

4.1 Discussion on California Rule of Court rule 9.6 and Committee of Bar Examiners' Roles and Responsibilities (Ching)



The State Bar of California

OPEN SESSION

AGENDA ITEM

4.1 OCTOBER 2024

COMMITTEE OF BAR EXAMINERS

DATE: October 11, 2024

TO: Members, Committee of Bar Examiners

FROM: Audrey Ching, Program Director, Office of Admissions

SUBJECT: Discussion on California Rule of Court, rule 9.6, and the Committee of Bar Examiners' Roles and Responsibilities

EXECUTIVE SUMMARY

This item reviews California Rule of Court, rule 9.6, which governs the responsibilities of the Committee of Bar Examiners (CBE) regarding the California Bar Examination and provides a breakdown of the CBE's oversight roles and responsibilities as well as those of the Board of Trustees (BOT) and the California Supreme Court.

DISCUSSION

California Supreme Court

The California Supreme Court plays a crucial role in overseeing bar admissions in the state. The Court has inherent authority to admit individuals to the practice of law and supervises the State Bar's activities, with the State Bar acting as its administrative arm. The Supreme Court appoints ten members to the CBE, including at least one judicial officer and nine licensed California attorneys. The Court reviews and approves all rule changes pertaining to the admission to practice law proposed by the CBE and endorsed by the BOT. Final authority for setting admissions standards, such as the cut score for the bar exam, rests with the Supreme Court.

California Legislature

The California Legislature created the State Bar in 1927 through the State Bar Act (codified in the Business and Professions Code, sections 6000 et seq.). It plays a vital role in regulating the legal profession by setting key mandates for the composition and responsibilities of the CBE. The Legislature requires that the CBE includes nine public members, who must never have been licensed attorneys. These members are appointed by the Governor, the Speaker of the Assembly, and the Senate Rules Committee. While these public members hold the same rights as attorney members, they cannot participate in selecting bar exam questions. The Legislature also empowers the BOT to establish rules for CBE's operations, which the CBE must follow.

California Rule of Court, rule 9.6

California Rule of Court, rule 9.6 outlines the following: the Committee of Bar Examiners, operating under authority delegated by the Board of Trustees, plays a crucial role in shaping the California Bar Examination. Its primary responsibilities include determining the examination's format, scope, topics, content, questions, and grading process. These decisions are subject to review and approval by the Supreme Court, which retains final authority in setting the cut score. The committee also reviews the State Bar's validity analysis of the examination at least every seven years before submission to the Court and reviews the reports after each examination administration prepared for the Supreme Court.

Overview

The CBE, operating under authority delegated by the BOT and the California Supreme Court, has the following key responsibilities, with policy oversight as an overarching mandate:

- **Policy Oversight:** Makes policy decisions that impact the various functions of the Office of Admissions.
- **Bar Examination:** Determines the format, scope, content, questions, and grading of the bar exam, subject to review and approval by the Supreme Court. California Rule of Court, rule 9.6 also requires that the State Bar conducts a validity analysis every seven years and prepares reports for the Supreme Court after every administration of the bar examination. Hears exam rule violation appeals.
- **First-Year Law Students' Examination:** Oversees the development, administration, and grading of this exam. Hears exam rule violation appeals.
- **Law School Oversight:** Accredits 21 California law schools and oversees 11 registered unaccredited schools.
- **Moral Character Determinations:** Considers and decides moral character determination appeals.
- **Testing Accommodations:** Reviews and decides testing accommodation appeals.
- **Eligibility Appeals:** Reviews appeals concerning examination eligibility.
- **Subcommittee Management:** Creates and oversees subcommittees (currently named) Educational Standards, Examinations, Moral Character, and Operations and Management.

Overall, the Committee of Bar Examiners is tasked with managing bar admissions, including the development, grading and administration of bar exams and the First-Year Law Students' Exam; determining eligibility, moral character, and testing accommodations appeals; and making policy decisions regarding the work of the Office of Admissions. The CBE's decisions, while operationally detailed, must ultimately align with the governance oversight of the Board of Trustees and be subject to approval by the California Supreme Court.

Table 1. Comparison of Responsibilities

	Committee of Bar Examiners	Board of Trustees	California Supreme Court
Primary Focus	Bar exam administration, moral character determinations, educational standards for applicants, and testing accommodations.	Oversees the broader regulatory and strategic operations of the State Bar, including fiscal oversight and policy approval.	Ultimate authority on admissions, discipline, and approval of major rule changes.
Key Responsibilities	Develops, administers and grades the bar exam and the First-Year Law Students' Exam, moral character reviews, and managing testing accommodations.	Provides governance, approves policies, oversees budget development, and ensures alignment with the public protection mission.	Reviews and approves bar admissions policies, ensures the legal profession's integrity, and finalizes rule changes recommended by CBE to the BOT.
Authority	Handles bar admissions-related decisions but requires BOT and Supreme Court approval for major changes.	Oversees CBE policy approvals, manages budget and staff, and liaises with the Supreme Court for final approvals.	Final authority on all rule changes, admissions decisions, and governance affecting the legal profession.
Operational Focus	Administers bar exams and First-Year Law Students' Exam, oversees and hears appeals on moral character reviews, testing accommodations, and exam rule violations, and oversees law school regulation for California-accredited	Guides the State Bar's mission, appoints selected personnel, and oversees budget and regulatory compliance.	Reviews and approves policy and procedural changes, ensuring the public interest is served.

	and Unaccredited Law Schools.		
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PREVIOUS ACTION

None

FISCAL/PERSONNEL IMPACT

None

AMENDMENTS TO RULES

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

None – core business operations

RESOLUTIONS

Discussion only

ATTACHMENT(S) LIST

A. CBE Governing Authority

State of California

BUSINESS AND PROFESSIONS CODE

Section 6060.25

6060.25. (a) Notwithstanding any other law, any identifying information submitted by an applicant to the State Bar for admission and a license to practice law and all State Bar admission records, including, but not limited to, bar examination scores, law school grade point average (GPA), undergraduate GPA, Law School Admission Test scores, race or ethnicity, and any information contained within the State Bar Admissions database or any file or other data created by the State Bar with information submitted by the applicant that may identify an individual applicant, other than information described in subdivision (b), shall be confidential and shall not be disclosed pursuant to any state law, including, but not limited to, the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(b) Subject to existing state and federal laws protecting education records, subdivision (a) does not prohibit the disclosure of any of the following:

(1) The names of applicants who have passed any examination administered, given, or prescribed by the Committee of Bar Examiners.

(2) Information that is provided at the request of an applicant to another jurisdiction where the applicant is seeking admission to the practice of law.

(3) Information provided to a law school that is necessary for the purpose of the law school's compliance with accreditation or regulatory requirements. Beginning with the release of results from the July 2018 bar examination, the information provided to a law school shall also include the bar examination results of the law school's graduates allocated to the law school and the scores of any graduate allocated to the law school who did not pass the bar examination and who consents to the release of the graduate's scores to the law school. Consent of a law school graduate to the release of the graduate's scores may be obtained by a check-off on the graduate's application to take the bar examination. For purposes of this paragraph, "scores" means the same scores reported to a graduate who did not successfully pass the bar examination.

(4) Information provided to the National Conference of Bar Examiners or a successor nonprofit organization in connection to the State Bar's administration of any examination.

(5) This subdivision shall apply retroactively to January 1, 2016.

(c) Disclosure of any of the information in paragraphs (2) to (4), inclusive, of subdivision (b) shall not constitute a waiver under Section 7921.505 of the Government Code of the exemption from disclosure provided for in subdivision (a) of this section.

(d) (1) Notwithstanding any other law except existing state and federal laws protecting education records, any information received from an educational or testing

entity that is collected by the State Bar for the purpose of conducting a Law School Bar Exam Performance Study as the State Bar has been directed to do by the California Supreme Court by letter dated February 28, 2017, other than aggregate, summary, or statistical data that does not identify any person and does not provide substantial risk of identification of any person, shall be confidential and shall not be disclosed pursuant to any state law, including, but not limited to, the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(2) Nothing in this subdivision is intended to impact any litigation pending on the effective date of the measure that added this subdivision.

(Amended by Stats. 2021, Ch. 615, Sec. 16. (AB 474) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 463 of Stats. 2021, Ch. 615.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 6060

6060. To be certified to the Supreme Court for admission and a license to practice law, a person who has not been admitted to practice law in a sister state, United States jurisdiction, possession, territory, or dependency or in a foreign country shall:

(a) Be at least 18 years of age.

(b) (1) Be of good moral character.

(2) (A) In reviewing whether an applicant is of good moral character under this subdivision, the staff of the State Bar or the members of the examining committee shall not review or consider the person's medical records relating to mental health, except

if the applicant seeks to use the record for either of the following purposes:

(i) To demonstrate that the applicant is of good moral character.

(ii) As a mitigating factor to explain a specific act of misconduct.

(B) The staff of the State Bar and members of the examining committee shall not request or seek to review any medical records relating to mental health, including by obtaining the consent of the applicant to disclose such records, except as requested by an applicant and for a purpose specified in subparagraph (A).

(c) Before beginning the study of law, have done either of the following:

(1) Completed at least two years of college work, which college work shall be at least one-half of the collegiate work acceptable for a bachelor's degree granted on the basis of a four-year period of study by a college or university approved by the examining committee.

(2) Have attained in apparent intellectual ability the equivalent of at least two years of college work by taking examinations in subject matters and achieving the scores as are prescribed by the examining committee.

(d) Have registered with the State Bar as a law student within 90 days after beginning the study of law. The State Bar, upon a showing of good cause, may permit a later registration.

(e) Have done either of the following:

(1) Had conferred upon them a juris doctor (J.D.) degree or a bachelor of laws (LL.B.) degree by a law school accredited by the examining committee or approved by the American Bar Association.

(2) Studied law diligently and in good faith for at least four years in any of the following manners:

(A) (i) In a law school that is authorized or approved to confer professional degrees and requires classroom attendance of its students for a minimum of 270 hours a year.

(ii) A person who has received their legal education in a foreign state or country where the common law of England does not constitute the basis of jurisprudence shall demonstrate to the satisfaction of the State Bar that the person's education, experience, and qualifications qualify them to take the examination.

(B) In a law office in this state and under the personal supervision of a licensee of the State Bar of California who is, and for at least the last five years continuously has been, engaged in the active practice of law. It is the duty of the supervising attorney to render any periodic reports to the State Bar as required.

(C) In the chambers and under the personal supervision of a judge of a court of record of this state. It is the duty of the supervising judge to render any periodic reports to the State Bar as required.

(D) By instruction in law from a correspondence law school authorized or approved to confer professional degrees by this state, which requires 864 hours of preparation and study per year for four years.

(E) By any combination of the methods referred to in this paragraph.

(f) Have passed any examination in professional responsibility or legal ethics as the examining committee may prescribe.

(g) Have passed the general bar examination given by the examining committee.

(h) (1) Have passed a law students' examination administered by the examining committee after completion of their first year of law study. Those who pass the examination within its first three administrations upon becoming eligible to take the examination, shall receive credit for all law studies completed to the time the examination is passed. Those who do not pass the examination within the number of administrations allowed by this subdivision, upon becoming eligible to take the examination, but who subsequently pass the examination, shall receive credit for one year of legal study only.

(2) (A) This requirement does not apply to a student who has satisfactorily completed their first year of law study at a law school accredited by the examining committee and who has completed at least two years of college work prior to matriculating in the accredited law school, nor shall this requirement apply to an applicant who has passed the bar examination of a sister state or of a country in which the common law of England constitutes the basis of jurisprudence.

(B) The law students' examination shall be administered twice a year at reasonable intervals.

(Amended by Stats. 2023, Ch. 697, Sec. 13. (SB 40) Effective January 1, 2024.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 6060.1

6060.1. (a) Any disciplinary action taken against an individual at a university or an accredited law school for violation of university or law school rules of conduct shall not be used as the sole basis for denying the individual admission to practice law in the State of California.

(b) This section shall not apply to university or law school violations which involve moral turpitude or that result in criminal prosecution under the laws of the State of California or any other state.

(Added by Stats. 1990, Ch. 1639, Sec. 2.5.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 6060.2

6060.2. (a) All investigations or proceedings conducted by the State Bar concerning the moral character of an applicant shall be confidential and shall not be disclosed pursuant to any state law, including, but not limited to, the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code) unless the applicant, in writing, waives the confidentiality.

(b) Notwithstanding subdivision (a), the records of the proceeding may be disclosed in response to either of the following:

- (1) A lawfully issued subpoena.
- (2) A written request from a government agency responsible for either the enforcement of civil or criminal laws or the professional licensing of individuals that is conducting an investigation about the applicant.

(Amended by Stats. 2021, Ch. 615, Sec. 15. (AB 474) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 463 of Stats. 2021, Ch. 615.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 6060.3

6060.3. (a) An application to take the California bar examination administered in February must be filed with the State Bar not later than the first business day of the preceding November, and an application to take the California bar examination administered in July must be filed with the State Bar not later than the first business day of the preceding April. However, an applicant who was unsuccessful on the examination last administered shall be allowed 10 business days from the date of the general announcement of results of that examination in which to timely file an application to take the next scheduled examination.

(b) The State Bar may accept applications to take the California bar examination filed after the timely deadlines specified in subdivision (a) from applicants if the application is accompanied by the timely application fee and the late filing fee fixed by the board as follows:

(1) An application to take the California bar examination filed between the first and last business days in November for the February examination or between the first and last business days of April for the July examination shall be accepted if it is accompanied by the timely filing fee and a late fee not to exceed fifty dollars (\$50).

(2) An application to take the California bar examination filed between the last business day of November and January 1 for the February examination or between the last business day of April and June 1 for the July examination shall be accepted if it is accompanied by the timely filing fee and a late fee not to exceed two hundred fifty dollars (\$250).

(3) An application to take the California bar examination filed after January 1 for the February examination and after June 1 for the July examination shall not be accepted.

(c) Application fees for the California bar examination, including fees for late filing, shall be refunded if the applicant does not take the California bar examination because of the death of an immediate family member or the serious illness or disabling injury of the applicant or a member of their immediate family. A deduction may be made from the refund for administrative costs. The board shall adopt regulations for the administration of this subdivision. This subdivision shall not be construed to prohibit the refund of fees in instances other than those specified.

(Amended by Stats. 2023, Ch. 697, Sec. 14. (SB 40) Effective January 1, 2024.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 6060.5

6060.5. Neither the board, nor any committee authorized by it, shall require that applicants for admission to practice law in California pass different final bar examinations depending upon the manner or school in which they acquire their legal education.

This section shall not prohibit the board, or any committee authorized by it, from establishing a different bar examination for applicants who are admitted to practice before the highest court of another state or of any jurisdiction where the common law of England constitutes the basis of jurisprudence.

(Added by Stats. 1971, Ch. 1666.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 6060.6

6060.6. Notwithstanding Section 30 of this code and Section 17520 of the Family Code, the Committee of Bar Examiners may accept for registration, and the State Bar may process for an original or renewed license to practice law, an application from an individual containing a federal tax identification number, or other appropriate identification number as determined by the State Bar, in lieu of a social security number, if the individual is not eligible for a social security account number at the time of application and is not in noncompliance with a judgment or order for support pursuant to Section 17520 of the Family Code.

(Added by Stats. 2005, Ch. 610, Sec. 1. Effective January 1, 2006.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 6062

6062. (a) To be certified to the Supreme Court for admission, and a license to practice law, a person who has been admitted to practice law in a sister state, United States jurisdiction, possession, territory, or dependency the United States may hereafter acquire shall:

- (1) Be of the age of at least 18 years.
- (2) Be of good moral character.
- (3) Have passed the general bar examination given by the examining committee. However, if that person has been an active licensee in good standing of the bar of the admitting sister state or United States jurisdiction, possession, or territory for at least four years immediately preceding the first day of the examination applied for, he or she may elect to take the Attorneys' Examination rather than the general bar examination. Attorneys admitted less than four years and attorneys admitted four years or more in another jurisdiction but who have not been active licensees in good standing of their admitting jurisdiction for at least four years immediately preceding the first day of the examination applied for must take the general bar examination administered to general applicants not admitted as attorneys in other jurisdictions.
- (4) Have passed an examination in professional responsibility or legal ethics as the examining committee may prescribe.

(b) To be certified to the Supreme Court for admission, and a license to practice law, a person who has been admitted to practice law in a jurisdiction other than in a sister state, United States jurisdiction, possession, or territory shall:

- (1) Be of the age of at least 18 years.
- (2) Be of good moral character.
- (3) Have passed the general bar examination given by the examining committee.
- (4) Have passed an examination in professional responsibility or legal ethics as the examining committee may prescribe.

(c) The amendments to this section made at the 1997–98 Regular Session of the Legislature shall be applicable on and after January 1, 1997, and do not constitute a change in, but are declaratory of, existing law.

(Amended by Stats. 2018, Ch. 659, Sec. 49. (AB 3249) Effective January 1, 2019.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 6063

6063. Applicants for admission to practice shall pay such reasonable fees, fixed by the board, as may be necessary to defray the expense of administering the provisions of this chapter, relating to admission to practice. These fees shall be collected by the State Bar and paid into the treasury of the State Bar.

(Amended by Stats. 2023, Ch. 697, Sec. 15. (SB 40) Effective January 1, 2024.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 6064

6064. (a) Upon certification by the examining committee that the applicant has fulfilled the requirements for admission to practice law, the Supreme Court may admit the applicant as an attorney at law in all the courts of this state and may direct an order to be entered upon its records to that effect. A certificate of admission thereupon shall be given to the applicant by the clerk of the court.

(b) Upon certification by the examining committee that an applicant who is not lawfully present in the United States has fulfilled the requirements for admission to practice law, the Supreme Court may admit that applicant as an attorney at law in all the courts of this state and may direct an order to be entered upon its records to that effect. A certificate of admission thereupon shall be given to the applicant by the clerk of the court.

(Amended by Stats. 2013, Ch. 573, Sec. 1. (AB 1024) Effective January 1, 2014.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 6064.1

6064.1. No person who advocates the overthrow of the Government of the United States or of this State by force, violence, or other unconstitutional means, shall be certified to the Supreme Court for admission and a license to practice law.

(Added by Stats. 1951, Ch. 179.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 6065

6065. Any applicant for admission to practice who did not pass the California bar examination, for 30 days following the release of examination results, shall have electronic access to their answers to the written sessions of the bar examination, which shall include the ability to download, save, and print.

(Amended by Stats. 2023, Ch. 697, Sec. 16. (SB 40) Effective January 1, 2024.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 6066

6066. Any person refused certification to the Supreme Court for admission to practice may have the action of the board, or of any committee authorized by the board to make a determination on its behalf, pursuant to the provisions of this chapter, reviewed by the Supreme Court, in accordance with the procedure prescribed by the court.

(Added by Stats. 1939, Ch. 34.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 6067

6067. Every person on his admission shall take an oath to support the Constitution of the United States and the Constitution of the State of California, and faithfully to discharge the duties of any attorney at law to the best of his knowledge and ability. A certificate of the oath shall be indorsed upon his license.

(Added by Stats. 1939, Ch. 34.)



California Rules of Court

(Revised January 1, 2024)

Rule 9.3. Inherent power of Supreme Court

(a) Inherent power over admissions

The Supreme Court has the inherent power to admit persons to practice law in California. The State Bar serves as the administrative arm of the Supreme Court for admissions matters and in that capacity acts under the authority and at the direction of the Supreme Court. The Committee of Bar Examiners, acting under authority delegated to it by the State Bar Board of Trustees, is authorized to administer the requirements for admission to practice law, to examine all applicants for admission, and to certify to the Supreme Court for admission those applicants who fulfill the admission requirements.

(b) Inherent jurisdiction over practice of law

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

Rule 9.3 amended effective January 1, 2019; adopted effective January 1, 2018.



California Rules of Court

(Revised January 1, 2024)

Rule 9.4. Nomination and appointment of members to the Committee of Bar Examiners

(a) Appointments

The Supreme Court is responsible for appointing ten examiners to the Committee of Bar Examiners, each for a four-year term. At least one of the ten examiners must be a judicial officer in this state, and the balance must be licensees of the State Bar. At least one of the attorney examiners shall have been admitted to practice law in California within three years from the date of his or her appointment. The court may reappoint an attorney or judicial officer examiner to serve no more than three additional full terms, and may fill any vacancy in the term of any appointed attorney or judicial officer examiner.

(Subd (a) amended effective January 1, 2019.)

(b) Nominations

The Supreme Court must make its appointments from a list of candidates nominated by the Board of Trustees of the State Bar pursuant to a procedure approved by the court.

Rule 9.4 amended effective January 1, 2019; adopted effective January 1, 2018.



California Rules of Court

(Revised January 1, 2024)

Rule 9.5. Supreme Court approval of admissions rules

All State Bar rules adopted by the State Bar Committee of Bar Examiners pertaining to the admission to practice law must be approved by the Board of Trustees and then submitted to the Supreme Court for its review and approval.

Rule 9.5 amended effective January 1, 2019; adopted effective January 1, 2018.



California Rules of Court

(Revised January 1, 2024)

Rule 9.6. Supreme Court approval of bar examination

(a) Bar examination

The Committee of Bar Examiners, pursuant to the authority delegated to it by the Board of Trustees, is responsible for determining the bar examination's format, scope, topics, content, questions, and grading process, subject to review and approval by the Supreme Court. The Supreme Court must set the passing score of the examination.

(Subd (a) amended effective January 1, 2019.)

(b) Analysis of validity

The State Bar must conduct an analysis of the validity of the bar examination at least once every seven years, or whenever directed by the Supreme Court. The State Bar must prepare and submit a report summarizing its findings and recommendations, if any, to the Supreme Court. Any recommendations proposing significant changes to the bar examination, and any recommended change to the passing score, must be submitted to the Supreme Court for its review and approval.

(Subd (b) amended effective January 1, 2019.)

(c) Report on examination

The State Bar must provide the Supreme Court a report on each administration of the bar examination in a timely manner.

Rule 9.6 amended effective January 1, 2019; adopted effective January 1, 2018.



California Rules of Court

(Revised January 1, 2024)

Rule 9.7. Oath required when admitted to practice law

In addition to the language required by Business and Professions Code section 6067, the oath to be taken by every person on admission to practice law is to conclude with the following: "As an officer of the court, I will strive to conduct myself at all times with dignity, courtesy and integrity."

Rule 9.7 renumbered effective January 1, 2018; adopted as rule 9.4 effective May 27, 2014.

TITLE 4. ADMISSIONS AND EDUCATIONAL STANDARDS

Adopted July 2007

DIVISION 1. ADMISSION TO PRACTICE LAW IN CALIFORNIA

Chapter 1. General Provisions

Rule 4.1 Authority

The California Supreme Court exercises inherent jurisdiction over the practice of law in California. The Committee of Bar Examiners (“the Committee”) is authorized by law, pursuant to the authority delegated to it by the Board of Trustees, to administer the requirements for admission to practice law; to examine all applicants for admission; and to certify to the Supreme Court for admission those applicants who fulfill the requirements.¹

Rule 4.1 adopted effective September 1, 2008; amended effective September 1, 2019.

Rule 4.2 Scope of Rules

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

Rule 4.2 adopted effective September 1, 2008; amended effective September 1, 2019.

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 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.

¹ Business & Professions Code § 6046.

- (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 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.
- (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 the State Bar or Committee sends an applicant is
- (1) calculated from the date of mailing and 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; or
 - (2) when the State Bar or Committee delivers a document physically by personal service or otherwise.

² Business & Professions Code § 6060(h).

- (N) “Receipt” of a document sent to the State Bar or Committee is when it is physically received at the Office of Admissions.
- (O) 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.
- (P) 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 4.3 adopted effective September 1, 2008; previously amended effective July 22, 2011; amended effective September 1, 2019.

Rule 4.4 Confidentiality

Applicant records are confidential unless required to be disclosed by law;³ required by the State Bar’s Executive Director, Chief Trial Counsel, or General Counsel to fulfill their responsibilities for regulation of the practice of law; or authorized by the applicant in writing for release to others.

Rule 4.4 adopted effective September 1, 2008.

Rule 4.5 Submissions

- (A) A document filed with the State Bar or Committee pursuant to these rules must be completed according to instructions; verified or made under penalty of perjury;⁴ and submitted with any required fee.
- (B) A document, which must be complete as defined by the instructions for filing, is deemed filed upon receipt.
- (C) The information obtained by the State Bar as a result of the fingerprinting of an applicant is used to establish identity of the applicant, to determine the moral character of the applicant, and to disclose criminal records of the applicant in California or elsewhere. Any information obtained as a result of fingerprint submission is confidential and for official use of the Committee and the State Bar.
- (D) Information on an examination application that is not required but submitted voluntarily, including ethnic survey and identification information furnished with applications to take the California Bar Examination, is separated from the applications at

³ Evidence Code § 1040, Business & Professions Code §§ 6044.5, 6060.2, 6060.25, 6086, and 6090.6.

⁴ Code of Civil Procedure § 2015.5.

initial processing and may not be associated with applicants, their files, or their examination answers during grading unless there is reasonable doubt about the identity of a person taking an examination and the State Bar requires the information to verify identity.

Rule 4.5 adopted effective September 1, 2008; previously amended effective July 22, 2011; amended effective September 1, 2019.

Rule 4.6 Investigations and hearings

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.

Rule 4.7 Statistics

The State Bar may publish statistics for each examination in accordance with its policies.

Rule 4.7 adopted effective September 1, 2008; amended effective September 1, 2019.

Rule 4.8 Extensions of time

The time limits for State Bar or Committee actions specified in these rules are norms for processing. The time limits are not jurisdictional and the State Bar or Committee may extend them for good cause.

Rule 4.8 adopted effective September 1, 2008; amended effective September 1, 2019.

Rule 4.9 Review by Supreme Court

An applicant refused certification to the Supreme Court of California for admission to practice law in California may have the action of the Committee reviewed by the Supreme Court of California in accordance with its procedures.

Rule 4.9 adopted effective September 1, 2008.

Rule 4.10 Fees

Applicants shall pay reasonable fees, fixed by the Board of Trustees, for services such as application filing, reports, copying documents and providing letters of verification.

Rule 4.10 adopted effective November 14, 2009; previously amended effective January 1, 2012; amended effective September 1, 2019.

Chapter 2. Overview Of Admission Requirements

Rule 4.15 Certification to California Supreme Court

To be eligible for certification to the California Supreme Court for admission to the practice of law, an applicant for admission must:

- (A) be at least eighteen years of age;
- (B) file an Application for Admission with the State Bar;
- (C) meet the requirements of these rules regarding education or admission as an attorney in another jurisdiction, determination of moral character, and examinations;
- (D) be in compliance with California court-ordered child or family support obligations pursuant to Family Code § 17520;
- (E) be in compliance with tax obligations pursuant to Business and Professions Code section 494.5;
- (F) until admitted to the practice of law, notify the State Bar within thirty days of any change in information provided on an application; and
- (G) otherwise meet statutory criteria for certification to the Supreme Court.⁵

Rule 4.15 adopted effective September 1, 2008; previously amended effective January 17, 2014; amended effective September 1, 2019.

Rule 4.16 Application for Admission

- (A) An Application for Admission consists of an Application for Registration, an Application for Determination of Moral Character, and an application for any required examination. Each application must be submitted with the required documentation and the fees set forth in the Schedule of Charges and Deadlines. The State Bar determines when an application is complete.
- (B) The Application for Registration must be approved, before any other application is submitted. The applicant is required by law either to provide a Social Security Number⁶ on the application or to request an exemption because of ineligibility for a Social

⁵ Business & Professions Code § 6060.

⁶ Business & Professions Code § 30, Family Code § 17520.

Security Number.⁷ Registration is deemed abandoned if all required documentation and fees have not been received within sixty days of submittal. No refund is issued for an abandoned registration.

- (C) After approval of the Application for Registration, an applicant for admission may submit an Application for Determination of Moral Character, an application for any examination as required by these rules and any other document or petition permitted by these rules.

Rule 4.16 adopted effective September 1, 2008; previously amended effective November 14, 2009; amended effective September 1, 2019.

Rule 4.17 Admission certification and time limit

- (A) No later than five years from the last day of administration of the California Bar Examination the applicant passes,
 - (1) an applicant must meet all requirements for admission for certification by the Committee to the California Supreme Court; and
 - (2) upon receipt of an order from the Court, take the attorney's oath and meet State Bar registration requirements to be eligible to practice law in California.
- (B) The State Bar may extend this five-year limit for good cause shown by clear and convincing evidence in a particular case but not for an applicant's negligence or the result of an applicant having received a negative moral character determination.
- (C) 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.

Rule 4.17 adopted effective September 1, 2008; previously amended effective November 14, 2009; amended effective September 1, 2019.

Chapter 3. Required Education

Rule 4.25 General education

Before beginning the study of law, a general applicant must have completed at least two years of college work or demonstrated equivalent intellectual achievement, which must be certified by the law school the applicant is attending upon request by the Committee.

⁷ Business & Professions Code § 6060.6.

- (A) “Two years of college work” means a minimum of sixty semester or ninety quarter units of college credit
 - (1) equivalent to at least half that required for a bachelor’s degree from a college or university that has degree-granting authority from the state in which it is located; and
 - (2) completed with a grade average adequate for graduation.
- (B) “Demonstrated equivalent intellectual achievement” means achieving acceptable scores on Committee-specified examinations prior to beginning the study of law.

Rule 4.25 adopted effective September 1, 2008.

Rule 4.26 Legal education

General applicants for the California Bar Examination must

- (A) have received a juris doctor (J.D.) or bachelor of laws (LL.B) degree from a law school approved by the American Bar Association or accredited by the Committee; or
- (B) demonstrate that in accordance with these rules and the requirements of Business & Professions Code §6060(e)(2) they have
 - (1) studied law diligently and in good faith for at least four years in a law school registered with the Committee; in a law office; in a judge’s chambers; or by some combination of these methods; or
 - (2) met the requirements of these rules for legal education in a foreign state or country; and
- (C) have passed or established exemption from the First-Year Law Students' Examination.

Rule 4.26 adopted effective September 1, 2008; amended effective July 22, 2011.

Rule 4.27 Study in a fixed-facility unaccredited law school

To receive credit for one year of study in a fixed-facility unaccredited law school registered with the Committee, a student must receive passing grades in courses requiring classroom attendance by its students for a minimum of 270 hours a year.

Rule 4.27 adopted effective September 1, 2008.

Rule 4.28 Study by correspondence or distance learning

- (A) To receive credit for one year of study by correspondence or distance learning in an unaccredited law school registered with the Committee, a student must receive passing grades in courses requiring at least 864 hours of preparation and study over no fewer than forty-eight and no more than fifty-two consecutive weeks in one year evidenced by a transcript that indicates the date each course began and ended.
- (B) To receive credit for one-half year of study by correspondence or distance learning in an unaccredited law school registered with the Committee, a student must receive passing grades in courses requiring at least 432 hours of preparation and study over no fewer than twenty-four and no more than twenty-six consecutive weeks, evidenced by a transcript that indicates the date each course began and ended.
- (C) To receive credit, a student studying by correspondence or distance learning may not begin a subsequent year of study prior to completion of one year of study as defined in rule 4.3(P) of these rules.

Rule 4.28 adopted effective September 1, 2008; amended effective July 22, 2011.

Rule 4.29 Study in a law office or judge's chambers

- (A) A person who intends to comply with the legal education requirements of these rules by study in a law office or judge's chambers must
 - (1) submit the required form with the fee set forth in the Schedule of Charges and Deadlines within thirty days of beginning study;
 - (2) submit semi-annual reports, as required by section (B)(5) below on the Committee's form with the fee set forth in the Schedule of Charges and Deadlines within thirty days of completion of each six-month period; and
 - (3) have studied law in a law office or judge's chambers during regular business hours for at least eighteen hours each week for a minimum of forty-eight weeks to receive credit for one year of study or for at least eighteen hours a week for a minimum of twenty-four weeks to receive credit for one-half year of study.
- (B) The attorney or judge with whom the applicant is studying must
 - (1) be admitted to the active practice of law in California and be in good standing for a minimum of five years;

- (2) provide the Committee within thirty days of the applicant's beginning study an outline of a proposed course of instruction that he or she will personally supervise;
- (3) personally supervise the applicant at least five hours a week;
- (4) examine the applicant at least once a month on study completed the previous month;
- (5) report to the Committee every six months on the Committee's form the number of hours the applicant studied each week during business hours in the law office or chambers; the number of hours devoted to supervision; specific information on the books and other materials studied, such as chapter names, page numbers, and the like the name of any other applicant supervised and any other information the Committee may require; and
- (6) not personally supervise more than two applicants simultaneously.

Rule 4.29 adopted effective September 1, 2008; amended effective November 14, 2009.

Rule 4.30 Legal education in a foreign state or country

Persons who have studied law in a law school in a foreign state or country may qualify as general applicants provided that they

- (A) have a first degree in law, acceptable to the Committee, from a law school in the foreign state or country and have completed a year of legal education at an American Bar Association Approved Law School or a California accredited law school in areas of law prescribed by the Committee; or
- (B) have a legal education from a law school located in a foreign state or country without a first degree in law, acceptable to the Committee, and
 - (1) have met the general education requirements;
 - (2) have studied law as permitted by these rules in a law school, in a law office or judge's chambers, or by any combination of these methods (up to one year of legal education credit may be awarded for foreign law study completed); and
 - (3) have passed the First-Year Law Students' Examination in accordance with these rules and Committee policies.

Rule 4.30 adopted effective September 1, 2008.

Rule 4.31 Credit for law study after passing the First-Year Law Students' Examination

- (A) An applicant who is required to pass the First-Year Law Students' Examination will not receive credit for any law study until the applicant passes the examination. An applicant who passes the examination within three consecutive administrations of first becoming eligible to take the examination, will receive credit for all law study completed to the date of the administration of the examination passed, subject to any restrictions otherwise covered by these rules. An applicant who does not pass the examination within three consecutive administrations of first becoming eligible to take the examination but who subsequently passes the examination will receive credit for his or her first year of law study only.
- (B) If any of the first three administrations of the First-Year Law Students' Examination described in paragraph (A) includes the June 2020 administration, that examination shall not be counted towards the requirements set forth in paragraph (A).

Rule 4.31 adopted effective November 14, 2009; amended effective January 1, 2021.

Rule 4.32 Repeated courses

The Committee does not recognize credit for repetition of a course or substantially the same course.

Rule 4.32 adopted as Rule 4.31 effective September 1, 2008; renumbered as Rule 4.32 effective November 14, 2009.

Rule 4.33 Evaluation of study completed or contemplated

An applicant may request that the Committee determine whether general or legal education contemplated or completed by the applicant meets the eligibility requirements of these rules for beginning the study of law, the First-Year Law Students' Examination or the California Bar Examination. The request must be submitted on the required form with certified transcripts and the fee set forth in the Schedule of Charges and Deadlines. A written response indicating whether or not the education is sufficient will be issued within sixty days of receipt of the request.

Rule 4.33 adopted as Rule 4.32 effective September 1, 2008; renumbered as rule 4.33 effective November 14, 2009.

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 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 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) An Application for Determination of Moral Character may be submitted any time after filing an Application for Registration but is deemed filed only when the application is complete.

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 admitted to practice law, an applicant who has submitted an Application for Determination of Moral Character has a continuing duty to promptly notify the Office of Admissions whenever information provided in the application has changed or there is new information relevant to the application. Failure to provide updated information within thirty days after the change or addition to the information originally submitted may be cause for suspension of a positive moral character determination.

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.
- (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 abandonment.
- (C) A new Application for Determination of Moral Character must be submitted with the required fee if an application has been abandoned.

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 notified that the State Bar is unable to make a determination without further inquiry and analysis.
- (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 State Bar notifies an applicant that its determination of moral character is positive or that it 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.
- (C) Within 120 days of receiving additional information it has requested, the State Bar notifies 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;
 - (3) the application requires further consideration;
 - (4) the applicant is invited to an informal conference; or

- (5) the applicant is advised to enter into an Agreement of Abeyance 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 conference regarding moral character

- (A) Prior to rendering an adverse determination on a moral character application, the State Bar shall invite the applicant to an informal conference regarding the application. Acceptance of an invitation is not mandatory, and declining it entails no negative inference.
- (B) The Committee may establish procedures for an informal conference with the State Bar and require the State Bar to create a record of it by tape recording, video recording, or any other means. The applicant may attend the conference with counsel; make a written or oral statement; and present documentary evidence. 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 By the Committee of Adverse Determination

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

Rule 4.47.1 adopted effective September 1, 2019.

Rule 4.47 Appeal of adverse determination of moral character issued by Committee

- (A) If the Committee issues an adverse determination of moral character, an applicant may file a request for hearing on the determination with the State Bar Court in accordance with 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 days of 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 may suspend processing of an Application for Determination of Moral Character by 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; or
 - (4) if the State Bar and an applicant otherwise agree.
- (B) An Agreement of Abeyance must be in writing and specify the period and conditions of abeyance. A copy must be provided to the applicant.

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

Rule 4.49 New application following adverse determination of moral character

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

- (A) Before certifying an applicant for admission to the practice of law, the State Bar may notify an applicant that it has suspended a positive determination of moral character 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 an applicant whose positive determination has been suspended is processed in accordance with Rule 4.45.

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 positive moral character determination

A positive determination of moral character is valid for thirty-six months. 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 Extension of positive moral character determination

- (A) An applicant who has received a positive moral character determination may submit an Application for Extension of Determination of Moral Character. The application must be filed in the last six months of the initial thirty-six month validity period with the required fingerprints and the fee set forth in the Schedule of Charges and Deadlines. 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.
- (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.

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

Chapter 5. Examinations

Rule 4.55 First-Year Law Students' Examination requirement

- (A) A general applicant intending to seek admission to practice law in California must take the First-Year Law Students' Examination unless the applicant
- (1) has satisfactorily completed
 - (a) at least two years of college work as defined by these rules and the Committee's guidelines; and
 - (b) the first-year course of instruction

- (i) at a law school that was approved by the American Bar Association or accredited by the Committee when the study was begun or completed; and
 - (ii) the law school has advanced the person, whether or not on probation, to the second-year of instruction; or
 - (2) is exempt by reason of study in a foreign law school as provided by these rules.
- (B) An applicant who passes the First-Year Law Students' Examination will receive credit for
- (1) all law study completed upon passing the examination within three administrations of the examination after first becoming eligible to take it; or
 - (2) the first year of law study only upon passing the examination after more than three administrations of the examination after first becoming eligible to take it.

Rule 4.55 adopted effective September 1, 2008; amended effective July 22, 2011.

Rule 4.56 First-Year Law Students' Examination

The First-Year Law Students' Examination is given each year in June and October at test centers in California designated by the State Bar. The State Bar develops the questions. Pursuant to the authority delegated to it by the Board of Trustees, the Committee determines the examination's format, scope, topics, content, grading process, and passing score.

Rule 4.56 adopted effective September 1, 2008; previously amended effective July 22, 2011; amended effective September 1, 2019.

Rule 4.57 Exempt applicants taking First-Year Law Students' Examination

An applicant who is exempt from the First-Year Law Students' Examination may apply for and take the examination. Failing the examination does not affect the applicant's status under these rules.

Rule 4.57 adopted effective September 1, 2008.

Rule 4.58 Application for the First-Year Law Students' Examination

- (A) An application to take the First-Year Law Students' Examination in June must be submitted by April 1. An application to take the examination in October must be submitted by August 1. Applications received after these deadlines and by May 15 or September 15 are subject to a late fee. Applications are not accepted after those dates.

Application fees and late fees are set forth in the Schedule of Charges and Deadlines. If a deadline falls on a non-business day, the deadline will be the next business day.

- (B) Different deadlines for initial filing and late fees apply to applicants who fail the First-Year Law Students' Examination and intend to take the next scheduled examination. These deadlines are set forth in the notice of examination results and are more than ten days from the date those results are released.
- (C) Applications that are unsigned or incomplete for any reason as of the final examination application filing deadline are deemed abandoned and ineligible for a refund of fees.
- (D) Applications for which eligibility documents have not been received by the date set forth in the Schedule of Charges and Deadlines are abandoned and ineligible for a refund of fees.

Rule 4.58 adopted effective September 1, 2008; amended effective November 14, 2009.

Rule 4.59 Multistate Professional Responsibility Examination

Every applicant must take and pass the Multistate Professional Responsibility Examination (MPRE) administered by the National Conference of Bar Examiners, and receive a passing score as determined by the Committee. The examination may be taken following completion of the first year of law study or later. The Committee must receive official notice of an MPRE passing score before an applicant is deemed to have passed the examination.

Rule 4.59 adopted effective September 1, 2008; amended effective July 22, 2011.

Rule 4.60 California Bar Examination

- (A) The California Bar Examination is given each year in February and July at test centers in California designated by the State Bar. Pursuant to the authority delegated to it by the Board of Trustees, the Committee determines the examination's format, scope, topics, content, questions, and grading process.
- (B) The State Bar provides the California Supreme Court a report on each administration of the examination as soon as practical.

Rule 4.60 adopted effective September 1, 2008; previously amended effective July 22, 2011; amended effective September 1, 2019.

Rule 4.61 Applications for the California Bar Examination

- (A) Applications for the California Bar Examination are available March 1 for the July examination and October 1 for the February examination. To avoid imposition of a late fee, an application must be submitted no later than April 1 for the July examination or

November 1 for the February examination. Applications received after these deadlines and by June 1 or January 1 are subject to late fees. Applications are not accepted after those dates. Application fees and late fees are set forth in the Schedule of Charges and Deadlines. If a deadline falls on a non-business day, the deadline will be the next business day.

- (B) Different deadlines for initial filing and late fees apply to applicants who fail the California Bar Examination and intend to take the next scheduled examination. These deadlines are set forth in the notice of examination results and are a minimum of ten days from the date those results are released.
- (C) Applications are deemed abandoned and ineligible for a refund of fees if
 - (1) they are incomplete or unsigned by the final examination application filing deadline;
 - (2) the applicant has not provided additional information requested by the final eligibility deadline; or
 - (3) eligibility cannot be determined by the final eligibility deadline.

Rule 4.61 adopted effective September 1, 2008; previously amended effective November 14, 2009; amended effective September 1, 2019.

Rule 4.62 Access to examination answers and scores

- (A) Within sixty days of the release of examination results, examination answers to the written portions of the examination are returned to applicants for admission who have failed the California Bar Examination or who have passed or failed the First-Year Law Students' Examination. This provision does not apply to the Multistate Professional Responsibility Examination or the multiple-choice portion of the First-Year Law Students' Examination and California Bar Examination.
- (B) Applicants who pass the California Bar Examination are not entitled to receive their examination answers or to see their scores.

Rule 4.62 adopted effective September 1, 2008.

Chapter 6. Conduct At Examinations

Rule 4.70 Conduct required at examinations

Applicants are expected to conduct themselves professionally at all times at an examination test center. Conduct that violates the security or administration of an examination may be

reported to the State Bar as a Chapter 6 Notice or, in extreme cases, may require dismissal from the examination test center. Unacceptable conduct may include, but is not limited to, having unauthorized items, writing or typing after time has been called, looking at another applicant's answers, talking when silence is required, or abusive behavior. A copy of the Chapter 6 Notice is provided to the applicant during or following an examination.

Rule 4.70 adopted effective September 1, 2008; previously amended effective July 22, 2011; amended effective September 1, 2019.

Rule 4.71 Reports of conduct violations

- (A) The State Bar considers reports of the Chapter 6 Notices that have been issued to applicants during or following an administration of an examination as soon as practicable and no later than the first Committee meeting following the examination.
- (B) If the State Bar affirms the Chapter 6 Notice, the applicant must be notified of its proposed sanction within thirty days. Sanctions may include assigning a score of zero for a question, a session, or an entire examination. An examination score may be held in abeyance pending resolution of the matter.
- (C) The Committee may establish guidelines for the processing of conduct violations. The Committee may establish specific sanctions for certain undisputed conduct violations, such as bringing an unauthorized item into the examination room. An applicant sanctioned for an undisputed conduct violation is not entitled to an administrative hearing.

Rule 4.71 adopted effective September 1, 2008; previously amended effective July 22, 2011; amended effective September 1, 2019.

Rule 4.72 Request for an administrative hearing on conduct violation

- (A) An applicant notified of a conduct violation for which a specific sanction has not been established by examination rules or guidelines may file a request for an administrative hearing. The request must be filed within twenty days of receipt of the notice or the proposed sanction will take effect. For good cause shown by clear and convincing evidence the State Bar may extend the filing deadline.
- (B) Once an applicant has filed a request for an administrative hearing on a conduct violation, the State Bar must schedule an administrative hearing within ninety days, or at a later time for good cause, and notify the applicant of the time and place of the hearing.

Rule 4.72 adopted effective September 1, 2008; previously amended effective July 22, 2011; amended effective September 1, 2019.

Rule 4.73 Procedure for an administrative hearing on conduct violation

- (A) The Committee may establish procedures for conducting administrative hearings on conduct violations. A record of a hearing can be established by tape recording, video recording, or any other means. The applicant may attend the administrative hearing with counsel; make a written or oral statement; and present documentary evidence. Applicant's counsel is limited to observation and may not participate.
- (B) The State Bar has the burden of establishing by clear and convincing evidence that a violation occurred.
- (C) The State Bar must render Findings and Recommendations no later than thirty days after the administrative hearing, which must be served on the applicant and counsel present at the hearing. The State Bar may recommend the sanction originally proposed or any other action it deems appropriate.

Rule 4.73 adopted effective September 1, 2008; previously amended effective July 22, 2011; amended effective September 1, 2019.

Rule 4.74 Review of State Bar's Findings and Recommendations by Committee

- (A) An applicant may request review by the Committee of the Findings and Recommendations within ten days of service. The Committee must consider the applicant's request, any record of the hearing, the Findings and Recommendations, and any supplemental material the applicant provides in accordance with Committee requirements during the Committee's next regularly scheduled meeting. The Committee may request additional information from the applicant or from the State Bar.
- (B) The Committee may adopt the State Bar's Findings and Recommendations or take any other action it deems appropriate.
- (C) The Committee will notify the applicant within ten days of its determination.
- (D) If the applicant does not request review of the State Bar's Findings and Recommendations within ten days of service, the State Bar's Findings and Recommendations become the decision of the Committee.

Rule 4.74 adopted effective September 1, 2008; previously amended effective July 22, 2011; amended effective September 1, 2019.

Chapter 7. Testing Accommodations

Rule 4.80 Eligibility for testing accommodations

Applicants with disabilities are granted reasonable testing accommodations provided that they are capable of demonstrating that they are otherwise eligible to take an examination and, in accordance with these rules, they

- (A) have submitted an approved Application for Registration;
- (B) submit a petition for testing accommodations on the State Bar's forms with the required documentation;
- (C) establish to the satisfaction of the State Bar the existence of a disability that prevents them from taking an examination under standard testing conditions; that testing accommodations are necessary to address the functional limitations related to their disabilities; and the testing accommodations sought are reasonable and appropriate for their disabilities; and,
- (D) separately apply for the examination for which testing accommodations are requested.

Rule 4.80 adopted effective September 1, 2008; previously amended effective November 14, 2009; amended effective September 1, 2019.

Rule 4.81 Testing accommodations in general

- (A) Petitions for testing accommodations are processed on a case-by-case basis.
- (B) The State Bar makes its best effort to process petitions for testing accommodations expeditiously but does not process petitions that are incomplete.
- (C) Time limits in testing accommodations rules are solely to expedite the processing of petitions and are not jurisdictional. The State Bar may extend them for good cause.
- (D) An examination application fee is not refunded if a request for testing accommodations is denied.

Rule 4.81 adopted effective September 1, 2008; amended effective September 1, 2019.

Rule 4.82 Definitions

These definitions apply to the rules on and petitions for testing accommodations.

- (A) A “disability” is a physical or mental impairment that limits one or more of an applicant’s major life activities, and limits an applicant’s ability to demonstrate under standard testing conditions that the applicant possesses the knowledge, skills, and abilities tested on an examination.
- (B) A “physical impairment” is a physiological disorder or condition or an anatomical loss affecting one or more of the body’s systems.
- (C) A “mental impairment” is a mental or psychological disorder such as organic brain syndrome, emotional or mental illness, attention deficit/hyperactivity disorder, or a specific learning disability.
- (D) A “reasonable testing accommodation” is an adjustment to or modification of standard testing conditions that addresses the functional limitations related to an applicant’s disability by modifications to rules, policies, or practices; removal of architectural, communication, or transportation barriers; or provision of auxiliary aids and services, provided that they do not
 - (1) compromise the security or validity of an examination or the integrity or of the examination process;
 - (2) impose an undue burden on the State Bar; or
 - (3) fundamentally alter the nature of an examination or the Committee’s ability to assess through the examination whether the applicant
 - (a) possesses the knowledge, skills, and abilities tested on an examination; and
 - (b) meets the essential eligibility requirements for admission.

Rule 4.82 adopted effective September 1, 2008; amended effective September 1, 2019.

Rule 4.83 Guidelines for testing accommodations

- (A) The State Bar publishes guidelines for documenting the need for testing accommodations based on learning disabilities and attention deficit/hyperactivity disorder, including testing required to establish the existence of the disability and the reasonableness of the accommodations requested.
- (B) The State Bar may publish guidelines for other disabilities accommodated on past examinations.

Rule 4.83 adopted effective September 1, 2008; amended effective September 1, 2019.

Rule 4.84 When to file a petition for testing accommodations

- (A) A Petition For Testing Accommodations is not an application for a bar examination. Filing one does not constitute filing the other or initiate its processing. An applicant must separately apply for an examination.
- (B) An applicant is encouraged to file a Petition For Testing Accommodations as far in advance as practicable. To allow sufficient processing time, general applicants are encouraged to submit their petitions at least by the beginning of their last year of law study and attorney applicants no later than six months prior to the examination they wish to take. If an applicant waits until the final examination application deadline for a particular examination to petition for testing accommodations, it is possible that processing will not be completed or the applicant will not be able to complete all required or available procedures prior to administration of the examination.
- (C) A Petition For Testing Accommodations must be complete and receipt must be no later than
 - (1) January 1 for the February California Bar Examination;
 - (2) June 1 for the July California Bar Examination;
 - (3) May 15 for the June First-Year Law Students' Examination; or
 - (4) September 15 for the October First-Year Law Students' Examination.

If a deadline falls on a non-business day, the deadline will be the next business day. Deadlines are not extended or waived for any reason except as permitted in Rule 4.87.

- (D) Depending on the nature of a disability and the date on which a petition is filed, the State Bar may determine that the changing nature of a disability requires that the applicant file a new petition nearer the examination date or that a decision regarding the petition be deferred.

Rule 4.84 adopted effective September 1, 2008; amended effective November 14, 2009; previously amended effective July 22, 2011; amended effective September 1, 2019.

Rule 4.85 Initial Petition For Testing Accommodations

- (A) An applicant with a qualified disability seeking testing accommodations must file a Petition for Testing Accommodations on the State Bar's form.

- (B) In addition to the Petition for Testing Accommodations, a qualified applicant seeking testing accommodations must also provide with the petition the specific specialist verification forms the State Bar determines are appropriate to verify applicants' disabilities.
- (C) If a law school has provided testing accommodations, a qualified applicant must submit the petition with the designated State Bar form, completed by a law school official or legal education supervisor.
- (D) If another state has provided accommodations for its bar examination, a qualified applicant must submit the petition with the designated State Bar form, completed by an official responsible for testing accommodations.
- (E) If another testing agency has provided accommodations for its examination, a qualified applicant may be required to submit the petition with a copy of the accommodations notice.
- (F) A Petition for Testing Accommodations is considered complete only upon receipt of all required forms that have been completed according to instructions. A petition that is incomplete by a final examination application deadline is not processed for that examination.

Rule 4.85 adopted effective September 1, 2008; previously amended effective July 22, 2011; amended effective September 1, 2019.

Rule 4.86 Subsequent petitions for testing accommodations

- (A) Testing accommodations are not automatically extended upon failure of an examination but must be requested for a subsequent examination any time before the examination application deadline.
- (B) An applicant who is permanently disabled may petition for the same accommodations rather than submit an entirely new petition. A subsequent petition must be made in accordance with State Bar's requirements.
- (C) An applicant who has a temporary disability or who seeks different accommodations than those previously granted must file a new Petition for Testing Accommodations by the application final filing deadline if filed in connection with a particular administration of an examination.

Rule 4.86 adopted effective September 1, 2008; previously amended effective November 14, 2009; amended effective September 1, 2019.

Rule 4.87 Emergency petitions for testing accommodations

An applicant who becomes disabled after a final examination application filing deadline may file a Petition for Testing Accommodations, which must include the forms required by Rule 4.85, with a request that it be considered as an emergency petition. Documentation explaining the nature, date, and circumstances of the emergency must be filed with the petition. Receipt of the petition and supporting documentation must be at least ten days before the first day of the examination. This rule does not apply to disabilities that existed before the final deadline for an examination application, whether or not they were diagnosed or a visit to a treating professional could be arranged.

Rule 4.87 adopted effective September 1, 2008.

Rule 4.88 State Bar response to Petition For Testing Accommodations

- (A) An applicant who has filed a Petition For Testing Accommodations in accordance with these rules is notified in writing within thirty days of receipt when additional information is required, and within sixty days when the petition is granted, granted with modifications, denied, or action is pending.
- (B) If a complete petition is filed at least six months before the examination for which testing accommodations are sought, the applicant may expect a final determination at least a month before the examination.
- (C) With the consent of the petitioner, the State Bar or a consultant may confer with a specialist who has treated the petitioner.
- (D) A notice of denial of a Petition For Testing Accommodations or a modified grant states the reasons for the denial or modifications, and advises the petitioner of any right to appeal. The notice may include an excerpt of a consultant's evaluation.

Rule 4.88 adopted effective September 1, 2008; previously amended effective July 22, 2011; amended effective September 1, 2019.

Rule 4.89 Applicant response to proposed modification or request for information

An applicant has thirty days to respond to a request for additional information unless an examination schedule requires a shorter time. If the applicant fails to make a timely response, the request is processed on the basis of information submitted.

Rule 4.89 adopted effective September 1, 2008.

Rule 4.90 Committee review of denied or modified petition

- (A) An applicant notified that a Petition For Testing Accommodations has been denied or granted with modifications may request a review by the Committee. The request must

be submitted within ten days of the date of the denial or modified grant or some other reasonable period established by the Committee.

- (B) Requests for review filed in connection with a particular administration of an examination must be filed no later than the first business day of the month in which the examination is to be administered. Requests received after that date will be considered in connection with future administration of the examination.
- (C) After reviewing the request for review and supporting documentation, the Director of Admissions may withdraw the prior decision and grant the accommodations requested.
- (D) If the Director of Admissions does not grant the request, the Committee must consider it as soon as practicable. The review must be based on the original petition and supporting documentation provided by the applicant and the Director of Admissions. Oral argument is not permitted. The review must be conducted in closed session either at a regular meeting or one specially convened. The Committee delegates decision making authority to the Examinations Subcommittee for all time-sensitive testing accommodation reviews.

Rule 4.90 adopted effective September 1, 2008; amended effective September 1, 2019.

Rule 4.91 Confidentiality of Petitions for Testing Accommodations

Petitions for Testing Accommodations, documentation submitted in support and evaluations of requests are confidential.

Rule 4.91 adopted effective September 1, 2008.

Rule 4.92 False or misleading information in Petition For Testing Accommodations

False or misleading information in a Petition For Testing Accommodations is considered in determining an applicant's moral character and may result in a negative determination of moral character.

Rule 4.92 adopted effective September 1, 2008.



**THE STATE BAR OF CALIFORNIA
COMMITTEE OF BAR EXAMINERS/OFFICE OF ADMISSIONS**

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**SUMMARY OF REQUIREMENTS FOR
ADMISSION TO PRACTICE LAW IN CALIFORNIA**

To be admitted to practice law in California, an applicant must:

1. Complete the necessary general education;
2. Register with the Committee of Bar Examiners as a law student or attorney applicant;
3. Complete the requisite legal education;
4. File an application to take the First-Year Law Students' Examination and pass, or establish exemption from the examination;
5. File an application to take the California Bar Examination and after eligibility has been confirmed, take and pass the examination;
6. File an application for a moral character determination and receive a positive moral character determination from the Committee of Bar Examiners;
7. File an application, take the Multistate Professional Responsibility Examination and achieve a minimum scaled score as determined by the Committee of Bar Examiners, which examination is administered and graded by the National Conference of Bar Examiners (www.ncbex.org);
8. Be in compliance with California court ordered child or family support obligations; and,
9. Meet all admission requirements and take the attorney's oath of office no later than five years from the last day of administration of the California Bar Examination the applicant passes.

The foregoing is a summary of the requirements for admission to practice law in California. The full text of all requirements for admission are set forth in the rules found in Title 4, Division 1, Chapter 4 of the *Rules of the State Bar of California*, which are available online at <http://admissions.calbar.ca.gov/>

Separate and distinct applications are required for registration, the First-Year Law Students' Examination, a moral character determination and the bar examination. All applications can be accessed online through the Admissions' portion of The State Bar of California's website <http://admissions.calbar.ca.gov/>.