

AGENDA ITEM

November 54-131

State Bar Rules, Title 4,
Division 1, Admissions and
Educational Standards,
Proposed Amendments,
Return from Public
Comment

DATE: October 19, 2009

TO: Members of the Board of Governors
Members of the Board Committee on Regulation and Admissions

FROM: Gayle E. Murphy, Senior Executive, Admissions

SUBJECT: State Bar Rules, Title 4, Division 1, Admissions and Educational Standards, Proposed Amendments, Return from Public Comment

Executive Summary

Last year, the rules regulating the admissions process were revised to conform to the State Bar of California's new rules language standards and are now titled: Title 4. Admissions and Educational Standards, Division 1. Admission to Practice Law in California of the *Rules of the State Bar of California (Admissions Rules)*. In the conversion to plain English, it has been discovered that a few key components were either left out or not clearly stated. Amendments that are primarily administrative in nature were approved in principle by the Committee of Bar Examiners (Committee), subject to a public comment period and final adoption and approval by the Board of Governors. The proposed revised version was circulated for a 30-day public comment period, and no comments were received. The Committee considered the proposed amendments at its August 2009 meeting and adopted them, subject to approval by the Board of Governors.

Background/Summary of Proposal

In response to the State Bar of California's project to revise all its rules to conform them to certain standards and translate them into "plain English," a new version of the rules regulating the admission process were adopted by the Committee of Bar Examiners (Committee) and approved by the Board of Governors. Since their implementation last year, it has been discovered that a few key components were either left out or not clearly stated. To rectify this, proposed amendments to the *Admissions Rules* were

drafted and approved in principle by the Committee for the purpose of circulating them for an abbreviated public comment period, with the Board Committee on Regulation, Admissions and Discipline's consent. The proposed amendments were posted on the State Bar's Website and noticed in the *California Bar Journal*. No public comments were received.

After the proposed amendments were approved in principle, the State Bar's rules writing expert suggested a few changes be incorporated. None of the changes are substantive and the changes do not materially affect the intent of the rules. Attached as Appendix A is a copy of the revised version of the proposed amendments to the *Admissions Rules*.

Effective Date of Proposal

The amendments to the *Admissions Rules* would become effective immediately following approval by the Board of Governors.

Fiscal Impact

None

Board Book Impact:

None

Rule Amendments:

Proposed amendments to Title 4, Division 1, Rules 4.10, 4.164.17, 4.29, 4.31, 4.32, 4.33, 4.40, 4.41, 4.42, 4.46, 4.58, 4.60, 4.61, 4.80, 4.86 of the *State Bar*.

Schedule of Charges and Deadlines:

N/A

Proposed Resolution for the Board Committee

If the Board Committee on Regulation and Admissions concurs with the recommendation of the Committee of Bar Examiners that the proposed amendments to the *Admissions Rules* be approved, the following resolution is recommended for adoption:

RESOLVED, following publication for public comment, during which no comments were received, and upon review and adoption by the Committee of Bar Examiners, that the Board Committee on Regulation and Admissions recommends that the Board of Governors of The State Bar of California approve the proposed amendments to Title 4. Admissions and Educational Standards; Division 1. Admission to Practice Law in California rules, in the form attached hereto, to be effective November 14, 2009.

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Should the Board of Governors agree with the Board Committee on Regulation and Admissions' recommendation, adoption of the following resolution would be in order:

RESOLVED, following publication for comment, during which no comments were received, and upon recommendation of the Board Committee on Regulation and Admissions, that the Board of Governors of The State Bar of California hereby approves the proposed amendments to Title 4. Admissions and Educational Standards; Division 1. Admission to Practice Law in California rules, in the form attached to these minutes and made a part hereof, to be effective November 14, 2009.

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