



The State Bar of California

OPEN SESSION AGENDA ITEM 7.1 MAY 2025 BOARD OF TRUSTEES

DATE: May 22, 2025

TO: Members, Board of Trustees

FROM: Tara Clark, Program Director, Operations, Office of Admissions
Christina Doell, Program Manager, Office of Admissions

SUBJECT: Update from the Office of Admissions; Proposed Amendments to Rule 9.42 of the Rules of Court, Rules of the State Bar Related to the Practical Training of Law Students and Law Office Study Programs (Rules 3.1–3.11 and 4.29), and Appendix A of the Rules of the State Bar: Request to Circulate for Public Comment; Approval of a New Legal Specialization Certification Area in Privacy Law

EXECUTIVE SUMMARY

In 2022 and 2023, proposed revisions to the Practical Training of Law Students (PTLS) and Law Office Study (LOS) rules were circulated for public comment and approved by the Committee of Bar Examiners (CBE) and the Board of Trustees. In July 2023, the revised rules were submitted to the California Supreme Court for review and approval. On September 20, 2023, the Court denied the proposed changes to the rules, providing direction for the CBE's consideration as it reexamined the proposed revisions. The effort to revise the rules was abated while the State Bar developed an organization-wide process to review proposed rule changes and ensure consistency and quality of all rule proposals. The effort to revise the PTLS and LOS rules has resumed.

After considering the revised proposal at its March 14, 2025, meeting, the CBE recommended that the Board circulate the revisions described in this item to the PTLS and LOS rules for public comment.

RECOMMENDED ACTION

The CBE requests that the Board circulate the revised PTLS and LOS rules in Attachments B–H for a 60-day public comment period.

DISCUSSION

The proposed rule revisions include renaming the PTLIS Program the Certified Law Student (CLS) Program to align with the California Rules of Court. Therefore, the terms CLS Program and CLS will be used throughout this report.

Generally, the proposed rule revisions are intended to eliminate outdated barriers to participation in the CLS and LOS Programs, codify current practice that is not encapsulated in the rules, ensure consistency within the rules, transition to gender-neutral pronouns, and address the Court's concerns about the potential for conflicts of interest if an applicant who is studying under a judge in the LOS Program concurrently participates in the CLS Program.

For the CLS Program, the most significant proposed revisions allow additional applicants to participate, including applicants in a master of laws (LL.M.) program or those in the LOS Program studying under an attorney, and include a provision to add or change a supervising attorney to align with current practice.

For the LOS Program, the proposed revisions are intended to modernize how applicants and their supervisors participate (now including remote meetings), and create flexibility to meet the program requirements, such as requiring monthly hours versus the current weekly requirement. The proposed amendments also clearly state how to change the supervisor under whom the applicant is studying, what will occur if the report on a six-month study period is not received timely, and create a new requirement for the supervisor to attest whether the applicant has demonstrated sufficient academic progress to proceed to the next 6-month study period.

As mentioned above, the Court rejected the prior proposal in 2023, expressing concerns about potential conflicts of interest for applicants studying under a judge in the LOS Program who concurrently participate in the CLS Program. To address these concerns, several changes are proposed. California Rules of Court, rule 9.42(h) and rule 3.2(D) of the Rules of the State Bar were added to explicitly prohibit applicants from concurrently participating in the CLS and the LOS Programs if they are studying law in a judge's chambers. Similarly, rule 4.29(I) of the Rules of the State Bar was added to clearly state that applicants who are participating in the LOS Program by studying law in a judge's chambers are ineligible to participate in the CLS Program concurrently.

Staff reports listed in the Previous Action section, below, provide greater detail on the rationale for the proposals.

Rule revisions beyond reorganization, grammatical cleanup, or minor substantive changes are summarized below.

CALIFORNIA RULES OF COURT, RULE 9.42 – CERTIFIED LAW STUDENT PROGRAM (CLS PROGRAM)

Proposed amendments to rule 9.42(a) (Definitions)

The proposed amendments redefine the terms “Certified Law Student” and “Supervising Attorney,” and add definitions for “Certified Law Student Program” and “Law Office Study Program.”

Proposed amendments to rule 9.42(d) (Requirements)

The proposed amendments clarify and expand the requirements for participation in the CLS Program. Currently, an applicant must be enrolled in or have graduated from a Juris Doctor (J.D.) program. The proposals expand eligibility for the program to applicants who are (1) currently enrolled in or have graduated from a master of laws (LL.M.) program in a law school fully or provisionally approved by the American Bar Association or accredited by or registered with the CBE; or (2) currently studying or have completed the course of study of law in a law office as a participant in the LOS Program.

Proposed addition of rule 9.42(e) (Supervision)

The proposed new section lists the eligibility requirements and responsibilities of a Supervising Attorney in the CLS Program.

Proposed addition of rule 9.42(g) (Application)

The proposed new section states the application requirements for the CLS Program and prohibits applicants from performing CLS activities until the State Bar approves their CLS application.

Proposed addition of rule 9.42(h) (Concurrent Participation in the Law Office Study Program)

The proposed new section explicitly prohibits applicants from concurrently participating in the CLS and the LOS Programs if they are studying law in a judge’s chambers.

RULES OF THE STATE BAR, TITLE 3, DIVISION 1, CHAPTER 1 – PRACTICAL TRAINING OF LAW STUDENTS PROGRAM (CLS PROGRAM)

Proposed amendments to rule 3.1 (Definitions)

The proposed amendments define the terms “Certified Law Student,” “Certified Law Student Program,” “Law Office Study Program,” “Notice of Law Student Certification” or “Notice,” “Receipt,” and “Supervising Attorney.” The newly defined term “Certified Law Student Program” renames the Practical Training of Law Students Program to align with the Rules of Court.

Proposed amendments to rule 3.2 (Eligibility)

The proposed amendments add that an applicant is eligible to apply for the program for up to 30 days after completing their law studies in a J.D. or LL.M. program and explicitly prohibit an applicant from participating in the CLS and the LOS Programs concurrently if they are studying law in a judge’s chambers.

Proposed amendments to rule 3.3 (Application)

The proposed amendments set forth what constitutes a complete CLS Program application, including the requisite declaration signed by a law school dean, registrar, or their designee, or the attorney who supervises the applicant in the LOS Program, and the Supervising Attorney Declaration. The proposed amendments also provide the deadline for curing deficiencies when an application has been deemed incomplete and the consequences for failing to cure such deficiencies. Additionally, the proposed amendments explicitly state that an application will be denied if the applicant fails to comply with the California Rules of Court or Rules of the State Bar governing the CLS Program or makes a material misrepresentation of fact in their application.

Proposed addition of rule 3.4 (Change or Addition of Supervising Attorney)

The proposed new rule allows the applicant to request to change their Supervising Attorney or add an additional Supervising Attorney, with the required fee and the Supervising Attorney Declaration, and provides the deadline for curing deficiencies when an application has been deemed incomplete, and the consequences for failing to cure such deficiencies.

Proposed amendments to rule 3.5 (Permitted Activities) (renumbered rule 3.4)

The proposed amendments remove a provision noting that certified law students may provide advice or representation in the same manner as any non-licensee. The deleted provision is superfluous in light of the proposed removal of the word “only” earlier in the rule.

Proposed amendments to rule 3.6 (Duties of Certified Law Student) (renumbered rule 3.5)

The proposed amendments revise the timing requirement for a Certified Law Student to notify the State Bar of their ineligibility to participate in the program from “promptly” to “within 30 days of becoming ineligible,” and add that a Certified Law Student must disclose past legal-related employment and experience to their Supervising Attorney.

Proposed amendments to rule 3.7 (Duties of a Supervising Attorney) (renumbered rule 3.6)

The proposed amendments remove language that is no longer necessary due to the relevant concepts being addressed by other amendments to the rules or the California Rules of Court. Additionally, the proposed amendments require the Supervising Attorney to provide a Supervising Attorney Declaration to a CLS Program applicant prior to the applicant starting the activities authorized under their supervision in the program.

Proposed amendments to rule 3.9 (Duration of Certification) (renumbered rule 3.8)

The proposed amendments include certification duration timeframes for J.D., LL.M., and LOS Program graduates, as well as a new provision stating that CLS participants who are also studying law through the LOS Program will have their CLS certification terminated if they are suspended from the LOS Program for failing to comply with the requirements set forth in rule 4.29.

The phrase “the Supervising Attorney identified in the application” in subdivision (A)(2) is replaced with “a Supervising Attorney who is approved under rule 3.3 or 3.4” to encompass

Supervising Attorneys who were added or changed after the initial application. This change was made subsequent to the CBE meeting to ensure the revision reflects their intentions.

Proposed amendments to rule 3.10 (Revocation of Certification) (renumbered rule 3.9)

The proposed amendments add that the State Bar will notify the applicant's Supervising Attorney and law school dean, registrar, or their designee when the applicant is terminated from the CLS Program. The proposed amendments also revise the revocation date of ten days from the date of its transmission to one day from receipt of the notification of revocation, as the term "receipt" is defined in these rules.

Proposed amendments to rule 3.11 (Request for Reconsideration) (renumbered rule 3.10)

The proposed amendments add that the applicant must submit any argument or evidence in support of their request for reconsideration of their certification revocation with their request.

RULES OF THE STATE BAR, TITLE 4, DIVISION 1, CHAPTER 3, RULE 4.29 – STUDY IN A LAW OFFICE OR JUDGE'S CHAMBERS (LOS PROGRAM)

Proposed amendments to rule 4.29(A)

The proposed amendments clarify that participation in the LOS Program may be used to meet all or some of the legal education requirements that must be satisfied to be eligible to sit for the bar examination.

Proposed amendments to rule 4.29(B)

The proposed amendments clarify the LOS registration requirements, revise the LOS application deadline from within 30 days of beginning study to at least 30 days before the intended date of beginning study, and require State Bar approval prior to beginning study in the LOS Program.

Proposed addition of rule 4.29(C)

The proposed new section provides the deadline for curing deficiencies when an application has been deemed incomplete and the consequences for failing to cure such deficiencies. The language is consistent with deadlines to cure deficiencies in other admissions-related applications.

Proposed addition of rule 4.29(D)

The proposed new section states that the State Bar will refund the application fees, excluding credit card processing fees, for a denied LOS application. This language is consistent with current practice.

Proposed addition of rule 4.29(E)

The proposed new section clarifies what constitutes a 6-month study period in the LOS Program and the reporting requirements for each 6-month study period. The language creates greater flexibility in how an applicant can satisfy the hours requirement, by measuring the requirement on a monthly rather than weekly basis.

Proposed addition of rule 4.29(F)

Under the proposed new section, an applicant will not receive credit for hours of study completed before the State Bar approved their LOS application, and credit for study will only be granted in 6-month increments, as specified.

Proposed addition of rule 4.29(G)

The proposed new section clarifies and expands on the requirements to be a supervising attorney or judge, including revisions to the supervision and reporting requirements, and the addition of a requirement that the supervisor attest if the applicant has demonstrated sufficient academic progress to proceed to the next 6-month study period. Recognizing the advances in and shift to appropriate use of remote technology, the language reduces the amount of in-person supervision to 10 hours for each 6-month study period, while requiring synchronous in-person or remote supervision for at least 20 hours per month.

Proposed addition of rule 4.29(H)

The proposed new section affirms that LOS participants will not receive credit for a repeated course or study that was previously completed.

Proposed addition of rule 4.29(I)

The proposed new section affirms that applicants who participate in the CLS Program will not receive study-hour credit in the LOS Program for CLS-related activities, and addresses the Supreme Court's concerns related to potential conflicts of interest by prohibiting an applicant who is studying under a judge in the LOS Program from concurrently participating in the CLS Program.

Proposed addition of rule 4.29(J)

The proposed new section requires an applicant who wishes to change their supervising attorney or judge to submit a request at least 15 days before beginning study with the new supervisor, as specified. If the applicant's supervisor changes during the 6-month study period, the proposed subdivision requires the applicant to submit a report from the previous supervisor on all study completed with that attorney or judge, as specified, within 30 days of beginning study with the new supervisor.

Proposed addition of rule 4.29(K)

The proposed new section establishes a late fee for an untimely semi-annual report submitted between 31 and 60 days after completion of a 6-month study period, and prohibits applicants from receiving credit for a 6-month study period if the report for that period is submitted more than 60 days after completion of the study period.

Proposed addition of rule 4.29(L)

Under the proposed new section, an applicant will be terminated from the LOS Program for failure to submit a semiannual report, as specified. The proposed new section also informs an applicant who has been terminated from the program how to resume their studies in the program after being terminated, and that, if they resume study, they will retain credit for

previously completed 6-month study periods recognized by the State Bar prior to the termination.

Proposed addition of rule 4.29(M)

The proposed new section establishes remedial actions that an applicant must take to avoid termination from the LOS Program in the event their supervisor does not attest that they have demonstrated sufficient academic progress to proceed to the next 6-month study period.

Proposed addition of rule 4.29(N)

The proposed new section affirms that an applicant who is terminated from the LOS Program will retain credit that was recognized by the State Bar prior to the termination.

Proposed addition of rule 4.29(O)

The proposed new section allows an attorney or judge to continue supervision of an applicant that began prior to the enactment of the revised rules, without reassessment of their eligibility under the new rules, but provides that the eligibility requirements in the revised rules must be met for any supervision that starts after the revised rules are enacted.

RULES OF THE STATE BAR, APPENDIX A: SCHEDULE OF CHARGES AND DEADLINES

Applicable excerpts from Rules of the State Bar, Appendix A: Schedule of Charges and Deadlines (Attachment H) have been updated to reflect the proposed revisions to the CLS and LOS rules. The proposed new LOS fees have been updated proportionally to reflect the recent fee increases.

PREVIOUS ACTION

- October 14, 2022, CBE meeting [Item IV.B.](#) and November 17–18, 2022, Board meeting [Item 706](#), describing the initial changes proposed following the Supreme Court’s order to consider whether to allow LOS students to participate in the CLS Program.
- March 24, 2023, CBE meeting [Item III.B.](#) and May 18–19, 2023, Board meeting [Item 705](#), describing the public comments received and the resulting modifications to the LOS rules.
- October 13, 2023, CBE meeting [Item IV.B.](#), introducing the requirement that the Supervising Attorney attest that the LOS participant has demonstrated sufficient academic progress to proceed to the next six-month study period.
- January 26, 2024, CBE meeting [Item III.A.](#), describing proposed changes to the CLS rules following the Court’s denial of the prior rules proposal.
- March 14, 2025, CBE meeting [Item 4.4](#), describing the current CLS and LOS rule proposals.

FISCAL/PERSONNEL IMPACT

If these proposals are adopted, staff anticipates an unknown but manageable increase in the number of CLS and LOS applications. The increase in workload will be managed by current resources. The revenue received from additional applications could support additional

resources to the extent necessary. The changes to the rules will also necessitate changes to the Admissions Information Management System, impacting the Office of Information Technology (IT). The technical changes are expected to require a moderate effort from IT to update text, automate certain functions, update existing logic, and add additional fees. The changes will have a minor impact on the Office of Strategic Communications & Stakeholder Engagement, as the information on the State Bar's public website will be revised.

AMENDMENTS TO RULES

California Rules of Court, rule 9.42

Title 3, Division 1, Chapter 1, rules 3.1–3.11

Title 4, Division 1, Chapter 3, rule 4.29

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None – core business operations

RESOLUTIONS

Should the Board of Trustees concur, it is:

RESOLVED, that the Board of Trustees authorizes staff to make available for public comment, for a period of 60 days, the proposed revisions to the rules governing the Certified Law Student Program (currently known as the Practical Training of Law Students Program) and the Law Office Study Program, as set forth in Attachments B through H.

ATTACHMENTS LIST

- A.** September 20, 2023, Supreme Court Order and Letter
- B.** California Rules of Court, rule 9.42 (PTLS/CLS redline)
- C.** California Rules of Court, rule 9.42 (PTLS/CLS clean)
- D.** Rules of the State Bar, Title 3, Division 1, Chapter 1 (PTLS/CLS redline)
- E.** Rules of the State Bar, Title 3, Division 1, Chapter 1 (PTLS/CLS clean)
- F.** Rules of the State Bar, Title 4, Division 1, Chapter 3, rule 4.29 (LOS redline)
- G.** Rules of the State Bar, Title 4, Division 1, Chapter 3, rule 4.29 (LOS clean)
- H.** Appendix A: Schedule of Charges and Deadlines