

### TITLE 3. PROGRAMS AND SERVICES

Adopted July 2007

### DIVISION 3. NON-LICENSEE ATTORNEYS

#### Chapter 1. Multijurisdictional Practice

#### Article 2. Registered Legal Aid Attorneys

##### Rule 3.360 Definitions

- (A) A “Registered Legal Aid 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 Aid 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 Aid Attorney.
- (C) An “eligible legal aid organization” is an entity or law school that meets the requirements of Rule of Court 9.45(a)(1).

*Rule 3.360 adopted effective July 1, 2010; amended effective March 1, 2019.*

##### Rule 3.361 Application

- (A) To apply to register as a Registered Legal Aid Attorney, an attorney who meets the eligibility and employment requirements of Rule 9.45 must
  - (1) submit an Application for Registration<sup>1</sup> as an attorney applicant for admission to the State Bar of California with the fee set forth in the Schedule of Charges and Deadlines;<sup>2</sup>
  - (2) submit an Application for Registered Legal Aid Attorney<sup>3</sup> 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 signed by the attorney from the eligible legal aid organization who will be providing the required supervision.

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<sup>1</sup> See Rule 4.16(B).

<sup>2</sup> See Rule 4.3(B).

<sup>3</sup> See Rule of Court 9.44.

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

*Rule 3.361 adopted effective July 1, 2010; amended effective March 1, 2019.*

#### Rule 3.362 Duties of Registered Legal Aid Attorney

An attorney employed as Registered Legal Aid Attorney must

- (A) annually renew registration as a Registered Legal Aid Attorney and submit the fee set forth in the Schedule of Charges and Deadlines;
- (B) practice for no more than a total of five years as a Registered Legal Aid 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 Aid Attorney” and no other in connection with activities performed as a Registered Legal Aid Attorney;
- (F) not claim in any way to be a licensed attorney 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 eligible legal aid organization; 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 Aid Attorney before beginning employment with a new eligible legal aid organization; and
- (J) otherwise comply with the requirements of Rule 9.45 and these rules.

*Rule 3.362 adopted effective July 1, 2010; amended effective March 1, 2019.*

### Rule 3.363 Duties of employer

An employer who meets the requirements of Rule 9.45 for an eligible legal aid organization must

- (A) complete the Application for Approval as Eligible Legal Aid Organization and be approved by the State Bar as an eligible employer;
- (B) complete a Declaration signed by the supervising attorney of the Eligible Legal Aid Organization before employing a Registered Legal Aid Attorney, attesting that it
  - (1) is an eligible legal aid organization;
  - (2) agrees to supervise the Registered Legal Aid 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 an eligible legal aid organization has changed; or
    - (e) it has changed its office address.

*Rule 3.363 adopted effective July 1, 2010; amended effective March 1, 2019.*

### Rule 3.364 Suspension of a Registered Legal Aid Attorney registration

- (A) Registration as a Legal Aid Attorney is suspended
  - (1) for failure to annually register as a Registered Legal Aid 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 9.45 and to pay any related fee and penalty set forth in the Schedule of Charges and Deadlines;
  - (3) upon voluntary transfer to inactive status, or the functional equivalent in any jurisdiction where admitted to practice law;
  - (4) for failure to comply the laws or standards of professional conduct applicable to a licensee of the State Bar; or
  - (5) for failure to meet the eligibility requirements of Rule 9.45(c)(3), (4), (5), (6), and (7).
- (B) An attorney suspended under these rules is not permitted to practice law during the suspension.
- (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 3.364 adopted effective July 1, 2010; amended effective March 1, 2019.*

#### Rule 3.365 Termination of Registration

Permission to practice law as a Registered Legal Services Attorney terminates

- (A) Registration as a Legal Aid Attorney terminates
- (1) for failure to meet the eligibility requirements of Rule 9.45(c)(1) or Rule 9.45(c)(2);
  - (2) upon imposition of discipline for misconduct by a professional or occupational licensing authority;
  - (3) upon admission to the State Bar;
  - (4) upon repeal of Rule 9.45 or termination of the Registered Legal Aid Attorney program; or
  - (5) upon request.

- (B) An attorney whose registration has been terminated under these rules is not permitted to practice law in California and must submit a new application and comply with Rules of Court, rule 9.9.5 governing attorney fingerprinting to register as a Legal Aid Attorney in order to practice law in California.
- (C) A notice of termination 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 termination is subject to the disciplinary procedures of the State Bar.

*Rule 3.365 adopted effective July 1, 2010; amended effective March 1, 2019.*

#### Rule 3.366 Reinstatement after termination

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

*Rule 3.366 adopted effective July 1, 2010; amended effective March 1, 2019.*

#### Rule 3.367 Public information

State Bar records for attorneys permitted to practice law as Registered Legal Aid Attorneys are public to the same extent as records of licensed attorneys.

*Rule 3.367 adopted effective July 1, 2010; amended effective March 1, 2019.*