



The State Bar *of California*

# Revisions to the PTLs and LOS Rules: Request to Circulate for Public Comment

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Board of Trustees Meeting, May 22–23, 2025

# Admissions Programs: PTLS and LOS

## **Practical Training of Law Students Program (PTLS)**

Certifies law students to provide legal services permitted by Rule 9.42(d) of the California Rules of Court under the supervision of an attorney.

## **Law Office Study Program (LOS)**

Applicants must complete four years of study in a law office under the supervision of a licensed California attorney who has been active, in good standing, and actively practiced law for at least the last five consecutive years, or in a judge's chambers under the supervision of a judge of a court of record in California.



# Recent History of the PTLS and LOS Rules

## November 2022

The Board approved circulating the revised PTLS and LOS Rules for a 60-day public comment period.

## May 2023

The Board approved the changes to the PTLS and LOS State Bar Rules and Rules of Court and submitted them to the Supreme Court for adoption.

## September 2023

The Court denied the request.

- Expressed ethical concerns about LOS students studying under a judge and simultaneously participating in PTLS.

## March 2025

Following a series of revisions, CBE recommended that the Board circulate the proposed rule revisions for a 60-day public comment period.



## Impetus for Rule Changes

- Supreme Court direction to explore expanding the PTLS Program to include LOS participants; address concerns about potential conflicts
- Eliminate outdated barriers to participation (e.g., during regular working hours, in-person only)
- Codify and conform to current practice
- Ensure consistency within the rules
- Transition to gender-neutral pronouns



# Law Office Study (LOS) Rules



Clearer guidelines for participants and supervising attorneys



Improve the administration of the program by clarifying application and reporting requirements and procedures



More flexibility in the program by allowing remote study while maintaining a minimum of in-person supervision and shifting from weekly to monthly study calculations



More structured oversight: Reporting and attestation requirements, and academic progress evaluation by supervisors





# Practical Training of Law Students Rules

- Renamed the program to align with the Rules of Court to the “Certified Law Student” Program
- Expanded eligibility by allowing LOS and LLM students to participate in the program
- Removed references to studying law in judge’s chambers – added a statement that "an applicant who is studying law in a judge's chamber is ineligible to become a certified law student"
- Created Rule 3.6(F): requires certified law students to notify their supervisor of any possible past or present conflicts
- Amended rules 3.3(B) and 3.4(C) to allow the applicant 60 days from receipt of notification to cure deficiencies instead of 60 days from submission of the application or request
- Amended rules 3.6(D) and 3.7(A)(5) to require notification to the State Bar within 30 days instead of “promptly”





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# Approval of a New Legal Specialization Certification Area in Privacy Law

Board of Trustees Meeting, May 22–23, 2025

# Strategic Impact

Supports Goal 2 of the State Bar's Strategic Plan:

- Enhances public protection
- Connects public to qualified legal resources
- Increases awareness of certified experts





# Why Privacy Law?

- Increasing complexity of privacy-related legal matters
- Heightened consumer protection concerns
- Growing attorney interest and specialization needs



# How We Evaluated the Need

- Reviewed legal trends and case law
- Held public meetings with legal experts
- Engaged attorney organizations
- Identified public and professional interest



# Exam Specifications

- Professional Responsibility
- Privacy Principles
- Data Collection & Use
- Security
- Sharing Practices
- Technologies



# Certification Requirements

- Providing legal advice or analysis regarding regulatory compliance with privacy laws.
- Reviewing data privacy terms in contracts.
- Providing legal advice or analysis regarding data sharing requests or counseling on cross-border data transfers and privacy-related risks.
- Conducting data privacy due diligence in corporate transactions.
- Advising on policies, procedures, or processes relating to physical, technical, and administrative privacy and information security controls.
- Representing parties in litigation on privacy issues.
- Representing parties in government investigations.
- Acting as principal attorney in devising and implementing the litigation strategy in connection with pending or threatened privacy law litigation.
- Acting as principal attorney in devising and implementing a formal compliance program for clients following the entry of a court order, consent order, settlement, or other binding order or award against the client in any privacy law litigation or investigations.
- Providing legal advice or analysis to conduct a data inventory or records of processing activities.
- Providing legal advice or analysis to develop or implement external-facing privacy notices, statements or reports as required by privacy laws.
- Providing legal advice or analysis on privacy issues for marketing, product, feature, or service delivery implementing privacy by design or conducting privacy impact assessments.
- Providing legal advice or analysis regarding data subject or consumer rights matters.
- Participating in incident response or data breach investigations and drafting and reviewing incident reports and communications to stakeholders.
- Assisting with breach notifications to regulators or affected individuals.



# Continuing Legal Education

- Frameworks and Standards Related to Privacy and Data Security
- International Privacy Compliance and International Data Transfers
- Data Subject Rights
- Online Privacy Policies Notices and Practices
- Children's Privacy
- Financial Privacy
- Health Information Privacy
- Educational Privacy
- Employment Privacy Law
- Privacy Laws Governing Advertising and Marketing
- Law Enforcement and Privacy
- Emerging Technology and Privacy
- Cybersecurity and Information Security Standards and Requirements
- Data Breach Response, Including Breach Notification Requirements
- Private Right of Action





# Alternative to Exam Requirement

- Submit a total of at least 50 additional points from the Task and Experience Requirement. *(150 points total)*
- Supply evidence of at least 15 additional hours of LSCLE or professional education from the topics in the Privacy Law Specialist exam specifications within the 5 years preceding the end of the two-year alternative exam period. *(60 hours total)*
- Provide at least two additional peer references from attorneys, clients, or judges attesting to your privacy law qualifications. *(five references total)*



# Next Steps

Approve the CBLS recommendation to release for public comment period

