in an adverse determination of moral character by the State Bar) and otherwise meet the requirements for admission.

3. Do applicants for provisional licensure have to live in California?
 - No. An applicant need not live in California so long as they are employed by or volunteering with, or have a conditional offer of employment or to volunteer with from a legal employer, as defined, with an office in California and are supervised by an eligible California attorney.
4. How soon will applications for a provisional license be available?
 - The new rule is effective November 17, 2020. The State Bar will make applications available then.
5. How much will a provisional license cost?
 - Applicants will pay a fee of \$75, or \$50 if the applicant's fee would be paid by a legal aid organization funded by the Interest on Lawyers' Trust Accounts (IOLTA). There will be no fee for those using provisional license solely in an unpaid capacity under the direction of the supervising lawyer.
6. How do I find a supervising lawyer?
 - The State Bar intends to communicate with California lawyers, bar associations, and affinity bars about this program once the rules are adopted to ensure that the legal community is aware of the opportunities provided by provisionally licensed lawyers.
 - If you plan to pursue a provisional license, you should let prospective employers know that and work with them to identify a potential supervising lawyer.
 - You will need to submit a signed [declaration](#) from your supervising lawyer with your application for provisional licensure. The declaration must confirm that you will be employed by, or volunteer at, the firm or organization of the supervising lawyer. The declaration must be submitted within the [Applicant Portal](#); declarations sent via email and USPS are not automatically associated with the online application and may delay processing. Please ensure that you are submitting as instructed in the Applicant Portal. (Please see questions 14 and 15 for application instructions).
 - A supervising lawyer may meet the requirement for "actively practicing law" by teaching at a California law school.
7. How long will I be able to practice law with a provisional license?
 - The provisional licensure program ends on June 1, 2022, unless extended by the Supreme Court. Upon termination of the program, provisionally licensed lawyers will no longer be able to practice law.
8. What happens if someone who is provisionally licensed takes the bar exam but is unsuccessful?
 - Under the new rule, the program is open to 2020 law graduates who have taken but not yet passed the bar exam, so long as they meet other eligibility requirements specified in the rule. Provisionally licensed lawyers who attempt the bar exam but do not pass it may continue in the provisional licensure program until the program terminates, but they are not required to sit for the

bar. By the end of the program on June 1, 2022, they must have passed an exam to become fully licensed and to continue in the practice of law.

9. What other requirements are imposed by the new rule?

Under the new rule, a provisionally licensed lawyer must, among other requirements:

- Complete the State Bar New Attorney Training program by the conclusion of the first 12 months of provisional licensure, unless they would otherwise be exempt.
- If they have not passed the Multistate Professional Responsibility Examination (MPRE) prior to enrollment in the program take the four hours of legal ethics training included in the 10-hour New Attorney Training within the first month of provisional licensure, or within 30 days of the training first being made available.
- Maintain employment under the supervision of a licensed lawyer.
- Follow the same professional conduct rules as all fully licensed lawyers.
- Clearly disclose to clients and the public that they are a “provisionally licensed lawyer” and not a fully licensed lawyer.

10. What happens under the proposed rule if a provisionally licensed lawyer receives an adverse moral character determination from the State Bar?

- An applicant for provisional licensure who has not already received a positive moral character determination must have submitted a complete Application for Moral Character in order to be eligible for the program. A provisionally licensed lawyer who subsequently receives an adverse moral character determination from the State Bar will be terminated from the program. If they appeal the adverse determination, their provisional license shall be suspended until final resolution of the review or appeal.

11. What happens if a provisionally licensed lawyer is sanctioned by the State Bar for misconduct?

- A provisionally licensed lawyer sanctioned for misconduct would be terminated from the program and referred to moral character.

12. May a provisionally licensed lawyer have multiple supervising lawyers to get a broader range of experience?

- Yes, the rule allows for multiple supervisors. The supervisors may work within the same law firm or at different law firms if you will be employed or volunteer at more than one organization. You must submit a [declaration](#) from each supervising lawyer with your application in the [Applicant Portal](#). (Please see questions 14 and 15 for application instructions.).

13. Is there any relief for applicants who do not meet the requirements of the program?

- The Provisional Licensure Working Group is considering expansions to the program. At its meeting on October 14, 2020, the working group voted to recommend that the program be extended to those who scored 1390 or higher on the July 2015 bar exam or any subsequent exam. The working group is scheduled to meet on November 20 to assess whether, for this cohort who previously scored 1390 or higher, the program should serve as a pathway to full licensure that would not require retaking the bar exam. Recommendations

adopted by the working group to expand the program will be circulated for at least a 15-day public comment period. After consideration by the working group of public comments, a final recommendation will be considered by the State Bar Board of Trustees. Any rule change recommended by the Board will need to be approved by the Supreme Court.

14. How do I apply for the Provisional Licensure Program?

- Applicants will need to apply through the Admissions [Applicant Portal](#).
- Applicants will need to register with the Office of Admissions, either as a student applicant or attorney applicant, prior to applying for the Provisional Licensure Program. If you have previously submitted an application for any of the following, you are already registered with the Office of Admissions:
 - California Bar Exam, First-Year Law Students' Exam, Practical Training of Law Students Program, or Moral Character Evaluation.
- Attorney applicants will need to provide an original Certificate of Good Standing from each jurisdiction in which they are licensed.
- Law school graduates (JD or LLM) will need to provide official, sealed transcripts.

15. What documents are needed for my application?

- Once applicants have registered with the Office of Admissions, the application for the Provisional Licensure Program will be made available.
- The application will be considered complete if the following supporting documents are received:
 - Payment
 - Applicant Declaration
 - [Supervising Attorney Declaration](#). The declaration must be submitted within the [Applicant Portal](#); declarations sent via email and USPS are not automatically associated with the online application and may delay processing. Please ensure that you are submitting as instructed in the Applicant Portal.

UPDATES

11/16/2020

- Updated question #6, #12, and #15

11/9/2020

- Updated/modified question #13

11/5/2020

- Modified questions #6 and #12
- Added question #14 and #15

10/22/2020

- Updated throughout to reflect Court's approval of New Rule 9.49

9/23/2020

- Modified questions #4–10
- Added question #12 and #13