

### Rule 9.41.1. Registered ~~M~~military ~~S~~spouse ~~A~~attorney

#### (a) Definitions

The following definitions apply in this rule:

- (1) A “Registered Military Spouse Attorney” is an attorney who meets the requirements of subdivision (d) of this rule and has been granted Registered Military Spouse Attorney status by the State Bar of California. ~~means an active licensee in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency and who is married to, in a civil union with, or a registered domestic partner of, a Service Member.~~
- (2) A “Service Member” is ~~means~~ an active duty member of the United States Uniformed Services who has been ordered stationed within California.
- (3) A “Supervising Attorney” is an active licensee, as defined by Rule of Court, rule 9.1(1), in good standing, of the State Bar of California, who meets the requirements of subdivision (e) of this rule. ~~“Active licensee in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency” means an attorney who:~~
  - ~~(A) Is a licensee in good standing of the entity governing the practice of law in each jurisdiction in which the attorney is licensed to practice law, who has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law for disciplinary misconduct in any other jurisdiction; and;~~
  - ~~(B) Remains an active licensee in good standing of the entity governing the practice of law in at least one United States state, jurisdiction, possession, territory, or dependency other than California while practicing law as a registered military spouse attorney in California.~~

#### **(b) State Bar Registered Military Spouse Attorney Program**

The State Bar of California must ~~may establish and~~ administer a Registered Military Spouse Attorney Program for registering and regulating the activities of out-of-state attorneys who practice law in California and are married to, in a civil union with, or a registered domestic partner of, a Service Member, ~~and practice law in California a program for registering registered military spouse attorneys under rules adopted by the Board of Trustees of the State Bar.~~

#### **(c) ~~Application and registration~~ Fees and Penalties**

The State Bar of California has the authority to ~~may~~ set and collect appropriate ~~application~~ fees and penalties for the Registered Military Spouse Program ~~initial and annual registration fees to be paid registered military spouse attorney.~~

#### **(d) Requirements**

A Registered Military Spouse Attorney ~~For an attorney to qualify to practice law under this rule, the attorney must:~~

- (1) Be an active licensee in good standing ~~of the bar of~~ in at least one ~~a United States~~ state, jurisdiction,

possession, territory, ~~or~~ dependency, or other jurisdiction of the United States, who is not disbarred, has not resigned with charges pending, and is not suspended from practicing law for disciplinary misconduct in any other jurisdiction;

- (2) Be married to, ~~be~~ in a civil union with, or ~~be~~ a registered domestic partner of, a Service Member, except that the attorney may continue to practice as a ~~R~~registered ~~M~~military ~~S~~spouse ~~A~~attorney for one year after the termination of the marriage, civil union, or domestic partnership, as provided in the Rules of the State Bar of California (1)(G);
- (3) Reside in California;
- (4) Meet all of the requirements for admission to the State Bar of California, except that the attorney:
  - (A) ~~Is Need~~ not required to pass take the California ~~B~~bar ~~E~~examination or the Multistate Professional Responsibility Examination; and
  - (B) May practice law while ~~awaiting the result of his or her their~~ Application for Determination of Moral Character is pending from the State Bar of California.
- (5) Comply with the Rules of the State Bar of California ~~the rules adopted by the Board of Trustees~~ relating to the ~~State Bar~~ Registered Military Spouse Attorney Program;
- (6) Practice law in California under the supervision of ~~an~~ Supervising Attorney ~~who is an active licensee in good standing of the State Bar of California who has been admitted to the practice of law for two years or more;~~
- (7) Abide by all of the laws and rules that govern licensees of the State Bar of California, ~~including the Minimum Continuing Legal Education ("MCLE") requirements;~~
- (8) Complete the State Bar New Attorney Training program during the first 12 months of practice as a Registered Military Spouse Attorney as set forth in division 6 of title 2 of the Rules of the State Bar of California ~~Satisfy in his or her first year of practice under this rule all of the MCLE requirements, including ethics education, that licensees of the State Bar of California must complete every three years~~ and, thereafter, satisfy the Minimum Continuing Legal Education ("MCLE") requirements for their ~~registered military spouse attorney's~~ compliance group as set forth in State Bar Rules 2.70 and 2.71. If the ~~R~~registered ~~M~~military ~~S~~spouse ~~A~~attorney's compliance group is required to report in less than 36 ~~thirty-six~~ months, the MCLE requirements will be reduced proportionally; ~~and~~
- (9) Notify the State Bar of California within 30 days if their employment ends or their Supervising Attorney has changed; and ~~Not have taken and failed the California bar examination within five years immediately preceding initial application to register under this rule.~~
- (10) Obtain approval from the State Bar of California to practice law as a Registered Military Spouse Attorney for a new employer.

**(e) Supervision**

(1) A Supervising Attorney must ~~To meet the requirements of this rule, an attorney supervising a registered military spouse attorney:~~

~~(A) Must h~~ave ~~actively~~ practiced law in California for at least two years immediately

preceding the start time of their supervision of the Registered Military Spouse Attorney-  
and be a licensee in good standing of the State Bar of California;

~~(B) Must h~~ave practiced law ~~as a full-time occupation~~ for at least four years in ~~any~~ United States jurisdiction;

~~(C) Must a~~ssume professional responsibility for any work ~~of that~~ the ~~R~~egistered ~~M~~military ~~S~~spouse ~~A~~ttorney ~~performs under the supervising attorney's supervision;~~

~~(D) Must a~~ssist, counsel, and ~~provide~~ directly supervise ~~ion of~~ the ~~R~~egistered ~~M~~military ~~S~~spouse ~~A~~ttorney in the activities authorized by this rule, ~~approve in writing any appearance in court, deposition, arbitration or any proceeding by the registered military spouse attorney, and review such activities with the supervised military spouse attorney,~~ to the extent required for the protection of the client ~~or customer;~~

~~(E) If the Registered Military Spouse Attorney has practiced law for less than five years or has not practiced law within three of the last five years:~~

~~(i) Approve in writing any appearance in court, deposition, arbitration, or any proceeding by the Registered Military Spouse Attorney, and review such activities with the Registered Military Spouse Attorney, to the extent required for the protection of the client;~~

~~(ii) Read, approve, and personally sign any pleadings, briefs, or other similar documents prepared by the Registered Mmilitary Sspouse Attorney before they ir are filed with a court, and must read and approve any other documents prepared by the Registered Mmilitary Sspouse Attorney before their submission for execution to any other party; and~~

~~(F) Must a~~gree to assume control of the work of the ~~R~~egistered ~~M~~military ~~S~~spouse ~~A~~ttorney in the event their ~~registration of the Registered M~~military ~~S~~spouse ~~A~~ttorney ~~status~~ is ~~suspended or~~ terminated, ~~in accordance with applicable laws; and.~~

~~(7) May, in his or her absence, designate another attorney meeting the requirements of (g)(1) through (g)(6) to provide the supervision required under this rule.~~

## **(f) Scope of Practice**

Subject to all applicable rules, regulations, and statutes, a Registered Military Spouse Attorney ~~an attorney practicing law under this rule is permitted to~~ may practice law in California, under supervision, in all forms of legal practice that are permissible for a licensee ~~ed attorney~~ of the State Bar of California, including *pro bono* legal services.

## **(g) Duration of Practice**

(1) A Registered Mmilitary Sspouse Attorney must renew ~~his or her~~ their registration annually.

(2) Provided that a Registered Military Spouse Attorney complies with the requirements of this rule, there is no limit on the duration of time they may practice law under this rule and may practice for no more than a total of five years under this rule.

**(h) Application**

~~(1) An attorney applicant for the Registered Military Spouse Attorney Program must comply with the following registration requirements:~~

~~(A) Apply for Registered Military Spouse Attorney status pursuant to the Rules of the State Bar of California; and Register as an attorney applicant, file an Application for Determination of Moral Character with the Committee of Bar Examiners, and comply with Rules of Court, rule 9.9.5, governing attorney fingerprinting;~~

~~(B) Not begin practicing law as a Registered Military Spouse Attorney until their Application for Registered Military Spouse Attorney Status is approved by the State Bar of California and they have secured a Supervising Attorney. Submit to the State Bar of California a declaration signed by the attorney agreeing that he or she will be subject to the disciplinary authority of the Supreme Court of California and the State Bar of California and attesting that he or she will not practice law in California other than under supervision of a California attorney during the time he or she practices law as a military spouse attorney in California; and~~

~~(2) An attorney applicant for the Registered Military Spouse Attorney Program may request that the State Bar of California conditionally grant them Registered Military Spouse Attorney status if they have not yet secured a Supervising Attorney, but otherwise meet the requirements of this rule and the Rules of the State Bar of California.~~

~~(3) Submit to the State Bar of California a declaration signed by a qualifying supervising attorney. The declaration must attest:~~

~~(3) that the applicant will be supervised as specified in this rule; and~~

~~(4) that the supervising attorney assumes professional responsibility for any work performed by the registered military spouse attorney under this rule.~~

**(i) Termination of Military Spouse Attorney Registration**

~~(1) Registration as a registered military spouse attorney is terminated~~

~~(A) upon receipt of a determination by the Committee of Bar Examiners that the registered military spouse attorney is not of good moral character;~~

~~(B) for failure to annually register as a registered military spouse attorney and submit any related fee set by the State Bar;~~

~~(C) for failure to comply with the Minimum Continuing Legal Education requirements and to pay any related fee set by the State Bar;~~

~~(D) if the registered military spouse attorney no longer meets the requirements under (a)(3) of this section;~~

~~(E) upon the imposition of any discipline by the State Bar of California or any other~~

~~professional or occupational licensing authority, including administrative or stayed suspension;~~

~~(F) for failure to otherwise comply with these rules or with the laws or standards of professional conduct applicable to a licensee of the State Bar of California;~~

~~(G) if the Service Member is no longer an active member of the United States Uniformed Services or is transferred to another state, jurisdiction, territory outside of California, except that if the Service Member has been assigned to an unaccompanied or remote assignment with no dependents authorized, the military spouse attorney may continue to practice pursuant to the provisions of this rule until the Service Member is assigned to a location with dependents authorized; or~~

~~(H) one year after the date of termination of the registered military spouse attorney's marriage, civil union, or registered domestic partnership.~~

~~(2) The supervising attorney of registered military spouse attorney suspended by these rules will assume the work of the registered military spouse attorney in accordance with applicable laws.~~

**(i) Failure to Comply**

A Registered Military Spouse Attorney who fails to comply with the requirements of the Registered Military Spouse Attorney Program will have their Registered Military Spouse Attorney status suspended or revoked under the Rules of the State Bar of California.

**(j) Disciplinary Authority**

A Registered Military Spouse Attorney is subject to the disciplinary authority of the Supreme Court of California and the State Bar of California.

**(k) Inherent Power of Supreme Court**

Nothing in this rule may be construed as affecting the power of the Supreme Court of California to exercise its inherent jurisdiction over the practice of law in California.

**(l) Effect of Rrule on Mmultijurisdictional Ppractice**

Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not licensees of the State Bar of California.

*Rule 9.41.1 adopted by the Supreme Court effective March 1, 2019.*

**Rule 9.41.1. Registered Military Spouse Attorney**

**(a) Definitions**

The following definitions apply in this rule:

- (1) A “Registered Military Spouse Attorney” is an attorney who meets the requirements of subdivision (d) of this rule and has been granted Registered Military Spouse Attorney status by the State Bar of California.
- (2) A “Service Member” is an active duty member of the United States Uniformed Services who has been ordered stationed within California.
- (3) A “Supervising Attorney” is an active licensee, as defined by Rule of Court, rule 9.1(1), in good standing, of the State Bar of California, who meets the requirements of subdivision (e) of this rule.

**(b) State Bar Registered Military Spouse Attorney Program**

The State Bar of California must administer a Registered Military Spouse Attorney Program for registering and regulating the activities of out-of-state attorneys who practice law in California and are married to, in a civil union with, or a registered domestic partner of a Service Member.

**(c) Fees and Penalties**

The State Bar of California has the authority to set and collect appropriate fees and penalties for the Registered Military Spouse Attorney Program.

**(d) Requirements**

A Registered Military Spouse Attorney must:

- (1) Be an active licensee in good standing in at least one state, possession, territory, dependency, or other jurisdiction of the United States, who is not disbarred, has not resigned with charges pending, and is not suspended from practicing law for disciplinary misconduct in any other jurisdiction;
- (2) Be married to, in a civil union with, or a registered domestic partner of, a Service Member, except that the attorney may continue to practice as a Registered Military Spouse Attorney for one year after the termination of the marriage, civil union, or domestic partnership, as provided in the Rules of the State Bar of California;
- (3) Reside in California;
- (4) Meet all of the requirements for admission to the State Bar of California, except that the attorney:
  - (A) Is not required to pass the California Bar Examination or the Multistate Professional Responsibility Examination; and
  - (B) May practice law while their Application for Determination of Moral Character is pending.

- (5) Comply with the Rules of the State Bar of California relating to the Registered Military Spouse Attorney Program;
- (6) Practice law in California under the supervision of a Supervising Attorney;
- (7) Abide by all of the laws and rules that govern licensees of the State Bar of California;
- (8) Complete the State Bar New Attorney Training program during the first 12 months of practice as a Registered Military Spouse Attorney as set forth in division 6 of title 2 of the Rules of the State Bar of California and, thereafter, satisfy the Minimum Continuing Legal Education ("MCLE") requirements for their compliance group as set forth in State Bar Rules 2.70 and 2.71. If the Registered Military Spouse Attorney's compliance group is required to report in less than 36 months, the MCLE requirements will be reduced proportionally;
- (9) Notify the State Bar of California within 30 days if their employment ends or their Supervising Attorney has changed; and
- (10) Obtain approval from the State Bar of California to practice law as a Registered Military Spouse Attorney for a new employer.

**(e) Supervision**

(1) A Supervising Attorney must:

- (A) Have practiced law in California for at least two years immediately preceding the start of their supervision of the Registered Military Spouse Attorney;
- (B) Have practiced law for at least four years in a United States jurisdiction;
- (C) Assume professional responsibility for any work of the Registered Military Spouse Attorney;
- (D) Assist, counsel, and directly supervise the Registered Military Spouse Attorney in the activities authorized by this rule, to the extent required for the protection of the client;
- (E) If the Registered Military Spouse Attorney has practiced law for less than five years or has not practiced law within three of the last five years:
  - (i) Approve in writing any appearance in court, deposition, arbitration, or any proceeding by the Registered Military Spouse Attorney, and review such activities with the Registered Military Spouse Attorney, to the extent required for the protection of the client;
  - (ii) Read, approve, and personally sign any pleadings, briefs, or other documents prepared by the Registered Military Spouse Attorney before they are filed with a court, and read and approve any other documents prepared by the Registered Military Spouse Attorney before their submission for execution; and
- (F) Agree to assume control of the work of the Registered Military Spouse Attorney in the event their Registered Military Spouse Attorney status is suspended or terminated.

**(f) Scope of Practice**

Subject to all applicable rules, regulations, and statutes, a Registered Military Spouse Attorney may practice law in California, under supervision, in all forms of legal practice that are permissible for a licensee of the State Bar of California, including *pro bono* legal services.

**(g) Duration of Practice**

- (1) A Registered Military Spouse Attorney must renew their registration annually.
- (2) Provided that a Registered Military Spouse Attorney complies with the requirements of this rule, there is no limit on the duration of time they may practice law under this rule.

**(h) Application**

- (1) An attorney applicant for the Registered Military Spouse Attorney Program must:
  - (A) Apply for Registered Military Spouse Attorney status pursuant to the Rules of the State Bar of California; and
  - (B) Not begin practicing law as a Registered Military Spouse Attorney until their Application for Registered Military Spouse Attorney Status is approved by the State Bar of California and they have secured a Supervising Attorney.
- (2) An attorney applicant for the Registered Military Spouse Attorney Program may request that the State Bar of California conditionally grant them Registered Military Spouse Attorney status if they have not yet secured a Supervising Attorney, but otherwise meet the requirements of this rule and the Rules of the State Bar of California.

**(i) Failure to Comply**

A Registered Military Spouse Attorney who fails to comply with the requirements of the Registered Military Spouse Attorney Program will have their Registered Military Spouse Attorney status suspended or revoked under the Rules of the State Bar of California.

**(j) Disciplinary Authority**

A Registered Military Spouse Attorney is subject to the disciplinary authority of the Supreme Court of California and the State Bar of California.

**(k) Inherent Power of Supreme Court**

Nothing in this rule may be construed as affecting the power of the Supreme Court of California to exercise its inherent jurisdiction over the practice of law in California.

**(l) Effect of Rule on Multijurisdictional Practice**

Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not licensees of the State Bar of California.

## 2024 California Rules of Court

Rule 9.44. ~~Registered Foreign Legal Consultant~~

## (a) Definition

A "~~registered Foreign Legal Consultant~~" is a foreign attorney or the equivalent person who meets the requirements of subdivision (d) of this rule and whose Application for Foreign Legal Consultant Status has been approved by the State Bar of California.

- ~~(1) Is admitted to practice and is in good standing as an attorney or counselor at law or the equivalent in a foreign country; and~~
- ~~(2) Has a currently effective certificate of registration as a registered foreign legal consultant from the State Bar.~~

*(Subd (a) amended effective January 1, 2007.)*

(b) State Bar ~~registered Foreign Legal Consultant Program~~

The State Bar of California must ~~establish and~~ administer a Foreign Legal Consultant Program for registering and regulating the activities of a program for registering foreign attorneys ~~or counselors at law~~ or the equivalent ~~under rules adopted by the Board of Trustees pursuant to the Rules~~ of the State Bar of California.

*(Subd (b) amended effective January 1, 2019; previously amended effective January 1, 2007.)*

(c) Fees and ~~Penalties~~

The State Bar of California has the authority to set and collect appropriate fees and penalties for the Foreign Legal Consultant this Program.

*(Subd (f) amended effective January 1, 2007.)*

(d) ~~Eligibility for certification Requirements~~

~~A To be eligible to become a registered Foreign Legal Consultant, an applicant~~ must:

- ~~(1) Be Present satisfactory proof that the applicant has been~~ admitted to practice law, have practiced law, and have remained and has been in good standing as an attorney ~~or counselor at law~~ or the equivalent in a foreign country, for at least four of the six years immediately preceding their submission of the an Application for Foreign Legal Consultant Status to the State Bar of California and, while so admitted, has actually practiced the law of that country;
- ~~(2) Present satisfactory proof that the applicant possesses~~ the good moral character required of ~~requisite for a person to be licensed as a~~ licensee of the State Bar of California and proof of compliance comply with California Rules of Court, rule 9.9.5, governing attorney fingerprinting;
- ~~(3) Agree to comply with the Rules of the State Bar of California the provisions of the rules adopted by the Board of Trustees of the State Bar~~ relating to the security for claims against a Foreign Legal Consultant Program by his or her clients;

- ~~(4) Agree to comply with the provisions of the rules adopted by the Board of Trustees of the State Bar relating to maintaining an address of record for State Bar purposes;~~
- ~~(4) Abide by all of the laws and rules that govern licensees of the State Bar of California; and~~
- ~~(5) Agree to n~~Notify the State Bar of California of any change in their his or her status in any jurisdiction where they are he or she is admitted to practice law or of any discipline with respect to their such admission~~;~~;
- ~~(4) Agree to be subject to the jurisdiction of the courts of this state with respect to the laws of the State of California governing the conduct of attorneys, to the same extent as a licensee of the State Bar of California;~~
- ~~(5) Agree to become familiar with and comply with the standards of professional conduct required of licensees of the State Bar of California;~~
- ~~(6) Agree to be subject to the disciplinary jurisdiction of the State Bar of California;~~
- ~~(7) Agree to be subject to the rights and obligations with respect to attorney-client privilege, work-product privilege, and other professional privileges, to the same extent as attorneys admitted to practice law in California; and~~
- ~~(8) Agree to comply with the laws of the State of California, the rules and regulations of the State Bar of California, and these rules.~~

*(Subd (c) amended effective January 1, 2019; previously amended effective January 1, 2007.)*

**(e) ~~Authority to practice law~~ Scope of Practice**

A Foreign Legal Consultant may provide legal advice in California exclusively regarding the law of the foreign jurisdiction where they are licensed to practice law, and Subject to all applicable rules, regulations, and statutes, a registered foreign legal consultant may render legal services in California, except that he or she may not:

- ~~(1) Appear for Represent~~ a person other than themselves, himself or herself as attorney in any court, or before any magistrate or other judicial officer, in this state or prepare pleadings or any other legal documents papers, or issue subpoenas, in any action or proceeding brought in any court or before any judicial officer in California;
- (2) Prepare any deed, mortgage, assignment, discharge, lease, or any other instrument affecting title to real estate located in the United States;
- (3) Prepare any will or trust instrument affecting the disposition on death of any property located in the United States and owned by a resident of the United States or any instrument relating to the administration of a decedent's estate in the United States;
- (4) Prepare any instrument in respect of the marital relations, rights, or duties of a resident of the United States, or the custody or care of the children of a resident; or
- (5) Otherwise render professional legal advice on the law of any jurisdiction other than the foreign jurisdiction where they are licensed to practice law ~~the State of California, any other state of the~~

~~United States, the District of Columbia, the United States, or of any jurisdiction other than the jurisdiction named in satisfying the requirements of (c) of this rule, whether rendered incident to preparation of legal instruments or otherwise.~~

*(Subd (d) amended effective January 1, 2007.)*

**(f) Duration of Practice**

- (1) A Foreign Legal Consultant must renew their registration annually.
- (2) Provided that a Foreign Legal Consultant complies with the requirements of this rule, there is no limit on the duration of time they may engage in the scope of practice authorized in subdivision (e).

**(g) Application**

An applicant for the Foreign Legal Consultant Program must:

- (1) Apply for Foreign Legal Consultant status pursuant to the Rules of the State Bar of California; and
- (2) Not begin engaging in the scope of practice authorized by subdivision (e) as a Foreign Legal Consultant until they receive a positive moral character determination and their Application for Foreign Legal Consultant Status is approved by the State Bar of California.

**(h) Failure to ~~C~~comply ~~with program~~**

A ~~registered F~~foreign ~~L~~legal ~~C~~onsultant who fails to comply with the requirements of the ~~State Bar-Registered Foreign Legal Consultant Program~~ will have their Foreign Legal Consultant status ~~her or his certification~~ suspended or revoked under ~~rules adopted by the Board of Trustees~~ the Rules of the State Bar of California.

*(Subd (e) amended effective January 1, 2019; previously amended effective January 1, 2007.)*

**(i) Disciplinary Authority**

A Foreign Legal Consultant is subject to the disciplinary authority of the Supreme Court of California and the State Bar of California.

**(j) Inherent ~~P~~power of Supreme Court**

Nothing in these rules may be construed as affecting the power of the Supreme Court of California to exercise its inherent jurisdiction over the practice of law in California.

*(Subd (g) amended effective January 1, 2007.)*

*Rule 9.44 amended effective January 1, 2019; adopted as rule 988 effective December 1, 1993; previously amended and renumbered effective January 1, 2007.*

## 2024 California Rules of Court

### Rule 9.44. Foreign Legal Consultant

#### (a) Definition

A “Foreign Legal Consultant” is a foreign attorney or the equivalent who meets the requirements of subdivision (d) of this rule and whose Application for Foreign Legal Consultant Status has been approved by the State Bar of California.

*(Subd (a) amended effective January 1, 2007.)*

#### (b) State Bar Foreign Legal Consultant Program

The State Bar of California must administer a Foreign Legal Consultant Program for registering and regulating the activities of foreign attorneys or the equivalent pursuant to the Rules of the State Bar of California.

*(Subd (b) amended effective January 1, 2019; previously amended effective January 1, 2007.)*

#### (c) Fees and Penalties

The State Bar of California has the authority to set and collect appropriate fees and penalties for the Foreign Legal Consultant Program.

*(Subd (f) amended effective January 1, 2007.)*

#### (d) Requirements

A Foreign Legal Consultant must:

- (1) Be admitted to practice law, have practiced law, and have remained in good standing as an attorney or the equivalent in a foreign country, for at least four of the six years immediately preceding their submission of an Application for Foreign Legal Consultant Status to the State Bar of California;
- (2) Possess the requisite good moral character required of licensees of the State of California and comply with California Rules of Court, rule 9.9.5, governing attorney fingerprinting;
- (3) Comply with the Rules of the State Bar of California relating to the Foreign Legal Consultant Program;
- (4) Abide by all of the laws and rules that govern licensees of the State Bar of California; and
- (5) Notify the State Bar of California of any change in their status in any jurisdiction where they are admitted to practice law or of any discipline with respect to their admission.

*(Subd (c) amended effective January 1, 2019; previously amended effective January 1, 2007.)*

#### (e) Scope of Practice

A Foreign Legal Consultant may provide legal advice in California exclusively regarding the law of the foreign jurisdiction where they are licensed to practice law, and may not:

- (1) Represent a person other than themselves, prepare pleadings or any other legal documents, or issue subpoenas, in any action or proceeding brought in any court or before any judicial officer in California;
- (2) Prepare any deed, mortgage, assignment, discharge, lease, or any other instrument affecting title to real estate located in the United States;
- (3) Prepare any will or trust instrument affecting the disposition on death of any property located in the United States and owned by a resident of the United States, or any instrument relating to the administration of a decedent's estate in the United States;
- (4) Prepare any instrument in respect of the marital relations, rights, or duties of a resident of the United States, or the custody or care of the children of a resident; or
- (5) Otherwise render professional legal advice on the law of any jurisdiction other than the foreign jurisdiction where they are licensed to practice law.

*(Subd (d) amended effective January 1, 2007.)*

**(f) Duration of Practice**

- (1) A Foreign Legal Consultant must renew their registration annually.
- (2) Provided that a Foreign Legal Consultant complies with the requirements of this rule, there is no limit on the duration of time they may engage in the scope of practice authorized in subdivision (e).

**(g) Application**

An applicant for the Foreign Legal Consultant Program must:

- (1) Apply for Foreign Legal Consultant status pursuant to the Rules of the State Bar of California; and
- (2) Not begin engaging in the scope of practice authorized by subdivision (e) as a Foreign Legal Consultant until they receive a positive moral character determination and their Application for Foreign Legal Consultant Status is approved by the State Bar of California.

*(Subd (e) amended effective January 1, 2019; previously amended effective January 1, 2007.)*

**(h) Failure to Comply**

A Foreign Legal Consultant who fails to comply with the requirements of the Foreign Legal Consultant Program will have their Foreign Legal Consultant status suspended or revoked under the Rules of the State Bar of California.

*(Subd (e) amended effective January 1, 2019; previously amended effective January 1, 2007.)*

**(i) Disciplinary Authority**

A Foreign Legal Consultant is subject to the disciplinary authority of the Supreme Court of California and the State Bar of California.

**(j) Inherent Power of Supreme Court**

Nothing in these rules may be construed as affecting the power of the Supreme Court of California to exercise its inherent jurisdiction over the practice of law in California.

*(Subd (g) amended effective January 1, 2007.)*

*Rule 9.44 amended effective January 1, 2019; adopted as rule 988 effective December 1, 1993; previously amended and renumbered effective January 1, 2007.*

**Rule 9.45. Registered ~~Legal Aid~~ Attorneys****(a) Definitions**

The following definitions apply in this rule:

- (1) ~~An “Eligible ~~Legal Aid~~ Organization” is means any of the following:~~
- (A) A nonprofit entity in good standing in California and in any other the state in which it is incorporated, ~~if other than California,~~ that provides free legal services aid in civil matters, including family law and immigration law, to indigent and disenfranchised persons, ~~especially underserved client groups, such as the elderly, persons with disabilities, people of color, juveniles, and limited English proficient persons; or~~
  - (B) A nonprofit law school in California that is approved by the American Bar Association ~~located in California~~ or accredited or registered by the State Bar of California ~~and that~~ provides free legal services in civil matters aid as described above in subdivision (A); or
  - (C) An eEntityies that receives IOLTA funds, as defined by State Bar Rule 2.100, pursuant to Business and Professions Code, section 6210, et seq., ~~are deemed to be eligible legal aid organizations.~~
- (2) A “Registered Legal Aid Attorney” is an attorney who meets the requirements of subdivision (d) of this rule and has been granted Registered Legal Aid Attorney status by the State Bar of California. Active licensee in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency” means an attorney who:
- (A) ~~Is a licensee in good standing of the entity governing the practice of law in each jurisdiction in which the attorney is licensed to practice law, who has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law for disciplinary misconduct in any other jurisdiction; and~~
  - (B) ~~Remains an active licensee in good standing of the entity governing the practice of law in at least one United States state, jurisdiction, possession, territory, or dependency other than California while practicing law as a registered legal aid attorney in California.~~
- (3) A “Supervising Attorney” is an active licensee, as defined by Rule of Court, rule 9.1(1), in good standing, of the State Bar of California, who is employed by an Eligible Legal Aid Organization and meets the requirements of subdivision (e) of this rule.

*(Subd (a) amended effective March 1, 2019; adopted as subd (j) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(b) State Bar Registered Legal Aid Attorney Program**

The State Bar of California must may establish and administer a Registered Legal Aid Attorney Program for registering and regulating the activities of out-of-state attorneys who practice law for an Eligible Legal Aid Organization ~~a program for registering California legal aid attorneys under rules adopted by the Board of Trustees of the State Bar.~~

*(Subd (g) amended effective March 1, 2019; adopted as subd (f) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(c) Application and registration Fees and Penalties**

The State Bar of California ~~has the authority to may~~ set ~~and collect~~ appropriate ~~application~~ fees and ~~penalties for the Registered Legal Aid Attorney Program~~ ~~initial and annual registration fees to be paid by~~ ~~registered legal aid attorneys.~~

*(Subd (f) amended effective March 1, 2019; adopted as subd (e) effective November 15, 2004; previously amended and relettered effective January 1, 2007.)*

**(d) Requirements**

~~A Registered Legal Aid Attorney~~ ~~For an attorney to qualify to practice law under this rule, the attorney~~ must:

- (1) Be an active licensee in good standing ~~of the bar of in at least one a United States~~ state, ~~jurisdiction,~~ possession, territory, ~~or dependency,~~ ~~or other jurisdiction of the United States, who is not disbarred,~~ ~~has not resigned with charges pending, and is not suspended from practicing law for disciplinary~~ ~~misconduct in any other jurisdiction;~~
- (2) Meet all of the requirements for admission to the State Bar of California, except that the attorney:
  - (A) ~~Is Need~~ not ~~required to pass take~~ the California ~~B~~bar ~~E~~examination or the Multistate Professional Responsibility Examination; and
  - (B) May practice law while ~~awaiting the result of his or her their~~ Application for Determination of Moral Character ~~is pending;~~
- (3) Comply with ~~the Rules of the State Bar of California~~ ~~the rules adopted by the Board of Trustees~~ relating to the ~~State Bar~~ Registered Legal Aid Attorney Program;
- (4) Practice law ~~in California, only~~ under the supervision of ~~an Supervising A~~attorney ~~who is employed by the eligible legal aid organization and who is a licensee in good standing of the State Bar of California;~~
- (5) Abide by all of the laws and rules that govern licensees of the State Bar of California, ~~including the Minimum Continuing Legal Education (MCLE) requirements;~~
- (6) ~~Complete the State Bar New Attorney Training program during the first 12 months of practice as a Registered Legal Aid Attorney as set forth in division 6 of title 2 of the Rules of the State Bar of California~~ ~~Satisfy in his or her first year of practice under this rule all of the MCLE requirements, including ethics education, that licensees of the State Bar of California must complete every three years~~ and, thereafter, satisfy the Minimum Continuing Legal Education ("MCLE") requirements for their ~~registered legal aid attorney's~~ compliance group as set forth in State Bar Rules 2.70 and 2.71. If the ~~R~~registered ~~L~~legal ~~A~~aid ~~A~~attorney's compliance group is required to report in less than ~~36~~ ~~thirty-six~~ months, the MCLE requirements will be reduced proportionally; ~~and~~
- (7) ~~Notify the State Bar of California within 30 days if they are no longer employed at the Eligible Legal Aid Organization or their Supervising Attorney has changed; and~~ ~~Not have taken and failed the California bar examination within five years immediately preceding initial application to register~~

~~under this rule~~

- (8) Obtain approval from the State Bar of California in order to practice law as a Registered Legal Aid Attorney at a new Eligible Legal Aid Organization or for a different Supervising Attorney.

*(Subd (c) amended and renumbered effective March 1, 2019; adopted as subd (b) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(e) Supervision**

- (1) A Supervising Attorney must ~~To meet the requirements of this rule, an attorney supervising a registered legal aid attorney:~~
- (A) Must h~~ave~~ actively practiced law in California for at least two years immediately preceding the start time of their supervision of the Registered Legal Aid Attorney and be a licensee in good standing of the State Bar of California;
  - (B) Must h~~ave~~ practiced law ~~as a full-time occupation~~ for at least four years in ~~any~~ United States jurisdiction;
  - (C) Must a~~ssume~~ professional responsibility for any work of that the Rregistered Llegal Aid Attorney ~~performs under the supervising attorney's supervision;~~
  - (D) Must a~~ssist~~, counsel, and ~~provide directly supervision of the R~~registered Llegal Aid Attorney in the activities authorized by this rule, ~~approve in writing any appearance in court, deposition, arbitration or any proceeding by the registered legal aid attorney, and review such activities with the supervised registered legal aid attorney,~~ to the extent required for the protection of the client ~~or customer;~~
  - (E) If the Registered Legal Aid Attorney has practiced law for less than five years or has not practiced law within three of the last five years:
    - (i) Approve in writing any appearance in court, deposition, arbitration, or any proceeding by the Registered Legal Aid Attorney, and review such activities with the Registered Legal Aid Attorney, to the extent required for the protection of the client;
    - (ii) Must r~~ead~~, approve, and personally sign any pleadings, briefs, or other ~~similar~~ documents prepared by the Rregistered Llegal Aid Attorney before they ~~are~~ filed with a court, and ~~must~~ read and approve any other documents prepared by the Rregistered Llegal Aid Attorney before their submission for execution; and
- (2) Agree to assume control of the work of the Registered Legal Aid Attorney in the event their Registered Legal Aid Attorney status is suspended or terminated.
- (6) May, in his or her absence, designate another attorney meeting the requirements of (1) through (5) to provide the supervision required under this rule.

*(Subd (h) amended and renumbered effective March 1, 2019; adopted as subd (g) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(f) Scope of ~~P~~practice**

Subject to all applicable rules, regulations, and statutes, a Registered Legal Aid Attorney an attorney practicing law under this rule may practice law in California, under supervision, in all forms of legal practice that are permissible for a licensee of the State Bar of California only while working, with or without pay, for at an Eligible Legal Aid Organization, as defined in this rule, and, at that institution and only on behalf of the organization's its clients or customers.

*(Subd (b) amended effective March 1, 2019; adopted as subd (a) effective November 15, 2004; previously amended and relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(g) Duration of ~~P~~practice**

- (1) A Registered Legal Aid Attorney must renew his or her their registration annually.
- (2) Provided that a Registered Legal Aid Attorney complies with the requirements of this rule, there is no limit on the duration of time they may practice law under this rule and may practice for no more than a total of five years under this rule.

*(Subd (e) amended effective March 1, 2019; adopted as subd (d) effective November 15, 2004; previously relettered effective January 1, 2007.)*

**(h) Application**

An The attorney applicant for the Registered Legal Aid Attorney Program must comply with the following registration requirements:

- (1) Apply for Registered Legal Aid Attorney status pursuant to the Rules of the State Bar of California; and Register as a legal aid attorney; submit a separate application for each eligible legal aid organization; file an Application for Determination of Moral Character with the State Bar of California; and comply with Rules of Court, rule 9.9.5, governing attorney fingerprinting;
- (2) Not begin practicing law as a Registered Legal Aid Attorney until their Application for Registered Legal Aid Attorney Status is approved by the State Bar of California. Submit to the State Bar of California a declaration signed by the attorney agreeing that he or she will be subject to the disciplinary authority of the Supreme Court of California and the State Bar of California and attesting that he or she will not practice law in California other than under supervision of an attorney at an eligible legal aid organization a during the time he or she practices law as a registered legal aid attorney in California; and
- (3) Submit to the State Bar of California a declaration signed by a qualifying supervisor on behalf of the from each eligible legal aid organization in California. The declaration must attesting:
  - (i) that the applicant will work, with or without pay, as an attorney for the organization;
  - (ii) that the applicant will be supervised as specified in this rule;
  - (iii) that the eligible legal aid organization and the supervising attorney assume professional responsibility for any work performed by the applicant under this rule;
  - (iv) that the organization will notify the State Bar of California within 30 days of the

~~cessation of the applicant's employment with that employer in California; and~~

~~(v) — that the person signing the declaration believes, to the best of his or her knowledge after reasonable inquiry, that the applicant qualifies for registration under this rule and is an individual of good moral character.~~

*(Subd (d) amended effective March 1, 2019; adopted as subd (c) effective November 15, 2004; previously relettered effective January 1, 2007.)*

**(i) Failure to Comply**

A Registered Legal Aid Attorney who fails to comply with the requirements of the Registered Legal Aid Attorney Program will have their Registered Legal Aid Attorney status suspended or revoked under the Rules of the State Bar of California.

**(j) Disciplinary Authority**

A Registered Legal Aid Attorney is subject to the disciplinary authority of the Supreme Court of California and the State Bar of California.

**(k) Inherent Power of Supreme Court**

Nothing in this rule may be construed as affecting the power of the Supreme Court of California to exercise its inherent jurisdiction over the practice of law in California.

*(Subd (i) amended and relettered effective January 1, 2007; adopted as subd (h) effective November 15, 2004.)*

**(l) Effect of Rule on Multijurisdictional Practice**

Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not licensees of the State Bar of California.

*(Subd (j) amended effective January 1, 2019; adopted as subd (i) effective November 15, 2004; previously relettered effective January 1, 2007.)*

*Rule 9.45 amended effective March 1, 2019; adopted as rule 964 by the Supreme Court effective November 15, 2004; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2019.*

**Rule 9.45. Registered Legal Aid Attorney**

**(a) Definitions**

The following definitions apply in this rule:

- (1) An “Eligible Legal Aid Organization” is:
  - (A) A nonprofit entity in good standing in California and in any other state in which it is incorporated, that provides free legal services in civil matters, including family law and immigration law, to indigent and disenfranchised persons;
  - (B) A nonprofit law school in California that is approved by the American Bar Association or accredited or registered by the State Bar of California and provides free legal services in civil matters; or
  - (C) An entity that receives IOLTA funds, as defined by State Bar Rule 2.100, pursuant to Business and Professions Code, section 6210, et seq.
- (2) A “Registered Legal Aid Attorney” is an attorney who meets the requirements of subdivision (d) of this rule and has been granted Registered Legal Aid Attorney status by the State Bar of California.
- (3) A “Supervising Attorney” is an active licensee, as defined by Rule of Court, rule 9.1(1), in good standing, of the State Bar of California, who is employed by an Eligible Legal Aid Organization and meets the requirements of subdivision (e) of this rule.

*(Subd (a) amended effective March 1, 2019; adopted as subd (j) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(b) State Bar Registered Legal Aid Attorney Program**

The State Bar of California must administer a Registered Legal Aid Attorney Program for registering and regulating the activities of out-of-state attorneys who practice law for an Eligible Legal Aid Organization.

*(Subd (g) amended effective March 1, 2019; adopted as subd (f) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(c) Fees and Penalties**

The State Bar of California has the authority to set and collect appropriate fees and penalties for the Registered Legal Aid Attorney program.

*(Subd (f) amended effective March 1, 2019; adopted as subd (e) effective November 15, 2004; previously amended and relettered effective January 1, 2007.)*

**(d) Requirements**

A Registered Legal Aid Attorney must:

- (1) Be an active licensee in good standing in at least one state, possession, territory, dependency, or other jurisdiction of the United States, who is not disbarred, has not resigned with charges pending, and is not suspended from practicing law for disciplinary misconduct in any other jurisdiction;
- (2) Meet all of the requirements for admission to the State Bar of California, except that the attorney:
  - (A) Is not required to pass the California Bar Examination or the Multistate Professional Responsibility Examination; and
  - (B) May practice law while their Application for Determination of Moral Character is pending;
- (3) Comply with the Rules of the State Bar of California relating to the Registered Legal Aid Attorney Program;
- (4) Practice law in California, only under the supervision of a Supervising Attorney;
- (5) Abide by all of the laws and rules that govern licensees of the State Bar of California;
- (6) Complete the State Bar New Attorney Training program during the first 12 months of practice as a Registered Legal Aid Attorney as set forth in division 6 of title 2 of the Rules of the State Bar of California and, thereafter, satisfy the Minimum Continuing Legal Education ("MCLE") requirements for their compliance group as set forth in State Bar Rules 2.70 and 2.71. If the Registered Legal Aid Attorney's compliance group is required to report in less than 36 months, the MCLE requirements will be reduced proportionally;
- (7) Notify the State Bar of California within 30 days if they are no longer employed at the Eligible Legal Aid Organization or their Supervising Attorney has changed; and
- (8) Obtain approval from the State Bar of California in order to practice law as a Registered Legal Aid Attorney at a new Eligible Legal Aid Organization or for a different Supervising Attorney.

*(Subd (c) amended and renumbered effective March 1, 2019; adopted as subd (b) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(e) Supervision**

- (1) A Supervising Attorney must:
  - (A) Have practiced law in California for at least two years immediately preceding the start of their supervision of the Registered Legal Aid Attorney;
  - (B) Have practiced law for at least four years in a United States jurisdiction;
  - (C) Assume professional responsibility for any work of the Registered Legal Aid Attorney;
  - (D) Assist, counsel, and directly supervise the Registered Legal Aid Attorney in the activities authorized by this rule, to the extent required for the protection of the client;

- (E) If the Registered Legal Aid Attorney has practiced law for less than five years or has not practiced law for three of the last five years:
- (i) Approve in writing any appearance in court, deposition, arbitration, or any proceeding by the Registered Legal Aid Attorney, and review such activities with the Registered Legal Aid Attorney, to the extent required for the protection of the client;
  - (ii) Read, approve, and personally sign any pleadings, briefs, or other documents prepared by the Registered Legal Aid Attorney before they are filed with a court, and read and approve any other documents prepared by the Registered Legal Aid Attorney before their submission for execution; and
- (2) Agree to assume control of the work of the Registered Legal Aid Attorney in the event their Registered Legal Aid Attorney status is suspended or terminated.

*(Subd (h) amended and renumbered effective March 1, 2019; adopted as subd (g) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(f) Scope of Practice**

Subject to all applicable rules, regulations, and statutes, a Registered Legal Aid Attorney may practice law in California, under supervision, in all forms of legal practice that are permissible for a licensee of the State Bar of California while working, with or without pay, for an Eligible Legal Aid Organization, on behalf of the organization's clients.

*(Subd (b) amended effective March 1, 2019; adopted as subd (a) effective November 15, 2004; previously amended and relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(g) Duration of Practice**

- (1) A Registered Legal Aid Attorney must renew their registration annually.
- (2) Provided that a Registered Legal Aid Attorney complies with the requirements of this rule, there is no limit on the duration of time they may practice law under this rule.

*(Subd (e) amended effective March 1, 2019; adopted as subd (d) effective November 15, 2004; previously relettered effective January 1, 2007.)*

**(h) Application**

An applicant for the Registered Legal Aid Attorney Program must:

- (1) Apply for Registered Legal Aid Attorney status pursuant to the Rules of the State Bar of California; and
- (2) Not begin practicing law as a Registered Legal Aid Attorney until their Application for Registered Legal Aid Attorney Status is approved by the State Bar of California.

*(Subd (d) amended effective March 1, 2019; adopted as subd (c) effective November 15, 2004; previously relettered effective January 1, 2007.)*

**(i) Failure to Comply**

A Registered Legal Aid Attorney who fails to comply with the requirements of the Registered Legal Aid Attorney Program will have their Registered Legal Aid Attorney status suspended or revoked under the Rules of the State Bar of California.

**(j) Disciplinary Authority**

A Registered Legal Aid Attorney is subject to the disciplinary authority of the Supreme Court of California and the State Bar of California.

**(k) Inherent Power of Supreme Court**

Nothing in this rule may be construed as affecting the power of the Supreme Court of California to exercise its inherent jurisdiction over the practice of law in California.

*(Subd (i) amended and relettered effective January 1, 2007; adopted as subd (h) effective November 15, 2004.)*

**(l) Effect of Rule on Multijurisdictional Practice**

Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not licensees of the State Bar of California.

*(Subd (j) amended effective January 1, 2019; adopted as subd (i) effective November 15, 2004; previously relettered effective January 1, 2007.)*

*Rule 9.45 amended effective March 1, 2019; adopted as rule 964 by the Supreme Court effective November 15, 2004; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2019.*

Rule 9.46. Registered ~~In-H~~ouse ~~C~~counsel

## (a) Definitions

The following definitions apply ~~to terms used~~ in this rule:

- (1) ~~A “Qualifying Institution” is a business entity registered with the California Secretary of State means a corporation, a partnership, an association, or other legal entity, including its subsidiaries and organizational affiliates, which that~~ has an office located in California, ~~is not~~ Neither a governmental entity, ~~nor an entity that does not~~ provide legal services to others, ~~and can be a qualifying institution for purposes of this rule. A qualifying institution must:~~
- (A) ~~Employs~~ at least ~~five~~ 5 full-time employees; or
- (B) ~~Employs in California~~ an attorney ~~in California~~ who is an active licensee, ~~as defined by Rules of Court, rule 9.1(1),~~ in good standing, of the State Bar of California.
- (2) ~~“Registered In-House Counsel” is an attorney who meets the requirements of subdivision (d) of this rule and has been granted Registered In-House Counsel status by the State Bar of California. ~~strong~~ “Active licensee in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency” means an attorney who:~~
- (A) ~~Is a licensee in good standing of the entity governing the practice of law in each jurisdiction in which the attorney is licensed to practice law, who has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law for disciplinary misconduct in any other jurisdiction; and~~
- (B) ~~em} Remains an active licensee in good standing of the entity governing the practice of law in at least one United States state, jurisdiction, possession, territory, or dependency, other than California, while practicing law as registered in-house counsel in California.~~

*(Subd (a) amended effective March 1, 2019; adopted as subd (j) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

## (b) State Bar Registered In-House Counsel Program

The State Bar ~~of California~~ must ~~establish and~~ administer ~~a Registered In-House Counsel Program under the Rules of the State Bar of California for registering and regulating the activities of out-of-state attorneys who practice law as in-house counsel for a Qualifying Institution~~ a program for registering California in-house counsel under rules adopted by the Board of Trustees.

*(Subd (g) relettered effective March 1, 2019; adopted as subd (g) effective November 15, 2004; previously amended and relettered as subd (h) effective January 1, 2007; previously amended effective January 1, 2019.)*

(c) ~~Application and registration f~~ees and ~~P~~enalties

The State Bar of California ~~has the authority to may~~ set ~~and collect~~ appropriate ~~application~~ fees and ~~penalties for the Registered In-House Counsel Program~~ initial and annual registration fees to be paid by registered in-house counsel.

(Subd (f) relettered effective March 1, 2019; adopted as subd (f) effective November 15, 2004; previously amended and relettered as subd (g) effective January 1, 2007.)

**(d) Requirements**

Registered In-House Counsel For an attorney to practice law under this rule, the attorney must:

- (1) Be an active licensee in good standing ~~of the bar of in at least one a United States state, jurisdiction, possession, territory, or dependency, or other jurisdiction of the United States, who is not disbarred, has not resigned with charges pending, and is not suspended from practicing law for disciplinary misconduct in any other jurisdiction;~~
- (2) Meet all of the requirements for admission to the State Bar of California, except that the attorney:
  - (A) ~~Is~~ ~~Need~~ not ~~required to pass take~~ the California ~~B~~bar ~~E~~xamination or the Multistate Professional Responsibility Examination; and
  - (B) May practice law while ~~awaiting the result of his or her their~~ Application for Determination of Moral Character is pending;
- (3) Comply with the Rules of the State Bar of California ~~the rules adopted by the Board of Trustees~~ relating to the ~~State Bar~~ Registered In-House Counsel Program;
- (4) Practice law exclusively for a single Qualifying Institution, except that, ~~while practicing under this rule, the attorney~~ Registered In-House Counsel may provide pro bono services through an Eligible Legal Aid Organizations under subdivision (e)(1) of this rule;
- (5) Abide by all of the laws and rules that govern licensees of the State Bar of California, ~~including the Minimum Continuing Legal Education (MCLE) requirements~~;
- (6) Complete the State Bar New Attorney Training program during the first 12 months of practice as Registered In-House Counsel as set forth in division 6 of title 2 of the Rules of the State Bar of California ~~Satisfy in his or her first year of practice under this rule all of the MCLE requirements, including ethics education, that licensees of the State Bar of California must complete every three years and, thereafter, satisfy the~~ Minimum Continuing Legal Education (“MCLE”) requirements for ~~their registered in-house counsel's~~ compliance group as set forth in State Bar Rules 2.70 and 2.71. If the ~~R~~registered ~~I~~n-~~H~~ouse ~~C~~ounsel's compliance group is required to report in less than ~~36 thirty-six~~ months, the MCLE requirement will be reduced proportionally; ~~and~~
- (7) Notify the State Bar of California within 30 days if their employment with the Qualifying Institution ends; and Reside in California.
- (8) Obtain approval from the State Bar of California of the Qualifying Institution that employs them as Registered In-House Counsel.

(Subd (c) amended effective March 1, 2019; adopted as subd (b) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)

**(e) Scope of Ppractice**

~~Registered In-House Counsel~~ Subject to all applicable rules, regulations, and statutes, an attorney practicing law under this rule is:

(1) Permitted to provide:

(A) legal services in California only to the Qualifying Institution that employs them;

(B) *pro bono* legal services under supervision of a California attorney for ~~either an~~ Eligible Legal Aid Organizations as defined by Rules of Court, rule 9.45(a)(1), ~~or the qualifying institution that employs him or her;~~

(2) Not permitted to make court appearances in California state courts or to engage in any other activities for which permission to appear as counsel *pro hac vice* admission is required ~~if they are performed in California by an~~ for attorneys who are ~~is~~ not a licensees of the State Bar of California, except as permitted by subdivision (e)(1) of this rule; and

(3) Not permitted to provide personal or individual representation to any customers, shareholders, owners, partners, officers, employees, servants, or agents of the Qualifying Institution, ~~except as described in subdivision (b)(2).~~

*(Subd (b) amended effective March 1, 2019; adopted as subd (a) effective November 15, 2004; previously amended and relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(f) Duration of Ppractice**

(1) A Registered In-House Counsel must renew ~~his or her~~ their registration annually.

(2) Provided that Registered In-House Counsel complies with the requirements of this rule, ~~There~~ is no limitation on the duration of time they ~~number of years in house counsel~~ may practice law register under this rule. ~~Registered in-house counsel may practice law under this rule only for as long as he or she remains employed by the same qualifying institution that provided the declaration in support of his or her application. If an attorney practicing law as registered in-house counsel leaves the employment of his or her employer or changes employers, he or she must notify the State Bar of California within 30 days. If an attorney wishes to practice law under this rule for a new employer, he or she must first register as in-house counsel for that employer.~~

*(Subd (e) amended and relettered effective January 1, 2007; adopted as subd (d) effective November 15, 2004.)*

**(g) Application**

An ~~The~~ attorney applicant for the Registered In-House Counsel Program must ~~comply with the following registration requirements:~~

(1) Apply for Registered In-House Counsel status pursuant to the Rules of the State Bar of California; and Register as an in-house counsel; submit an application for the qualifying institution; file an Application for Determination of Moral Character with the State Bar of California; and comply with Rules of Court, rule 9.9.5. governing attorney fingerprinting;

- (2) ~~Not begin practicing law as Registered In-House Counsel until their Application for Registered In-House Counsel Status is approved by the State Bar of California. Submit a supplemental form identifying the eligible legal aid organizations as defined by Rules of Court, rule 9.45(a)(1) and the supervising attorney, through which an in-house counsel intends to provide *pro bona* services, if applicable;~~
- (3) ~~Submit to the State Bar of California a declaration signed by the attorney agreeing that he or she will be subject to the disciplinary authority of the Supreme Court of California and the State Bar of California and attesting that he or she will not practice law in California other than on behalf of the qualifying institution during the time he or she is registered in-house counsel in California, except if supervised, a registered in-house counsel may provide *pro bona* services through eligible legal aid organization; and~~
- (4) ~~Submit to the State Bar of California a declaration signed by an officer, a director, or a general counsel of the applicant's employer, on behalf of the applicant's employer. The declaration must attest:~~
- ~~(i) that the applicant is employed as an attorney for the employer;~~
  - ~~(ii) that the nature of the employment conforms to the requirements of this rule;~~
  - ~~(iii) that the employer will notify the State Bar of California within 30 days of the cessation of the applicant's employment in California; and~~
  - ~~(iv) that the person signing the declaration believes, to the best of his or her knowledge after reasonable inquiry, that the applicant qualifies for registration under this rule and is an individual of good moral character.~~

*(Subd (d) amended effective March 1, 2019; adopted as subd (c) effective November 15, 2004; previously relettered effective January 1, 2007.)*

## **(h) Failure to Comply**

Registered In-House Counsel who fails to comply with the requirements of the Registered In-House Counsel Program will have their Registered In-House Counsel status suspended or revoked under the Rules of the State Bar of California.

## **(i) Disciplinary Authority**

Registered In-House Counsel is subject to the disciplinary authority of the Supreme Court of California and the State Bar of California.

## **(j) Inherent Power of Supreme Court**

Nothing in this rule may be construed as affecting the power of the Supreme Court of California to exercise its inherent jurisdiction over the practice of law in California.

*(Subd (h) relettered effective March 1, 2019; adopted as subd (h) effective November 15, 2004; previously amended and relettered as subd (i) effective January 1, 2007.)*

**(k) Effect of Rrule on Mmultijurisdictional Ppractice**

Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not licensees of the State Bar of California.

*(Subd (i) relettered effective March 1, 2019; adopted as subd (i) effective November 15, 2004; previously relettered as subd (j) effective January 1, 2007; previously amended effective January 1, 2019.)*

*Rule 9.46 amended effective March 1, 2019; adopted as rule 965 by the Supreme Court effective November 15, 2004; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2019.*

**Rule 9.46. Registered In-House Counsel****(a) Definitions**

The following definitions apply in this rule:

- (1) A “Qualifying Institution” is a business entity registered with the California Secretary of State that has an office located in California, is not a governmental entity, does not provide legal services to others, and:
  - (A) Employs at least five full-time employees; or
  - (B) Employs an attorney in California who is an active licensee, as defined by Rules of Court, rule 9.1(1), in good standing, of the State Bar of California.
- (2) “Registered In-House Counsel” is an attorney who meets the requirements of subdivision (d) of this rule and has been granted Registered In-House Counsel status by the State Bar of California.

*(Subd (a) amended effective March 1, 2019; adopted as subd (j) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(b) State Bar Registered In-House Counsel Program**

The State Bar of California must administer a Registered In-House Counsel Program under the Rules of the State Bar of California for registering and regulating the activities of out-of-state attorneys who practice law as in-house counsel for a Qualifying Institution.

*(Subd (g) relettered effective March 1, 2019; adopted as subd (g) effective November 15, 2004; previously amended and relettered as subd (h) effective January 1, 2007; previously amended effective January 1, 2019.)*

**(c) Fees and Penalties**

The State Bar of California has the authority to set and collect appropriate fees and penalties for the Registered In-House Counsel Program.

*(Subd (f) relettered effective March 1, 2019; adopted as subd (f) effective November 15, 2004; previously amended and relettered as subd (g) effective January 1, 2007.)*

**(d) Requirements**

Registered In-House Counsel must:

- (1) Be an active licensee in good standing in at least one state, possession, territory, dependency, or other jurisdiction of the United States, who is not disbarred, has not resigned with charges pending, and is not suspended from practicing law for disciplinary misconduct in any other jurisdiction;
- (2) Meet all of the requirements for admission to the State Bar of California, except that the attorney:
  - (A) Is not required to pass the California Bar Examination or the Multistate Professional Responsibility Examination; and

- (B) May practice law while their Application for Determination of Moral Character is pending;
- (3) Comply with the Rules of the State Bar of California relating to the Registered In-House Counsel Program;
- (4) Practice law exclusively for a single Qualifying Institution, except that Registered In-House Counsel may provide pro bono services through an Eligible Legal Aid Organization under subdivision (e)(1) of this rule;
- (5) Abide by all of the laws and rules that govern licensees of the State Bar of California;
- (6) Complete the State Bar New Attorney Training program during the first 12 months of practice as Registered In-House Counsel as set forth in division 6 of title 2 of the Rules of the State Bar of California and, thereafter, satisfy the Minimum Continuing Legal Education ("MCLE") requirements for their compliance group as set forth in State Bar Rules 2.70 and 2.71. If the Registered In-House Counsel's compliance group is required to report in less than 36 months, the MCLE requirement will be reduced proportionally;
- (7) Notify the State Bar of California within 30 days if their employment with the Qualifying Institution ends; and
- (8) Obtain approval from the State Bar of California of the Qualifying Institution that employs them as Registered In-House Counsel.

*(Subd (c) amended effective March 1, 2019; adopted as subd (b) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(e) Scope of Practice**

Registered In-House Counsel is:

- (1) Permitted to provide:
  - (A) legal services in California only to the Qualifying Institution that employs them;
  - (B) *pro bono* legal services under supervision of a California attorney for an Eligible Legal Aid Organization as defined by Rules of Court, rule 9.45(a)(1);
- (2) Not permitted to make court appearances in California state courts or to engage in any other activities for which permission to appear as counsel *pro hac vice* is required for attorneys who are not licensees of the State Bar of California, except as permitted by subdivision (e)(1) of this rule; and
- (3) Not permitted to provide personal or individual representation to any customers, shareholders, owners, partners, officers, employees, servants, or agents of the Qualifying Institution.

*(Subd (b) amended effective March 1, 2019; adopted as subd (a) effective November 15, 2004; previously amended and relettered effective January 1, 2007; previously amended effective January 1, 2019.)*

**(f) Duration of Practice**

- (1) Registered In-House Counsel must renew their registration annually.
- (2) Provided that Registered In-House Counsel complies with the requirements of this rule, there is no limit on the duration of time they may practice law under this rule.

*(Subd (e) amended and relettered effective January 1, 2007; adopted as subd (d) effective November 15, 2004.)*

**(g) Application**

An attorney applicant for the Registered In-House Counsel Program must:

- (1) Apply for Registered In-House Counsel status pursuant to the Rules of the State Bar of California; and
- (2) Not begin practicing law as Registered In-House Counsel until their Application for Registered In-House Counsel Status is approved by the State Bar of California.

*(Subd (d) amended effective March 1, 2019; adopted as subd (c) effective November 15, 2004; previously relettered effective January 1, 2007.)*

**(h) Failure to Comply**

Registered In-House Counsel who fails to comply with the requirements of the Registered In-House Counsel Program will have their Registered In-House Counsel status suspended or revoked under the Rules of the State Bar of California.

**(i) Disciplinary Authority**

Registered In-House Counsel is subject to the disciplinary authority of the Supreme Court of California and the State Bar of California.

**(j) Inherent Power of Supreme Court**

Nothing in this rule may be construed as affecting the power of the Supreme Court of California to exercise its inherent jurisdiction over the practice of law in California.

*(Subd (h) relettered effective March 1, 2019; adopted as subd (h) effective November 15, 2004; previously amended and relettered as subd (i) effective January 1, 2007.)*

**(k) Effect of Rule on Multijurisdictional Practice**

Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not licensees of the State Bar of California.

*(Subd (i) relettered effective March 1, 2019; adopted as subd (i) effective November 15, 2004; previously relettered as subd (j) effective January 1, 2007; previously amended effective January 1, 2019.)*

*Rule 9.46 amended effective March 1, 2019; adopted as rule 965 by the Supreme Court effective November 15, 2004; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2019.*

TITLE 3. PROGRAMS AND SERVICES

Adopted March 1, 2019

DIVISION 3. NON-LICENSEE ATTORNEYSChapter 1. Multijurisdictional PracticeArticle 1. Registered Military Spouse Attorney

## Rule 3.350 Definitions

For purposes of this article:

~~(A) A “Registered Military Spouse Attorney” is an attorney who meets the eligibility requirements of Rule 9.41.1 of the California Rules of Court (“Rule 9.41.1”) and is registered by the State Bar as a Registered Military Spouse Attorney.~~

(A) “Receipt” of a document that the State Bar sends to an applicant or a Registered Military Spouse Attorney is:

(1) calculated as the date of electronic transmission or 5 days from the date of mailing to a California address; 10 days from the date of mailing to an address elsewhere in the United States; and 20 days from the date of mailing to an address outside the United States; or

(2) when the State Bar delivers a document physically by personal service or otherwise.

~~“Registered” means that the State Bar has issued a certificate of registration to an attorney it deems eligible to practice law as a Registered Military Spouse Attorney.~~

(B) A “Registered Military Spouse Attorney” is an attorney who meets the eligibility requirements of Rule 9.41.1 of the California Rules of Court (“Rule 9.41.1”) and whose Application for Registered Military Spouse Attorney Status has been approved is registered by the State Bar as a Registered Military Spouse Attorney.

(C) A “Supervising Attorney” is an attorney who meets the requirements of rule 9.41.1(a)(3) of the California Rules of Court and will supervise the Registered Military Spouse Attorney.

*Rule 3.350 adopted effective March 1, 2019.*

Rule 3.351 Application for Registered Military Spouse Attorney Status

(A) To apply to register as a for Registered Military Spouse Attorney status, an attorney must who meets the eligibility and employment requirements of Rule 9.41.1 of the California Rules of Court must and:

- (1) submit an Application for Registration<sup>1</sup> to register as an attorney applicant, pursuant to rule 4.16(B), for admission to the State Bar of California with the required documentation and the fee set forth in the Schedule of Charges and Deadlines;<sup>2</sup>
- (2) submit an Application for Registered Military Spouse Attorney Status<sup>3</sup> with and: the fee set forth in the Schedule of Charges and Deadlines;
  - (a) the fee set forth in the Schedule of Charges and Deadlines;
  - (b) an Application for Determination of Moral Character with the fee set forth in the Schedule of Charges and Deadlines, unless:
    - (i) the attorney applicant currently possesses a valid positive moral character determination, pursuant to rule 4.51; or
    - (ii) the attorney applicant's Application for Determination of Moral Character is pending;
  - (c) prior to beginning employment as a Registered Military Spouse Attorney, submit a Supervising Attorney Declaration signed no more than 30 days prior to submission by a Supervising Attorney who works for the same employer attesting that:
    - (i) the Supervising Attorney meets requirements under rule 9.41.1 of the California Rules of Court;
    - (ii) the applicant will be supervised as specified in rule 9.41.1 of the California Rules of Court;
    - (iii) the Supervising Attorney will assume professional responsibility for any work performed by the applicant under rule 9.41.1 of the California Rules of Court and this article;
    - (iv) the Supervising Attorney will assume representation of clients of the Registered Military Spouse Attorney if the Registered Military Spouse Attorney becomes ineligible to practice under rule 9.41.1 of the California Rules of Court or this article or is otherwise unable to continue the representation;

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<sup>1</sup> See Rule 4.16(B).

<sup>2</sup> See Rule 4.3(B).

<sup>3</sup> See Rules of Court, rule 9.41.1.

(v) the Supervising Attorney believes, to the best of their knowledge after reasonable inquiry, that the applicant has good moral character and qualifies for Registered Military Spouse Attorney status under rule 9.41.1 of the California Rules of Court and this article; and

(d) a declaration acknowledging they will be subject to the disciplinary authority of the Supreme Court of California and the State Bar, and will not practice law in California other than as a Registered Military Spouse Attorney under the supervision of their Supervising Attorney.

~~(3) — meet State Bar requirements for acceptable moral character;~~

~~(4) — submit to the State Bar of California a declaration signed by the attorney agreeing that he or she will be subject to the disciplinary authority of the Supreme Court of California and the State Bar of California and attesting that he or she will not practice law in California other than under supervision of a California attorney during the time he or she practices law as a military spouse attorney in California; and~~

~~(5) — submit a Declaration signed by the supervising attorney.<sup>4</sup>~~

(B) The State Bar will deem an Application for Registered Military Spouse Attorney Status complete when all required documentation has been submitted and the required fees paid. The State Bar will notify the applicant if an application has been deemed incomplete. The applicant must cure all deficiencies within 60 days of receipt of the notification or the application will be deemed abandoned, absent a showing of good cause. No refund of fees will be issued for an abandoned application.

(C) The State Bar may conditionally approve an Application for Registered Military Spouse Attorney Status prior to the applicant securing employment and submitting a Supervising Attorney Declaration. The applicant must submit the Supervising Attorney Declaration in order to obtain full approval of the application.

(D) An applicant may practice law as a Registered Military Spouse Attorney when the State Bar has approved their Application for Registered Military Spouse Attorney Status, and their Application for Determination of Moral Character is pending or approved.

(E) An ~~A~~ application ~~for to practice law as a~~ Registered Military Spouse Attorney Status will ~~may~~ be denied ~~if the applicant fails to meet the for failure to comply with eligibility or application~~ requirements of rule 9.41.1 of the California Rules of Court or this article, or makes a material misrepresentation of fact in the application.

*Rule 3.351 adopted effective March 1, 2019.*

<sup>4</sup> See Rules of Court, rule 9.41.1(a)(3)(F)

Rule 3.352 Duties of a Registered Military Spouse Attorney

~~An attorney employed as~~ Registered Military Spouse Attorney; must

- (A) is subject to the disciplinary authority of the Supreme Court of California and the State Bar;
- (B) must annually renew ~~their registration as a~~ Registered Military Spouse Attorney status by ~~and~~ submitting an Application for Renewal of Registered Military Spouse Attorney Status, Supervising Attorney Declaration, and any related ~~the~~ fee set forth in the Schedule of Charges and Deadlines;
- ~~(B) — practice for no more than a total of five years as a Registered Military Spouse Attorney;~~
- (C) must complete the State Bar New Attorney Training program within a year of initially obtaining Registered Military Spouse Attorney status, pursuant to division 6 title 2 of these rules, and meet the Minimum Continuing Legal Education (~~MCLE~~) requirements set forth in ~~r~~Rule 9.41.1 of the California Rules of Court;
- ~~(D) — report a change of supervising attorney in accordance with State Bar requirements;~~
- (D) must use the title “Specially Registered Attorney” in connection with activities performed as a Registered Military Spouse Attorney;
- (E) must not imply or claim in any way to be a licenseed attorney of the State Bar ~~of California;~~
- (F) must maintain with the State Bar a current email address and mailing ~~with the State Bar an~~ address of record that is the current California office address of the Registered Military Spouse Attorney’s employer ~~attorney’s employer and a current e-mail address;~~
- (G) must report to the State Bar within 30 ~~thirty~~ days:
  - (1) a change in status in any jurisdiction where they have been admitted to practice law, including, but not limited to, such as transfer to inactive status, disciplinary action-~~that affects the attorney’s status of good standing~~, suspension, resignation, disbarment, or a functional equivalent;
  - (2) if their employment ends ~~termination of supervision by the supervising attorney;~~ or
  - (3) a change of Supervising Attorney, and submit a new Supervising Attorney Declaration in accordance with this article, when their Supervising Attorney has changed; and
  - (4) any information required to be reported by an attorney under the State Bar Act, including such as that required by Business and Professions Code sections 6068(o) and 6086.8(c) ~~of the California Business and Professions Code~~, or by any other legal authority;

- (H) must be supervised by a qualifying Supervising Attorney who meets the requirements of ~~R~~rule 9.41.1 of the California Rules of Court;
- (I) must submit a change of employer notice, Supervising Attorney Declaration, and the fee set forth in the Schedule of Charges and Deadlines ~~a new application for to register as a Registered Military Spouse Attorney~~ before beginning new employment ~~or with a new-qualifying supervising attorney~~; and
- (J) must ~~otherwise~~ comply with the requirements of ~~r~~Rule 9.41.1 of the California Rules of Court and this article ~~these rules~~.

*Rule 3.351 adopted effective March 1, 2019.*

#### Rule 3.353 Duties of a Supervising Attorney-employer

A Registered Military Spouse Attorney's ~~qualifying~~ Supervising Attorney ~~who meets the requirements of Rule 9.41.1~~ must:

- (A) provide a Supervising Attorney Declaration to an attorney who is applying for Registered Military Spouse Attorney status, prior to the attorney starting their employment as a Registered Military Spouse Attorney ~~complete the Application for Approval, and be approved by the State Bar, as a qualifying supervising attorney~~;
- (B) ~~complete and sign a Declaration before supervising a Registered Military Spouse Attorney, attesting that he or she~~
  - (1) ~~is a qualified supervising attorney~~;
  - (2) ~~to supervise Registered Military Spouse Attorney ("attorney") and otherwise comply with the requirements of Rule 9.41.1 and these rules~~;
  - (3) ~~deems the attorney, on the basis of reasonable inquiry, to be of good moral character~~;
- (B) ~~agrees to~~ notify the State Bar ~~of California~~, in writing, within 30 ~~thirty~~ days if:
  - (1) the Registered Military Spouse Attorney's employment has ended;
  - (2) the Registered Military Spouse Attorney's Supervising Attorney has changed;
  - (3) the Registered Military Spouse Attorney is no longer eligible for employment under as required by Rrule 9.41.1 of the California Rules of Court ~~and this article~~ these rules; or

(4) the ~~S~~supervising ~~A~~attorney no longer meets the requirements of ~~these R~~rules 9.41.1 of the California Rules of Court;

~~(d) their status as a qualifying supervising attorney has changed; or~~

~~(e) he/she has changed their office address.~~

*Rule 3.353 adopted effective March 1, 2019.*

#### Rule 3.354 Suspension of Registered Military Spouse Attorney Status

(A) Registered Military Spouse Attorney status will be suspended and the attorney will not be eligible to practice law under rule 9.41.1 of the California Rules of Court or this article:

(1) for failure to:

(a) annually renew their Registered Military Spouse Attorney status and submit any related fee and penalty set forth in the Schedule of Charges and Deadlines;

(b) complete New Attorney Training, under division 6 title 2 of these rules, or Minimum Continuing Legal Education requirements, under rule 9.41.1 of the California Rules of Court, and pay any related fee and penalty set forth in the Schedule of Charges and Deadlines;

(2) if their Supervising Attorney no longer meets the criteria under rule 9.41.1 of the California Rules of Court;

(3) for failure to comply with the laws or rules that govern the professional conduct of licensees of the State Bar;

(4) for failure to meet the requirements of rule 9.41.1 of the California Rules of Court or this article; or

(5) upon:

(a) the State Bar initiating disciplinary proceedings in the State Bar Court by filing against the Registered Military Spouse Attorney a Notice of Disciplinary Charges pursuant to rule 5.41 of the Rules of Procedure of the State Bar;

(b) the State Bar and the Registered Military Spouse Attorney entering into a Stipulation to Facts and Conclusions of Law pursuant to rule 5.55 of the Rules of Procedure of the State Bar; or

(c) the State Bar and the Registered Military Spouse Attorney entering into a Stipulation to Facts, Conclusions of Law, and Disposition pursuant to rule 5.56 of the Rules of Procedure of the State Bar.

- (B) A suspension of Registered Military Spouse Attorney status is effective ten days from the date of receipt of notification of the suspension.
- (C) Registered Military Spouse Attorney status will be reinstated following a suspension if:
- (1) the attorney addresses all grounds for suspension under subdivision (A)(1)-(4) of this rule within six months of receipt of notification of the suspension; or
  - (2) if the suspension is under subdivision (A)(5) of this rule, disciplinary proceedings against the attorney in the State Bar Court conclude without discipline or a recommendation for discipline, or the Supreme Court rejects a recommendation for discipline.

Rule 3.354 ~~Termination of Registration~~ Registered Military Spouse Attorney Status

- (A) Registration as a Registered Military Spouse Attorney status will be terminateds and the attorney will not be eligible to practice law under rule 9.41.1 of the California Rules of Court or this article:
- (1) upon issuance of an adverse moral character determination; as required by Rule 9.41.1;
  - (2) for failure to report to the State Bar, within 30 days, the end of their employment or a change of Supervising Attorney;
  - (3) for failure to address all grounds for suspension pursuant to 3.354(A)(1)-(4) within six months of receipt of notification of the suspension;
  - (4) upon imposition of discipline ~~for misconduct~~ by the State Bar Court, the Supreme Court of California, or the authority that regulates the practice of law in any other jurisdiction ~~a professional or occupational licensing authority;~~
  - (5) upon admission to the State Bar ~~of California;~~
  - (6) one year after:
    - (a) dissolution of the Registered Military Spouse Attorney's marriage, civil union, or registered domestic partnership;
    - (b) the Registered Military Spouse Attorney's spouse or partner is no longer an active member of the United States Uniformed Services;
    - (c) the Registered Military Spouse's spouse or partner is transferred out of California, except that if the spouse or partner has been assigned to an unaccompanied or remote assignment with no dependents authorized, the Registered Military Spouse Attorney may continue to practice pursuant to the

provisions of this article until the spouse or partner is assigned to a location with dependents authorized;

(7) upon request by the Registered Military Spouse Attorney; or

(8) upon repeal of Rule 9.41.1 of the California Rules of Court or termination of the Registered Military Spouse Attorney program; or

~~(B) An attorney whose registration has been terminated under these rules is not permitted to practice law in California and must submit a new application and comply with Rules of Court, rule 9.9.5 governing attorney fingerprinting to register as a Foreign Legal Consultant in order to practice law in California.~~

~~(B) A notice of termination of Registered Military Spouse Attorney status is effective ten days from the date of receipt of notification of termination. Receipt is deemed to be five days from the date of mailing to a California address; ten days from the date of mailing to an address elsewhere in the United States; and twenty days from the date of mailing to an address outside the United States. Alternatively, receipt is when the State Bar delivers a document physically by personal service or otherwise.~~

~~(C) An attorney whose Registered Military Spouse Attorney status is terminated under subdivision (A)(4) of this rule may not reapply for Registered Military Spouse Attorney status. Appeal of a termination is subject to the disciplinary procedures of the State Bar.~~

*Rule 3.354 adopted effective March 1, 2019.*

#### ~~Rule 3.355 Reinstatement after termination~~

~~An attorney terminated as a Registered Military Spouse Attorney who seeks reinstatement must meet all eligibility and application requirements of these rules.~~

*Rule 3.355 adopted effective March 1, 2019.*

#### Rule 3.356 Public Information

State Bar records for attorneys permitted to practice law as Registered Military Spouse Attorneys are public to the same extent as licensed attorney records.

*Rules 3.556 adopted effective March 1, 2019*

TITLE 3. PROGRAMS AND SERVICES

DIVISION 3. NON-LICENSEE ATTORNEYS

Chapter 1. Multijurisdictional Practice

Article 1. Registered Military Spouse Attorney

Rule 3.350 Definitions

For purposes of this article:

- (A) “Receipt” of a document that the State Bar sends to an applicant or a Registered Military Spouse Attorney is:
  - (1) calculated as the date of electronic transmission or 5 days from the date of mailing to a California address; 10 days from the date of mailing to an address elsewhere in the United States; and 20 days from the date of mailing to an address outside the United States; or
  - (2) when the State Bar delivers a document physically by personal service or otherwise.
- (B) A “Registered Military Spouse Attorney” is an attorney who meets the requirements of rule 9.41.1 of the California Rules of Court and whose Application for Registered Military Spouse Attorney Status has been approved by the State Bar.
- (C) A “Supervising Attorney” is an attorney who meets the requirements of rule 9.41.1(a)(3) of the California Rules of Court and will supervise the Registered Military Spouse Attorney.

*Rule 3.350 adopted effective March 1, 2019.*

Rule 3.351 Application for Registered Military Spouse Attorney Status

- (A) To apply for Registered Military Spouse Attorney status, an attorney must meet the requirements of rule 9.41.1 of the California Rules of Court and:
  - (1) submit an Application for Registration to register as an attorney applicant, pursuant to rule 4.16(B), with the required documentation and the fee set forth in the Schedule of Charges and Deadlines;
  - (2) submit an Application for Registered Military Spouse Attorney Status and:
    - (a) the fee set forth in the Schedule of Charges and Deadlines;

- (b) an Application for Determination of Moral Character with the fee set forth in the Schedule of Charges and Deadlines, unless:
  - (i) the attorney applicant currently possesses a valid positive moral character determination, pursuant to rule 4.51; or
  - (ii) the attorney applicant's Application for Determination of Moral Character is pending;
- (c) prior to beginning employment as a Registered Military Spouse Attorney, submit a Supervising Attorney Declaration signed no more than 30 days prior to submission by a Supervising Attorney who works for the same employer attesting that:
  - (i) the Supervising Attorney meets requirements under rule 9.41.1 of the California Rules of Court;
  - (ii) the applicant will be supervised as specified in rule 9.41.1 of the California Rules of Court;
  - (iii) the Supervising Attorney will assume professional responsibility for any work performed by the applicant under rule 9.41.1 of the California Rules of Court and this article;
  - (iv) the Supervising Attorney will assume representation of clients of the Registered Military Spouse Attorney if the Registered Military Spouse Attorney becomes ineligible to practice under rule 9.41.1 of the California Rules of Court or this article or is otherwise unable to continue the representation;
  - (v) the Supervising Attorney believes, to the best of their knowledge after reasonable inquiry, that the applicant has good moral character and qualifies for Registered Military Spouse Attorney status under rule 9.41.1 of the California Rules of Court and this article; and
- (d) a declaration acknowledging they will be subject to the disciplinary authority of the Supreme Court of California and the State Bar, and will not practice law in California other than as a Registered Military Spouse Attorney under the supervision of their Supervising Attorney.

(B) The State Bar will deem an Application for Registered Military Spouse Attorney Status complete when all required documentation has been submitted and the required fees paid. The State Bar will notify the applicant if an application has been deemed incomplete. The applicant must cure all deficiencies within 60 days of receipt of the notification or the application will be deemed abandoned, absent a showing of good cause. No refund of fees will be issued for an abandoned application.

- (C) The State Bar may conditionally approve an Application for Registered Military Spouse Attorney Status prior to the applicant securing employment and submitting a Supervising Attorney Declaration. The applicant must submit the Supervising Attorney Declaration in order to obtain full approval of the application.
- (D) An applicant may practice law as a Registered Military Spouse Attorney when the State Bar has approved their Application for Registered Military Spouse Attorney Status, and their Application for Determination of Moral Character is pending or approved.
- (E) An Application for Registered Military Spouse Attorney Status will be denied if the applicant fails to meet the requirements of rule 9.41.1 of the California Rules of Court or this article, or makes a material misrepresentation of fact in the application.

*Rule 3.351 adopted effective March 1, 2019.*

#### Rule 3.352 Duties of a Registered Military Spouse Attorney

##### A Registered Military Spouse Attorney:

- (A) is subject to the disciplinary authority of the Supreme Court of California and the State Bar;
- (B) must annually renew their Registered Military Spouse Attorney status by submitting an Application for Renewal of Registered Military Spouse Attorney Status, Supervising Attorney Declaration, and any related fee set forth in the Schedule of Charges and Deadlines;
- (C) must complete the State Bar New Attorney Training program within a year of initially obtaining Registered Military Spouse Attorney status, pursuant to division 6 title 2 of these rules, and meet the Minimum Continuing Legal Education requirements set forth in rule 9.41.1 of the California Rules of Court;
- (D) must use the title “Specially Registered Attorney” in connection with activities performed as a Registered Military Spouse Attorney;
- (E) must not imply or claim in any way to be a licensee of the State Bar;
- (F) must maintain with the State Bar a current email address and mailing address of record that is the current California office address of the Registered Military Spouse Attorney’s employer;
- (G) must report to the State Bar within 30 days:
  - (1) a change in status in any jurisdiction where they have been admitted to practice law, including, but not limited to, transfer to inactive status, disciplinary action, suspension, resignation, disbarment, or a functional equivalent;

- (2) if their employment ends;
  - (3) a change of Supervising Attorney, and submit a new Supervising Attorney Declaration in accordance with this article, when their Supervising Attorney has changed; and
  - (4) any information required to be provided by an attorney under the State Bar Act, including, but not limited to, Business and Professions Code sections 6068(o) and 6086.8(c), or by any other legal authority;
- (H) must be supervised by a qualifying Supervising Attorney who meets the requirements of rule 9.41.1 of the California Rules of Court;
- (I) must submit a change of employer notice, Supervising Attorney Declaration, and the fee set forth in the Schedule of Charges and Deadlines before beginning new employment; and
- (J) must comply with the requirements of rule 9.41.1 of the California Rules of Court and this article.

*Rule 3.351 adopted effective March 1, 2019.*

#### Rule 3.353 Duties of a Supervising Attorney

A Registered Military Spouse Attorney's Supervising Attorney must:

- (A) provide a Supervising Attorney Declaration to an attorney who is applying for Registered Military Spouse Attorney status, prior to the attorney starting their employment as a Registered Military Spouse Attorney;
- (B) notify the State Bar, in writing, within 30 days if:
  - (1) the Registered Military Spouse Attorney's employment has ended;
  - (2) the Registered Military Spouse Attorney's Supervising Attorney has changed;
  - (3) the Registered Military Spouse Attorney is no longer eligible for employment under rule 9.41.1 of the California Rules of Court or this article; or
  - (4) the Supervising Attorney no longer meets the requirements of rule 9.41.1 of the California Rules of Court.

*Rule 3.353 adopted effective March 1, 2019.*

### Rule 3.354 Suspension of Registered Military Spouse Attorney Status

- (A) Registered Military Spouse Attorney status will be suspended and the attorney will not be eligible to practice law under rule 9.41.1 of the California Rules of Court or this article:
  - (1) for failure to:
    - (a) annually renew their Registered Military Spouse Attorney status and submit any related fee and penalty set forth in the Schedule of Charges and Deadlines;
    - (b) complete New Attorney Training, under division 6 title 2 of these rules, or Minimum Continuing Legal Education requirements, under rule 9.41.1 of the California Rules of Court, and pay any related fee and penalty set forth in the Schedule of Charges and Deadlines;
  - (2) if their Supervising Attorney no longer meets the criteria under rule 9.41.1 of the California Rules of Court;
  - (3) for failure to comply with the laws or rules that govern the professional conduct of licensees of the State Bar;
  - (4) for failure to meet the requirements of rule 9.41.1 of the California Rules of Court or this article; or
  - (5) upon:
    - (a) the State Bar initiating disciplinary proceedings in the State Bar Court by filing against the Registered Military Spouse Attorney a Notice of Disciplinary Charges pursuant to rule 5.41 of the Rules of Procedure of the State Bar;
    - (b) the State Bar and the Registered Military Spouse Attorney entering into a Stipulation to Facts and Conclusions of Law pursuant to rule 5.55 of the Rules of Procedure of the State Bar; or
    - (c) the State Bar and the Registered Military Spouse Attorney entering into a Stipulation to Facts, Conclusions of Law, and Disposition pursuant to rule 5.56 of the Rules of Procedure of the State Bar.
- (B) A suspension of Registered Military Spouse Attorney status is effective ten days from the date of receipt of notification of the suspension.
- (C) Registered Military Spouse Attorney status will be reinstated following a suspension if:
  - (1) the attorney addresses all grounds for suspension under subdivision (A)(1)-(4) of this rule within six months of receipt of notification of the suspension; or

- (2) if the suspension is under subdivision (A)(5) of this rule, disciplinary proceedings against the attorney in the State Bar Court conclude without discipline or a recommendation for discipline, or the Supreme Court rejects a recommendation for discipline.

#### Rule 3.355 Termination of Registered Military Spouse Attorney Status

- (A) Registered Military Spouse Attorney status will be terminated and the attorney will not be eligible to practice law under rule 9.41.1 of the California Rules of Court or this article:
  - (1) upon issuance of an adverse moral character determination;
  - (2) for failure to report to the State Bar, within 30 days, the end of their employment or a change of Supervising Attorney;
  - (3) for failure to address all grounds for suspension pursuant to rule 3.354(A)(1)-(4) within six months of receipt of notification of the suspension;
  - (4) upon imposition of discipline by the State Bar Court, the Supreme Court of California, or the authority that regulates the practice of law in any other jurisdiction;
  - (5) upon admission to the State Bar;
  - (6) one year after:
    - (a) dissolution of the Registered Military Spouse Attorney's marriage, civil union, or registered domestic partnership;
    - (b) the Registered Military Spouse Attorney's spouse or partner is no longer an active member of the United States Uniformed Services;
    - (c) the Registered Military Spouse's spouse or partner is transferred out of California, except that if the spouse or partner has been assigned to an unaccompanied or remote assignment with no dependents authorized, the Registered Military Spouse Attorney may continue to practice pursuant to the provisions of this article until the spouse or partner is assigned to a location with dependents authorized;
  - (7) upon request by the Registered Military Spouse Attorney; or
  - (8) upon repeal of rule 9.41.1 of the California Rules of Court or termination of the Registered Military Spouse Attorney Program.
- (B) A termination of Registered Military Spouse Attorney status is effective ten days from the date of receipt of notification of termination.

- (C) An attorney whose Registered Military Spouse Attorney status is terminated under subdivision (A)(4) of this rule may not reapply for Registered Military Spouse Attorney status.

*Rule 3.354 adopted effective March 1, 2019.*

#### Rule 3.356 Public Information

State Bar records for Registered Military Spouse Attorneys are public to the same extent as licensee records.

*Rules 3.556 adopted effective March 1, 2019*

TITLE 3. PROGRAMS AND SERVICES

Adopted July 2007

DIVISION 3. NON-LICENSEE ATTORNEYSChapter 1. Multijurisdictional PracticeArticle 2. Registered Legal Aid Attorneys

## Rule 3.360 Definitions

For purposes of this article:

- (A) An “Eligible Legal Aid Organization” is an entity or law school that meets the requirements of ~~Rule of Court 9.45(a)(1) of the California Rules of Court.~~ ~~A “Registered Legal Aid Attorney” is an attorney who meets the eligibility requirements of Rule 9.45 of the California Rules of Court (“Rule 9.45”) and is registered by the State Bar as a Registered Legal Aid Attorney.~~
- (B) “Receipt” of a document that the State Bar sends to an applicant or a Registered Legal Aid Attorney is:
- (1) calculated as the date of electronic transmission or 5 days from the date of mailing to a California address; 10 days from the date of mailing to an address elsewhere in the United States; and 20 days from the date of mailing to an address outside the United States; or
- (2) when the State Bar delivers a document physically by personal service or otherwise.
- ~~“Registered” means that the State Bar has issued a certificate of registration to an attorney it deems eligible to practice law as a Registered Legal Aid Attorney.~~
- (C) A “Registered Legal Aid Attorney” is an attorney who meets the ~~eligibility~~ requirements of ~~Rule 9.45 of the California Rules of Court (“Rule 9.45”)~~ and whose Application for Registered Legal Aid Attorney Status has been approved ~~is registered~~ by the State Bar ~~as a Registered Legal Aid Attorney.~~ ~~An “eligible legal aid organization” is an entity or law school that meets the requirements of Rule of Court 9.45(a)(1).~~
- (D) A “Supervising Attorney” is an attorney who meets the requirements of rule 9.45(a)(3) of the California Rules of Court and this article.

*Rule 3.360 adopted effective July 1, 2010; amended effective March 1, 2019.*

Rule 3.361 Application for Registered Legal Aid Attorney Status

- (A) To apply ~~to register as a~~ for Registered Legal Aid Attorney status, an attorney ~~must who~~ meets the ~~eligibility and employment~~ requirements of ~~r~~Rule 9.45 of the California Rules of Court must and:
- (1) submit an Application for Registration<sup>1</sup> ~~to register~~ as an attorney applicant, pursuant to rule 4.16(B), for admission to the State Bar of California with the required documentation and the fee set forth in the Schedule of Charges and Deadlines;<sup>2</sup>
  - (2) submit an Application for Registered Legal Aid Attorney Status<sup>3</sup> ~~with and: the fee set forth in the Schedule of Charges and Deadlines;~~
    - (a) the fee set forth in the Schedule of Charges and Deadlines;
    - (b) an Application for Determination of Moral Character with the fee set forth in the Schedule of Charges and Deadlines, unless:
      - (i) the attorney applicant currently possesses a valid positive moral character determination, pursuant to rule 4.51; or
      - (ii) the attorney applicant's Application for Determination of Moral Character is pending;
    - (c) prior to beginning employment as a Registered Legal Aid Attorney, submit a Supervising Attorney Declaration signed no more than 30 days prior to submission by the Supervising Attorney from the Eligible Legal Aid Organization, attesting that:
      - (i) the employer is an Eligible Legal Aid Organization and the Supervising Attorney meets the requirements under rule 9.45 of the California Rules of Court;
      - (ii) the applicant will work, with or without pay, as an attorney for the Eligible Legal Aid Organization;
      - (iii) the applicant will be supervised as specified in rule 9.45 of the California Rules of Court;

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<sup>1</sup> See Rule 4.16(B).

<sup>2</sup> See Rule 4.3(B).

<sup>3</sup> See Rule of Court 9.44.

- (iv) the Supervising Attorney will assume professional responsibility for any work performed by the applicant under rule 9.45 of the California Rules of Court and this article;
- (v) the Supervising Attorney will assume representation of clients of the Registered Legal Aid Attorney if the Registered Legal Aid Attorney becomes ineligible to practice under rule 9.45 of the California Rules of Court or this article or is otherwise unable to continue the representation;
- (vi) the Supervising Attorney believes, to the best of their knowledge after reasonable inquiry, that the applicant has good moral character and qualifies for Registered Legal Aid Attorney status under rule 9.45 of the California Rules of Court and this article; and
- (d) a declaration acknowledging they will be subject to the disciplinary authority of the Supreme Court of California and the State Bar, and will not practice law in California other than as a Registered Legal Aid Attorney for the Eligible Legal Aid Organization.
- ~~(3) — meet State Bar requirements for acceptable moral character; and~~
- ~~(4) — submit a Declaration signed by the attorney from the eligible legal aid organization who will be providing the required supervision.~~
- (B) The State Bar will deem an Application for Registered Legal Aid Attorney Status complete when all required documentation has been submitted and the required fees paid. The State Bar will notify the applicant if an application has been deemed incomplete. The applicant must cure all deficiencies within 60 days of receipt of the notification or the application will be deemed abandoned, absent a showing of good cause. No refund of fees will be issued for an abandoned application.
- (C) An applicant may practice law as a Registered Legal Aid Attorney when the State Bar has approved their Application for Registered Legal Aid Attorney Status, and their Application for Determination of Moral Character is pending or approved.
- (D) An Application for to practice law as a Registered Legal Aid Attorney Status will ~~may~~ be denied if the applicant fails to meet the ~~for failure to comply with eligibility or application~~ requirements of rule 9.45 of the California Rules of Court or this article, or makes a material misrepresentation of fact in the application.
- (E) A Registered Legal Aid Attorney may work for additional Eligible Legal Aid Organizations if they comply with the requirements of this rule for each organization.

*Rule 3.361 adopted effective July 1, 2010; amended effective March 1, 2019.*

Rule 3.362 Duties of a Registered Legal Aid Attorney

~~An attorney employed as~~ Registered Legal Aid Attorney; must

- (A) is subject to the disciplinary authority of the Supreme Court of California and the State Bar;
- (B) must annually renew ~~their registration as a~~ Registered Legal Aid Attorney status by and submitting an Application for Renewal of Registered Legal Aid Attorney Status, Supervising Attorney Declaration, and any related ~~the~~ fee set forth in the Schedule of Charges and Deadlines;
- ~~(B) — practice for no more than a total of five years as a Registered Legal Aid Attorney;~~
- (C) must complete the State Bar New Attorney Training program within a year of initially obtaining Registered Legal Aid Attorney status, pursuant to division 6 title 2 of these rules, and meet the Minimum Continuing Legal Education (MCLE) requirements set forth in rRule 9.45 of the California Rules of Court;
- ~~(D) — report a change of attorney supervisor in accordance with State Bar requirements;~~
- (D) must use the title “Registered Legal Aid Attorney” ~~and no other~~ in connection with activities performed as a Registered Legal Aid Attorney;
- (E) must not imply or claim in any way to be a licenseed attorney of the State Bar ~~of California;~~
- (F) must maintain with the State Bar a current email address and mailing ~~with the State Bar an~~ address of record that is the current California office address of the Eligible Legal Aid Organization ~~attorney’s employer and a current e-mail address;~~
- (G) must report to the State Bar within 30 ~~thirty~~ days:
  - (1) a change in status in any jurisdiction where they have been admitted to practice law ~~and engaged in the practice of law, including, but not limited to, such as~~ transfer to inactive status, disciplinary action, suspension, resignation, disbarment, or a functional equivalent;
  - (2) the end termination of employment with the Eligible Legal Aid Organization; ~~or~~
  - (3) a change of Supervising Attorney, and submit a new Supervising Attorney Declaration in accordance with this article, when their Supervising Attorney has changed; and

- (4) any information required to be provided by an attorney under the State Bar Act, including, but not limited to, such as that required by Business and Professions Code sections 6068(o) and 6086.8(c) of the California Business and Professions Code, or by any other legal authority;
- (H) must submit a change of employer notice, Supervising Attorney Declaration, and the fee set forth in the Schedule of Charges and Deadlines and obtain approval of a new application to register as a Registered Legal Aid Attorney before beginning employment with a new Eligible Legal Aid Organization; and
- (I) must otherwise comply with the requirements of Rule 9.45 of the California Rules of Court and this article these rules.

*Rule 3.362 adopted effective July 1, 2010; amended effective March 1, 2019.*

#### Rule 3.363 Duties of a Supervising Attorney employer

~~An employer who meets the requirements of Rule 9.45 for an eligible legal aid organization~~  
Registered Legal Aid Attorney's Supervising Attorney must:

- (A) provide a Supervising Attorney Declaration to an attorney who is applying for Registered Legal Aid Attorney status, prior to the attorney starting employment as a Registered Legal Aid Attorney for the Eligible Legal Aid Organization complete the Application for Approval as Eligible Legal Aid Organization and be approved by the State Bar as an eligible employer;
- ~~(B) complete a Declaration signed by the supervising attorney of the Eligible Legal Aid Organization before employing a Registered Legal Aid Attorney, attesting that it~~
  - ~~(1) is an eligible legal aid organization;~~
  - ~~(2) agrees to supervise the Registered Legal Aid Attorney ("attorney") and otherwise comply with the requirements of Rule 9.45 and these rules;~~
  - ~~(3) deems the attorney, on the basis of reasonable inquiry, to be of good moral character;~~
- (B) agrees to notify the State Bar ~~of California~~, in writing, within 30 ~~thirty~~ days if:
  - (1) the Registered Legal Aid Attorney is no longer employed by the Eligible Legal Aid Organization; has terminated employment;
  - (2) the Registered Legal Aid Attorney's Supervising Attorney has changed;
  - (3) the Registered Legal Aid Attorney is no longer eligible for employment under as required by Rule 9.45 of the California Rules of Court or and this article these rules;

- ~~(4) the Supervising Attorney no longer meets the requirements of ~~these Rules 9.45 of the California Rules of Court; or~~~~
- ~~(5) it's the entity no longer meets the criteria for status as an Eligible Legal Aid Organization ~~has changed; or under rule 9.45(a)(1) of the California Rules of Court.~~~~
- ~~(6) it has changed its office address.~~

*Rule 3.363 adopted effective July 1, 2010; amended effective March 1, 2019.*

Rule 3.364 Suspension of Registered Legal Aid Attorney Status registration

- ~~(A) Registration as a Registered Legal Aid Attorney status will be is suspended and the attorney will not be eligible to practice law under rule 9.45 of the California Rules of Court or this article:~~
  - (1) for failure to:
    - ~~(a) annually register as renew their Registered Legal Aid Attorney status and submit any related fee and penalty set forth in the Schedule of Charges and Deadlines;~~
    - ~~(b) for failure to complete comply with the New Attorney Training, under division 6 title 2 of these rules, or Minimum Continuing Legal Education requirements, under of rRule 9.45 of the California Rules of Court, and pay any related fee and penalty set forth in the Schedule of Charges and Deadlines;~~
  - ~~(3) upon voluntary transfer to inactive status, or the functional equivalent in any jurisdiction where admitted to practice; or~~
  - ~~(4) for failure to comply with the laws or standards of professional conduct applicable to a licensee of the State Bar; or~~
  - ~~(2) if their employer no longer meets the criteria for an Eligible Legal Aid Organization under rule 9.45(a)(1) of the California Rules of Court;~~
  - ~~(3) for failure to comply with the laws or rules that govern the professional conduct of licensees of the State Bar;~~
  - ~~(4) for failure to meet the eligibility requirements of rRule 9.45 ~~(c)(3), (4), (5), (6), and (7)~~ of the California Rules of Court or this article; or~~
  - ~~(5) upon:~~

- (a) the State Bar initiating disciplinary proceedings in the State Bar Court by filing against the Registered Legal Aid Attorney a Notice of Disciplinary Charges pursuant to rule 5.41 of the Rules of Procedure of the State Bar;
- (b) the State Bar and the Registered Legal Aid Attorney entering into a Stipulation to Facts and Conclusions of Law pursuant to rule 5.55 of the Rules of Procedure of the State Bar; or
- (c) the State Bar and the Registered Legal Aid Attorney entering into a Stipulation to Facts, Conclusions of Law, and Disposition pursuant to rule 5.56 of the Rules of Procedure of the State Bar.

~~(B) An attorney suspended under these rules is not permitted to practice law.~~

~~(B) A notice of suspension of Registered Legal Aid Attorney status is effective ten days from the date of receipt of notification of the suspension. Receipt is deemed to be five days from the date of mailing to a California address; ten days from the date of mailing to an address elsewhere in the United States; and twenty days from the date of mailing to an address outside the United States. Alternatively, receipt is when the State Bar delivers a document physically by personal service or otherwise.~~

~~(C) Registered Legal Aid Attorney status will be reinstated following a suspension if: Appeal of a suspension is subject to the disciplinary procedures of the State Bar.~~

- ~~(1) the attorney addresses all grounds for suspension under subdivision (A)(1)-(4) of this rule within six months of receipt of notification of the suspension; or~~
- ~~(2) if the suspension is under subdivision (A)(5) of this rule, disciplinary proceedings against the attorney in the State Bar Court conclude without discipline or a recommendation for discipline, or the Supreme Court rejects a recommendation for discipline.~~

*Rule 3.364 adopted effective July 1, 2010; amended effective March 1, 2019.*

Rule 3.365 Termination of ~~Registration~~ Registered Legal Aid Attorney Status

~~Permission to practice law as a Registered Legal Services Attorney terminates~~

~~(A) Registration as a Registered Legal Aid Attorney status will be terminateds and the attorney will not be eligible to practice law under rule 9.45 of the California Rules of Court or this article:~~

- ~~(1) for failure to meet the eligibility requirements of Rule 9.45(c)(1) or Rule 9.45(c)(2);~~
- ~~(1) upon issuance of an adverse moral character determination;~~

- (2) for failure to report to the State Bar, within 30 days, the end of their employment with the Eligible Legal Aid Organization, a change of Supervising Attorney, an additional employer, or a change of employer;
- (3) for failure to address all grounds for suspension pursuant to rule 3.364(A)(1)-(4) within six months of receipt of notification of the suspension;
- (4) upon imposition of discipline ~~for misconduct~~ by the State Bar Court, the Supreme Court of California, or the authority that regulates the practice of law in any other jurisdiction ~~a professional or occupational licensing authority;~~
- (5) upon admission to the State Bar;
- (6) upon request by the Registered Legal Aid Attorney;~~or~~
- (7) upon repeal of ~~r~~Rule 9.45 of the California Rules of Court or termination of the Registered Legal Aid Attorney ~~p~~program;~~or~~

~~(B) An attorney whose registration has been terminated under these rules is not permitted to practice law in California and must submit a new application and comply with Rules of Court, rule 9.9.5 governing attorney fingerprinting to register as a Legal Aid Attorney in order to practice law in California.~~

~~(B) A ~~notice of~~ termination of Registered Legal Aid Attorney status is effective ten days from the date of receipt of notification of termination. ~~Receipt is deemed to be five days from the date of mailing to a California address; ten days from the date of mailing to an address elsewhere in the United States; and twenty days from the date of mailing to an address outside the United States. Alternatively, receipt is when the State Bar delivers a document physically by personal service or otherwise.~~~~

~~(C) An attorney whose Registered Legal Aid Attorney status is terminated under subdivision (A)(4) of this rule may not reapply for Registered Legal Aid Attorney status ~~Appeal of a termination is subject to the disciplinary procedures of the State Bar.~~~~

*Rule 3.365 adopted effective July 1, 2010; amended effective March 1, 2019.*

#### ~~Rule 3.366 Reinstatement after termination~~

~~An attorney terminated as a Registered Legal Aid Attorney who seeks reinstatement must meet all eligibility and application requirements of these rules.~~

*Rule 3.366 adopted effective July 1, 2010; amended effective March 1, 2019.*

Rule 3.367 Public Information

State Bar records for ~~attorneys permitted to practice law as~~ Registered Legal Aid Attorneys are public to the same extent as ~~records of~~ licensed attorney records.

*Rule 3.367 adopted effective July 1, 2010; amended effective March 1, 2019.*

TITLE 3. PROGRAMS AND SERVICESDIVISION 3. NON-LICENSEE ATTORNEYSChapter 1. Multijurisdictional PracticeArticle 2. Registered Legal Aid Attorney

## Rule 3.360 Definitions

For purposes of this article:

- (A) An “Eligible Legal Aid Organization” is an entity or law school that meets the requirements of rule 9.45(a)(1) of the California Rules of Court.
- (B) “Receipt” of a document that the State Bar sends to an applicant or a Registered Legal Aid Attorney is:
  - (1) calculated as the date of electronic transmission or 5 days from the date of mailing to a California address; 10 days from the date of mailing to an address elsewhere in the United States; and 20 days from the date of mailing to an address outside the United States; or
  - (2) when the State Bar delivers a document physically by personal service or otherwise.
- (C) A “Registered Legal Aid Attorney” is an attorney who meets the requirements of rule 9.45 of the California Rules of Court and whose Application for Registered Legal Aid Attorney Status has been approved by the State Bar.
- (D) A “Supervising Attorney” is an attorney who meets the requirements of rule 9.45(a)(3) of the California Rules of Court and this article.

*Rule 3.360 adopted effective July 1, 2010; amended effective March 1, 2019.*

## Rule 3.361 Application for Registered Legal Aid Attorney Status

- (A) To apply for Registered Legal Aid Attorney status, an attorney must meet the requirements of rule 9.45 of the California Rules of Court and:
  - (1) submit an Application for Registration to register as an attorney applicant, pursuant to rule 4.16(B), with the required documentation and the fee set forth in the Schedule of Charges and Deadlines;
  - (2) submit an Application for Registered Legal Aid Attorney Status and:

- (a) the fee set forth in the Schedule of Charges and Deadlines;
- (b) an Application for Determination of Moral Character with the fee set forth in the Schedule of Charges and Deadlines, unless:
  - (i) the attorney applicant currently possesses a valid positive moral character determination, pursuant to rule 4.51; or
  - (ii) the attorney applicant's Application for Determination of Moral Character is pending;
- (c) prior to beginning employment as a Registered Legal Aid Attorney, submit a Supervising Attorney Declaration signed no more than 30 days prior to submission by the Supervising Attorney from the Eligible Legal Aid Organization, attesting that:
  - (i) the employer is an Eligible Legal Aid Organization and the Supervising Attorney meets the requirements under rule 9.45 of the California Rules of Court;
  - (ii) the applicant will work, with or without pay, as an attorney for the Eligible Legal Aid Organization;
  - (iii) the applicant will be supervised as specified in rule 9.45 of the California Rules of Court;
  - (iv) the Supervising Attorney will assume professional responsibility for any work performed by the applicant under rule 9.45 of the California Rules of Court and this article;
  - (v) the Supervising Attorney will assume representation of clients of the Registered Legal Aid Attorney if the Registered Legal Aid Attorney becomes ineligible to practice under rule 9.45 of the California Rules of Court or this article or is otherwise unable to continue the representation;
  - (vi) the Supervising Attorney believes, to the best of their knowledge after reasonable inquiry, that the applicant has good moral character and qualifies for Registered Legal Aid Attorney status under rule 9.45 of the California Rules of Court and this article; and
- (d) a declaration acknowledging they will be subject to the disciplinary authority of the Supreme Court of California and the State Bar, and will not practice law in California other than as a Registered Legal Aid Attorney for the Eligible Legal Aid Organization.

- (B) The State Bar will deem an Application for Registered Legal Aid Attorney Status complete when all required documentation has been submitted and the required fees paid. The State Bar will notify the applicant if an application has been deemed incomplete. The applicant must cure all deficiencies within 60 days of receipt of the notification or the application will be deemed abandoned, absent a showing of good cause. No refund of fees will be issued for an abandoned application.
- (C) An applicant may practice law as a Registered Legal Aid Attorney when the State Bar has approved their Application for Registered Legal Aid Attorney Status, and their Application for Determination of Moral Character is pending or approved.
- (D) An Application for Registered Legal Aid Attorney Status will be denied if the applicant fails to meet the requirements of rule 9.45 of the California Rules of Court or this article, or makes a material misrepresentation of fact in the application.
- (E) A Registered Legal Aid Attorney may work for additional Eligible Legal Aid Organizations if they comply with the requirements of this rule for each organization.

*Rule 3.361 adopted effective July 1, 2010; amended effective March 1, 2019.*

#### Rule 3.362 Duties of a Registered Legal Aid Attorney

A Registered Legal Aid Attorney:

- (A) is subject to the disciplinary authority of the Supreme Court of California and the State Bar;
- (B) must annually renew their Registered Legal Aid Attorney status by submitting an Application for Renewal of Registered Legal Aid Attorney Status, Supervising Attorney Declaration, and any related fee set forth in the Schedule of Charges and Deadlines;
- (C) must complete the State Bar New Attorney Training program within a year of initially obtaining Registered Legal Aid Attorney status, pursuant to division 6 title 2 of these rules, and meet the Minimum Continuing Legal Education requirements set forth in rule 9.45 of the California Rules of Court;
- (D) must use the title “Registered Legal Aid Attorney” in connection with activities performed as a Registered Legal Aid Attorney;
- (E) must not imply or claim in any way to be a licensee of the State Bar;
- (F) must maintain with the State Bar a current email address and mailing address of record that is the current California office address of the Eligible Legal Aid Organization;

- (G) must report to the State Bar within 30 days:
  - (1) a change in status in any jurisdiction where they have been admitted to practice law, including, but not limited to, transfer to inactive status, disciplinary action, suspension, resignation, disbarment, or a functional equivalent;
  - (2) the end of employment with the Eligible Legal Aid Organization;
  - (3) a change of Supervising Attorney, and submit a new Supervising Attorney Declaration in accordance with this article, when their Supervising Attorney has changed; and
  - (4) any information required to be provided by an attorney under the State Bar Act, including, but not limited to, Business and Professions Code sections 6068(o) and 6086.8(c), or by any other legal authority;
- (H) must submit a change of employer notice, Supervising Attorney Declaration, and the fee set forth in the Schedule of Charges and Deadlines before beginning employment with a new Eligible Legal Aid Organization; and
- (I) must comply with the requirements of rule 9.45 of the California Rules of Court and this article.

*Rule 3.362 adopted effective July 1, 2010; amended effective March 1, 2019.*

#### Rule 3.363 Duties of a Supervising Attorney

A Registered Legal Aid Attorney's Supervising Attorney must:

- (A) provide a Supervising Attorney Declaration to an attorney who is applying for Registered Legal Aid Attorney status, prior to the attorney starting employment as a Registered Legal Aid Attorney for the Eligible Legal Aid Organization;
- (B) notify the State Bar, in writing, within 30 days if:
  - (1) the Registered Legal Aid Attorney is no longer employed by the Eligible Legal Aid Organization;
  - (2) the Registered Legal Aid Attorney's Supervising Attorney has changed;
  - (3) the Registered Legal Aid Attorney is no longer eligible for employment under rule 9.45 of the California Rules of Court or this article;
  - (4) the Supervising Attorney no longer meets the requirements of rule 9.45 of the California Rules of Court; or

- (5) the entity no longer meets the criteria for an Eligible Legal Aid Organization under rule 9.45(a)(1) of the California Rules of Court.

*Rule 3.363 adopted effective July 1, 2010; amended effective March 1, 2019.*

#### Rule 3.364 Suspension of Registered Legal Aid Attorney Status

- (A) Registered Legal Aid Attorney status will be suspended and the attorney will not be eligible to practice law under rule 9.45 of the California Rules of Court or this article:
  - (1) for failure to:
    - (a) annually renew their Registered Legal Aid Attorney status and submit any related fee and penalty set forth in the Schedule of Charges and Deadlines;
    - (b) complete New Attorney Training, under division 6 title 2 of these rules, or Minimum Continuing Legal Education requirements, under rule 9.45 of the California Rules of Court, and pay any related fee and penalty set forth in the Schedule of Charges and Deadlines;
  - (2) if their employer no longer meets the criteria for an Eligible Legal Aid Organization under rule 9.45(a)(1) of the California Rules of Court;
  - (3) for failure to comply with the laws or rules that govern the professional conduct of licensees of the State Bar;
  - (4) for failure to meet the requirements of rule 9.45 of the California Rules of Court or this article; or
  - (5) upon:
    - (a) the State Bar initiating disciplinary proceedings in the State Bar Court by filing against the Registered Legal Aid Attorney a Notice of Disciplinary Charges pursuant to rule 5.41 of the Rules of Procedure of the State Bar;
    - (b) the State Bar and the Registered Legal Aid Attorney entering into a Stipulation to Facts and Conclusions of Law pursuant to rule 5.55 of the Rules of Procedure of the State Bar; or
    - (c) the State Bar and the Registered Legal Aid Attorney entering into a Stipulation to Facts, Conclusions of Law, and Disposition pursuant to rule 5.56 of the Rules of Procedure of the State Bar.
- (B) A suspension of Registered Legal Aid Attorney status is effective ten days from the date of receipt of notification of the suspension.

- (C) Registered Legal Aid Attorney status will be reinstated following a suspension if:
- (1) the attorney addresses all grounds for suspension under subdivision (A)(1)-(4) of this rule within six months of receipt of notification of the suspension; or
  - (2) if the suspension is under subdivision (A)(5) of this rule, disciplinary proceedings against the attorney in the State Bar Court conclude without discipline or a recommendation for discipline, or the Supreme Court rejects a recommendation for discipline.

*Rule 3.364 adopted effective July 1, 2010; amended effective March 1, 2019.*

#### Rule 3.365 Termination of Registered Legal Aid Attorney Status

- (A) Registered Legal Aid Attorney status will be terminated and the attorney will not be eligible to practice law under rule 9.45 of the California Rules of Court or this article:
- (1) upon issuance of an adverse moral character determination;
  - (2) for failure to report to the State Bar, within 30 days, the end of their employment with the Eligible Legal Aid Organization, a change of Supervising Attorney, an additional employer, or a change of employer;
  - (3) for failure to address all grounds for suspension pursuant to rule 3.364(A)(1)-(4) within six months of receipt of notification of the suspension;
  - (4) upon imposition of discipline by the State Bar Court, the Supreme Court of California, or the authority that regulates the practice of law in any other jurisdiction;
  - (5) upon admission to the State Bar;
  - (6) upon request by the Registered Legal Aid Attorney; or
  - (7) upon repeal of rule 9.45 of the California Rules of Court or termination of the Registered Legal Aid Attorney Program.
- (B) A termination of Registered Legal Aid Attorney status is effective ten days from the date of receipt of notification of termination.
- (C) An attorney whose Registered Legal Aid Attorney status is terminated under subdivision (A)(4) of this rule may not reapply for Registered Legal Aid Attorney status.

*Rule 3.365 adopted effective July 1, 2010; amended effective March 1, 2019.*

### Rule 3.366 Public Information

State Bar records for Registered Legal Aid Attorneys are public to the same extent as licensee records.

*Rule 3.367 adopted effective July 1, 2010; amended effective March 1, 2019.*

TITLE 3. PROGRAMS AND SERVICES

Adopted July 2007

DIVISION 3. NON-LICENSEE ATTORNEYSChapter 1. Multijurisdictional PracticeArticle 3. Registered In-House Counsel

## Rule 3.370 Definitions

For purposes of this article:

- (A) ~~A “Qualifying institution” is defined in a corporation, a partnership, an association, or other legal entity that meets the requirements of rRule of Court 9.46(a)(1) of the California Rules of Court. An attorney registered as Registered In-House Counsel is an attorney who meets the eligibility requirements of Rule 9.46 of the California Rules of Court (“Rule 9.46”) and is registered by the State Bar as Registered In-House Counsel.~~
- (B) “Receipt” of a document that the State Bar sends to an applicant or Registered In-House Counsel is:
- (1) calculated as the date of electronic transmission or 5 days from the date of mailing to a California address; 10 days from the date of mailing to an address elsewhere in the United States; and 20 days from the date of mailing to an address outside the United States; or
  - (2) when the State Bar delivers a document physically by personal service or otherwise.
- ~~“Registered” means that the State Bar has issued a certificate of registration to an attorney it deems eligible to practice law as Registered In-House Counsel.~~
- (C) ~~An attorney registered as “Registered In-House Counsel” is an attorney who meets the eligibility requirements of rRule 9.46 of the California Rules of Court (“Rule 9.46”) and whose Application for Registered In-House Counsel Status has been approved is registered by the State Bar as Registered In-House Counsel. A “qualifying institution” is a corporation, a partnership, an association, or other legal entity that meets the requirements of Rule of Court 9.46(a)(1).~~
- ~~(D) “Reside in California” as used in Rule 9.46(c)(8) means to live or be located in California on more than a temporary or transient basis.~~

*Rule 3.370 adopted effective July 1, 2010; amended effective March 1, 2019.*

Rule 3.371 Application for Registered In-House Counsel Status

- (A) To apply ~~to register as for~~ Registered In-House Counsel status, an attorney ~~must who~~ meets the ~~eligibility and employment~~ requirements of ~~r~~Rule 9.46 of the California Rules of Court must and:
- (1) submit an Application for Registration<sup>1</sup> to register as an attorney applicant, pursuant to rule 4.16(B), for admission to the State Bar of California with the required documentation and the fee set forth in the Schedule of Charges and Deadlines;<sup>2</sup>
  - (2) submit an Application for Registered In-House Counsel Status<sup>3</sup> ~~with and: the fee set forth in the Schedule of Charges and Deadlines;~~
    - (a) the fee set forth in the Schedule of Charges and Deadlines;
    - (b) an Application for Determination of Moral Character with the fee set forth in the Schedule of Charges and Deadlines, unless:
      - (i) the attorney applicant currently possesses a valid positive moral character determination, pursuant to rule 4.51; or
      - (ii) the attorney applicant's Application for Determination of Moral Character is pending;
    - (c) prior to beginning employment as Registered In-House Counsel, submit a Qualifying Institution Declaration signed no more than 30 days prior to submission by an officer, director, or general counsel of the Qualifying Institution, attesting that:
      - (i) the employer is a Qualifying Institution;
      - (ii) upon approval of the Application for Registered In-House Counsel Status, the institution will employ the applicant as an attorney whose scope of practice is authorized and limited by rule 9.46 of the California Rules of Court and this article;
      - (iii) the declarant believes, to the best of their knowledge after reasonable inquiry, that the applicant has good moral character and qualifies for Registered In-House Counsel status under rule 9.46 of the California Rules of Court and this article;

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<sup>1</sup> See Rule 4.16(B).

<sup>2</sup> See Rule 4.3(B).

<sup>3</sup> See Rule of Court 9.46(d).

- (iv) the institution has adopted and provided to its employees written personnel policies which acknowledge and inform them of the requirements of rule 9.46 of the California Rules of Court and this article and are attached to the declaration;
    - (v) the institution acknowledges and will comply with the duties and obligations imposed upon a Qualifying Institution by this article;
  - (d) a declaration acknowledging they will be subject to the disciplinary authority of the Supreme Court of California and the State Bar, and will not practice law in California other than as Registered In-House Counsel for the Qualifying Institution, or as authorized by the State Bar to provide pro bono services through an Eligible Legal Aid Organization as defined by rule 9.45(a)(1) of the California Rules of Court; and
  - (e) if applicable, a supplemental form identifying the Eligible Legal Aid Organization as defined by rule 9.45(a)(1) of the California Rules of Court through which the attorney intends to provide pro bono services, and the Supervising Attorney Declaration required under rule 3.361(A)(2).
- ~~(3) — meet State Bar requirements for acceptable moral character; and~~
- ~~(4) — submit a Declaration signed by an officer, a director, or a general counsel of Qualifying Institution.<sup>4</sup>~~
- (B) The State Bar will deem an Application for Registered In-House Counsel Status complete when all required documentation has been submitted and the required fees paid. The State Bar will notify the applicant if an application has been deemed incomplete. The applicant must cure all deficiencies within 60 days of receipt of the notification or the application will be deemed abandoned, absent a showing of good cause. No refund of fees will be issued for an abandoned application.
- (C) An applicant may practice law as Registered In-House Counsel when the State Bar has approved their Application for Registered In-House Counsel Status, and their Application for Determination of Moral Character is pending or approved.
- (D) An ~~Application for to practice law as~~ Registered In-House Counsel Status will ~~may~~ be denied if the applicant fails to meet the for failure to comply with eligibility or application requirements of rule 9.46 of the California Rules of Court or this article, or makes a material misrepresentation of fact in the application.

*Rule 3.371 adopted effective July 1, 2010; amended effective March 1, 2019.*

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<sup>4</sup>~~Rule of Court 9.46(a)(1).~~

Rule 3.372 Duties of Registered In-House Counsel

~~An attorney employed as~~ Registered In-House Counsel: must

- (A) is subject to the disciplinary authority of the Supreme Court of California and the State Bar;
- (B) must annually renew ~~their registration as~~ Registered In-House Counsel status by and submitting an Application for Renewal of Registered In-House Counsel Status and any related ~~the~~ fee set forth in the Schedule of Charges and Deadlines;
- (C) must complete the State Bar New Attorney Training program within a year of initially obtaining Registered In-House Counsel status, pursuant to division 6 title 2 of these rules, and meet the Minimum Continuing Legal Education (MCLE) requirements set forth in ~~r~~Rule 9.46 of the California Rules of Court;
- (D) must use the title “Registered In-House Counsel” in connection with activities performed as Registered In-House Counsel;
- (E) must not imply or claim in any way to be a licenseed attorney-of the State Bar-~~of California;~~
- (F) must maintain with the State Bar a current email address and a mailing address of record ~~with the State Bar, which must be that is~~ the current California office address of the Qualifying Institution attorney’s employer and a current e-mail address;
- (G) must report to the State Bar within 30 ~~thirty~~ days:
  - (1) a change in status in any jurisdiction where they have been admitted to practice law-~~and engaged in the practice of law, including, but not limited to, such as~~ transfer to inactive status, disciplinary action, suspension, resignation, disbarment, or a functional equivalent;
  - (2) the end termination-of employment with the Qualifying Institution; ~~or~~
  - (3) if applicable, a change of supervisor at an Eligible Legal Aid Organization through which the attorney is providing pro bono services; and
  - (4) any information required to be reported by an attorney under the State Bar Act, including such as that required by Business and Professions Code sections 6068(o) and 6086.8(c)-~~of the California Business and Professions Code~~, or by any other legal authority;

- (H) ~~must submit a change of employer notice, Qualifying Institution Declaration, and the fee set forth in the Schedule of Charges and Deadlines a new application to register as Registered In-House Counsel~~ before beginning employment with a new Qualifying Institution,<sup>5</sup> and
- (I) ~~must otherwise~~ comply with the requirements of Rule 9.46 of the California Rules of Court and this article ~~these rules~~.

*Rule 3.372 adopted effective July 1, 2010; amended effective March 1, 2019.*

Rule 3.373 Duties of a Qualifying Institution employer

~~An employer who meets the requirements of Rule 9.46 for a~~ A Qualifying Institution that employs Registered In-House Counsel must:

- (A) provide a Qualifying Institution Declaration to an attorney who ~~is applying for the institution will employ as~~ Registered In-House Counsel status, prior to the attorney starting ~~the~~ employment as Registered In-House Counsel for the Qualifying Institution. ~~complete the Application for Approval as Qualifying Institution and be approved by the State Bar as a qualifying employer;~~
- (B) ~~complete a Declaration signed by an officer, a director, or a general counsel of the Qualifying Institution, before employing a Registered In-House Counsel, attesting that it~~
- (1) ~~is a qualifying institution;~~
  - (2) ~~deems the attorney, on the basis of reasonable inquiry, to be of good moral character;~~
- (B) ~~agrees to~~ notify the State Bar ~~of California~~, in writing, within 30~~thirty~~ days if:
- (1) ~~the Registered In-House Counsel attorney is no longer employed by the Qualifying Institution has terminated employment;~~
  - (2) ~~the Registered In-House Counsel attorney~~ is no longer eligible for employment under as required by Rule 9.46 of the California Rules of Court or and this article these rules; or
  - (3) ~~its no longer meets the criteria for status as a~~ Qualifying Institution under rule 9.46(a)(1) of the California Rules of Court. ~~has changed; or~~

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<sup>5</sup> ~~Rule of Court 9.46(a)(1).~~

~~(d) it has changed its office address.~~

Rule 3.373 adopted effective July 1, 2010; amended effective March 1, 2019.

Rule 3.374 Suspension of Registered In-House Counsel Status

- (A) ~~Registration as Registered~~ In-House Counsel status will be ~~is~~ suspended and the attorney will not be eligible to practice law under rule 9.46 of the California Rules of Court or this article:
- (1) for failure to:
    - ~~(a) annually register as renew their~~ Registered In-House Counsel status and submit any related fee and penalty set forth in the Schedule of Charges and Deadlines;
    - ~~(b) for failure to complete comply with the New Attorney Training, under division 6 title 2 of these rules, or~~ Minimum Continuing Legal Education requirements, under of rRule 9.46 of the California Rules of Court, and pay any related fee and penalty set forth in the Schedule of Charges and Deadlines;
    - ~~(3) upon voluntary transfer to inactive status, or the functional equivalent in any jurisdiction where admitted to practice; or~~
    - ~~(4) for failure to comply with the laws or standards of professional conduct applicable to a licensee of the State Bar; or~~
    - (2) if their employer no longer meets the criteria for a Qualifying Institution under rule 9.46(a)(1) of the California Rules of Court; or
    - (3) for failure to comply with the laws or rules that govern the professional conduct of licensees of the State Bar;
    - (4) for failure to meet the eligibility requirements of rRule 9.46 ~~(c), (3), (4), (5), (6), and (7)~~ of the California Rules of Court or this article; or
    - (5) upon:
      - (a) the State Bar initiating disciplinary proceedings in the State Bar Court by filing against the Registered In-House Counsel a Notice of Disciplinary Charges pursuant to rule 5.41 of the Rules of Procedure of the State Bar;
      - (b) the State Bar and the Registered In-House Counsel entering into a Stipulation to Facts and Conclusions of Law pursuant to rule 5.55 of the Rules of Procedure of the State Bar; or

(c) the State Bar and the Registered In-House Counsel entering into a Stipulation to Facts, Conclusions of Law, and Disposition pursuant to rule 5.56 of the Rules of Procedure of the State Bar.

~~(B) An attorney suspended under these rules is not permitted to practice law.~~

~~(B) A notice of suspension of Registered In-House Counsel status is effective ten days from the date of receipt of notification of the suspension. Receipt is deemed to be five days from the date of mailing to a California address; ten days from the date of mailing to an address elsewhere in the United States; and twenty days from the date of mailing to an address outside the United States. Alternatively, receipt is when the State Bar delivers a document physically by personal service or otherwise.~~

~~(C) Registered In-House Counsel status will be reinstated following a suspension if: Appeal of a suspension is subject to the disciplinary procedures of the State Bar.~~

~~(1) the attorney addresses all grounds for suspension under subdivision (A)(1)-(4) of this rule within six months of receipt of notification of the suspension; or~~

~~(2) if the suspension is under subdivision (A)(5) of this rule, disciplinary proceedings against the attorney in the State Bar Court conclude without discipline or a recommendation for discipline, or the Supreme Court rejects a recommendation for discipline.~~

*Rule 3.374 adopted effective July 1, 2010; amended effective March 1, 2019.*

#### Rule 3.375 Termination of ~~Registration~~ Registered In-House Counsel Status

~~(A) Registration as Registered In-House Counsel status will be terminated and the attorney will not be eligible to practice law under rule 9.46 of the California Rules of Court or this article:~~

~~(1) upon issuance of an adverse moral character determination;~~

~~(2) for failure to report to the State Bar, within 30 days, the end of their employment with the Qualifying Institution or a change of employer;~~

~~(3) for failure to address all grounds for suspension pursuant to rule 3.374(A)(1)-(4) within six months of receipt of notification of the suspension;~~

~~(4) for failure to meet the eligibility requirements of Rule 9.46(c)(1) or Rule 9.46(c)(2) upon imposition of discipline for misconduct by the State Bar Court, the Supreme Court of California, or the authority that regulates the practice of law in any other jurisdiction a professional or occupational licensing authority;~~

~~(5) upon admission to the State Bar;~~

~~(6) upon request by the Registered In-House Counsel; or,~~

~~(7) upon repeal of rRule 9.46 of the California Rules of Court or termination of the Registered In-House Counsel Pprogram.~~;~~ ~~or~~~~

~~(B) An attorney whose registration has been terminated under these rules is not permitted to practice law in California and must submit a new application and comply with Rules of Court, rule 9.9.5 governing attorney fingerprinting to register as In-House Counsel in order to practice law in California.~~

~~(B) A notice of termination of Registered In-House Counsel status is effective ten days from the date of receipt of notification of termination. Receipt is deemed to be five days from the date of mailing to a California address; ten days from the date of mailing to an address elsewhere in the United States; and twenty days from the date of mailing to an address outside the United States. Alternatively, receipt is when the State Bar delivers a document physically by personal service or otherwise.~~

~~(C) An attorney whose Registered In-House Counsel status is terminated under subdivision (A)(4) of this rule may not reapply for Registered In-House Counsel status Appeal of a termination is subject to the disciplinary procedures of the State Bar.~~

*Rule 3.375 adopted effective July 1, 2010; amended effective March 1, 2019.*

#### ~~Rule 3.376 Reinstatement after termination~~

~~An attorney terminated as Registered In-House Counsel who seeks reinstatement must meet all eligibility and application requirements of Rule 9.46 and these rules.~~

*Rule 3.376 adopted effective July 1, 2010; amended effective March 1, 2019*

#### Rule 3.3767 Public information

State Bar records for ~~attorneys permitted to practice law as~~ Registered In-House Counsel are public to the same extent as licenseed attorney records.

*Rule 3.377 adopted effective July 1, 2010; amended effective March 1, 2019.*

TITLE 3. PROGRAMS AND SERVICES

DIVISION 3. NON-LICENSEE ATTORNEYS

Chapter 1. Multijurisdictional Practice

Article 3. Registered In-House Counsel

Rule 3.370 Definitions

For purposes of this article:

- (A) “Qualifying Institution” is defined in rule 9.46(a)(1) of the California Rules of Court.
- (B) “Receipt” of a document that the State Bar sends to an applicant or Registered In-House Counsel is:
  - (1) calculated as the date of electronic transmission or 5 days from the date of mailing to a California address; 10 days from the date of mailing to an address elsewhere in the United States; and 20 days from the date of mailing to an address outside the United States; or
  - (2) when the State Bar delivers a document physically by personal service or otherwise.
- (C) “Registered In-House Counsel” is an attorney who meets the requirements of rule 9.46 of the California Rules of Court and whose Application for Registered In-House Counsel Status has been approved by the State Bar.

*Rule 3.370 adopted effective July 1, 2010; amended effective March 1, 2019.*

Rule 3.371 Application for Registered In-House Counsel Status

- (A) To apply for Registered In-House Counsel status, an attorney must meet the requirements of rule 9.46 of the California Rules of Court and:
  - (1) submit an Application for Registration to register as an attorney applicant, pursuant to rule 4.16(B), with the required documentation and the fee set forth in the Schedule of Charges and Deadlines;
  - (2) submit an Application for Registered In-House Counsel Status and:
    - (a) the fee set forth in the Schedule of Charges and Deadlines;

- (b) an Application for Determination of Moral Character with the fee set forth in the Schedule of Charges and Deadlines, unless:
  - (i) the attorney applicant currently possesses a valid positive moral character determination, pursuant to rule 4.51; or
  - (ii) the attorney applicant's Application for Determination of Moral Character is pending;
- (c) prior to beginning employment as Registered In-House Counsel, submit a Qualifying Institution Declaration signed no more than 30 days prior to submission by an officer, director, or general counsel of the Qualifying Institution, attesting that:
  - (i) the employer is a Qualifying Institution;
  - (ii) upon approval of the Application for Registered In-House Counsel Status, the institution will employ the applicant as an attorney whose scope of practice is authorized and limited by rule 9.46 of the California Rules of Court and this article;
  - (iii) the declarant believes, to the best of their knowledge after reasonable inquiry, that the applicant has good moral character and qualifies for Registered In-House Counsel status under rule 9.46 of the California Rules of Court and this article;
  - (iv) the institution has adopted and provided to its employees written personnel policies which acknowledge and inform them of the requirements of rule 9.46 of the California Rules of Court and this article and are attached to the declaration;
  - (v) the institution acknowledges and will comply with the duties and obligations imposed upon a Qualifying Institution this article;
- (d) a declaration acknowledging they will be subject to the disciplinary authority of the Supreme Court of California and the State Bar, and will not practice law in California other than as Registered In-House Counsel for the Qualifying Institution, or as authorized by the State Bar to provide pro bono services through an Eligible Legal Aid Organization as defined by rule 9.45(a)(1) of the California Rules of Court; and
- (e) if applicable, a supplemental form identifying the Eligible Legal Aid Organization as defined by rule 9.45(a)(1) of the California Rules of Court through which the attorney intends to provide pro bono services, and the Supervising Attorney Declaration required under rule 3.361(A)(2).

- (B) The State Bar will deem an Application for Registered In-House Counsel Status complete when all required documentation has been submitted and the required fees paid. The State Bar will notify the applicant if an application has been deemed incomplete. The applicant must cure all deficiencies within 60 days of receipt of the notification or the application will be deemed abandoned, absent a showing of good cause. No refund of fees will be issued for an abandoned application.
- (C) An applicant may practice law as Registered In-House Counsel when the State Bar has approved their Application for Registered In-House Counsel Status, and their Application for Determination of Moral Character is pending or approved.
- (D) An Application for Registered In-House Counsel Status will be denied if the applicant fails to meet the requirements of rule 9.46 of the California Rules of Court or this article, or makes a material misrepresentation of fact in the application.

*Rule 3.371 adopted effective July 1, 2010; amended effective March 1, 2019.*

#### Rule 3.372 Duties of Registered In-House Counsel

##### Registered In-House Counsel:

- (A) is subject to the disciplinary authority of the Supreme Court of California and the State Bar;
- (B) must annually renew their Registered In-House Counsel status by submitting an Application for Renewal of Registered In-House Counsel Status and any related fee set forth in the Schedule of Charges and Deadlines;
- (C) must complete the State Bar New Attorney Training program within a year of initially obtaining Registered In-House Counsel status, pursuant to division 6 title 2 of these rules, and meet the Minimum Continuing Legal Education requirements set forth in rule 9.46 of the California Rules of Court;
- (D) must use the title “Registered In-House Counsel” in connection with activities performed as Registered In-House Counsel;
- (E) must not imply or claim in any way to be a licensee of the State Bar;
- (F) must maintain with the State Bar a current email address and mailing address of record that is the current California office address of the Qualifying Institution;
- (G) must report to the State Bar within 30 days:
  - (1) a change in status in any jurisdiction where they have been admitted to practice law, including, but not limited to, transfer to inactive status, disciplinary action, suspension, resignation, disbarment, or a functional equivalent;

- (2) the end of employment with the Qualifying Institution;
  - (3) if applicable, a change of supervisor at an Eligible Legal Aid Organization through which the attorney is providing pro bono services; and
  - (4) any information required to be provided by an attorney under the State Bar Act, including, but not limited to, Business and Professions Code sections 6068(o) and 6086.8(c), or by any other legal authority;
- (H) must submit a change of employer notice, Qualifying Institution Declaration, and the fee set forth in the Schedule of Charges and Deadlines before beginning employment with a new Qualifying Institution; and
- (I) must comply with the requirements of rule 9.46 of the California Rules of Court and this article.

*Rule 3.372 adopted effective July 1, 2010; amended effective March 1, 2019.*

#### Rule 3.373 Duties of a Qualifying Institution

A Qualifying Institution that employs Registered In-House Counsel must:

- (A) provide a Qualifying Institution Declaration to an attorney who is applying for Registered In-House Counsel status, prior to the attorney starting employment as Registered In-House Counsel for the Qualifying Institution.
- (B) notify the State Bar, in writing, within 30 days if:
  - (1) the Registered In-House Counsel is no longer employed by the Qualifying Institution;
  - (2) the Registered In-House Counsel is no longer eligible for employment under rule 9.46 of the California Rules of Court or this article; or
  - (3) it no longer meets the criteria for a Qualifying Institution under rule 9.46(a)(1) of the California Rules of Court.

*Rule 3.373 adopted effective July 1, 2010; amended effective March 1, 2019.*

#### Rule 3.374 Suspension of Registered In-House Counsel Status

- (A) Registered In-House Counsel status will be suspended and the attorney will not be eligible to practice law under rule 9.46 of the California Rules of Court or this article:
  - (1) for failure to:

- (a) annually renew their Registered In-House Counsel status and submit any related fee and penalty set forth in the Schedule of Charges and Deadlines;
  - (b) complete New Attorney Training, under division 6 title 2 of these rules, or Minimum Continuing Legal Education requirements, under rule 9.46 of the California Rules of Court, and pay any related fee and penalty set forth in the Schedule of Charges and Deadlines;
- (2) if their employer no longer meets the criteria for a Qualifying Institution under rule 9.46(a)(1) of the California Rules of Court;
  - (3) for failure to comply with the laws or rules that govern the professional conduct of licensees of the State Bar;
  - (4) for failure to meet the requirements of rule 9.46 of the California Rules of Court or this article; or
  - (5) upon:
    - (a) the State Bar initiating disciplinary proceedings in the State Bar Court by filing against the Registered In-House Counsel a Notice of Disciplinary Charges pursuant to rule 5.41 of the Rules of Procedure of the State Bar;
    - (b) the State Bar and the Registered In-House Counsel entering into a Stipulation to Facts and Conclusions of Law pursuant to rule 5.55 of the Rules of Procedure of the State Bar; or
    - (c) the State Bar and the Registered In-House Counsel entering into a Stipulation to Facts, Conclusions of Law, and Disposition pursuant to rule 5.56 of the Rules of Procedure of the State Bar.
- (B) A suspension of Registered In-House Counsel status is effective ten days from the date of receipt of notification of the suspension.
  - (C) Registered In-House Counsel status will be reinstated following a suspension if:
    - (1) the attorney addresses all grounds for suspension under subdivision (A)(1)-(4) of this rule within six months of receipt of notification of the suspension; or
    - (2) if the suspension is under subdivision (A)(5) of this rule, disciplinary proceedings against the attorney in the State Bar Court conclude without discipline or a recommendation for discipline, or the Supreme Court rejects a recommendation for discipline.

*Rule 3.374 adopted effective July 1, 2010; amended effective March 1, 2019.*

### Rule 3.375 Termination of Registered In-House Counsel Status

- (A) Registered In-House Counsel status will be terminated and the attorney will not be eligible to practice law under rule 9.46 of the California Rules of Court or this article:
- (1) upon issuance of an adverse moral character determination;
  - (2) for failure to report to the State Bar, within 30 days, the end of their employment with the Qualifying Institution or a change of employer;
  - (3) for failure to address all grounds for suspension pursuant to rule 3.374(A)(1)-(4) within six months of receipt of notification of the suspension;
  - (4) upon imposition of discipline by the State Bar Court, the Supreme Court of California, or the authority that regulates the practice of law in any other jurisdiction;
  - (5) upon admission to the State Bar;
  - (6) upon request by the Registered In-House Counsel; or
  - (7) upon repeal of rule 9.46 of the California Rules of Court or termination of the Registered In-House Counsel Program.
- (B) A termination of Registered In-House Counsel status is effective ten days from the date of receipt of notification of termination.
- (C) An attorney whose Registered In-House Counsel status is terminated under subdivision (A)(4) of this rule may not reapply for Registered In-House Counsel status.

*Rule 3.375 adopted effective July 1, 2010; amended effective March 1, 2019.*

### Rule 3.376 Public Information

State Bar records for Registered In-House Counsel are public to the same extent as licensee records.

*Rule 3.377 adopted effective July 1, 2010; amended effective March 1, 2019.*

TITLE 3. PROGRAMS AND SERVICES

~~Adopted July 2007~~

DIVISION 3. NON-LICENSEE ATTORNEYS

Chapter 4. Foreign Legal Consultants

Rule 3.400 Definitions

For purposes of this chapter:

(A) A ~~“Registered Foreign Legal Consultant” is a~~ foreign attorney or the equivalent person who meets the ~~eligibility~~ requirements of ~~r~~Rule of Court 9.44 of the California Rules of Court (~~“Rule 9.44”~~) and whose Application for Foreign Legal Consultant Status has been approved registered by the State Bar ~~as a Foreign Legal Consultant~~. ~~A “Registered Foreign Legal Consultant” is a person who meets the eligibility requirements of Rule of Court 9.44 of the California Rules of Court (“Rule 9.44”) and is registered by the State Bar as a Foreign Legal Consultant.~~

(B) “Receipt” of a document that the State Bar sends to an applicant or a Foreign Legal Consultant is:

(1) calculated as the date of electronic transmission or 5 days from the date of mailing to a California address; 10 days from the date of mailing to an address elsewhere in the United States; and 20 days from the date of mailing to an address outside the United States; or

(2) when the State Bar delivers a document physically by personal service or otherwise.

~~“Registered” means that the State Bar has issued a certificate of registration to a person it deems eligible to practice law as a Foreign Legal Consultant.~~

*Rule 3.400 adopted effective July 1, 2010.*

Rule 3.401 Application for Foreign Legal Consultant Status

(A) To ~~apply for practice law as a Registered~~ Foreign Legal Consultant ~~status~~, ~~a foreign attorney or the equivalent must~~ person who meets the ~~eligibility~~ requirements of ~~the~~ Rule 9.44 of the California Rules of Court must and:

(1) submit an Application for Registration<sup>1</sup> to register as an attorney applicant, pursuant to rule 4.16(B), for admission to the State Bar of California with the required documentation certificate and the fee set forth in the Schedule of Charges and Deadlines;<sup>2</sup>

- (2) submit an Application for ~~Registered~~ Foreign Legal Consultant Status<sup>3</sup> ~~with and: the fee set forth in the Schedule of Charges and Deadlines;~~
- (a) the fee set forth in the Schedule of Charges and Deadlines;
  - (b) an Application for Determination of Moral Character with the fee set forth in the Schedule of Charges and Deadlines, unless:
    - (i) the attorney applicant currently possesses a valid positive moral character determination, pursuant to rule 4.51; or
    - (ii) the attorney applicant's Application for Determination of Moral Character is pending;
  - (c) ~~submit~~ a letter of recommendation from an authorized representative of the professional body having final disciplinary jurisdiction or a judge of the highest law court ~~or court of original jurisdiction~~ attesting to the applicant's his or her professional qualifications in the foreign jurisdiction~~;~~ and
  - (d) a declaration acknowledging they will be subject to the disciplinary authority of the Supreme Court of California and the State Bar, and will not practice law in California other than engaging in the scope of practice authorized by rule 9.44(e) of the California Rules of Court.
- ~~(3) meet State Bar requirements for acceptable moral character, which are set forth in the instructions for Application for Registered Foreign Legal Consultant;~~
- ~~(4) submit a letter of recommendation from an authorized representative of the professional body having final disciplinary jurisdiction or a judge of the highest law court or court of original jurisdiction attesting to his or her professional qualifications in the foreign jurisdiction.~~
- (B) Upon a showing of undue hardship by the applicant, the State Bar may waive or vary this rule's requirement of the letter of recommendation attesting to the applicant's professional qualifications.
- (C) The State Bar will deem an Application for Foreign Legal Consultant Status complete when all required documentation has been submitted and the required fees paid. The State Bar will notify the applicant if an application has been deemed incomplete. The applicant must cure all deficiencies within 60 days of receipt of the notification or the application will be deemed abandoned, absent a showing of good cause. No refund of fees will be issued for an abandoned application.

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<sup>1</sup>See Rule 4.16(B).

<sup>2</sup>See Rule 4.3(B).

<sup>3</sup>See Rule of Court 9.44.

- (D) An applicant may engage in the scope of practice authorized by rule 9.44(e) of the California Rules of Court when the State Bar has approved their Application for Foreign Legal Consultant Status. An applicant must receive a positive moral character determination before their Application for Foreign Legal Consultant Status can be approved. Upon a showing of undue hardship by the applicant, the State Bar may waive or vary this rule's requirement of the letter of recommendation attesting to the applicant's professional qualifications.
- (E) An Application for to practice law as a Registered Foreign Legal Consultant Status will ~~may be denied~~ if the applicant fails to meet the for failure to comply with eligibility or application requirements of rule 9.44 of the California Rules of Court or this chapter, or makes a material misrepresentation of fact in the application.

Rule 3.401 adopted effective July 1, 2010.

Rule 3.402 Duties of ~~Registered a~~ Foreign Legal Consultants

A Foreign Legal Consultant: ~~must~~

- (A) is subject to the disciplinary authority of the Supreme Court of California and the State Bar;
- (B) must annually renew their registration as a Registered Foreign Legal Consultant status by ~~and~~ submitting an Application for Renewal of Foreign Legal Consultant Status, proof of security for claims, and the fee set forth in the Schedule of Charges and Deadlines;
- ~~(B) must report to the State Bar within thirty days any change in eligibility or the security for claims required by these rules;~~
- (C) must at all times maintain the security for claims required by this chapter at all times ~~these rules~~ and upon demand promptly provide the State Bar with current evidence of security for claims;
- (D) may provide legal advice in California exclusively regarding the law of thea foreign jurisdiction where the applicant he or she is licensed to practice law and which is identified in the Application for To Register as a Foreign Legal Consultant Status;
- (E) must use the title "~~Registered~~-Foreign Legal Consultant" in connection with activities performed as a ~~Registered~~ Foreign Legal Consultant;
- (F) must not imply or claim in any way to be a licensee of the State Bar of California;
- (G) must maintain a current email address and mailing an address of record ~~and a current e-mail address~~ with the State Bar; ~~and~~

- (H) must report to the State Bar within 30 ~~thirty~~ days: ~~any change in eligibility or the security for claims required by these rules;~~
- (1) a change in status in any jurisdiction where they have been admitted to practice law, including, but not limited to, transfer to inactive status, disciplinary action, suspension, resignation, disbarment, or a functional equivalent;
  - (2) a change in security for claims required by this chapter; and
  - (3) any information required to be provided by an attorney under the State Bar Act, including, but not limited to, Business and Professions Code sections 6068(o) and 6086.8(c), or by any other legal authority; and
- (I) must ~~otherwise~~ comply with Rule 9.44 of the California Rules of Court and this chapter ~~these rules~~.

*Rule 3.402 adopted effective July 1, 2010; amended effective March 1, 2019.*

#### Rule 3.403 Security for Claims

A ~~Registered~~ Foreign Legal Consultant must provide to the State Bar proof evidence of security for claims for pecuniary losses resulting from acts, errors, or omissions in the rendering of legal services as a Foreign Legal Consultant. The security assets must be maintained at all times, and the State Bar may require current proof evidence of security for claims at any time. The proof evidence of security:

- (A) may be a certificate of insurance, a letter of credit, a written guarantee, or a written agreement executed by the Foreign Legal Consultant applicant;
- (B) must be provided in a form acceptable to the State Bar; and
- (C) must be computed in United States dollars.

*Rule 3.403 adopted effective July 1, 2010.*

#### Rule 3.404 Insurance as Security for Claims

~~If insurance serves as security for claims, it must~~ meet the requirements of this chapter be acceptable to the State Bar and provide the ~~Registered~~ Foreign Legal Consultant with a minimum amount of annual insurance and a maximum deductible. ~~These amounts are as~~ as specified in the Schedule of Charges and Deadlines ~~for a single claim and for all claims~~.

- (A) If the insurance excludes the cost of defense, the ~~Registered~~ Foreign Legal Consultant may reduce the minimum amount of annual insurance as specified in the Schedule of Charges and Deadlines.
- (B) If the insurance provides for a deductible greater than that specified in the Schedule of

Charges and Deadlines, the ~~Registered~~ Foreign Legal Consultant must provide a letter of credit or a written agreement as proof evidence of security for the deductible.

- (C) If the insurance is provided by an insurer outside California, the ~~Registered~~ Foreign Legal Consultant must ~~promptly provide, upon request of the State Bar~~ a copy of the insurance policy and a translation if the policy is not in English.

*Rule 3.404 adopted effective July 1, 2010.*

Rule 3.405 Letter of Credit as Security for Claims

~~If a A letter of credit serves as security for claims, the ~~Registered Foreign Legal Consultant~~ must meet the requirements of this chapter and be maintained the letter of credit at all times in the minimum amount specified in the Schedule of Charges and Deadlines ~~for a single claim and for all claims.~~~~

*Rule 3.405 adopted effective July 1, 2010.*

Rule 3.406 Written Guarantee as Security for Claims

~~If a A written guarantee from a third party serves as security for claims, the ~~Registered Foreign Legal Consultant~~ must meet the requirements of this chapter and be maintained the written guarantee at all times ~~for a~~ the minimum amount specified in the Schedule of Charges and Deadlines in favor of the State Bar. ~~The amount is specified in the Schedule for a single claim and for all claims.~~~~

- (A) The guarantor must be a California law firm or law corporation, an active licensee of the State Bar, or a financial institution.
- (B) The written guarantee must be supported by an independent accountant's certified financial statements and subsidiary records evidencing that tangible net worth for the most recent fiscal year is equivalent to the minimum amount required for security for claims, exclusive of intangible assets such as good-will, licenses, patents, trademarks, trade names, copyrights, and franchises. Net worth may include fifty percent of earned fees that have not been billed and billed fees that have not been collected.

*Rule 3.406 adopted effective July 1, 2010; amended effective March 1, 2019.*

Rule 3.407 Written Agreement as ~~evidence of~~ Security for Claims

~~If a ~~Foreign Legal Consultant's~~ A written agreement from the Foreign Legal Consultant serves as security for claims, ~~the agreement~~ must meet the requirements of this chapter and be for the minimum amount specified in the Schedule of Charges and Deadlines ~~for a single claim and for all claims.~~~~

*Rule 3.407 adopted effective July 1, 2010.*

Rule 3.408 Suspension of ~~registration as a~~ Foreign Legal Consultant Status

(A) ~~Registration as a~~ Foreign Legal Consultant status will be is suspended and the foreign attorney or the equivalent will not be eligible to engage in the scope of practice authorized by rule 9.44(e) of the California Rules of Court or this chapter:

(1) for failure to annually ~~register as-renew their~~ Foreign Legal Consultant status and submit any related fee and penalty ~~by the date~~ set forth in the Schedule of Charges and Deadlines;

(2) upon voluntary transfer to inactive status, or the functional equivalent, in the foreign jurisdiction where they are licensed to practice law;

(3) for failure to comply with the laws or rules that govern the professional conduct of licensees of the State Bar;

(4) for failure to ~~otherwise comply with or~~ meet the eligibility requirements of ~~r~~Rule 9.44 ~~(c) (3), (4), (5), (6), (7), (8), (9), and (10), these rules or with the laws or standards of professional conduct applicable to a licensee of the State Bar of the California Rules of Court or this chapter.;~~ or

(5) upon:

(a) the State Bar initiating disciplinary proceedings in the State Bar Court by filing against the Foreign Legal Consultant a Notice of Disciplinary Charges pursuant to rule 5.41 of the Rules of Procedure of the State Bar;

(b) the State Bar and the Foreign Legal Consultant entering into a Stipulation to Facts and Conclusions of Law pursuant to rule 5.55 of the Rules of Procedure of the State Bar; or

(c) the State Bar and the Foreign Legal Consultant entering into a Stipulation to Facts, Conclusions of Law, and Disposition pursuant to rule 5.56 of the Rules of Procedure of the State Bar.

~~(B) A Foreign Legal Consultant suspended under these rules is not permitted to practice law during the suspension.~~

(B) A ~~notice of~~ suspension of Foreign Legal Consultant status is effective ten days from the date of receipt of notification of the suspension. ~~Receipt is deemed to be five days from the date of mailing to a California address; ten days from the date of mailing to an address elsewhere in the United States; and twenty days from the date of mailing to an address outside the United States. Alternatively, receipt is when the State Bar delivers a document physically by personal service or otherwise.~~

- (C) ~~Foreign Legal Consultant status will be reinstated following a suspension if: Appeal of a suspension is subject to the disciplinary procedures of the State Bar.~~
- ~~(1) the attorney addresses all grounds for suspension under subdivision (A)(1)-(4) of this rule within six months of receipt of notification of the suspension; or~~
  - ~~(2) if the suspension is under subdivision (A)(5) of this rule, disciplinary proceedings against the attorney in the State Bar Court conclude without discipline or a recommendation for discipline, or the Supreme Court rejects a recommendation for discipline.~~

*Rule 3.408 adopted effective July 1, 2010; amended effective March 1, 2019.*

Rule 3.409 Termination of ~~Registration~~ Foreign Legal Consultant Status

- (A) ~~Registration as a~~ Foreign Legal Consultant status will be terminated~~s- and the foreign attorney or the equivalent will not be eligible to engage in the scope of practice authorized by rule 9.44(e) of the California Rules of Court or this chapter:~~
- ~~(1) for failure to address all grounds for suspension pursuant to subdivision (A)(1)-(4) of this rule within six months of receipt of notification of the suspension; for failure to meet the eligibility requirements of Rule 9.44(c)(1) or Rule 9.44(c)(2);~~
  - ~~(2) upon imposition of discipline for misconduct by the State Bar Court, the Supreme Court of California, or the authority that regulates the practice of law in any other jurisdiction-a professional or occupational licensing authority;~~
  - ~~(3) upon admission to the State Bar;~~
  - ~~(4) upon request by the Foreign Legal Consultant-; or~~
  - ~~(5) upon repeal of rRule 9.44 of the California Rules of Court or termination of the Foreign Legal Consultants Pprogram;- or.~~
- ~~(B)- An attorney whose registration has been terminated under these rules is not permitted to practice law in California and must submit a new application and comply with Rules of Court, rule 9.9.5 governing attorney fingerprinting to register as a Foreign Legal Consultant in order to practice law in California.~~
- (B) A ~~notice of~~ termination of Foreign Legal Consultant status is effective ten days from the date of receipt of notification of termination. ~~Receipt is deemed to be five days from the date of mailing to a California address; ten days from the date of mailing to an address elsewhere in the United States; and twenty days from the date of mailing to an address outside the United States. Alternatively, receipt is when the State Bar delivers a document physically by personal service or otherwise.~~

(C) An attorney whose Foreign Legal Consultant status is terminated under subdivision (A)(2) of this rule may not reapply for Foreign Legal Consultant status. Appeal of a termination is subject to the disciplinary procedures of the State Bar.

*Rule 3.409 adopted effective July 1, 2010; amended effective March 1, 2019.*

~~Rule 3.410 Reinstatement after termination~~

~~An attorney terminated as a Registered Foreign Legal Consultant who seeks reinstatement must meet all eligibility and application requirements of these rules. Reinstatement is effective from the date of compliance.~~

*Rule 3.410 adopted effective July 1, 2010.*

Rule 3.410~~1~~ Public Information

State Bar records for ~~attorneys permitted to practice law as~~ Foreign Legal Consultants are public to the same extent as licensee records.

*Rule 3.411 adopted effective July 1, 2010; amended effective March 1, 2019.*

TITLE 3. PROGRAMS AND SERVICES

DIVISION 3. NON-LICENSEE ATTORNEYS

Chapter 4. Foreign Legal Consultant

Rule 3.400 Definitions

For purposes of this chapter:

- (A) A “Foreign Legal Consultant” is a foreign attorney or the equivalent who meets the requirements of rule 9.44 of the California Rules of Court and whose Application for Foreign Legal Consultant Status has been approved by the State Bar.
- (B) “Receipt” of a document that the State Bar sends to an applicant or a Foreign Legal Consultant is:
  - (1) calculated as the date of electronic transmission or 5 days from the date of mailing to a California address; 10 days from the date of mailing to an address elsewhere in the United States; and 20 days from the date of mailing to an address outside the United States; or
  - (2) when the State Bar delivers a document physically by personal service or otherwise.

*Rule 3.400 adopted effective July 1, 2010.*

Rule 3.401 Application for Foreign Legal Consultant Status

- (A) To apply for Foreign Legal Consultant status, a foreign attorney or the equivalent must meet the requirements of rule 9.44 of the California Rules of Court and:
  - (1) submit an Application for Registration to register as an attorney applicant, pursuant to rule 4.16(B), with the required documentation and the fee set forth in the Schedule of Charges and Deadlines;
  - (2) submit an Application for Foreign Legal Consultant Status and:
    - (a) the fee set forth in the Schedule of Charges and Deadlines;
    - (b) an Application for Determination of Moral Character with the fee set forth in the Schedule of Charges and Deadlines, unless:
      - (i) the attorney applicant currently possesses a valid positive moral character determination, pursuant to rule 4.51; or
      - (ii) the attorney applicant’s Application for Determination of Moral Character is pending;

- (c) a letter of recommendation from an authorized representative of the professional body having final disciplinary jurisdiction or a judge of the highest court attesting to the applicant's professional qualifications in the foreign jurisdiction; and
  - (d) a declaration acknowledging they will be subject to the disciplinary authority of the Supreme Court of California and the State Bar, and will not practice law in California other than engaging in the scope of practice authorized by rule 9.44(e) of California Rules of Court.
- (B) Upon a showing of undue hardship by the applicant, the State Bar may waive or vary this rule's requirement of the letter of recommendation attesting to the applicant's professional qualifications.
- (C) The State Bar will deem an Application for Foreign Legal Consultant Status complete when all required documentation has been submitted and the required fees paid. The State Bar will notify the applicant if an application has been deemed incomplete. The applicant must cure all deficiencies within 60 days of receipt of the notification or the application will be deemed abandoned, absent a showing of good cause. No refund of fees will be issued for an abandoned application.
- (D) An applicant may engage in the scope of practice authorized by rule 9.44(e) of the California Rules of Court when the State Bar has approved their Application for Foreign Legal Consultant Status. An applicant must receive a positive moral character determination before their Application for Foreign Legal Consultant Status can be approved.
- (E) An Application for Foreign Legal Consultant Status will be denied if the applicant fails to meet the requirements of rule 9.44 of the California Rules of Court or this chapter, or makes a material misrepresentation of fact in the application.

*Rule 3.401 adopted effective July 1, 2010.*

#### Rule 3.402 Duties of a Foreign Legal Consultant

##### A Foreign Legal Consultant:

- (A) is subject to the disciplinary authority of the Supreme Court of California and the State Bar;
- (B) must annually renew their Foreign Legal Consultant status by submitting an Application for Renewal of Foreign Legal Consultant Status, proof of security for claims, and the fee set forth in the Schedule of Charges and Deadlines;
- (C) must maintain the security for claims required by this chapter at all times and upon demand promptly provide the State Bar with current evidence of security for claims;

- (D) may provide legal advice in California exclusively regarding the law of the foreign jurisdiction where the applicant is licensed to practice law and which is identified in the Application for Foreign Legal Consultant Status;
- (E) must use the title “Foreign Legal Consultant” in connection with activities performed as a Foreign Legal Consultant;
- (F) must not imply or claim in any way to be a licensee of the State Bar of California;
- (G) must maintain a current email address and mailing address of record with the State Bar;
- (H) must report to the State Bar within 30 days:
  - (1) a change in status in any jurisdiction where they have been admitted to practice law, including, but not limited to, transfer to inactive status, disciplinary action, suspension, resignation, disbarment, or a functional equivalent;
  - (2) a change in security for claims required by this chapter; and
  - (3) any information required to be provided by an attorney under the State Bar Act, including, but not limited to, Business and Professions Code sections 6068(o) and 6086.8(c), or by any other legal authority; and
- (I) must comply with rule 9.44 of the California Rules of Court and this chapter.

*Rule 3.402 adopted effective July 1, 2010; amended effective March 1, 2019.*

#### Rule 3.403 Security for Claims

A Foreign Legal Consultant must provide to the State Bar proof of security for claims for pecuniary losses resulting from acts, errors, or omissions in the rendering of legal services as a Foreign Legal Consultant. The security assets must be maintained at all times, and the State Bar may require current proof of security for claims at any time. The proof of security:

- (A) may be a certificate of insurance, a letter of credit, a written guarantee, or a written agreement executed by the Foreign Legal Consultant;
- (B) must be provided in a form acceptable to the State Bar; and
- (C) must be computed in United States dollars.

*Rule 3.403 adopted effective July 1, 2010.*

### Rule 3.404 Insurance as Security for Claims

Insurance as security for claims must meet the requirements of this chapter and provide the Foreign Legal Consultant with a minimum amount of annual insurance and a maximum deductible as specified in the Schedule of Charges and Deadlines.

- (A) If the insurance excludes the cost of defense, the Foreign Legal Consultant may reduce the minimum amount of annual insurance as specified in the Schedule of Charges and Deadlines.
- (B) If the insurance provides for a deductible greater than that specified in the Schedule of Charges and Deadlines, the Foreign Legal Consultant must provide a letter of credit or a written agreement as proof of security for the deductible.
- (C) If the insurance is provided by an insurer outside California, the Foreign Legal Consultant must provide a copy of the insurance policy and a translation if the policy is not in English.

*Rule 3.404 adopted effective July 1, 2010.*

### Rule 3.405 Letter of Credit as Security for Claims

A letter of credit as security for claims must meet the requirements of this chapter and be maintained at all times in the minimum amount specified in the Schedule of Charges and Deadlines.

*Rule 3.405 adopted effective July 1, 2010.*

### Rule 3.406 Written Guarantee as Security for Claims

A written guarantee from a third party as security for claims must meet the requirements of this chapter and be maintained at all times for the minimum amount specified in the Schedule of Charges and Deadlines in favor of the State Bar.

- (A) The guarantor must be a California law firm or law corporation, an active licensee of the State Bar, or a financial institution.
- (B) The written guarantee must be supported by an independent accountant's certified financial statements and subsidiary records evidencing that tangible net worth for the most recent fiscal year is equivalent to the minimum amount required for security for claims, exclusive of intangible assets such as goodwill, licenses, patents, trademarks, trade names, copyrights, and franchises. Net worth may include fifty percent of earned fees that have not been billed and billed fees that have not been collected.

*Rule 3.406 adopted effective July 1, 2010; amended effective March 1, 2019.*

### Rule 3.407 Written Agreement as Security for Claims

A written agreement from the Foreign Legal Consultant as security for claims must meet the requirements of this chapter and be for the minimum amount specified in the Schedule of Charges and Deadlines.

*Rule 3.407 adopted effective July 1, 2010.*

### Rule 3.408 Suspension of Foreign Legal Consultant Status

- (A) Foreign Legal Consultant status will be suspended and the foreign attorney or the equivalent will not be eligible to engage in the scope of practice authorized by rule 9.44(e) of the California Rules of Court or this chapter:
- (1) for failure to annually renew their Foreign Legal Consultant status and submit any related fee and penalty set forth in the Schedule of Charges and Deadlines;
  - (2) upon voluntary transfer to inactive status, or the functional equivalent, in the foreign jurisdiction where they are licensed to practice law;
  - (3) for failure to comply with the laws or rules that govern the professional conduct of licensees of the State Bar;
  - (4) for failure to meet the requirements of rule 9.44 of the California Rules of Court or this chapter; or
  - (5) upon:
    - (a) the State Bar initiating disciplinary proceedings in the State Bar Court by filing against the Foreign Legal Consultant a Notice of Disciplinary Charges pursuant to rule 5.41 of the Rules of Procedure of the State Bar;
    - (b) the State Bar and the Foreign Legal Consultant entering into a Stipulation to Facts and Conclusions of Law pursuant to rule 5.55 of the Rules of Procedure of the State Bar; or
    - (c) the State Bar and the Foreign Legal Consultant entering into a Stipulation to Facts, Conclusions of Law, and Disposition pursuant to rule 5.56 of the Rules of Procedure of the State Bar.
- (B) A suspension of Foreign Legal Consultant status is effective ten days from the date of receipt of notification of the suspension.
- (C) Foreign Legal Consultant status will be reinstated following a suspension if:

- (1) the attorney addresses all grounds for suspension under subdivision (A)(1)-(4) of this rule within six months of receipt of notification of the suspension; or
- (2) if the suspension is under subdivision (A)(5) of this rule, disciplinary proceedings against the attorney in the State Bar Court conclude without discipline or a recommendation for discipline, or the Supreme Court rejects a recommendation for discipline.

*Rule 3.408 adopted effective July 1, 2010; amended effective March 1, 2019.*

#### Rule 3.409 Termination of Foreign Legal Consultant Status

- (A) Foreign Legal Consultant status will be terminated and the foreign attorney or the equivalent will not be eligible to engage in the scope of practice authorized by rule 9.44(e) of the California Rules of Court or this chapter:
  - (1) for failure to address all grounds for suspension pursuant to subdivision (A)(1)-(4) of this rule within six months of receipt of notification of the suspension;
  - (2) upon imposition of discipline by the State Bar Court, the Supreme Court of California, or the authority that regulates the practice of law in any other jurisdiction;
  - (3) upon admission to the State Bar;
  - (4) upon request by the Foreign Legal Consultant; or
  - (5) upon repeal of rule 9.44 of the California Rules of Court or termination of the Foreign Legal Consultant Program.
- (B) A termination of Foreign Legal Consultant status is effective ten days from the date of receipt of notification of termination.
- (C) An attorney whose Foreign Legal Consultant status is terminated under subdivision (A)(2) of this rule may not reapply for Foreign Legal Consultant status.

*Rule 3.409 adopted effective July 1, 2010; amended effective March 1, 2019.*

#### Rule 3.410 Public Information

State Bar records for Foreign Legal Consultants are public to the same extent as licensee records.

*Rule 3.411 adopted effective July 1, 2010; amended effective March 1, 2019.*