

TITLE 4. ADMISSIONS AND EDUCATIONAL STANDARDS

Division 1. *Admission to Practice Law*

* * *

Rule 4.10 Fees

The Committee may set reasonable fees, subject to approval of the State Bar of California's Board of Governors, for its services, including providing administrative services, such as copying documents and providing letters of verification.

* * *

Rule 4.16 Application for Admission

- (A) An Application for Admission consists of an Application for Registration, an Application for Determination of Moral Character, and an application for any required examination. Each application must be submitted with the required documentation and the fees set forth in the Schedule of Charges and Deadlines. The Committee determines when an application is complete.
- (B) The Application for Registration must be ~~filed first~~ approved, before any other application is transmitted to the Committee. The applicant is required by law either to provide the Committee with a Social Security Number¹ or to request an exemption because of ineligibility for a Social Security Number.² Registration is deemed abandoned if all required documentation and fees have not been received within sixty days of ~~filing~~ submittal. No refund is issued for an abandoned registration.
- (C) After ~~filing~~ approval of the Application for Registration, an applicant for admission may ~~file~~ submit an Application for Determination of Moral Character, an application for any examination as required by these rules and any other document or petition permitted by these rules.

Rule 4.17 Admission certification and time limit

- (A) No later than five years from the last day of ~~passing~~ administration of the California Bar Examination the applicant passes,

ATTACHMENT A

¹ Business & Professions Code § 30, Family Code § 17520.

² Business & Professions Code § 6060.6.

Proposed Amendments to the Admissions Rules
June 27, 2009 Version

- (1) an applicant must meet all requirements for admission for certification by the Committee to the California Supreme Court; and
 - (2) upon receipt of an order from the Court, take the attorney's oath and meet State Bar registration requirements to be eligible to practice law in California.
- (B) The Committee may extend this five-year limit for good cause shown by clear and convincing evidence in a particular case but not for an applicant's negligence or the result of an applicant having received a negative moral character determination.

CHAPTER 3. REQUIRED EDUCATION

* * *

Rule 4.29 Study in a law office or judge's chambers

- (A) A person who intends to comply with the legal education requirements of these rules by study in a law office or judge's chambers must
- (1) submit the required form with the fee set forth in the Schedule of Charges and Deadlines within thirty days of beginning study; ~~and~~
 - (2) submit semi-annual reports, as required by section (b)(5) below on the Committee's forms with the fee set forth in the Schedule of Charges and Deadlines within thirty days of completion of each six-month period; and
 - ~~(2)~~(3) have studied law in a law office or judge's chambers during regular business hours for at least eighteen hours each week for a minimum of forty-eight weeks to receive credit for one year of study or for at least eighteen hours a week for a minimum of twenty-four weeks to receive credit for one-half year of study.
- (B) The attorney or judge with whom the applicant is studying must
- (1) be admitted to the active practice of law in California and be in good standing for a minimum of five years;
 - (2) provide the Committee within thirty days of the applicant's beginning study an outline of a proposed course of instruction that he or she will personally supervise;
 - (3) personally supervise the applicant at least five hours a week;

Proposed Amendments to the Admissions Rules
June 27, 2009 Version

- (4) examine the applicant at least once a month on study completed the previous month;
- (5) report to the Committee every six months on the Committee's form the number of hours the applicant studied each week during business hours in the law office or chambers; the number of hours devoted to supervision; and specific information on the books and other materials studied, such as chapter names, page numbers, and the like, the name of any other applicant supervised, and such other information the Committee may require; and
- (6) not personally supervise more than two applicants simultaneously.

* * *

Rule 4.31 Credit for law study after passing the First-Year Law Students' Examination

An applicant who is required to pass the First-Year Law Students' Examination will not receive credit for any law study until the applicant passes the examination. An applicant who passes the examination within three consecutive administrations of first becoming eligible to take the examination upon successful completion of one year of law study, will receive credit for all law study completed to the date of the administration of the examination passed, subject to any restrictions that may otherwise be covered by these rules. An applicant who does not pass the examination within three consecutive administrations of first becoming eligible to take the examination but who subsequently passes the examination will receive credit for his or her first year of law study only.

Rule 4.32 Repeated courses

The Committee does not recognize credit for repetition of a course or substantially the same course.

Rule 4.3~~2~~³ Evaluation of study completed or contemplated

An applicant may request that the Committee determine whether general or legal education contemplated or completed by the applicant meets the eligibility requirements of these rules for beginning the study of law, the First-Year Law Students' Examination or the California Bar Examination. The request must be submitted on the required form with certified transcripts and the fee set forth in the Schedule of Charges and Deadlines. A written response indicating whether or not the education is sufficient will be issued within sixty days of receipt of the request.

CHAPTER 4. MORAL CHARACTER DETERMINATION

Rule 4.40 Moral Character Determination

- (A) An applicant must be of good moral character as determined by the Committee. The applicant has the burden of establishing that he or she is of good moral character.
- (B) “Good moral character” includes but is not limited to qualities of honesty, fairness, candor, trustworthiness, observance of fiduciary responsibility, respect for and obedience to the law, and respect for the rights of others and the judicial process.

Rule 4.41 Application for Determination of Moral Character

- (A) An applicant must submit an Application for Determination of Moral Character with required fingerprints and the fee set forth in the Schedule of Charges and Deadlines. An attorney who is suspended, disbarred, or otherwise not in good standing due to disciplinary reasons in any jurisdiction may not submit an application.
- (C) An Application for Determination of Moral Character may be submitted any time after filing an Application for Registration but is deemed filed only when the application is complete.

Rule 4.42 Duty to update Application for Determination of Moral Character

Until they are admitted to practice law, applicants have a continuing duty to update ~~an~~ the Application for Determination of Moral Character they submitted and must promptly notify the Office of Admissions whenever there is a change to information previously furnished to the Committee or any new information relevant to the application. Failure to provide updated information within thirty days after the change or addition to the information originally submitted may be cause for suspension of a positive moral character determination.

* * *

Rule 4.46 Informal conference regarding moral character

- (A) The Committee may invite an applicant for a determination of moral character to an informal conference regarding the application. Acceptance of an invitation is not mandatory, and declining it entails no negative inference.
- (B) An applicant notified of an adverse determination of moral character may request an informal conference with the Committee, provided the applicant has not previously declined the Committee’s invitation to an informal

Proposed Amendments to the Admissions Rules
June 27, 2009 Version

conference. The request must be in writing and submitted to the Committee at its San Francisco office within ~~ninety~~ thirty days of the date of the notice. Within sixty days of receiving a timely request, the Committee must schedule the informal conference, and within thirty days of the conference notify the applicant of its final determination. An adverse determination may be appealed in accordance with these rules.

- (C) The Committee may establish procedures for an informal conference and create a record of it by tape recording, video recording, or any other means. The applicant may attend the conference with counsel; make a written or oral statement; and present documentary evidence. Counsel is limited to observation and may not participate.

* * *

Rule 4.58 Application for the First-Year Law Students' Examination

- (A) An application to take the First-Year Law Students' Examination in June must be submitted by April 1. An application to take the examination in October must be submitted by August 1. Applications received after these deadlines and by May 15 or September 15 are subject to a late fee. Applications are not accepted after those dates. Application fees and late fees are set forth in the Schedule of Charges and Deadlines. If a deadline falls on a non-business day, the deadline will be the next business day.

* * *

Rule 4.60 California Bar Examination

- (A) The California Bar Examination is given each year in February and July at test centers in California designated by the Committee. The Committee determines the examination's scope, topics, grading process, and passing score.
- (B) The Committee provides the California Supreme Court a report on each administration of the examination as soon as practical.

Rule 4.61 Applications for the California Bar Examination

- (A) Applications for the California Bar Examination are available March 1 for the July examination and October 1 for the February examination. An application must be submitted no later than April 1 for the July examination or November 1 for the February examination. Applications received after these deadlines and by June 15 or January 15 are subject to late fees. Applications are not accepted after those dates. Application fees and late

fees are set forth in the Schedule of Charges and Deadlines. If a deadline falls on a non-business day, the deadline will be the next business day.

- (B) Different deadlines for initial filing and late fees apply to applicants who fail the California Bar Examination and intend to take the next scheduled examination. These deadlines are set forth in the notice of examination results and are ~~more than~~ a minimum of ten days from the date those results are released.

* * *

CHAPTER 7. TESTING ACCOMMODATIONS

Rule 4.80 Eligibility for testing accommodations

Applicants with disabilities are granted reasonable testing accommodations provided that they are capable of demonstrating that they are otherwise eligible to take an examination and, in accordance with these rules, they

- (A) have submitted an approved Application for Registration;

* * *

- (A) A Petition For Testing Accommodations must be complete and receipt must be no later than

- (1) January 15 for the February California Bar Examination;
- (2) June 15 for the July California Bar Examination;
- (3) May 15 for the June First-Year Law Students' Examination; or
- (4) September 15 for the October First-Year Law Students' Examination.

If a deadline falls on a non-business day, the deadline will be the next business day.

- (B) Depending on the nature of a disability and the date on which a petition is filed, the Committee may determine that the changing nature of a disability requires that the applicant file a new petition nearer the examination date or that a decision regarding the petition be deferred.

* * *

Rule 4.86 Subsequent petitions for testing accommodations

Proposed Amendments to the Admissions Rules
June 27, 2009 Version

- (A) Testing accommodations are not automatically extended upon failure of an examination but must be requested for a subsequent examination any time before the examination application deadline.
- (B) An applicant who is permanently disabled may petition for the same accommodations rather than submit an entirely new petition. A subsequent petition must be made in accordance with Committee requirements.
- (C) An applicant who has a temporary disability or who seeks different accommodations than those previously granted must file an initial petition by the established deadline if filed in connection with a particular administration of an examination.