SUPREME COURT
FILED

JUN 11 2025

Jorge Navarrete Clerk

Deputy

S291047

ADMINISTRATIVE ORDER 2025-06-11-01

IN THE SUPREME COURT OF CALIFORNIA

EN BANC

ORDER ON THE STATE BAR OF CALIFORNIA'S REQUEST THAT THE SUPREME COURT APPROVE ADDITIONAL REMEDIES RELATING TO THE FEBRUARY 2025 CALIFORNIA BAR EXAMINATION

The Court is in receipt of the State Bar of California's Request that the Supreme Court Approve Additional Remedies Relating to the February 2025 California Bar Examination, filed on May 23, 2025. The request is granted in part and denied in part.

The Court hereby amends rule 9.49 of the California Rules of Court, as modified and set forth in the Attachment. These amendments are effective September 1, 2025.

Further, the Court hereby amends its prior order of October 21, 2024, to permit participants in the experimental study administered on November 8, 2024 and November 9, 2024, who met a minimum threshold of performance set by the Committee of Bar Examiners, to be eligible to receive a scaled score adjustment on the multiple-choice portion of the General Bar Examination on whichever of the 2025 or 2026 administrations of the General Bar Examination they attempt first. (See *Order on the State Bar of California's Request to Implement a Scoring Adjustment on [the] 2025 California Bar Examination Administrations as Incentive for Experimental Study Participation* (S286827) Administrative Order 2024-10-21-02.)

The portion of the State Bar of California's request to explore proposals to adopt an expedited admissions process for attorneys licensed in other United States jurisdictions is denied without prejudice to resubmission following any future statutory amendments permitting the admission of out-of-state attorneys without the examination prerequisites presently required by Business and Professions Code section 6062.

In all other respects, the request is denied.

GÜERRERO

Chief Justice

CORRIGAN

Associate Justice

LIU

Associate Justice

KRUGER

Associate Justice

GROBAN

Associate Justice

JENKINS

Associate Justice

EVANS

Associate Justice

REDLINE VERSION

Rule 9.49. Provisional Licensure ~~of 2020 Law School Graduates~~

(a) State Bar Provisional Licensure Program

(1) The State Bar shall administer a program for provisionally licensing eligible 2020 Law School Graduates and for eligible First-Time Registrants of the February 2025 California Bar Exam. The program shall be referred to as the "Provisional Licensure Program."

(2) The Provisional Licensure Program shall terminate on May 31, 2023 for 2020 Law School Graduates admitted to the program prior to December 31, 2022 who fail to satisfy all of the following requirements on or before May 31, 2023:

(A) Successful completion of the State Bar New Attorney Training Program pursuant to rule 9.32;

(B) A passing score on the Multistate Professional Responsibility Exam;

(C) An active positive moral determination, unless the ~~applicant~~ determination has been suspended pending resolution of a final review or appeal under (j)(l)(C);

(D) Submission of all other documentation of completion in the format required by the State Bar;

(E) Approval of an eligible supervisor committed to supervise the participant through the end of 2023.

(3) First-Time Registrants of the February 2025 California Bar Exam must apply to participate in the program by December 31, 2025. The Provisional Licensure Program shall terminate on May 31, 2026 for those who have applied to the program prior to December 31, 2025 but who fail to satisfy all of the following requirements on or before May 31, 2026:

(A) Successful completion of the State Bar New Attorney Training Program pursuant to rule 9.32;

(B) Submission of all other documentation of completion in the format required by the State Bar; and

(C) Approval of an eligible supervisor committed to supervise the applicant through the end of 2027, or upon the applicant receiving a passing score on the California Bar Examination, whichever occurs first.

(~~4~~3) For 2020 Law School Graduates and First-Time Registrants of the February 2025 California Bar Exam who have not received a passing score on the California Bar Examination, but have satisfied all the requirements under (a)(2) or (a)(3) ~~on or~~

~~before May 31, 2023~~, the Provisional Licensure Program under this rule shall terminate on December 31, 2027~~5~~.

(5~~4~~) Upon termination of the Provisional Licensure Program, no one who was provisionally licensed pursuant to this rule shall be permitted to continue to practice as a Provisionally Licensed Lawyer, nor shall they represent that they remain provisionally licensed or are otherwise authorized to practice law in the State of California unless they have been admitted to the practice of law in California after meeting all criteria for admission including passage of the California Bar Examination, or are otherwise authorized to practice law in this state other than under this rule. The temporary authorization to practice under supervision under the Provisional Licensure Program does not confer either a plenary license or any vested or implied right to be licensed.

(Subd (a) amended effective December 21, 2022; previously amended effective May 26, 2022.)

(b) Definitions

(1) A "2020 Law School Graduate" means a person who became eligible to sit for the California Bar Examination under Business and Professions Code sections 6060 and 6061 between December 1, 2019 and December 31, 2020, either by graduating from a qualifying law school with a juris doctor (J.D.) or master of laws (LLM) degree during that time period, or by otherwise meeting the legal education requirements of Business and Professions Code sections 6060 and 6061 during that time period.

(2) A "First-Time Registrant of the February 2025 California Bar Exam" means a person who was registered to take the February 2025 California Bar Examination as a first-time taker but either failed to obtain a passing score or withdrew from the administration of that exam.

(3~~2~~) For purposes of this rule, a "Provisionally Licensed Lawyer" means a 2020 Law School Graduate or a First-Time Registrant of the February 2025 California Bar Exam who meets the eligibility criteria of this rule and is granted provisional licensure by the State Bar.

(4~~3~~) "Supervising Lawyer" means a lawyer who meets the eligibility criteria of this rule and who supervises one or more Provisionally Licensed Lawyers.

(5~~4~~) "Firm" or "law firm" means a law partnership; a professional law corporation; a lawyer acting as a sole proprietorship; an association authorized to practice law; or lawyers employed in a legal services organization or in the legal department, division, or office of a corporation, of a governmental organization, or of another organization as defined by rule 1.01 of the California Rules of Professional Conduct and the commentary thereto.

(Subd (b) amended effective February 1, 2021.)

(c) Application Requirements

(1) To participate in the Provisional Licensure Program, an eligible First-Time Registrant of the February 2025 California Bar Exam ~~applicant~~ must complete the following application requirements no later than December 31~~June 1~~, 2025~~2~~.

(A) Submit an Application for Provisional Licensure with the State Bar, along with an application fee to be determined by the State Bar~~a fee of $75, or $50 if the employer paying the fee receives State Bar Legal Services Trust Fund grants and is a qualified legal services project or qualified support center as defined by statute~~. There shall be no fee for applicants whose sole use of the Provisional License will be in an unpaid volunteer capacity under the direction of the Supervising Lawyer;

(B) Submit to the State Bar a declaration signed by the applicant agreeing that the applicant will be subject to the disciplinary authority of the Supreme Court ~~of California~~ and the State Bar with respect to the laws of the State of California and governing the conduct of lawyers, and attesting that the applicant will not practice California law other than under the supervision of a Supervising Lawyer during the time the applicant is provisionally licensed under this rule; and attesting that the applicant will not practice law in a jurisdiction where to do so would be in violation of laws of the profession in that jurisdiction;~~ and~~

(C) Submit to the State Bar a declaration signed by a Supervising Lawyer who meets the requirements of this rule attesting that the applicant is employed by or volunteers at, or has a conditional offer to be employed by or volunteer with the firm where the Supervising Lawyer works and that the firm has an office located in California; that the nature of the employment conforms with the requirements of this rule; whether the employment is paid or unpaid; and that the Supervising Lawyer meets the eligibility requirements of and will comply with this rule. If an applicant works or volunteers for more than one firm concurrently as a Provisionally Licensed Lawyer, the applicant shall have a Supervising Lawyer at each firm and shall submit a declaration from each Supervising Lawyer.

(D) Receive a passing score on the Multistate Professional Responsibility Exam; and

(E) Obtain an active positive moral determination, unless the determination has been suspended pending resolution of a final review or appeal under (j)(1)(C).

(2) An Application for Provisional Licensure may be denied if:

(A) An applicant fails to comply with eligibility or application requirements;

(B) In connection with the Application for Provisional Licensure, an applicant makes a statement of material fact that the applicant knows to be false or makes the statement with reckless disregard as to its truth or falsity; or

(C) In connection with the Application for Provisional Licensure, an applicant fails to disclose a fact necessary to correct a statement known by the applicant to have created a material misapprehension in the matter, except that this rule does not authorize disclosure of information protected by Business and Professions Code section 6068, subdivision (e) or rule 1.6 of the California Rules of Professional Conduct.

(d) Eligibility Requirements

Except as provided in (a), to qualify as a Provisionally Licensed Lawyer under this rule, the applicant must:

(1) Meet all of the requirements for admission to the State Bar with the following exceptions:

(A) The applicant need not have sat for or passed the California Bar Examination;

(B) The applicant need not have obtained a positive moral character determination, so long as the applicant submitted a complete Application for Determination of Moral Character to the State Bar prior to submission of an Application for Provisional Licensure and that application has not resulted in issuance of an adverse moral character determination by the State Bar; and

(C) The applicant need not have sat for or passed the Multistate Professional Responsibility Exam prior to submission of an Application for Provisional Licensure if the applicant attests they will complete the legal ethics components of the New Attorney Training, described under (e)(1) of this rule, within the first 30 days of licensure as a Provisionally Licensed Attorney. If the legal ethics components of the New Attorney Training are not made available to the applicant at the time of licensure, the 30 days shall run from the first day the training components are made available. ~~The exemption set forth in (e)(1) of this rule does not apply to Provisionally Licensed Lawyers who must take the legal ethics components in lieu of passage of the MPRE.~~

(2) Comply with any rules or guidelines adopted by the State Bar relating to the State Bar's Provisional Licensure Program;

(3) Be employed by or volunteering with, or have a conditional offer of employment from or to volunteer with a firm that has an office located in California.; and

(4) Practice law under a Supervising Lawyer who is an active licensee in good standing of the State Bar or is a current judge of a court of record within the California judicial branch, who satisfies the requirements for serving as a Supervising Lawyer under this rule.

(Subd (d) amended effective December 21, 2022; previously amended effective February 1, 2021.)

(e) Responsibilities of Provisionally Licensed Lawyers

Provisionally Licensed Lawyers must comply with all of the following requirements. Failure to comply with these requirements shall result in immediate termination from the Provisional Licensure Program:

(1) Complete the State Bar New Attorney Training program, as described in rule 9.32~~State Bar Rule 2.53~~, during the first ~~12~~ five months of licensure as a Provisionally Licensed Lawyer~~, unless they would otherwise be exempt from this requirement under the State Bar Rules if they were admitted to the State Bar as a lawyer~~;

(2) Expressly refer to themselves orally, including but not limited to, in conversations with clients or potential clients, and in writing, including but not limited to, in court pleadings or other papers filed in any court or tribunal, on letterhead, business cards, advertising, and signature blocks, as a Provisionally Licensed Lawyer and/or participant in the State Bar's Provisional Licensure Program, and not describe themselves as a fully-licensed lawyer, or imply in any way orally or in writing that they are a fully-licensed lawyer;

(3) Include on every document the Provisionally Licensed Lawyer files in court or with any other tribunal the following information about the Supervising Lawyer: name, mailing address, telephone number, and State Bar number;

(4) Maintain with the State Bar a current e-mail address and an address of record that is the current California office address of the Provisionally Licensed Lawyer's firm;

(5) Report to the State Bar immediately upon termination of supervision by the Supervising Lawyer for any reason;

(6) Report to the State Bar any information required of lawyers by the State Bar Act, such as that required by Business and Professions Code sections 6068, subdivision (o) and 6068.8, subdivision (c), or by other legal authority;

(7) If reassigned to a new Supervising Lawyer for the same firm, submit a declaration from the new Supervising Lawyer in compliance with (c)(1)(C) and obtain State Bar approval before the new Supervising Lawyer assumes supervisory responsibility over the Provisionally Licensed Lawyer.

(8) Submit a new Application for Provisional Licensure and obtain State Bar approval before beginning employment with a new firm;

(9) Abide by the laws of the State of California relating to the practice of law, the California Rules of Professional Conduct, and the rules and regulations of the State Bar.

(Subd (e) amended effective February 1, 2021.)

(f) Prohibition on Accessing Client Trust Accounts

While practicing law under this rule, the Provisionally Licensed Lawyer must not open, maintain, withdraw funds from, deposit funds into, or attempt to open, maintain, or withdraw from or deposit into any client trust account.

(g) Permitted Activities

Subject to all applicable rules, regulations, and statutes, a Provisionally Licensed Lawyer may provide legal services to a client, including but not limited to appearing before a court or administrative tribunal, drafting legal documents, contracts or transactional documents, and pleadings, engaging in negotiations and settlement discussions, and providing other legal advice and counsel, provided that the work is performed under the supervision of a Supervising Lawyer.

(h) Communications and Work Product

For purposes of applying the privileges and doctrines relating to lawyer-client communications and lawyer work product, the Provisionally Licensed Lawyer shall be considered a subordinate of the Supervising Lawyer and thus communications and work product of the Provisionally Licensed Lawyer shall qualify for protection under such privileges and doctrines on the same basis.

(i) Supervision

(1) To meet the requirements of this rule, a Supervising Lawyer must:

(A) Work for the same firm by which the Provisionally Licensed Lawyer is or will be employed or at which the Provisionally Licensed Lawyer is or will be volunteering;

(B) Have practiced law for at least four years in any United States jurisdiction and have actively practiced law in California or taught law at a California Law School for at least two years immediately preceding the time of supervision, and be a licensee in good standing of the State Bar of California or be a current judge of a court of record within the California judicial branch;

(C) Exercise competence in any area of legal service authorized under California law in which the Supervising Lawyer is supervising the Provisionally Licensed Lawyer, consistent with the requirements of rule 1.1 of the California Rules of Professional Conduct;

(D) With the exception of a current judge of a court of record within the California judicial branch, not be inactive in California, or ineligible to practice, actually suspended, under a stayed suspension order, or have resigned or been disbarred in any jurisdiction;

(E) Disclose in writing, via email or other means, at the outset of representation or before the Provisionally Licensed Lawyer begins to provide legal services, that a Provisionally Licensed Lawyer and/or participant in the State Bar's Provisional Licensure Program may provide legal services related to the client's matter;

(F) Be prepared to assume personal representation of the Provisionally Licensed Lawyer's clients if the Provisionally Licensed Lawyer becomes ineligible to practice under this rule or is otherwise unavailable to continue the representation;

(G) Agree to assume professional responsibility for any work that the Provisionally Licensed Lawyer performs under this rule; and

(H) Agree to notify the State Bar ~~of California~~, in writing, within 10 calendar days if the Supervising Lawyer becomes aware or reasonably should have become aware that:

i. The Provisionally Licensed Lawyer has terminated employment;

ii. The Provisionally Licensed Lawyer is no longer eligible for participation in the Provisional Licensure Program;

iii. The Supervising Lawyer no longer meets the requirements of this rule;

iv. The Supervising Lawyer is no longer supervising the Provisionally Licensed Lawyer; or

v. The Supervising Lawyer has changed offices or email addresses.

(2) A Supervising Lawyer may delegate some or all day-to-day supervisory responsibilities or supervisory responsibilities related to certain practice areas or assignments to another lawyer in the same organization who otherwise meets the requirements for Supervising Lawyers, without the need for those additional supervisors to file a declaration with the State Bar. The Supervising Lawyer's obligations under (i)(1)(G) are not affected by any such delegation.

(3) A Supervising Lawyer who is a current judge of a court of record within the California judicial branch and lawyers to whom the judge delegates day-to-day supervisory responsibilities pursuant to (2) shall not be subject to the requirements of (i)(D) through (G).

(Subd (i) amended effective February 1, 2021.)

(j) Termination of Provisional Licensure

(1) A Provisionally Licensed Lawyer's provisional license terminates:

(A) Upon determination by the State Bar Court that the Provisionally Licensed Lawyer is culpable of conduct that would result in discipline if the Provisionally Licensed Lawyer were fully licensed by the State Bar ~~of California~~, or upon imposition of any sanction for misconduct by any court or tribunal, or any professional or occupational licensing authority, including administrative or stayed suspension against the Provisionally Licensed Lawyer;

(B) Upon imposition of any discipline for misconduct by the State Bar ~~of California~~, the Supreme Court, or any other bar, including administrative or stayed suspension, against the Supervising Lawyer, unless the Provisionally Licensed Lawyer has, within 15 calendar days of imposition of such discipline, obtained approval from the State Bar for a new Supervising Lawyer as required by this rule;

(C) Upon initial issuance of an adverse moral character determination by the State Bar. If the Provisionally Licensed Lawyer requests a review of the adverse determination under rule 4.47.1 of the Rules of the State Bar or appeals the adverse moral character determination of the Committee of Bar Examiners under rule 4.47 of the Rules of the State Bar, in lieu of termination the provisional license shall be suspended until final resolution of the review or appeal.

(D) Upon admission to the State Bar of California;

(E) Upon cessation of the Provisional Licensure Program;

(F) Upon request of the Provisionally Licensed Lawyer;

(G) For failure to complete the State Bar New Attorney Training Program consistent with (e)(1)~~(A)~~ of this rule or failure to complete the legal ethics components under (d)(1)(C) of this rule;

(H) For failure to pay any fees required by the State Bar; or

(I) If the Provisionally Licensed Lawyer no longer meets the requirements of this rule.

(2) A notice of termination is effective ten calendar days from the date of receipt. Receipt is deemed to be five calendar days from the date of mailing to a California address or emailing to the provisional licensee's email address of record; ten calendar days from the date of mailing to an address elsewhere in the United States; and twenty calendar days from the date of mailing to an address outside the United States. Alternatively, receipt is when the State Bar delivers a document physically by personal service or otherwise.

(3) A Provisionally Licensed Lawyer whose provisional licensure terminated upon request or upon imposition of discipline against the Supervising Lawyer may be reinstated if they meet all eligibility and application requirements of this rule.

(Subd (j) amended effective May 26, 2022.)

(k) Public Records

State Bar records for Provisionally Licensed Lawyers, including office address and discipline records, are public to the same extent as State Bar records related to fully-licensed lawyers.

(l) Inherent Power of Supreme Court

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

Rule 9.49 amended effective December 21, 2022; adopted effective November 17, 2020; previously amended effective February 1, 2021, and May 26, 2022.

CLEAN VERSION

Rule 9.49. Provisional Licensure

(a) State Bar Provisional Licensure Program

(1) The State Bar shall administer a program for provisionally licensing eligible 2020 Law School Graduates and for eligible First-Time Registrants of the February 2025 California Bar Exam. The program shall be referred to as the "Provisional Licensure Program."

(2) The Provisional Licensure Program shall terminate on May 31, 2023 for 2020 Law School Graduates admitted to the program prior to December 31, 2022 who fail to satisfy all of the following requirements on or before May 31, 2023:

(A) Successful completion of the State Bar New Attorney Training Program pursuant to rule 9.32;

(B) A passing score on the Multistate Professional Responsibility Exam;

(C) An active positive moral determination, unless the determination has been suspended pending resolution of a final review or appeal under (j)(l)(C);

(D) Submission of all other documentation of completion in the format required by the State Bar;

(E) Approval of an eligible supervisor committed to supervise the participant through the end of 2023.

(3) First-Time Registrants of the February 2025 California Bar Exam must apply to participate in the program by December 31, 2025. The Provisional Licensure Program shall terminate on May 31, 2026 for those who have applied to the program prior to December 31, 2025 but who fail to satisfy all of the following requirements on or before May 31, 2026:

(A) Successful completion of the State Bar New Attorney Training Program pursuant to rule 9.32;

(B) Submission of all other documentation of completion in the format required by the State Bar; and

(C) Approval of an eligible supervisor committed to supervise the applicant through the end of 2027, or upon the applicant receiving a passing score on the California Bar Examination, whichever occurs first.

(4) For 2020 Law School Graduates and First-Time Registrants of the February 2025 California Bar Exam who have not received a passing score on the California Bar Examination, but have satisfied all the requirements under (a)(2) or (a)(3), the

Provisional Licensure Program under this rule shall terminate on December 31, 2027.

(5) Upon termination of the Provisional Licensure Program, no one who was provisionally licensed pursuant to this rule shall be permitted to continue to practice as a Provisionally Licensed Lawyer, nor shall they represent that they remain provisionally licensed or are otherwise authorized to practice law in the State of California unless they have been admitted to the practice of law in California after meeting all criteria for admission including passage of the California Bar Examination, or are otherwise authorized to practice law in this state other than under this rule. The temporary authorization to practice under supervision under the Provisional Licensure Program does not confer either a plenary license or any vested or implied right to be licensed.

(Subd (a) amended effective December 21, 2022; previously amended effective May 26, 2022.)

(b) Definitions

(1) A "2020 Law School Graduate" means a person who became eligible to sit for the California Bar Examination under Business and Professions Code sections 6060 and 6061 between December 1, 2019 and December 31, 2020, either by graduating from a qualifying law school with a juris doctor (J.D.) or master of laws (LLM) degree during that time period, or by otherwise meeting the legal education requirements of Business and Professions Code sections 6060 and 6061 during that time period.

(2) A "First-Time Registrant of the February 2025 California Bar Exam" means a person who was registered to take the February 2025 California Bar Examination as a first-time taker but either failed to obtain a passing score or withdrew from the administration of that exam.

(3) For purposes of this rule, a "Provisionally Licensed Lawyer" means a 2020 Law School Graduate or a First-Time Registrant of the February 2025 California Bar Exam who meets the eligibility criteria of this rule and is granted provisional licensure by the State Bar.

(4) "Supervising Lawyer" means a lawyer who meets the eligibility criteria of this rule and who supervises one or more Provisionally Licensed Lawyers.

(5) "Firm" or "law firm" means a law partnership; a professional law corporation; a lawyer acting as a sole proprietorship; an association authorized to practice law; or lawyers employed in a legal services organization or in the legal department, division, or office of a corporation, of a governmental organization, or of another organization as defined by rule 1.01 of the California Rules of Professional Conduct and the commentary thereto.

(Subd (b) amended effective February 1, 2021.)

(c) Application Requirements

(1) To participate in the Provisional Licensure Program, an eligible First-Time Registrant of the February 2025 California Bar Exam must complete the following application requirements no later than December 31, 2025.

(A) Submit an Application for Provisional Licensure with the State Bar, along with an application fee to be determined by the State Bar. There shall be no fee for applicants whose sole use of the Provisional License will be in an unpaid volunteer capacity under the direction of the Supervising Lawyer;

(B) Submit to the State Bar a declaration signed by the applicant agreeing that the applicant will be subject to the disciplinary authority of the Supreme Court and the State Bar with respect to the laws of the State of California and governing the conduct of lawyers, and attesting that the applicant will not practice California law other than under the supervision of a Supervising Lawyer during the time the applicant is provisionally licensed under this rule; and attesting that the applicant will not practice law in a jurisdiction where to do so would be in violation of laws of the profession in that jurisdiction;

(C) Submit to the State Bar a declaration signed by a Supervising Lawyer who meets the requirements of this rule attesting that the applicant is employed by or volunteers at, or has a conditional offer to be employed by or volunteer with the firm where the Supervising Lawyer works and that the firm has an office located in California; that the nature of the employment conforms with the requirements of this rule; whether the employment is paid or unpaid; and that the Supervising Lawyer meets the eligibility requirements of and will comply with this rule. If an applicant works or volunteers for more than one firm concurrently as a Provisionally Licensed Lawyer, the applicant shall have a Supervising Lawyer at each firm and shall submit a declaration from each Supervising Lawyer.

(D) Receive a passing score on the Multistate Professional Responsibility Exam; and

(E) Obtain an active positive moral determination, unless the determination has been suspended pending resolution of a final review or appeal under (j)(l)(C).

(2) An Application for Provisional Licensure may be denied if:

(A) An applicant fails to comply with eligibility or application requirements;

(B) In connection with the Application for Provisional Licensure, an applicant makes a statement of material fact that the applicant knows to be false or makes the statement with reckless disregard as to its truth or falsity; or

(C) In connection with the Application for Provisional Licensure, an applicant fails to disclose a fact necessary to correct a statement known by the applicant to have created a material misapprehension in the matter, except that this rule does not authorize disclosure of information protected by Business and Professions Code section 6068, subdivision (e) or rule 1.6 of the California Rules of Professional Conduct.

(d) Eligibility Requirements

Except as provided in (a), to qualify as a Provisionally Licensed Lawyer under this rule, the applicant must:

(1) Meet all of the requirements for admission to the State Bar with the following exceptions:

(A) The applicant need not have sat for or passed the California Bar Examination;

(B) The applicant need not have obtained a positive moral character determination, so long as the applicant submitted a complete Application for Determination of Moral Character to the State Bar prior to submission of an Application for Provisional Licensure and that application has not resulted in issuance of an adverse moral character determination by the State Bar; and

(C) The applicant need not have sat for or passed the Multistate Professional Responsibility Exam prior to submission of an Application for Provisional Licensure if the applicant attests they will complete the legal ethics components of the New Attorney Training, described under (e)(1) of this rule, within the first 30 days of licensure as a Provisionally Licensed Attorney. If the legal ethics components of the New Attorney Training are not made available to the applicant at the time of licensure, the 30 days shall run from the first day the training components are made available.

(2) Comply with any rules or guidelines adopted by the State Bar relating to the State Bar's Provisional Licensure Program;

(3) Be employed by or volunteering with, or have a conditional offer of employment from or to volunteer with a firm that has an office located in California.; and

(4) Practice law under a Supervising Lawyer who is an active licensee in good standing of the State Bar or is a current judge of a court of record within the California

judicial branch, who satisfies the requirements for serving as a Supervising Lawyer under this rule.

(Subd (d) amended effective December 21, 2022; previously amended effective February 1, 2021.)

(e) Responsibilities of Provisionally Licensed Lawyers

Provisionally Licensed Lawyers must comply with all of the following requirements. Failure to comply with these requirements shall result in immediate termination from the Provisional Licensure Program:

(1) Complete the State Bar New Attorney Training program, as described in rule 9.32, during the first five months of licensure as a Provisionally Licensed Lawyer;

(2) Expressly refer to themselves orally, including but not limited to, in conversations with clients or potential clients, and in writing, including but not limited to, in court pleadings or other papers filed in any court or tribunal, on letterhead, business cards, advertising, and signature blocks, as a Provisionally Licensed Lawyer and/or participant in the State Bar's Provisional Licensure Program, and not describe themselves as a fully-licensed lawyer, or imply in any way orally or in writing that they are a fully-licensed lawyer;

(3) Include on every document the Provisionally Licensed Lawyer files in court or with any other tribunal the following information about the Supervising Lawyer: name, mailing address, telephone number, and State Bar number;

(4) Maintain with the State Bar a current e-mail address and an address of record that is the current California office address of the Provisionally Licensed Lawyer's firm;

(5) Report to the State Bar immediately upon termination of supervision by the Supervising Lawyer for any reason;

(6) Report to the State Bar any information required of lawyers by the State Bar Act, such as that required by Business and Professions Code sections 6068, subdivision (o) and 6068.8, subdivision (c), or by other legal authority;

(7) If reassigned to a new Supervising Lawyer for the same firm, submit a declaration from the new Supervising Lawyer in compliance with (c)(1)(C) and obtain State Bar approval before the new Supervising Lawyer assumes supervisory responsibility over the Provisionally Licensed Lawyer.

(8) Submit a new Application for Provisional Licensure and obtain State Bar approval before beginning employment with a new firm;

(9) Abide by the laws of the State of California relating to the practice of law, the California Rules of Professional Conduct, and the rules and regulations of the State Bar.

(Subd (e) amended effective February 1, 2021.)

(f) Prohibition on Accessing Client Trust Accounts

While practicing law under this rule, the Provisionally Licensed Lawyer must not open, maintain, withdraw funds from, deposit funds into, or attempt to open, maintain, or withdraw from or deposit into any client trust account.

(g) Permitted Activities

Subject to all applicable rules, regulations, and statutes, a Provisionally Licensed Lawyer may provide legal services to a client, including but not limited to appearing before a court or administrative tribunal, drafting legal documents, contracts or transactional documents, and pleadings, engaging in negotiations and settlement discussions, and providing other legal advice and counsel, provided that the work is performed under the supervision of a Supervising Lawyer.

(h) Communications and Work Product

For purposes of applying the privileges and doctrines relating to lawyer-client communications and lawyer work product, the Provisionally Licensed Lawyer shall be considered a subordinate of the Supervising Lawyer and thus communications and work product of the Provisionally Licensed Lawyer shall qualify for protection under such privileges and doctrines on the same basis.

(i) Supervision

(1) To meet the requirements of this rule, a Supervising Lawyer must:

(A) Work for the same firm by which the Provisionally Licensed Lawyer is or will be employed or at which the Provisionally Licensed Lawyer is or will be volunteering;

(B) Have practiced law for at least four years in any United States jurisdiction and have actively practiced law in California or taught law at a California Law School for at least two years immediately preceding the time of supervision, and be a licensee in good standing of the State Bar of California or be a current judge of a court of record within the California judicial branch;

(C) Exercise competence in any area of legal service authorized under California law in which the Supervising Lawyer is supervising the Provisionally Licensed

Lawyer, consistent with the requirements of rule 1.1 of the California Rules of Professional Conduct;

(D) With the exception of a current judge of a court of record within the California judicial branch, not be inactive in California, or ineligible to practice, actually suspended, under a stayed suspension order, or have resigned or been disbarred in any jurisdiction;

(E) Disclose in writing, via email or other means, at the outset of representation or before the Provisionally Licensed Lawyer begins to provide legal services, that a Provisionally Licensed Lawyer and/or participant in the State Bar's Provisional Licensure Program may provide legal services related to the client's matter;

(F) Be prepared to assume personal representation of the Provisionally Licensed Lawyer's clients if the Provisionally Licensed Lawyer becomes ineligible to practice under this rule or is otherwise unavailable to continue the representation;

(G) Agree to assume professional responsibility for any work that the Provisionally Licensed Lawyer performs under this rule; and

(H) Agree to notify the State Bar, in writing, within 10 calendar days if the Supervising Lawyer becomes aware or reasonably should have become aware that:

i. The Provisionally Licensed Lawyer has terminated employment;

ii. The Provisionally Licensed Lawyer is no longer eligible for participation in the Provisional Licensure Program;

iii. The Supervising Lawyer no longer meets the requirements of this rule;

iv. The Supervising Lawyer is no longer supervising the Provisionally Licensed Lawyer; or

v. The Supervising Lawyer has changed offices or email addresses.

(2) A Supervising Lawyer may delegate some or all day-to-day supervisory responsibilities or supervisory responsibilities related to certain practice areas or assignments to another lawyer in the same organization who otherwise meets the requirements for Supervising Lawyers, without the need for those additional supervisors to file a declaration with the State Bar. The Supervising Lawyer's obligations under (i)(1)(G) are not affected by any such delegation.

(3) A Supervising Lawyer who is a current judge of a court of record within the California judicial branch and lawyers to whom the judge delegates day-to-day supervisory responsibilities pursuant to (2) shall not be subject to the requirements of (i)(D) through (G).

(Subd (i) amended effective February 1, 2021.)

(j) Termination of Provisional Licensure

(1) A Provisionally Licensed Lawyer's provisional license terminates:

(A) Upon determination by the State Bar Court that the Provisionally Licensed Lawyer is culpable of conduct that would result in discipline if the Provisionally Licensed Lawyer were fully licensed by the State Bar, or upon imposition of any sanction for misconduct by any court or tribunal, or any professional or occupational licensing authority, including administrative or stayed suspension against the Provisionally Licensed Lawyer;

(B) Upon imposition of any discipline for misconduct by the State Bar, the Supreme Court, or any other bar, including administrative or stayed suspension, against the Supervising Lawyer, unless the Provisionally Licensed Lawyer has, within 15 calendar days of imposition of such discipline, obtained approval from the State Bar for a new Supervising Lawyer as required by this rule;

(C) Upon initial issuance of an adverse moral character determination by the State Bar. If the Provisionally Licensed Lawyer requests a review of the adverse determination under rule 4.47.1 of the Rules of the State Bar or appeals the adverse moral character determination of the Committee of Bar Examiners under rule 4.47 of the Rules of the State Bar, in lieu of termination the provisional license shall be suspended until final resolution of the review or appeal.

(D) Upon admission to the State Bar of California;

(E) Upon cessation of the Provisional Licensure Program;

(F) Upon request of the Provisionally Licensed Lawyer;

(G) For failure to complete the State Bar New Attorney Training Program consistent with (e)(1) of this rule or failure to complete the legal ethics components under (d)(1)(C) of this rule;

(H) For failure to pay any fees required by the State Bar; or

(I) If the Provisionally Licensed Lawyer no longer meets the requirements of this rule.

(2) A notice of termination is effective ten calendar days from the date of receipt. Receipt is deemed to be five calendar days from the date of mailing to a California address or emailing to the provisional licensee's email address of record; ten calendar days from the date of mailing to an address elsewhere in the United States; and twenty calendar days from the date of mailing to an address outside the United States. Alternatively, receipt is when the State Bar delivers a document physically by personal service or otherwise.

(3) A Provisionally Licensed Lawyer whose provisional licensure terminated upon request or upon imposition of discipline against the Supervising Lawyer may be reinstated if they meet all eligibility and application requirements of this rule.

(Subd (j) amended effective May 26, 2022.)

(k) Public Records

State Bar records for Provisionally Licensed Lawyers, including office address and discipline records, are public to the same extent as State Bar records related to fully-licensed lawyers.

(l) Inherent Power of Supreme Court

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

Rule 9.49 amended effective December 21, 2022; adopted effective November 17, 2020; previously amended effective February 1, 2021, and May 26, 2022.