

TITLE 4. ADMISSIONS AND EDUCATIONAL STANDARDS**DIVISION 1. ADMISSION TO PRACTICE LAW IN CALIFORNIA****Chapter 1. General Provisions****Rule 4.3 Definitions**

These definitions apply to the rules in this Division unless otherwise indicated.

- (A) An “American Bar Association Approved Law School” is a law school fully or provisionally approved by the American Bar Association and deemed accredited by the Committee.
- (B) An “attorney applicant” is an applicant who is or has been admitted as an attorney to the practice of law in any jurisdiction.
- (C) The “Attorneys’ Examination” is the version of California Bar Examination for which attorney applicants may apply, provided they have been admitted to the active practice of law in a United States jurisdiction at least four years immediately prior to the first day of administration of the examination and have been in good standing during that period. The Attorneys’ Examination includes essay questions and performance tests of the General Bar Examination but not its multiple-choice questions.
- (D) A “California accredited law school” is a law school accredited by the Committee but not approved by the American Bar Association.
- (E) The “California Bar Examination” is the examination administered by the Committee that an applicant must pass to be certified to the California Supreme Court as qualified for admission to practice law in California. The California Bar Examination includes the General Bar Examination and the Attorneys’ Examination.
- (F) “The Committee” is the Committee of Bar Examiners of the State Bar of California or, unless otherwise indicated, a subcommittee of two or more of its members which the Committee authorizes to act on its behalf.
- (G) “Director of Admissions” or “Director, Admissions” means the Director of the State Bar Office of Admissions, or that person’s designee.
- (H) A “general applicant” is an applicant who has not been admitted as an attorney to the practice of law in any jurisdiction.
- (I) The “General Bar Examination” is the California Bar Examination required of every general applicant. The General Bar Examination consists of multiple-choice questions, essay questions, and performance tests.

- (J) The “First-Year Law Students’ Examination” is the examination that an applicant must pass, unless otherwise exempt.² It includes questions on contracts, torts, and criminal law.
- (K) An “informal conference” is a meeting with an applicant initiated by the State Bar under rule 4.46 for the purpose of discussing issues relevant to an applicant’s moral character determination.
- (L) The “Office of Admissions” (“Admissions”) is the State Bar office authorized by the Board of Trustees and the Committee to administer examinations and otherwise act on their behalf.
- (M) “Receipt” of a document that the State Bar or Committee sends to an applicant 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 or Committee delivers a document physically by personal service or otherwise.
- (N) “Receipt” of a document sent to the State Bar or Committee is when it is physically received at the Office of Admissions or the date of electronic transmission, if permitted to be sent electronically.
- (O) The “State Bar” includes Office of Admissions (“Admissions”) directors, managers, and staff.
- (P) An “unaccredited law school” is a correspondence, distance-learning, or fixed-facility law school operating in California that the Committee registers but does not accredit.
- (Q) For purposes of calculating law study credit toward meeting the legal education requirements necessary to qualify to take the First-Year Law Students’ Examination and California Bar Examination, a “year” is defined as the law study successfully completed in the time between the same calendar dates for consecutive calendar years, minus one day.

Rule 4.6 Investigations and Hearings [REPEALED]

Rule 4.6 adopted effective September 1, 2008.

² Business & Professions Code § 6060(h).

Chapter 4. Moral Character Determination

Rule 4.40 Moral Character Determination

- (A) An applicant must be of good moral character as determined by the State Bar. The applicant has the burden of establishing that they are of good moral character.
- (B) “Good moral character” includes but is not limited to qualities of honesty, fairness, candor, trustworthiness, observance of fiduciary responsibility, respect for and obedience to the law, and respect for the rights of others and the judicial process.

Rule 4.40 adopted effective September 1, 2008; amended effective September 1, 2019.

Rule 4.41 Application for Determination of Moral Character

- (A) An Application for Determination of Moral Character may be submitted after an Application for Registration has been approved.
- (B) The State Bar will deem an Application for Determination of Moral Character complete when the applicant has submitted all required information, documentation, and the fee set forth in the Schedule of Charges and Deadlines.
- (C) An Application for Extension of Determination of Moral Character submitted under rule 4.52 will be governed by the rules in this chapter governing an Application for Determination of Moral Character.

Rule 4.41 adopted effective September 1, 2008; amended effective November 14, 2009; previously amended effective July 22, 2011; amended effective March 9, 2018.

Rule 4.42 Duty to Update Application for Determination of Moral Character

Until an applicant has taken the attorney’s oath pursuant to rule 4.17(A), the applicant has a continuing duty to notify the Office of Admissions when information provided in the Application for Determination of Moral Character has changed or there is new information relevant to the application. The Office of Admissions must be in receipt of the notification from the applicant within 30 days of the change or addition to the information originally submitted. An applicant’s positive moral character determination may be suspended for failure to satisfy this requirement.

Rule 4.42 adopted effective September 1, 2008; amended effective November 14, 2009.

Rule 4.43 Abandonment of Application for Determination of Moral Character

- (A) The State Bar will notify the applicant if an Application for Determination of Moral Character has been deemed incomplete, and the applicant must cure the deficiencies within 60 days of receipt of the notification or the application will be deemed abandoned, absent a showing of good cause.
- (B) If the State Bar requests additional information or documentation from the applicant after it has deemed an Application for Determination of Moral Character complete, the applicant must respond to the request within 90 days of receipt of the request or the application will be deemed abandoned, absent a showing of good cause.
- (C) No refund of fees will be issued for an Application for Determination of Moral Character that has been deemed abandoned. The State Bar may retain an abandoned Application for Determination of Moral Character as part of the applicant's file.
- (D) An applicant may request review by the Committee of the State Bar's decision to deem an Application for Determination of Moral Character abandoned within 30 days of receipt of notification of abandonment.
- (E) Once an Application for Determination of Moral Character has been deemed abandoned, the applicant must submit a new, complete Application for Determination of Moral Character with the required fee and fingerprints to obtain a moral character determination.

Rule 4.43 adopted effective September 1, 2008; amended effective September 1, 2019.

Rule 4.44 Withdrawal of Application for Determination of Moral Character

An applicant may withdraw an Application for Determination of Moral Character any time before receipt of notification that the State Bar is unable to make a determination without further inquiry and analysis. An applicant who withdraws an application more than 30 days after submission is ineligible for a refund of fees. The State Bar may retain a withdrawn application as part of the applicant's file.

Rule 4.44 adopted effective September 1, 2008; previously amended effective November 18, 2016; amended effective September 1, 2019.

Rule 4.45 Notice Regarding Status of Application for Determination of Moral Character

- (A) Within 180 days of the date on which the State Bar deems an Application for Determination of Moral Character to be complete, the State Bar will notify the applicant whether the applicant has received a positive moral character determination or the application requires further consideration.

- (B) If the State Bar requests additional information after the Application for Determination of Moral Character is deemed complete, within 120 days of receipt of the requested information from the applicant, the State Bar will notify the applicant that:
- (1) the applicant is determined to be of good moral character;
 - (2) the application requires further consideration;
 - (3) the applicant will be invited to an informal conference; or
 - (4) the applicant is offered an Agreement of Abeyance pursuant to rule 4.48.

Rule 4.45 adopted effective September 1, 2008; previously amended effective November 18, 2016; amended effective September 1, 2019.

Rule 4.46 Informal Conference Regarding Moral Character

- (A) Prior to rendering an adverse moral character determination, the State Bar will invite the applicant to an informal conference. Acceptance of an invitation is not mandatory, and no negative inference will be drawn from an applicant's decision to decline to participate in an informal conference.
- (B) The Committee must establish procedures for an informal conference, which must include audio or video recording of the conference, the opportunity for the applicant to present information for consideration, and permission for the applicant's counsel to attend the conference in order to observe but not participate.

Rule 4.46 adopted effective September 1, 2008; previously amended effective November 14, 2009; amended effective September 1, 2019.

Rule 4.46.1 Request for Review by the Committee Following an Adverse Moral Character Determination

- (A) An applicant notified of an adverse moral character determination by the State Bar may request review of the determination by the Committee. The request must be submitted to the Office of Admissions within 30 days of receipt of notification of the State Bar's determination. The applicant may submit supplemental information with the request.

- (B) The Committee must establish procedures for review of an adverse moral character determination issued by the State Bar, which must include that a review by a panel of two Committee members will occur within 60 days of receipt of the request for review and the panel will make a recommendation to the Committee at its next regularly scheduled meeting. The Committee may adopt the recommendation of the panel or take any other action it deems appropriate. The State Bar must notify the applicant of the Committee's decision within 10 days of the decision.

Rule 4.47.1 adopted effective September 1, 2019.

Rule 4.47 Request for Hearing on an Adverse Moral Character Determination Issued by the Committee

If the Committee issues an adverse moral character determination, the applicant may file a request for hearing with the State Bar Court in accordance with Title 5, Division 7, Chapter 4 of the Rules of Procedure of the State Bar. The request must be filed with the fee set forth in the Schedule of Charges and Deadlines within 60 days of receipt of notification of the Committee's adverse determination.

Rule 4.47 adopted effective September 1, 2008; previously amended effective July 24, 2015; amended effective September 1, 2019.

Rule 4.48 Agreement of Abeyance

- (A) The State Bar or the Committee may suspend processing of an Application for Determination of Moral Character upon the State Bar or the Committee and an applicant entering into an Agreement of Abeyance:
 - (1) when a court has ordered an applicant charged with a crime to be treated, rehabilitated, or otherwise diverted;
 - (2) when a court has suspended the sentence of an applicant convicted of a crime and placed the applicant on probation;
 - (3) when an applicant is actively seeking or obtaining treatment for a substance use issue; or
 - (4) when the State Bar or the Committee and an applicant otherwise agree.
- (B) An Agreement of Abeyance must be in writing, specify the period and conditions of abeyance, and be signed by a representative of the State Bar and the applicant.
- (C) Once the abeyance period has concluded or the conditions of abeyance have been satisfied, the State Bar or the Committee will continue processing the Application for Determination of Moral Character.

Rule 4.48 adopted effective September 1, 2008; amended effective September 1, 2019.

Rule 4.49 New Application Following an Adverse Moral Character Determination

An applicant who has received an adverse moral character determination may submit another Application for Determination of Moral Character two years from the date of the final determination unless some other time is set by the State Bar, the Committee, or the State Bar Court, for good cause shown, at the time of the adverse determination.

Rule 4.49 adopted effective September 1, 2008; previously amended effective July 24, 2015; amended effective September 1, 2019.

Rule 4.50 Suspension of a Positive Moral Character Determination

- (A) At any time before an applicant has taken the attorney's oath pursuant to rule 4.17(A), the State Bar may notify the applicant that it has suspended a positive moral character determination if it receives information that reasonably calls the applicant's character into question. The notice must specify the grounds for the suspension.
- (B) If an applicant's positive moral character determination is suspended, the State Bar will notify the applicant that the determination has been reinstated or request additional information from the applicant within 120 days of the applicant's receipt of the suspension notification and, thereafter, process their Application for Determination of Moral Character in accordance with rule 4.45(B).
- (C) The State Bar will send an applicant who has received a positive moral character determination and is not yet certified to the California Supreme Court as qualified for admission to practice law in California a questionnaire to complete 18 months after the issuance of the determination. If an applicant fails to respond to the questionnaire within 60 days of receipt of the questionnaire, the positive determination will be suspended. The positive determination may be reinstated when the State Bar receives the completed questionnaire.

Rule 4.50 adopted effective September 1, 2008; previously amended effective July 22, 2011; amended effective September 1, 2019.

Rule 4.51 Validity Period of a Positive Moral Character Determination

A positive moral character determination is valid for 36 months or until submission of an Application for Extension of Determination of Moral Character. An applicant must have a valid positive determination to be certified to the California Supreme Court as qualified for admission to practice law in California.

Rule 4.51 adopted effective September 1, 2008.

Rule 4.52 Application for Extension of Determination of Moral Character

- (A) An applicant may request an extension of a positive moral character determination by submitting an Application for Extension of Determination of Moral Character in the last 6 months of the 36-month validity period of the positive moral character determination, with required information, documentation, and the fee set forth in the Schedule of Charges and Deadlines. Failure to timely submit an Application for Extension of Determination of Moral Character will result in expiration of the positive determination.
- (B) Approval of an Application for Extension of Determination of Moral Character will reinstate the positive determination and extend the validity period for 36 months from the date of approval of the extension application, or until submission of a subsequent extension application. Subsequent extension applications may be submitted consistent with the timelines and requirements described in rule 4.52(A).
- (C) If a positive moral character determination expires before an applicant submits an Application for Extension of Determination of Moral Character, the applicant must submit a new, complete Application for Determination of Moral Character with the required fee and fingerprints to obtain a moral character determination.

Rule 4.52 adopted effective September 1, 2008; amended effective September 1, 2019.