

TITLE 4. ADMISSIONS AND EDUCATIONAL STANDARDS

DIVISION 1. ADMISSION TO PRACTICE LAW IN CALIFORNIA

LEGEND: The original proposed changes to the current rules are shown by underline for added language and ~~strikeout~~ for deleted language. Modified changes to the proposed rules are shown by double underline for added language and ~~double-strikeout~~ for deleted language.

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 ~~whom~~ 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 ~~defined in Rule 4.45~~ 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 ~~from as~~ the date of ~~mailing and is deemed to be electronic transmission or five~~ 5 days from the date of mailing to a California address; ~~ten~~ 10 days from the date of mailing to an address elsewhere in the United States; and ~~twenty~~ 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.

² Business & Professions Code § 6060(h).

Rule 4.6 Investigations and Hearings ~~[REPEALED]~~

~~In conducting an investigation or hearing, the Committee or the State Bar Court may receive evidence; administer oaths and affirmations; and compel by subpoena the attendance of witnesses and the production of documents.~~

Rule 4.6 adopted effective September 1, 2008.

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 ~~he or she is~~ 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 ~~applicant must submit an~~ Application for Determination of Moral Character may be submitted after an Application for Registration has been approved. with required fingerprints and the fee set forth in the Schedule of Charges and Deadlines. ~~An attorney who is suspended for disciplinary reasons or disbarred, has resigned with disciplinary charges pending or is otherwise not in good standing for disciplinary reasons in any jurisdiction may not submit an application.~~
- (B) The State Bar will deem ~~An~~ Application for Determination of Moral Character ~~must be accompanied by fingerprints~~ complete when the applicant has submitted all required information, documentation, and the fee set forth in the Schedule of Charges and Deadlines. ~~may be submitted any time after filing an Application for Registration but is deemed filed only when the application is complete. The application will be deemed filed when the State Bar has determined it to be complete.~~
- ~~(C) An attorney who is suspended for disciplinary reasons or disbarred, has resigned with disciplinary charges pending, or otherwise not in good standing for disciplinary reasons in any jurisdiction may not submit an application. There shall be a rebuttable presumption that an attorney is not of good moral character if the attorney is currently suspended for disciplinary reasons, is disbarred, has resigned with disciplinary charges pending, or is otherwise not in good standing for disciplinary reasons in any jurisdiction.~~

(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 Uupdate Application for Determination of Moral Character

Until ~~admitted to practice law~~, an applicant has taken the attorney's oath pursuant to rule 4.17(A), the applicant who has submitted an Application for Determination of Moral Character has a continuing duty to ~~promptly~~ notify the Office of Admissions, ~~within 30 days~~, when ~~ever~~ information provided in the ~~a~~ 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 ~~Failure to provide updated or additional information~~ within ~~thirty 30~~ days ~~of after~~ the change or addition to the information originally submitted. An applicant's ~~may be cause for suspension of a~~ 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) — An Application for Determination of Moral Character is deemed abandoned and ineligible for a refund of fees if~~

~~(1) — it is not complete within sixty days after being initiated; or~~

~~(2) — it is complete but the applicant has failed to provide additional information requested by the State Bar within ninety days of the request.~~

(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. ~~Once an application is deemed incomplete by the State Bar and the State Bar provides the applicant with an incomplete notice describing the deficiencies, the applicant will have 60 days from the date of the notice to cure the deficiencies. If the applicant fails to cure the deficiencies within 60 days, 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. ~~An application that has been deemed complete and filed will be deemed abandoned if~~

~~the applicant fails to respond to a request for information or documentation within 90 days of the request, 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 a 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 service of the notice notification of abandonment.~~
- (E) ~~A new Once an Application for Determination of Moral Character has been deemed abandoned, the applicant must be submitted a new, complete Application for Determination of Moral Character with the required fee and fingerprints if an application has been abandoned to obtain a moral character determination. The State Bar may retain an abandoned application as part of the applicant's file.~~

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

Rule 4.44 Withdrawal of Application for Determination of Moral Character

- (A) ~~An applicant may withdraw an Application for Determination of Moral Character any time before being 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.~~
- (B) ~~An applicant may withdraw an application filed with the State Bar Court for a hearing on an adverse determination of moral character by filing a request for withdrawal with the Office of Chief Trial Counsel and forwarding a copy to the Office of Admissions.~~

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 receiving a completed Application for Determination of Moral Character, the date on which the State Bar deems an Application for Determination of Moral Character to be complete and filed, the State Bar will notify the applicant that its determination of whether the applicant has received a positive moral character determination is positive or that it the application requires further consideration. A positive determination is valid for thirty six months.~~
- (B) ~~While an Application for Determination of Moral Character remains pending, a status report is issued to the applicant at least every 120 days.~~

- (B) ~~If the State Bar requests additional information after the Application for Determination of Moral Character is deemed complete and filed, W~~ within 120 days of receipt ~~of additional the requested information from the applicant it has requested~~, the State Bar ~~will notify~~ the applicant that:
- (1) the applicant is determined to be of good moral character;
 - ~~(2) the applicant has not met the burden of establishing good moral character;~~
 - (2) the application requires further consideration;
 - (3) the applicant ~~is~~ will be invited to an informal conference; or
 - (4) the applicant is ~~advised to enter into~~ offered an Agreement of Abeyance pursuant to rule 4.48 ~~with the State Bar.~~

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

Rule 4.46 Informal ~~C~~onference ~~R~~egarding ~~M~~moral ~~C~~haracter

- (A) Prior to rendering an adverse moral character determination ~~on a moral character application~~, the State Bar ~~shall~~ will invite the applicant to an informal conference ~~regarding the application~~. Acceptance of an invitation is not mandatory, and ~~declining it entails~~ no negative inference will be drawn from an applicant's decision to decline to participate in an informal conference.
- (B) The Committee ~~may~~ must establish procedures for an informal conference, ~~with the State Bar and require the State Bar to create which shall~~ must include ~~creating a record of it by tape audio recording, audio or video recording, of the conference, the opportunity for the or any other means. The applicant to may present information for consideration, and permission for the applicant's counsel to attend the conference with counsel; make a written or oral statement; and present documentary evidence and will have an opportunity to present information for consideration. in order to observe but~~ Counsel is limited to observation and may not participate.

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

Rule 4.47.1 Request for Review ~~b~~By the Committee ~~of~~ Following an Adverse Moral Character Determination

- (A) An applicant notified of an adverse moral character determination ~~by the State Bar of~~ ~~moral character~~ may request ~~a~~ review of the determination by the Committee. The request must be submitted to the Office of Admissions within 30 days of ~~the date of~~ receipt of the notice notification of the State Bar's determination. The applicant may submit supplemental information material 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. Within 60 days of receipt of the a request for a review, the Committee will conduct a review of the record, which may include a review of including the transcript or recording of the informal conference. The Committee may request additional information from the applicant or from the State Bar. The Committee State Bar must notify the applicant of its the Committee's final determination within 30 days of its decision.

Rule 4.47.1 adopted effective September 1, 2019.

Rule 4.47 Appeal of Request for Hearing on an Adverse Moral Character Determination of Moral Character issued by the Committee

- (A) If the Committee issues an adverse moral character determination ~~of moral character,~~ the an applicant may file a request for hearing ~~on the determination~~ with the State Bar Court in accordance with Title 5, Division 7, Chapter 4 of the Rules of Procedure of the State Bar ~~on Moral Character Proceedings~~. The request must be filed with the fee set forth in the Schedule of Charges and Deadlines within ~~sixty~~ 60 days of receipt of notification of the Committee's adverse determination. ~~the date of service of the notice of adverse determination.~~
- (B) ~~A copy of the request for hearing must be served on the Office of Admissions and the Office of Chief Trial Counsel. Upon receipt of service, the Committee must promptly transmit all files related to the application to the Office of Chief Trial Counsel.~~

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 ~~and an applicant~~ or the Committee may suspend processing of an Application for Determination of Moral Character ~~by~~ 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 ~~chemical dependency or drug or alcohol addiction~~ a substance use issue; or
 - (4) ~~if~~ when the State Bar or the Committee and an applicant otherwise agree.
- (B) An Agreement of Abeyance must be in writing, ~~and~~ specify the period and conditions of abeyance, and be signed by a representative of the State Bar and the applicant. ~~A copy of the agreement must be provided to 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 ~~F~~ollowing ~~an A~~dvse Moral Character Determination ~~of Moral Character~~

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

- (A) ~~Before certifying an applicant for admission to the practice of law. At any time before an applicant has taken the attorney's oath pursuant to rule 4.17(A),~~ the State Bar may notify ~~an~~ the applicant that it has suspended a positive ~~determination of~~ 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) ~~The application of~~ If an applicant's ~~whose~~ positive moral character determination is ~~has been~~ 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 is processed 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 the date on which it was sent 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 ~~determination of~~ moral character determination is valid for ~~thirty-six~~ 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. An applicant with a positive determination who has not been certified to practice law within this validity period must submit an Application for Extension of Determination of Moral Character.

Rule 4.51 adopted effective September 1, 2008.

Rule 4.52 Application for Extension of ~~Positive Moral Character Determination of Moral Character~~

- (A) An applicant ~~who has received~~ may request an extension of a positive moral character determination ~~may submit by submitting~~ an Application for Extension of Determination of Moral Character. ~~The application must be filed~~ in the last ~~six~~ 6 months of the ~~initial thirty-six~~ 36-month validity period of the positive moral character determination, with the required fingerprints information, documentation, and the fee set forth in the

Schedule of Charges and Deadlines. ~~The application will be deemed filed when the State Bar has determined it to be complete. If the State Bar makes a positive determination before the initial thirty-six months expires, the initial thirty-six months is extended an additional thirty-six months. If the State Bar makes a positive determination after expiration of the initial thirty-six months, an extension of thirty-six months begins at the time of its determination. Failure to timely submit an Application for Extension of Determination of Moral Character within this time period will result in expiration of the applicant's positive determination.~~

- ~~(B) An applicant may request a review by the Committee of the State Bar's decision within 30 days of service of the notice of decision.~~

- (B) Approval of an Application for Extension of Determination of Moral Character will ~~reinstates 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). An applicant may submit subsequent Applications for Extension of Determination of Moral Character if needed. If an applicant fails to submit an Application for Extension of Determination of Moral Character prior to the expiration of the positive determination, the applicant must submit a new Application for Determination of Moral Character with the required fees and fingerprints to obtain a moral character determination.~~

- (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.