TITLE 3. PROGRAMS AND SERVICES

DIVISION 3. NON-MEMBER ATTORNEYS

CHAPTER 1. MULTIJURISDICTIONAL PRACTICE

ARTICLE 1. REGISTERED LEGAL SERVICES ATTORNEYS

Rule 3.360 Definitions

(A) A "Registered Legal Services Attorney" is an attorney who meets the eligibility requirements of Rule 9.45 of the California Rules of Court ("Rule 9.45") and is registered by the State Bar as a Registered Legal Services Attorney.

(B) "Registered" means that the State Bar has issued a certificate of registration to an attorney it deems eligible to practice law as a Registered Legal Services Attorney.

(C) A "qualifying legal services provider" is an entity or program that meets the requirements of Rule of Court 9.45(a)(1) or that receives a grant from the Legal Services Trust Fund.[1]

Rule 3.361 Application

(A) To apply to register as a Registered Legal Services Attorney, an attorney who meets the eligibility and employment requirements of Rule 9.45 must

(1) submit an Application for Registration[2] as an attorney applicant for admission to the State Bar of California with the fee set forth in the Schedule of Charges and Deadlines;[3]

(2) submit an Application for Registered Legal Services Attorney[4] with the fee set forth in the Schedule of Charges and Deadlines;

(3) meet State Bar requirements for acceptable moral character; and

(4) submit a Declaration of Qualifying Legal Services Provider.

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[1] See Rules 3.670(A), 3.671(A), and 3.680.

[2] See Rule 4.16(B).

[3] See Rule 4.3(B).

[4] See Rule of Court 9.44.

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(B) An application to practice law as a Registered Legal Services Attorney may be denied for failure to comply with eligibility or application requirements or a material misrepresentation of fact.

Rule 3.362 Duties of Registered Legal Services Attorney

An attorney employed as Registered Legal Services Attorney must

(A) annually renew registration as a Registered Legal Services Attorney and submit the fee set forth in the Schedule of Charges and Deadlines;

(B) practice for no more than a total of three years as a Registered Legal Services Attorney;

(C) meet the Minimum Continuing Legal Education (MCLE) requirements set forth in Rule 9.45;

(D) report a change of attorney supervisor in accordance with State Bar requirements;

(E) use the title "Registered Legal Services Attorney" and no other in connection with activities performed as a Registered Legal Services Attorney;

(F) not claim in any way to be a member of the State Bar of California;

(G) maintain with the State Bar an address of record that is the current California office address of the attorney's employer and a current e-mail address;

(H) report to the State Bar within thirty days:

(1) a change in status in any jurisdiction where admitted to practice law and engaged in the practice of law, such as transfer to inactive status, disciplinary action, suspension, resignation, disbarment, or a functional equivalent;

(2) termination of employment with the qualifying legal services provider; or

(3) any information required by the State Bar Act, such as that required by sections 6068(o) and 6086.8(c) of the California Business and Professions Code, or by other legal authority;

(I) submit a new application to register as a Registered Legal Services Attorney before beginning employment with a new qualifying legal services provider; and

(J) otherwise comply with the requirements of Rule 9.45 and these rules.

Rule 3.363 Duties of employer

An employer who meets the requirements of Rule 9.45 for a qualifying legal services provider must

(A) at all times meet the statutory requirements for a legal services project or be the recipient of a grant from the Legal Services Trust Fund;[5]

(B) complete the Application for Approval as Qualifying Legal Services Provider and be approved by the State Bar as a qualifying employer;

(C) before employing a Registered Legal Services Attorney, complete a Declaration of Qualifying Legal Services Provider attesting that it

(1) is a qualifying legal services provider;

(2) agrees to supervise the Registered Legal Services Attorney ("attorney") and otherwise comply with the requirements of Rule 9.45 and these rules;

(3) deems the attorney, on the basis of reasonable inquiry, to be of good moral character;

(4) agrees to notify the State Bar of California, in writing, within thirty days if

(a) the attorney has terminated employment;

(b) the attorney is no longer eligible for employment as required by Rule 9.45 and these rules;

(c) the supervising attorney no longer meets the requirements of these rules;

(d) its status as a qualifying legal services provider has changed; or

(e) it has changed its office address; and

(D) comply with State Bar quality control procedures for qualifying legal services providers.

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[5] Business & Professions Code §§ 6213 and 6214(b)(3)(B).

Rule 3.364 Suspension of Legal Services Attorney registration

(A) Registration as a Legal Services Attorney is suspended

(1) for failure to annually register as a Registered Legal Services Attorney and submit any related fee and penalty set forth in the Schedule of Charges and Deadlines;

(2) for failure to comply with the Minimum Continuing Legal Education requirement of Rule of Court 9.45 and to pay any related fee and penalty set forth in the Schedule of Charges and Deadlines;

(3) upon transfer to inactive status, disciplinary action, suspension, resignation, disbarment, or a functional equivalent in status in any jurisdiction where admitted to practice law;

(4) upon imposition of discipline by a professional or occupational licensing authority; or

(5) for failure to otherwise comply with these rules or with the laws or standards of professional conduct applicable to a member of the State Bar.

(B) An attorney suspended under these rules is not permitted to practice law during the suspension. An attorney suspended for failure to comply with annual registration requirements may be reinstated upon compliance.

(C) A notice of suspension is effective ten days from the date of receipt. Receipt is deemed to be five days from the date of mailing to a California address; ten days from the date of mailing to an address elsewhere in the United States; and twenty days from the date of mailing to an address outside the United States. Alternatively, receipt is when the State Bar delivers a document physically by personal service or otherwise.

(D) Appeal of a suspension is subject to the disciplinary procedures of the State Bar.

Rule 3.365 Termination of Registration

Permission to practice law as a Registered Legal Services Attorney terminates

(A) upon failure to meet the eligibility requirements of Rule 9.45 or these rules;

(B) as required by Rule 9.45 or these rules;

(C) upon admission to the State Bar;

(D) upon repeal of Rule 9.45 or termination of the Registered Legal Services Attorney program; or

(E) upon request.

Rule 3.366 Reinstatement after termination

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

Rule 3.367 Public information

State Bar records for attorneys permitted to practice law as Registered Legal Services Attorneys are public to the same extent as member records.

RULES OF THE STATE BAR OF CALIFORNIA
REGISTERED LEGAL SERVICES ATTORNEY PROGRAM

Rule 1. Purpose

The Board of Governors adopts these rules pursuant to California Rules of Court, rule 9.45(g), to establish and administer the Registered Legal Services Attorney Program. California Rules of Court, rule 9.45, permits an attorney who relocates to California and who is licensed to practice law in one or more jurisdictions of the United States other than California to practice law in California under a registration system without becoming a member of the State Bar of California. A Registered Legal Services Attorney may practice law in California for no more than three years and during that period must do so under the supervision of an attorney employed by a Qualifying Legal Services Provider.

Rule 2. Requirements

To become a Registered Legal Services Attorney, an attorney must comply with the requirements under California Rules of Court, rule 9.45(c) and those under these rules.

Rule 3. Scope of Practice

Under California Rules of Court, rule 9.45 and these rules, a Registered Legal Services Attorney is permitted to provide legal services in California for three years while working exclusively, with or without pay, at a Qualifying Legal Services Provider. At that institution, and only on behalf of its clients, a Registered Legal Services Attorney may engage, under supervision, in all forms of legal practice that are permissible for a member of the State Bar of California. A Registered Legal Services Attorney shall practice law exclusively for a single Qualifying Legal Services Provider, except that if so qualified, an attorney may, while practicing as a Registered Legal Services Attorney, simultaneously practice law as Registered In-House Counsel.

Rule 4. Registration

To apply to practice law as a Registered Legal Services Attorney, the attorney must:

(a) Complete and file an Application for Registration as a Legal Services Attorney in a form provided by the State Bar of California which shall include, but is not limited to the following:

(1) A certificate indicating that the attorney is currently an active member in good standing and eligible to practice law in at least one jurisdiction of the United States.

(2) A declaration signed by the attorney agreeing that he or she will be subject to the disciplinary authority of the Supreme Court of California and the State Bar of California and attesting that he or

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she will not practice law in California other than under supervision at a Qualifying Legal Services Provider during the time he or she practices law as a Registered Legal Services Attorney in California, except that if so qualified, the attorney may, while practicing under this rule, simultaneously practice law as Registered In-House Counsel.

(3) A declaration signed by a qualifying supervisor on behalf of the Qualifying Legal Services Provider in California attesting that: (i) the Qualifying Legal Services Provider meets the requirements specified in California Rules of Court, rule 9.45(a)(1), and will notify the State Bar of California within 30 days of any change in its qualifying status; (ii) the supervisor meets the requirements specified in California Rules of Court, rule 9.45(h); (iii) the attorney will work, with or without pay, as an attorney for the Qualifying Legal Services Provider and will be supervised as specified in California Rules of Court, rule 9.45; (iv) the Qualifying Legal Services Provider and the supervisor assume professional responsibility for any work performed by the attorney under the Registered Legal Services Attorney Program; and (v) the Qualifying Legal Services Provider will notify the State Bar of California within 30 days of cessation of the attorney's employment.

(4) An application for determination of moral character. The moral character review will be conducted by the Committee of Bar Examiners pursuant to the provisions of Rule X of the Rules Regulating Admission to Practice Law in California. The Committee may extend the time specified in Section 2(c) of Rule X for a reasonable time upon written notice to the attorney.

(5) Such other information or documentation requested by the State Bar of California.

(b) Submit payment of the non-refundable application fees.

Rule 5. <u>Qualifying Legal Services Provider</u>

(a) A "Qualifying Legal Services Provider" under California Rules of Court, rule 9.45 is an entity that follows quality-control procedures approved by the State Bar of California that is either:

(1) A nonprofit entity incorporated and operated exclusively in California that as it primary purpose and function provides legal services without charge in civil matters to indigent persons, especially under-served client groups, such as the elderly, persons with disabilities, juveniles, and non-English speaking persons; or

(2) A program operated exclusively in California by a nonprofit law school approved by the American Bar Association or accredited by the State Bar of California that has operated for at least two years at a cost of at least $20,000 per year as an identifiable law school unit with a primary purpose and function of providing legal services without charge to indigent persons.

(b) A "Qualified Legal Services Project" that receives a grant from the Legal Services Trust Fund Program of the State Bar of California pursuant to subdivision (a) of section 6213 of the California Business and Professions Code is deemed a "Qualifying Legal Services Provider" under California Rules of Court, rule 9.45.

(c) An entity not deemed a "Qualifying Legal Services Provider" under this rule must submit an application for approval in a form provided by the State Bar of California.

Rule 6. Address of Record, Service

The office address of the Qualifying Legal Services Provider where the attorney will work shall be the Registered Legal Services Attorney's address of record for State Bar purposes under California Business and Professions Code, section 6002.1. Within 30 days of cessation of employment, the Registered Legal Services Attorney shall provide the State Bar of California with a forwarding address to which any notices or papers may be mailed.

Rule 7. Minimum Continuing Legal Education

A Registered Legal Services Attorney must satisfy in the first 12 months after approval of his or her application the 25 hours of legal education that members of the State Bar of California must complete in a 36-month period. If the date to comply with the legal education requirements of this rule falls between January 1 and June 30, the attorney shall report his or her compliance no later than August 1 of the same year; if the date to comply falls between July 1 and December 31, the attorney shall report his or her compliance no later than February 1 of the following year.

Rule 8. Fees

(a) Application Fees

Application fees must be submitted with an attorney's registration application and are not refundable. The application fees include the following:

(1) A processing fee in an amount approved by the Board of Governors of the State Bar of California.

(2) A moral character determination fee in an amount approved by the Board of Governors of the State Bar of California.

(b) Annual Registration Fee

A Registered Legal Services Attorney shall pay an annual registration fee in an amount equal to the annual membership fee paid by active members of the State Bar of California. Payment of the annual registration fee shall be due on the same date that the annual membership fee is due for members of the State Bar of California. The annual registration fee of a Registered Legal Services Attorney may be scaled pursuant to California Business and Professions Code, section 6141.1(b) and the Rules and Regulations of the State Bar of California that govern fee scaling.

Rule 9. Denial of Application

The attorney's application may be denied for any of the following reasons:

(a) The attorney fails to submit the registration materials as required by Rule 4(a) of these rules.

(b) The attorney fails to timely pay the application fees as required by Rule 4(b) of these rules.

(c) The attorney fails to meet the eligibility requirements as set forth in California Rules of Court, rule 9.45(c).

(d) The Qualifying Legal Services Provider fails meet the eligibility requirements as set forth California Rules of Court, rule 9.45(a)(1).

(e) The attorney makes a false representation or misstatement of material fact in his or her application.

(f) The attorney has taken and failed the California Bar Examination within five years immediately preceding his or her initial application to register as a Registered Legal Services Attorney.

(g) The attorney has been suspended or disbarred or resigned with charges pending with any professional or occupational disciplinary agency or licensing board, whether in California or elsewhere.

Rule 10. Discipline

The California Rules of Professional Conduct are binding upon all Registered Legal Services Attorneys. Any violation of the Rules of Professional Conduct may subject a Registered Legal Services Attorney to disciplinary action in accordance with the applicable provisions of the Rules of Procedure of the State Bar of California.

Rule 11. Revocation

(a) Upon reasonable notice, a Registered Legal Services Attorney's registration and authority to practice in California under California Rule of Court, rule 9.45 shall be revoked for any of the following reasons:

(1) Failure to pay the annual registration fee.

(2) Failure to comply with the Minimum Continuing Legal Education requirements specified in Rule 7 of these rules.

(3) Failure to maintain active status in at least one jurisdiction of the United States in which he or she is admitted to practice law.

(4) Receipt of a final adverse moral character determination from the Committee of Bar Examiners.

(5) Failure to report to the State Bar of California as required by Rule 12 of these rules.

(6) Expiration of the three-year durational period in the Registered Legal Services Attorney Program.

(b) When a Registered Legal Services Attorney's registration has been revoked under subsection (a) above, the attorney will not be permitted to petition the State Bar of California for reinstatement.

(c) A Registered Legal Services Attorney ceasing to be employed with a Qualifying Legal Services Provider shall have his or her registration in the Registered Legal Services Attorney Program revoked; however, the attorney may re-register in the Program with a new Qualifying Legal Services Provider for the remainder of his or her three-year durational period.

Rule 12. Reporting

(a) A Registered Legal Services Attorney shall notify the State Bar of California, in writing, within 30 days of any of the following:

(1) Change of address.

(2) Change in status in any jurisdiction where the attorney is admitted to practice law, including, but not limited to, notification of transfer to inactive status, disciplinary action, suspension, resignation, disbarment or its functional equivalent.

(3) Change of qualifying supervisor. The Registered Legal Services Attorney must submit a declaration from the new supervising attorney as provided in Rule 4(a)(3) of these rules.

(4) Change in employment. A Registered Legal Services Attorney must report if his or her employment with a Qualified Legal Services Provider has been terminated. An attorney who has obtained employment with a new Qualified Legal Services Provider must submit a new registration application, in a form provided by the State Bar of California.

(5) Reporting requirements imposed upon members of the State Bar of California under the State Bar Act, including, but not limited to, those required under California Business and Professions Code, sections 6068(o) and 6086.8(c).

(b) A Qualifying Legal Services Provider shall notify the State Bar of California, in writing, within 30 days of any of the following:

(1) Cessation of employment of a Registered Legal Services Attorney.

(2) Change in qualifying status as a Qualifying Legal Services Provider under California Rules of Court, rule 9.45(a)(1).

Rule 13. Renewal

On an annual basis, a Registered Legal Services Attorney shall submit a renewal application, in a form provided by the State Bar of California, which shall include, but is not limited to the following:

(a) Payment of the annual registration fee.

(b) A certificate indicating that the attorney is currently an active member in good standing and eligible to practice law in at least one jurisdiction of the United States.

(c) Such other information or documentation requested by the State Bar of California.

Rule 14. Use of Title "Registered Legal Services Attorney"

An attorney duly registered under these rules shall be known as a "Registered Legal Services Attorney" and shall use this title, and no other title, in connection with activities performed pursuant to California Rules of Court, rule 9.45.

A Registered Legal Services Attorney shall not, in any way, hold himself or herself out as being a member of the State Bar of California.

Rule 15. Public Records

Information about a Registered Legal Services Attorney shall be public to the same extent that information about a member of the State Bar of California is public.