



## PROCEDURES GOVERNING INFORMAL CONFERENCES

### INTRODUCTION

Pursuant to the provisions of Title 4, Division 1, Chapter 4, of the *Rules of the State Bar of California (Admissions Rules)*, an applicant who has submitted an Application for Determination of Moral Character may be invited to participate in an informal conference to discuss issues in the applicant's background that call into question whether the applicant possesses the good moral character required for admission to practice law in California. (Bus. & Prof. Code, § 6060(b).) The following procedures shall govern informal conferences.

### INFORMAL CONFERENCE PROCEDURES

- A. The decision to invite an applicant to participate in an informal conference will be made by the Program Manager, Moral Character Determinations (Program Manager) or their designee.
- B. An informal conference will not be scheduled sooner than 14 days after an invitation has been issued unless the applicant agrees in writing to an earlier conference. The applicant must confirm in writing if they accept the invitation within seven days of issuance of the invitation. The invitation will specify a date by which the invitation will be deemed to have been declined if no response has been received. If an applicant declines the invitation or fails to timely respond, the conference will be removed from the schedule and the time slot will no longer be available to the applicant. A failure to timely respond will be treated as a request for postponement of an informal conference.
- C. The applicant is not required to accept the invitation to confer, and neither staff nor the Committee of Bar Examiners will draw any inference from the applicant's decision not to confer.
- D. The primary issues to be discussed during the informal conference will be set forth in the invitation to confer, but the discussion may extend to whether, generally, the applicant is of good moral character as required by Section 6060 of the California Business and Professions Code and rule 4.4 of the *Admissions Rules*.
- E. The conference will be audio or video recorded, and the applicant will be provided with a recording of the conference if they make a written request within 90 days of the conference.
- F. Generally, an applicant invited to participate in an informal conference will participate remotely. An applicant may request to attend the conference in person, with at least one member of the panel in attendance in person, at a date scheduled by the State Bar.

- G. Staff members allowed to participate at the conference will include the Program Manager, the Moral Character Determinations unit's attorney, supervisors assigned to the Moral Character Determinations unit, and the investigator assigned to the specific matter to be discussed. Unit supervisors or the Program Director of Operations for the Office of Admissions may act in the place of the Program Manager if the Program Manager is unavailable. Investigator participation will be limited to Investigator IIs and IIIs. Normally, two staff members will be named to lead the discussion. Generally, no more than four staff members will be designated to represent the State Bar at the conference. The Moral Character Determinations unit's attorney will attend every informal conference. In the event that the Moral Character Determinations unit's attorney is unavailable to attend an informal conference which cannot be rescheduled, other State Bar counsel may attend with the approval of the Program Director of Operations for the Office of Admissions or their designee.
- H. Conferences are confidential and attendance will be limited to the applicant and their counsel, staff members of the Moral Character Determinations unit designated to participate, State Bar counsel, and attorneys from the Office of Chief Trial Counsel.
- I. The applicant will have the opportunity to present information for consideration. An applicant may attend without counsel. Applicant's counsel is permitted to attend as a matter of courtesy; however, counsel is not permitted to participate in the conference. Where counsel fails to abide by this policy, staff may take steps including, but not limited to, requiring counsel to leave or suspending the conference. An applicant may request to confer off the record with their counsel. No person other than applicant's counsel may be present with the applicant at an informal conference.
- J. Conferences will be scheduled for approximately 45 minutes.
- K. After having been advised of the scheduled date for the informal conference, an applicant may, upon written request, elect to postpone the informal conference, and it will be rescheduled at the earliest date possible as determined by the Program Manager or their designee. An applicant may request no more than two postponements.
- L. A request for postponement of an informal conference must be received at least five days before the scheduled conference. A request for postponement that is received fewer than five days before the scheduled conference must be supported by a showing of good cause or staff may make the moral character determination on the application, supporting materials provided, and information gathered during the investigative process.
- M. A notice of denial of a positive moral character determination and a proof of service will be sent to the applicant by email.

Approved by the Committee of Bar Examiners on August 18, 2023