



THE STATE BAR OF CALIFORNIA

OFFICE OF ADMISSIONS
Gayle E. Murphy, *Senior Executive*

MEMORANDUM

DATE: February 19, 2008

TO: Board Committee on Regulation, Admissions and Discipline Oversight

FROM: Gayle Murphy, Senior Executive, Admissions

SUBJECT: **PROPOSED AMENDMENTS TO RULES REGULATING ADMISSION TO PRACTICE LAW IN CALIFORNIA, UPDATING REQUIREMENTS AND CONFORMING THE LANGUAGE TO THE NEW STATE BAR RULES STANDARDS – REQUEST FOR RELEASE FOR PUBLIC COMMENT**

Executive Summary

As part of The State Bar of California's ongoing effort to update its rules and conform the language to its new rules standards, a revised version of the *Rules Regulating Admission to Practice Law in California* has been drafted. The proposed new rules, which are now titled "Division 1. Admission to Practice Law", if ultimately adopted by the Committee of Bar Examiners (Committee) and approved by the Board of Governors, would become the first set of rules under "Title 4. Admissions and Educational Standards." There are only a few substantive changes in the new version of the rules. The date for the filing of documents with the Committee has been deemed the date documents are received, rather than a postmark date, and the time period for a positive moral character determination has been lengthened from two years to three. Otherwise, the changes that have been made are not intended to change how the business of determining pre-legal and legal education eligibility, applying for and administering examinations, and processing moral character applications and testing accommodations petitions is conducted by the Committee or the Office of Admissions. The Committee approved the proposed revised version of the new rules in principle, subject to a public comment period and final adoption and approval by the Board of Governors, and seeks the Board Committee's approval to circulate the proposed revised version for a public comment period.

Subject/Issue

Whether the proposed "Division 1. Admission to Practice Law" rules, which would replace the *Rules Regulating Admission to Practice Law in California*, should be circulated for a public comment period.

Background/Summary of Proposal

The State Bar of California has initiated a Bar-wide review and revision of all its rules to conform them to certain standards and translate them into "plain English." With the assistance of Victor Rowley, who is assigned the primary responsibility for this project, and in consultation with Admissions and General Counsel staff with expertise in the general admission requirements, the format and language of the current *Rules Regulating Admission to Practice Law in California* have been re-written and are now titled "Division 1. Admission to Practice Law." Except for a few modifications, the substance of the admissions rules has not changed. It should be noted that the Business and Professions Code, in particular Sections 6060 and 6062, regulate the basic admission requirements and the admissions rules further define the statutory requirements. The current admission rules may be accessed through the Admissions' portion of the State Bar of California's Web site, and the proposed new version of the rules is attached as "Attachment A." The proposed new version of the admission rules recently were approved in principle by the Committee of Bar Examiners for the purpose of circulating them for public comment, with the Board Committee's consent.

Length of Public Comment Period

In accordance with the current proposed revision of the Board of Governors' policies, these proposed rules should be circulated for a 45-day public comment period. Alternatively, if the proposed revision of its public comment policy is not approved by the Board, for a 90-day public comment period.

Effective Date of Proposal

The new version of the admission rules, if ultimately approved by the Board, would become effective January 1, 2009.

Fiscal and Personnel Impact

Minor; fewer moral character determination extension applications would be filed; thus, a slight reduction in income would be experienced.

Board Committee Recommendation and Proposed Resolution

The Committee of Bar Examiners recommends that the Regulation, Admissions and Discipline Oversight Committee authorize the circulation of the proposed new version of the admission rules for a public comment period. If the Board Committee agrees, adoption of the following resolution would be appropriate:

RESOLVED, that the Regulation, Admissions and Discipline Oversight Committee authorizes staff to make available for public comment the proposed "Division 1. Admission to Practice Law" rules, which will replace the *Rules Regulating Admission to Practice Law in California*, in the form attached, for a 45-day [or 90-day] public comment period; and it is

FURTHER RESOLVED, that this authorization for release for public comment is not, and shall not be construed as, a statement or recommendation of approval of the proposed item.

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Attachment