

AGENDA ITEM

JULY 124

Proposed Rules of the State Bar, Title 4, Division 1 (Admission to Practice Law in California) Following Public Comment

DATE: June 16, 2008

TO: Members, Board of Governors
Members, Board Committee on Regulation, Admissions and Discipline Oversight

FROM: The Committee of Bar Examiners
Gayle Murphy, Senior Executive, Admissions

SUBJECT: Proposed Rules of the State Bar, Title 4, Division 1 (Admission to Practice Law in California) Following 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* was drafted. The proposed new rules, which are now titled "Division 1. Admission to Practice Law", if approved by the Board of Governors, will 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 proposed new rules were circulated for public comment, and no comments were received. Since the original version of the proposed rules was circulated, however, a few minor changes have been deemed necessary to clarify the intention of the rules. None of the changes are substantive; thus, a new period of public comment was not considered necessary. The Committee reviewed the proposed rules, as amended, during its May 2008 meeting and adopted them, subject to approval of the Board of Governors.

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 approved.

BACKGROUND

The State Bar of California 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" (Admissions Rules). The only substantive changes from the old rules to the new are: 1) the date for the filing of documents with the Committee has been deemed the date documents are received, rather than a postmark date, and 2) 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. 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 Board Committee on Regulation, Admissions and Discipline Oversight approved the Committee's request to circulate the proposed Admissions Rules for a 45-day public comment period. The notice of public comment was sent to all California law school deans and registrars and posted on the State Bar of California's Web site. No comments were received. A few minor changes, however, were made to the original proposed new rules, which are intended to clarify the language and do not change the substance of the new version. The proposed new Admissions Rules with the modifications marked is attached as Appendix A.

EFFECTIVE DATE OF PROPOSAL

The new rules would become effective September 1, 2008.

FISCAL AND PERSONNEL IMPACT

None

BOARD BOOK/ADMINISTRATIVE MANUAL IMPACT

None

RULE AMENDMENTS

Title 4. Admissions and Educational Standards; Division 1. Admission to Practice Law rules will replace the *Rules Regulating Admission to Practice Law in California*.

PROPOSED BOARD COMMITTEE/BOARD RESOLUTIONS

If the Board Committee on Regulation, Admissions, and Discipline Oversight agrees with the Committee of Bar Examiners' recommendation to approve the proposed amendments, the following resolution would be appropriate:

RESOLVED, following publication for a public comment period, during which no comments were received, and upon recommendation of the Committee of Bar Examiners, that the Board Committee on Regulation, Admissions and Discipline recommends that the Board of Governors of The State Bar of California approve the proposed Title 4. Admissions and Educational Standards; Division 1. Admission to Practice Law rules, which will replace the *Rules Regulating Admission to Practice Law in California*, in the form attached, to be effective September 1, 2008.

PROPOSED BOARD RESOLUTION

Should the Board of Governors concur with the recommendation of the Board Committee on Regulation, Admissions and Discipline Oversight, adoption of the following resolution would be appropriate:

RESOLVED, following publication for comment and consideration of comments received, and upon recommendation of the Board Committee on Regulation, Admissions and Discipline, that the Board of Governors of The State Bar of California hereby approves the proposed Title 4. Admissions and Educational Standards; Division 1. Admission to Practice Law rules, which will replace the *Rules Regulating Admission to Practice Law in California*, in the form attached to these minutes and made a part hereof, to be effective September 1, 2008.