

**PROPOSED AMENDMENTS TO THE
RULES REGULATING ADMISSION TO PRACTICE LAW IN CALIFORNIA**

RULE V. Registration

Section 1. All applicants seeking admission to practice law must register with the Committee prior to filing any applications, petitions, requests for waivers from these rules or before any services can be provided.

Section 2. General Applicants.

- (a) Every general applicant for admission to practice law in California shall register with the Committee not later than 90 days after he or she begins the study of law and shall pay the required fee. Every general applicant who registers later than 90 days after beginning the study of law shall pay a late fee in addition to the regular registration fee.
- (b) Registration required by this Section shall consist of the filing of a form that may inquire into the applicant's age, addresses, general education and legal education. The registration form must be completed under penalty of perjury.

Section 3. Attorney Applicants.

- (a) Every attorney applicant for admission to practice law in California shall register with the Committee prior to filing his or her initial Application to Take the California Bar Examination and pay the required fee.
- (b) Registration as required by this Section shall consist of the filing of a form that may inquire into the attorney's age, addresses, general education, legal education, the active practice of law and admission to practice in other jurisdictions. The form must be completed under penalty of perjury.

Section 4. Registration Abandonment

- (a) Registrations that haven't met all requirements for acceptance within 60 days of receipt will be abandoned. A registration will be deemed accepted when the requisite fees, signature, and all required documentation verifying eligibility has been provided.
- (b) No refund of fees will be paid in the event a registration is abandoned.

RULE VI. Applications

Section 1. Applications shall consist of:

- (a) An Application for Determination of Moral Character:
- (b) An Application for Extension of Determination of Moral Character;

- (c) An Application to Take the California Bar Examination; and
- (d) An Application to Take the First-Year Law Students' Examination.

Section 2. Application for Determination of Moral Character.

- (a) An Application for Determination of Moral Character may be filed by a general or an attorney applicant at any time subsequent to his or her registration with the Committee. The application shall be accompanied by two sets of fingerprints and the fee specified in the schedule of fees published by the Committee.
- (b) An attorney who has been admitted to practice law in any sister state or in any jurisdiction, territory, dependency or possession that the United States now holds or hereafter acquires or who has been admitted to practice in any foreign jurisdiction, but who is not in good standing in any such state, jurisdiction, territory, dependency or possession because of having been suspended or disbarred from practice as a result of a dependency of a disciplinary proceeding may not file an Application for Determination of Moral Character while so suspended or disbarred.
- (c) Application Abandonment
 - (1) Moral character applications not complete and in filed status within 60 days of receipt will be abandoned.
 - (2) Once the moral character application is in filed status and the applicant receives notice to provide information but does not provide such information within 90 days of the request, the application will be abandoned.
 - (3) No refund of fees will be paid in the event an application is abandoned.

Section 3. Application for Extension of Determination of Moral Character.

- (a) An Application for Extension of Determination must be filed by an applicant no sooner than every 18 months and no later than every 24 months after an initial determination of good moral character has been made by the Committee until such time the applicant is certified to practice law in California. The application shall be accompanied by the fee specified in the schedule of fees published by the Committee and by not more than two sets of fingerprints as may be specified by the Committee.
- (b) Moral character applications not complete and in filed status within 60 days of receipt will be abandoned.
- (c) Once the moral character application is in filed status and the applicant receives notice to provide information but does not provide such information within 90 days of the request, the application will be abandoned.
- (d) No refund of fees will be paid in the event an application is abandoned.

Section 4. Application to Take the California Bar Examination.

(a) July Examination

- (1) An application to take the July administration of the California Bar Examination accompanied by the fee specified in the schedule of fees published by the Committee may be filed no earlier than six months before the administration of the examination and shall be filed no later than the first business day of April. The foregoing notwithstanding, the Committee shall provide a separate and distinct schedule for those applicants who took and failed the immediately preceding examination, which schedule shall provide for a timely filing period of at least ten business days from the date of notification to the applicants that they were unsuccessful.
- (2) An application to take the July administration of the California Bar Examination filed between the first business and last business day of April shall be accepted if it is accompanied by the timely filing fee and by the additional late filing fee specified in the schedule of fees published by the Committee.
- (3) An application to take the July administration of the California Bar Examination filed between the last business day of April and June 15 shall be accepted if accompanied by the timely filing fee and the additional late filing fee specified in the schedule of fees published by the Committee.
- (4) An application to take the July administration of the California Bar Examination filed after June 15 shall not be accepted.

(b) February Examination

- (1) An application to take the February administration of the California Bar Examination accompanied by the fee specified in the schedule of fees published by the Committee may be filed no earlier than six months before the administration of the examination and shall be filed no later than the first business day of November. The foregoing notwithstanding, the Committee shall provide a separate and distinct schedule for those applicants who took and failed the immediately preceding examination, which schedule shall provide for a timely filing period of at least ten business days from the date of notification to the applicants that they were unsuccessful.
- (2) An application to take the July administration of the California Bar Examination filed between the first business and last business day of November shall be accepted if it is accompanied by the timely filing fee and by the additional late filing fee specified in the schedule of fees published by the Committee.
- (3) An application to take the July administration of the California Bar Examination filed between the last business day of November and January 15 shall be accepted if accompanied by the timely filing fee and the additional late filing fee specified in the schedule of fees published by the Committee.
- (4) An application to take the July administration of the California Bar

Examination filed after January 15 shall not be accepted.

(c) Final Filing Deadline

- (1) The final filing deadline for the February California Bar Examination is January 15.
- (2) The final filing deadline for the July California Bar Examination is June 15.
- (3) Applications not complete and in filed status by the final filing deadline will be abandoned. Examples of the reasons an application may not be complete and in filed status are: (1) application was not signed, (2) application declaration not received, (3) application fees not received or incomplete, and (4) others.
- (4) Applications not complete and in filed status, for any reason, after the final filing deadline, will be abandoned.

(d) Final Eligibility Deadline

- (1) The final eligibility deadline is ten business days prior to the scheduled first day of the administration of the examination.
- (2) The applicant shall have until the final eligibility deadline to provide documentation to verify eligibility for the examination.

(e) Application Abandonment

- (1) California Bar Examination applications not complete and in filed status by the final filing deadline will be abandoned.
- (2) California Bar Examination applications in filed status whose eligibility can not be determined by the final eligibility deadline, will be abandoned.
- (3) Once the application is in filed status and the applicant receives notice to provide eligibility information but does not provide such information by the final eligibility deadline, the application will be abandoned.
- (4) No refund of fees will be paid in the event an application is abandoned.

Section 5. Application to Take the First-Year Law Students' Examination.

(a) June Examination

An application to take the June administration of the First-Year Law Students' Examination accompanied by the fee specified in the schedule of fees published by the Committee may be filed no sooner than January 1 of that year and shall be filed no later than the first business day of ~~May~~ April of that year. An application filed after the first business day of ~~May~~ April accompanied by the timely filing fee and by the additional late filing fee specified in the schedule of fees published by the

Committee shall be accepted for filing if it is **received** in any Committee office by the close of business no later than ~~the first business day of June of that year~~ May 15. An application to take the June administration of the First-Year Law Students' Examination received after ~~the first business day of June~~ May 15 shall not be accepted.

(b) **October Examination**

An application to take the October administration of the First-Year Law Students' Examination accompanied by the fee specified in the schedule of fees published by the Committee may be filed no sooner than ~~April~~ May 1 of that year and shall be filed no later than the first business day of August of that year. An application filed after the first business day of August accompanied by the timely filing fee and by the additional late filing fee specified in the schedule of fees published by the Committee shall be accepted for filing if it is **received** in any Committee office by the close of business no later than ~~the first business day of September of that year~~ September 15. An application to take the October administration of the First-Year Law Students' Examination received after ~~the first business day of September~~ September 15 shall not be accepted.

(c) **Application Deadlines for Repeating Applicants**

The Committee shall provide a separate and distinct filing deadline schedule for filing applications to take the October administration of the examination for those applicants who took and failed the immediately preceding June administration of the examination, which schedule shall provide for a timely filing period of at least ten business days from the date of notification of the applicants that they were unsuccessful.

(d) **Final Filing Deadline**

(1) The final filing deadline for the June First-Year Law Students' Examination is May 15.

(2) The final filing deadline for the October First-Year Law Students' Examination is September 15.

(3) Applications not complete and in filed status by the final filing deadline will be abandoned. Examples of the reasons an application may not be complete and in filed status are (1) application was not signed, (2) application declaration not received, (3) application fees not received or incomplete, and (4) others.

(4) Applications not complete and in filed status, for any reason, after the final completion deadline, will be abandoned.

(e) **Final Eligibility Deadline**

(1) The final eligibility deadline is ten business days prior to the scheduled first day of the administration of the examination.

(2) The applicant shall have until the final eligibility deadline to provide documentation to verify eligibility for the examination.

(f) Application Abandonment

(1) First-Year Law Students' Examination applications not complete and in filed status by the final filing deadline will be abandoned.

(2) First-Year Law Students' Examination applications in filed status whose eligibility can not be determined by the final eligibility deadline, will be abandoned.

(3) Once the application is in filed status and the applicant receives notice to provide information but does not provide such information by the final eligibility deadline, the application will be abandoned.

(4) No refund of fees will be paid in the event an application is abandoned.

Section 6. Application Forms.

(a) Applications shall be made under oath and on forms provided by the Committee, which may include electronic versions. Applications will be considered filed only when they are accompanied by the required fees and when they are received in fully completed form. Applications that are incomplete ~~will be returned for completion and~~ will be considered as filed only when they have been received by the Committee accompanied by the application ~~return~~ completion fee specified in the schedule of fees published by the Committee.

(b) Fingerprints furnished with applications shall be used to establish the identities of applicants and to determine whether applicants have criminal records in California or elsewhere. The information obtained as a result of fingerprinting of the applicant is confidential and shall be limited to the official use of the Committee and, as required by law, by The State Bar of California. Fingerprint records of those who do not receive a positive determination of moral character shall be destroyed one year after the date of the determination.

(c) Ethnic survey and identification materials furnished with applications to take the California Bar Examination shall be separated from the applications during the initial stages of application processing and may not be associated with applicants, applicants' files or applicants' examination answers during the grading of those answers: Except, in those instances where there arises a substantive doubt about the identity of a person taking the examination, the Committee may order such identification materials be re-established with the file only to verify the identity of the person taking the examination.

Section 7. Application Updating. Until they have been admitted to practice law in California, applicants are under a continuing obligation to keep their applications current and must update responses whenever there is an addition of a change to information previously furnished the Committee. Such updates are to be submitted to the Committee no more than thirty (30) days after the addition or change. ~~Applicants shall annually file during the month of their birth a statement made under penalty of perjury that there have been no changes to the information provided in their~~

~~previously filed applications or if there have been changes, the nature of the changes. The annual filing shall not be required of an applicant until at least twelve (12) months have elapsed since the filing of his or her Application for Determination of Moral Character.~~

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RULE VIII. Examinations

Section 1. First-Year Law Students' Examination

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- (c) The First-Year Law Students' Examination shall be conducted twice each year, once in the month of June on such date as the Committee may select and once in the month of October ~~or November~~ on such date as the Committee may select. The examination shall be administered simultaneously in the San Francisco Bay Area and the Los Angeles Area and may be conducted in such additional locations as the Committee may select. The examination shall consist of such questions as the Committee may select on the subjects of contracts, torts and criminal law. The Committee in its sound discretion shall determine the passing grade.

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RULE X. Moral Character

Section 2. Application and Application Processing.

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- (c) The Committee shall notify the applicant within one hundred and eighty (180) days after the filing of a Moral Character Application that he or she has been found to be of good moral character or that such a determination cannot then be made because:
- (1) information requested from the applicant has not been received; or
 - (2) information requested from governmental agencies has not been received; or
 - (3) Information requested from additional sources has not been received; or
 - (4) further inquiry and analysis is necessary.
- (d) An applicant who receives notice pursuant to subsection (c) above shall have ninety (90) days to provide the information requested by the Committee as specified in subsection (c)(1) above. Failure to timely provide such information shall constitute an abandonment of the Moral Character Application and termination of the moral character determination process. Thereafter, if the applicant wishes to proceed with the moral character determination process he or she shall be required to file a new Moral Character Application accompanied by the fee specified in the schedule of fees published by the Committee.
- (e) The applicant shall be given a status report on the processing of his or her application ~~at least every~~ between sixty (60) and ninety (90) days after notification to the applicant as specified in subsection (c) above that the moral character determination could not

then be made.

- (f) Such further inquiry and analysis that is required shall be conducted and a written report shall be considered by the Committee within sixty (60) days after notification to the applicant as specified in subsection (c) above that the moral character determination could not then be made the Committee receives the information referenced in subsection (c) above. The Committee may determine either:
- (1) that the applicant is of good moral character; or
 - (2) that the applicant has not met the burden of establishing good moral character; or
 - (3) that the application be referred for further inquiry and analysis; or
 - (4) that the applicant be invited to confer informally with the Subcommittee on Moral Character (“Subcommittee”); or
 - (5) that the applicant and the Committee enter into an Agreement of Abeyance according to the provisions of Section 4, below.

The Applicant shall be notified of the Committee’s determination.

Section 3. Informal Conferences.

- (a) An applicant may request to confer informally with the Subcommittee only after a determination from the Committee that the applicant has not met the burden of establishing good moral character and only if an applicant has not been previously invited to attend a conference informal conference previously had not been held. The request to confer must be in writing and received in the Committee’s San Francisco office within thirty (30) days of the date of notification of the adverse determination. Upon receipt of

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RULE XII. Examination Administration Rules and Policies; Violations of Examination Administration Rules and Policies

Section 1. Examination Administration Rules and Policies.

Applicants are expected at all times to maintain a professional attitude towards other applicants, staff, proctors and other examination personnel. Conduct that results in a violation of security or disrupts the administration of the examination, which includes but is not limited to, carrying unauthorized items into the examination room, writing or typing after time has been called, looking at another applicants papers, talking while the examination is in session, being abusive to other applicants, staff, proctors and other examination personnel may result in notice to the Committee of a violation of examination rules or, in extreme cases, dismissal from the examination test center.

Section 42. Unintentional Violations.

In those instances where an examination applicant is deemed to have inadvertently or unintentionally violated Committee examination rules, the applicant may be reasonably sanctioned; ~~including having points deducted from an applicant’s total scale score on the examination.~~ Sanctions may be imposed only after notice to the applicant. The record of sanction imposed for

inadvertent or unintentional violations may be maintained by the Committee for statistical purposes, but the record shall not be construed as adversely reflecting on the applicant's moral character. An applicant who has been notified that sanctions will be imposed on him or her may request that imposition of sanctions be reconsidered, and for good cause shown, the Committee or a designated subcommittee may remove the sanctions.

Section 23. Intentional Violations.

- (a) ~~An applicant who is suspected has been found to have intentionally violated examination rules shall receive a total examination score of zero and any answers submitted by the applicant which may have been assigned scores prior to the finding of an intentional violation shall be voided. In addition, the record of the proceeding leading to the finding shall be included in the applicant's file for consideration when determining whether the applicant is of good moral character.~~
- ~~(b)~~ In those instances where an examination applicant is suspected of having intentionally violated Committee examination rules, the Committee shall ~~conduct~~ complete an inquiry within forty-five (45) days of ~~receipt of information regarding an alleged violation~~ its first meeting subsequent to the examination during which the violation is suspected to have occurred. If from that inquiry it appears that an intentional violation did occur, the Committee shall within thirty (30) days of conclusion of the inquiry, notify the applicant of the results of its inquiry and shall inform the applicant that it proposes to give the applicant a total score of zero for the examination, that it proposes to include the record of its inquiry in the applicant's file for consideration when determining whether the applicant is of good moral character and that the applicant may request a hearing to challenge the Committee's determination that an intentional violation did occur. Notification shall be sent to the applicant by United States mail, postage prepaid, at the address set forth on the applicant's examination application. The notification shall be deemed to have been received by the applicant five (5) days after deposit in the mails if the applicant's address is within the State of California or within ten (10) days after deposit in the mails if the applicant's address is outside the State of California but within the United States or twenty (20) days after deposit in the mails if the applicant's address is outside the United States.
- ~~(e)~~ (b) An applicant who wishes a hearing on whether an intentional violation did occur shall file a written request with the Committee at the State Bar's Office of Admissions in San Francisco within thirty (30) days of the notification specified in subsection (b), above; provided, however, the Committee may for good cause shown by clear and convincing evidence extend the time within which a request for hearing may be filed if such request for extension is received by the committee within ~~ninety (90)~~ thirty (30) days of the Committee's notification of its determination that an intentional violation did occur. An applicant who fails to make a timely request for a hearing shall be deemed to have consented to the Committee's intended action, which shall then be implemented.
- ~~(d)~~ (c) The Committee shall schedule a hearing within ninety (90) days of receipt of the timely request or within ninety (90) days of permitting a late request to be filed and shall promptly notify the applicant of the hearing date and location. The hearing shall be conducted by a panel of three members of the Committee selected by the Chair, one of whom shall be designated as panel chair. The Committee shall have the burden of establishing by clear and convincing evidence that an intentional violation of Committee examination rules did occur. The applicant and the Committee may be represented by counsel.
- ~~(e)~~ (d) Within forty-five (45) days following conclusion of the hearing, the hearing panel shall render its findings and decision. That decision shall be promptly served on the applicant and counsel present at the hearing. In response to the decision of the hearing panel, the

applicant may file a request for review in accordance with the provisions of Section 5, Rule I of these rules. If a request for review of the matter by the Committee is not filed within ten (10) days from service of the decision, the decision will become the decision of the Committee.

- (f)(e) Following adoption of the hearing panel decision by the Committee and if an intentional violation is found to have occurred, the applicant shall be given a total score of zero for the examination and any answers submitted by the applicant which may have been assigned scores prior to the finding of an intentional violation shall be voided. In addition, the record of the committee's inquiry and the results of any hearing held shall be included in the applicant's file for consideration when determining whether the applicant is of good moral character. If an intentional violation has not been found, the scores originally assigned to the applicant's answers will be released to the applicant and a record of the inquiry will not be included in the applicant's moral character determination file.

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RULE XIV Statistics

Section 1. The Committee shall publish statistics from time to time, which shall contain such tabulations and information (not including the names of applicants for admission) as in the judgment of the Committee shall be proper, in reference to examinations administered by the Committee, applicants and applications, and the results of applications. In the event a law school ceases operation and its students continue to take the bar examination, applicants allocated to such schools will be reclassified to another general category.

Section 2. Such statistics, with respect to the California Bar Examination, shall disclose the names of schools in which applicants for admission received their instruction in law, applicants being allocated as follows:

- (a) General Applicants shall be allocated to the school from which they graduated;
- (b) If an applicant qualifies to take the California Bar Examination through an accumulation of law study credit over the course of four years as determined by the Committee, the applicant ~~An applicant who has not graduated from any law school~~ shall be allocated to a "Four Year Study Program" classification as described in Section 3, Rule VII of these Rules;
- (c) A foreign-educated applicant who qualifies to take the General Bar Examination by completing an additional year of study at a law school approved by the American Bar Association or accredited by the Committee shall be allocated separately. ~~Applicants who do not fall within either of the above classifications shall be allocated to law office study or "unclassified;"~~
- (d) Attorney Applicants taking the General Bar Examination shall be allocated as having taken that examination rather than to the law schools from which they graduated and will be reported as admitted in either the United States or foreign country. ~~An applicant shall not be allocated to a law school if he or she takes his or her first General Bar Examination more than one year after graduation from such school; and,~~
- (e) Attorney Applicants taking the Attorneys' Examination shall be allocated as having taking that examination rather than to the law schools from which they graduated.

Section 3. Such statistics, with respect to the First-Year Law Students' Examination, shall disclose at least the following:

- (a) Names and categories of schools in which the applicants received the most recent instruction of law qualifying them to take the examination;
- (b) The numbers of applicants academically dismissed from a school and numbers of applicants designated as special students; and,
- (c) Percent passing for first time takers and all takers. Applicants who do not fall within any of the specified categories shall be classified as Law Office Study or "unclassified."