



MEMORANDUM

DATE: December 20, 2010

TO: Members, Regulation, Admissions and Discipline Oversight

FROM: Gayle E. Murphy
Senior Executive, Admissions

SUBJECT: **PROPOSED ADMINISTRATIVE CHANGES TO ADMISSIONS
RULES – REQUEST TO CIRCULATE FOR PUBLIC COMMENT**

EXECUTIVE SUMMARY

In 2007, the *Rules Regulating Admission to Practice Law in California* were revised and incorporated into the *Rules of the State Bar of California*, and titled: *Title 4. Admissions and Educational Standards (Admissions Rules)*. Since the new version of the *Admissions Rules* was approved, it has been determined that several additional amendments are needed to ensure clarity regarding the intention of the rules, and to accurately reflect current policies, procedures and needs. None of the proposed amendments are substantive. During its December 2010 meeting, the Committee of Bar Examiners (Committee) reviewed the proposed amendments, and approved them in principle, subject to a public comment period and final approval by the Board of Governors. The Committee requests that the Board Committee on Regulation, Admissions and Discipline Oversight authorize the circulation of the proposed amendments to the *Admissions Rules* for a 45-day public comment period.

BACKGROUND

A major rewrite of the *Admissions Rules* took place in 2007 and several administrative amendments to those rules were approved approximately a year ago. As time passes, several additional amendments to the rules appear to be appropriate so the rules accurately reflect current policies, procedures and needs.

Attached as Appendix A are excerpts from the *Admissions Rules* with proposed amendments. Many of the proposed amendments are self-explanatory, but just to summarize:

- Page 1: The “what is a year” policy of the Committee needs to be readily accessible to any student or school and the *Admissions Rules* is the best place to put it.

- Page 1: The destruction of fingerprints is governed by statute and in this case there is no reason the requirement should be repeated in the *Admissions Rules*.
- Page 2: According to statute it is the degree that counts, not graduation, for qualifying for admission to practice law through study at accredited law schools. This should be clear in the *Admissions Rules*. In addition, to ensure any statutory directive is encompassed, it makes sense to mention it (the statute) when discussing how legal education is calculated for purposes of determining if applicants have met the legal education requirements.
- Page 2: The proposed amendment clarifies the conditions under which a disciplined attorney is prevented from filing a moral character determination application.
- Page 3: So there is no confusion, applicants who have their moral character determinations suspended are referred to the specific rule that governs how the application will be processed.
- Pages 3 and 4: While the amount of credit someone will receive after passing the First-Year Law Students' Examination is in the statute, it would be helpful to repeat it in the *Admissions Rules* so that applicants will have it easily accessible.
- Page 4: The additional language makes it clear what the Committee determines with regard to the First-Year Law Students' Examination.
- Page 4: To avoid any confusion about what will happen with a passing MPRE score, the language at the bottom of the page has been changed to advise applicants what the score will do for them.
- Page 4: The additions make it clear what the Committee determines with regard to the California Bar Examination.
- Pages 4, 5 and 6: The language to the portion of the *Admissions Rules* relative to bad conduct has been changed to reflect the Committee's current actions and directions regarding Chapter 6 notices and the actions that will be taken. This includes how the hearings will be held (more like a moral character informal conference than a formal hearing), and gives the Committee the right to review a hearing panel's recommendation.
- Page 7: It would be helpful to clearly state in the *Admissions Rules* that deadlines will not be extended for any reason, except in the case of an emergency, for filing testing accommodations petitions.
- Page 7: The forms and guidelines with regard to filing petitions for testing accommodations speak for themselves, and the information does not need to be repeated in the rule. The proposed amendments also make it clear that the forms must be submitted with the original petition, so petitions are not received piecemeal.

- Page 8: Most testing accommodation petition decisions are made within sixty days. Having to give a status report every thirty days thereafter takes away staff time that would be better spent processing petitions. Applicants can, and do, call if they have questions about the status of their petitions.

RECOMMENDATION

The Committee of Bar Examiners recommends that the Board Committee on Regulation, Admissions and Discipline Oversight approve the circulation of the proposed amendments to the *Admissions Rules* for a 45-day public comment period.

PROPOSED BOARD COMMITTEE RESOLUTION:

Should the Board Committee on Regulation, Admissions and Discipline Oversight agree with the above recommendation, the following resolution would be appropriate:

RESOLVED, that, upon recommendation from the Committee of Bar Examiners, the Board Committee Regulation, Admissions and Discipline Oversight hereby authorizes staff to make available for public comment for a period of 45 days, the proposed amendments to the *Rules of the State Bar of California, Title 4. Admissions and Educational Standards*, in the form attached; 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.