



THE STATE BAR OF CALIFORNIA

OFFICE OF ADMISSIONS

MEMORANDUM

DATE: July 7, 2010

TO: Members, Board Committee on Regulation and Admissions

FROM: Gayle Murphy
Senior Executive, Admissions

SUBJECT: REFERRAL OF ABA MODEL RULE ON CONDITIONAL ADMISSION

Attached please find a letter from Robert L. Childers, Chair of the ABA's Commission on Lawyer Assistance Programs. In his letter, he asks that the State Bar of California consider adopting the ABA's Model Rule on Conditional Admission to Practice Law. Also attached are copies of the model rule and the answers to some frequently asked questions about the model rule.

In accordance with Section 6046 of the State Bar Act, the State Bar's Board of Governors ". . . may establish an examining committee having the power: (a) To examine all applicants for admission to practice law. (b) To administer the requirements for admission to practice law. (c) To certify to the Supreme Court for admission those applicants who fulfill the requirements provided in this chapter." The Committee of Bar Examiners (Committee) has been acting in this capacity since the State Bar's inception.

Section 6060 of the State Bar Act requires that in order for a person to be certified to the Supreme Court for admission and a license to practice law, that person be of good moral character. The Committee has been delegated the responsibility for determining whether applicants have satisfied that requirement, which often involves assessment of applicants with chemical dependency or mental health issues.

The matter of whether there should be conditional admission in California has been studied by the Committee in the past, and no changes to the current process or rules have been recommended as a result. It has been some time, however, since the subject was last considered, so it would be appropriate to have it considered once again. Since the subject matter is within the Committee's purview, the request that the State Bar consider adopting the ABA's model rule on conditional admission should be referred to the Committee for its consideration and determination. If the Committee determines that the current rules should be amended to permit conditional admission, the proposed amendments would come to the Board for consideration and final approval. Otherwise, no further action by the Board would be necessary.

Members, Board Committee on Regulation and Admissions
July 7, 2010
Page 2

If the Board Committee agrees with the recommendation to refer this matter to the Committee, the following resolution is recommended:

RESOLVED, that the Board Committee on Regulation and Admissions directs that the matter of review of the request that the State Bar of California consider adopting the ABA's Model Rule on Conditional Admission be referred to the Committee of Bar Examiners for its consideration and determination.

JUL 10 Conditional Admission