SUPREME COURT
FILED
SEP 25 2025
Jorge Navarrete Clerk
Deputy

S290966

ADMINISTRATIVE ORDER 2025-09-24-02

IN THE SUPREME COURT OF CALIFORNIA

EN BANC

REQUEST THAT THE CALIFORNIA SUPREME COURT REVIEW AND APPROVE RECOMMENDED CHANGES TO THE COURT'S PROPOSED AMENDMENTS TO TITLE NINE OF THE CALIFORNIA RULES OF COURT

The State Bar of California's "Request that the California Supreme Court Review and Approve Recommended Changes to the Court's Proposed Amendments to Title Nine of the California Rules of Court" is granted, in part (as modified) and denied, in part.

The approved amendments to rules 9.1–9.6, 9.9.5, 9.12–9.15, 9.22, 9.30–9.32, 9.40–9.41, 9.43–9.48 and new approved rules 9.16.1 and 9.16.2 of the California Rules of Court, as revised by the court, are set forth in the Attachment.

These amendments are effective October 1, 2025.

It is so ordered.

GUERRERO
Chief Justice

CORRIGAN, J.
Associate Justice

LIU, J.
Associate Justice

KRUGER, J.
Associate Justice

GROBAN, J.
Associate Justice

JENKINS, J.
Associate Justice

EVANS, J.
Associate Justice

REDLINE VERSION

ATTACHMENT

Title 9. Rules on Law Practice, Attorneys, and Judges

Division 2. ~~Attorney~~ Admission and ~~Disciplinary Proceedings~~Discipline of Attorneys and Review of State Bar Proceedings

Chapter 1. General Provisions

Rule 9.1. Definitions
~~*Rule 9.2. Interim special regulatory assessment for Attorney Discipline*~~

Rule 9.1. Definitions

As used in this division, unless the context otherwise requires:

(1) "State Bar" means the State Bar of California as established under Article VI, Section 9 of the California Constitution and Business and Professions Code section 6001.

(~~1~~2) "Licensee" means a person licensed by the State Bar to practice law in this state.

(3) "Board of Trustees" means the Board of Trustees of the State Bar of California established under Business and Professions Code section 6010.

(4) "Committee of Bar Examiners" means the committee established by the Board of Trustees of the State Bar under Business and Professions Code section 6046.

(~~2~~5) "State Bar Court" means the Hearing Department or the Review Department established under Business and Professions Code sections 6079.1 and 6086.65.

(6) "Hearing Department" means the Hearing Department of the State Bar Court established under Business and Professions Code section 6079.1.

(~~3~~7) "Review Department" means the Review Department of the State Bar Court established under Business and Professions Code section 6086.65.

(~~4~~8) "General Counsel" means the general counsel of the State Bar of California appointed under Business and Professions Code section 6012.

(~~5~~9) "Chief Trial Counsel" means the chief trial counsel of the State Bar of California appointed under Business and Professions Code section 6079.5.

Rule 9.1 amended effective January 1, 2019; adopted as rule 950 effective December 1, 1990; previously amended and renumbered as rule 9.5 effective January 1, 2007; previously renumbered as 9.1 effective January 1, 2018.

Rule 9.2. Interim Special Regulatory Assessment for Attorney Discipline

(a) This rule is adopted by the Supreme Court solely as an emergency interim measure to protect the public, the courts, and the legal profession from the harm that may be caused by the absence of an adequately functioning attorney disciplinary system. The Supreme Court contemplates that the rule may be modified or repealed once legislation designed to fund an adequate attorney disciplinary system is enacted and becomes effective.

(b) (1) Each active licensee shall pay a mandatory regulatory assessment of two hundred ninety-seven dollars ($297) to the State Bar of California. This assessment is calculated as the sum of the following amounts:

(A) Two hundred eighty-three dollars ($283) to support the following departments and activities:

Office of Chief Trial Counsel
Office of Probation
State Bar Court
Mandatory Fee Arbitration program
Office of Professional Competence
Office of General Counsel
Office of Licensee Records and Compliance
Licensee Billing
Office of Communications (support of discipline only)
California Young Lawyers Association (discipline-related only).

(B) Nine dollars ($9) to fund implementation of the workforce plan recommendations from the National Center for State Courts.

(C) Five dollars ($5) to make up for revenue the State Bar will forgo because of assessment scaling and assessment waivers, as provided for under this rule.

(2) The $297 assessment specifically excludes any funding for the State Bar's legislative lobbying, elimination of bias, and bar relations programs.

(3) Payment of this assessment is due by March 1, 2017. Late payment or nonpayment of the assessment shall subject a licensee to the same penalties and/or sanctions applicable to mandatory fees authorized by statute.

(4) The provisions regarding fee scaling, fee waivers, and penalty waivers contained in Business and Professions Code section 6141.1 and rules 2.15 and 2.16 of the Rules of the State Bar of California shall apply to requests for relief from payment of the assessment or any penalty under this rule. Applications for relief from payment shall be made to the State Bar, which may grant or deny waivers in conformance with its existing rules and regulations. The State Bar shall keep a record of all fee scaling and fee waivers approved and the amount of fees affected.

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

~~(c) A special master appointed by the Supreme Court shall establish the Special Master's Attorney Discipline Fund, into which all money collected pursuant to this rule shall be deposited. The special master shall oversee the disbursement and allocation of funds from the Special Master's Attorney Discipline Fund for the limited purpose of maintaining, operating, and supporting an attorney disciplinary system, including payment of the reasonable costs and expenses of the special master as ordered by the Supreme Court. The special master shall exercise authority pursuant to the charge of the Supreme Court and shall submit quarterly reports and recommendations to the Supreme Court regarding the supervision and use of these funds. The State Bar shall respond in timely and accurate fashion to the special master's requests for information and reports.~~

~~Should any funds collected pursuant to this rule not be used for the limited purpose set forth in the rule, the Supreme Court may order the refund of an appropriate amount to licensees or take any other action that it deems appropriate.~~

~~*(Subd (c) amended effective January 1, 2019.)*~~

~~*Rule 9.2 amended effective January 1, 2019; adopted as rule 9.9 effective November 16, 2016; previously renumbered effective January 1, 2018.*~~

Chapter 2. Attorney Admissions

Rule 9.3. Inherent power of Supreme Court
Rule 9.4. Nomination and appointment of members to Committee of Bar Examiners
Rule 9.5. ~~Supreme Court approval of admissions rules~~Authority of the Committee of Bar Examiners
Rule 9.6. ~~Supreme Court approval of~~The California bar examination
Rule 9.7. Oath required when admitted to practice law
Rule 9.8. Roll of attorneys admitted to practice
Rule 9.8.5. State Bar Client Trust Account Protection Program
Rule 9.9. Online reporting by attorneys
Rule 9.9.5. ~~Attorney f~~Fingerprinting of applicants and licensees

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.

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

(a) Appointments

(1) The Supreme Court is responsible for appointing ten examiners to the Committee of Bar Examiners for a term of four years with each full term commencing at the end of the Board of Trustees' September meeting~~, each~~.

(2) The Supreme Court may fill any vacancies at any time. Vacancies shall be filled for ~~a~~ the remainder of the four-year term vacated and such appointments do not count toward any term limits for the examiner filling the vacancy under (a)(5) of this rule.

(3) At least one ~~of the ten examiners~~examiner must be a judicial officer in this state~~, and the balance~~.

(4) The other examiners must be licensees ~~of the State Bar. At~~, at least one of ~~the attorney examiners~~whom shall have been admitted to practice law in California within three years ~~from~~of the date of ~~his or her~~ appointment. ~~The court may reappoint an attorney or judicial officer examiner to~~

(5) With the exception of appointments to fill a partial term vacancy under (a)(2) of this rule, each examiner shall serve ~~no more than~~for a term of four years and may apply for reappointment by the Supreme Court for up to three additional full terms~~, and may fill any vacancy in the term of any appointed attorney or judicial officer examiner~~. Reappointments are at the discretion of the Supreme Court. Examiners may continue to serve beyond the expiration of their terms until their successors are appointed.

(6) The Supreme Court shall select the chair and vice chair of the Committee of Bar Examiners. The terms of the chair and vice chair shall be one year ending at the conclusion of the Board of Trustees' September meeting.

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

(b) Nominations

(1) The Supreme Court ~~must~~may 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.

(2) Candidates selected for nominations shall be screened for actual and potential conflicts of interest including any financial and nonfinancial interests that might affect or might be affected by the candidate's service as an examiner. Such conflicts may include being actively involved in any capacity related to a bar examination preparation business or in any other capacity to assist applicants in fulfilling the requirements for admission; or are actively serving as a member of the governing or other policy-making board or committee of a law school.

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

Rule 9.5. ~~Supreme Court approval~~Authority of ~~admissions rules~~the Committee of Bar Examiners

~~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.~~

(a) Admissions

The Committee of Bar Examiners, pursuant to the authority delegated to it by the Supreme Court and the Board of Trustees, is authorized to determine and 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. Any changes recommended by the examiners to the prerequisites to be certified for admission to practice law must be reviewed and approved by the Board of Trustees and then submitted to the Supreme Court for its review and approval.

(b) Additional authority

In furtherance of its duties under these rules, the Committee of Bar Examiners shall:

(1) Have the power to conduct hearings on matters involving admissions and may take and hear relevant evidence, administer oaths and affirmations, and compel by subpoena the attendance of witnesses and the production of documents in accordance with Code of Civil Procedure section 1985 et seq.,

(2) Regularly review the revenues and expenses for the admissions fund and propose a budget for the Office of Admissions, subject to review and approval by the Board of Trustees, prior to the adoption of a final budget pursuant to Business and Professions Code section 6140.1;

(3) Recommend to the Executive Director of the State Bar any candidate under consideration for Chief of Admissions;

(4) Regulate and oversee law schools conferring a juris doctor degree in California that are not accredited by the American Bar Association, as required by Business and Professions Code section 6060.7; and

(5) Set fees related to admissions programs and related to the accreditation, registration, and inspection of law schools under (b)(4), subject to review and approval by the Board of Trustees.

(c) Delegation of duties

The Committee of Bar Examiners may delegate its duties described in this rule and rule 9.6 to a subcommittee of examiners, as necessary and where not prohibited by law or these rules. Unless otherwise stated in the delegation, the action of the subcommittee shall be the decision of the committee without further ratification. Actions taken by the subcommittee shall be reported to the full committee at the next regularly scheduled meeting.

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

Rule 9.6. ~~Supreme Court approval of~~ The California bar examination

(a) ~~Bar Examination~~ Administration of the exam

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~~administering the bar examination, including its mode of administration, proctoring, 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.~~ In carrying out these responsibilities, the committee:

(1) May utilize the services of third parties, subject to review and approval by the Board of Trustees, to prepare bar examination questions, provided that the vendor has no financial interest in other matters that might create a conflict of interest with the State Bar or with the vendor's ability to draft fair and reliable exam questions. With the exception of examination questions provided by the National Conference of Bar Examiners, the attorney and judicial officer members of the committee, or their designated content validation panels, must review all new questions drafted for the examination before they are administered on a bar examination or released for use in any study guide;

(2) Must develop, maintain, and publish qualification standards, subject to review and approval by the Supreme Court, for the committee's selection of panelists and subject matter experts for any content validation panels or standard setting panels designated by the committee to review new examination questions or to determine the recommended raw passing score for the bar examination;

(3) Must develop, maintain, and publish standards for assessing the ability of any third-party vendor to administer and/or proctor the bar examination in any format (in-person, online, or hybrid), subject to review and approval by the Board of Trustees;

(4) Must develop, maintain, and publish standards regarding bar examination testing accommodations, subject to review and approval by the Board of Trustees;

(5) Must oversee the grading process of the bar examination and develop, maintain, and publish standards for grading, regrading, and for any scoring adjustments redressing exam administration irregularities, subject to review and approval by the Board of Trustees;

(6) Must recommend any change to the passing score for the bar examination, subject to review and approval by the Supreme Court; and

(7) Must consult with law school stakeholders on issues relating to the doctrines tested on the bar examination, the experience of examinees, and the effective design and delivery of exams.

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

(b) Analysis of costs and benefits of changes to the exam

Any changes to the bar examination that require substantial modification to the training or preparation required for passage of the examination or that substantially modify the method by which the examination is administered must be approved by the Supreme Court. In proposing such changes, the Committee of Bar Examiners must conduct and submit a cost-benefit analysis to assess, if relevant:

(1) The direct and indirect costs and the tangible and intangible benefits for the State Bar and examinees of existing practices compared to the proposed changes;

(2) Any other alternative, existing products or services that are feasible to accomplish the same goals and objectives as the proposed changes and at a comparable or lower cost for the State Bar and the examinees;

(3) Whether any new technological requirements or new fees to implement the proposed changes would place an undue financial burden on the examinees;

(4) The estimated number of temporary and non-temporary full-time equivalent positions necessary to implement the proposed changes;

(5) The estimated timeframe required to competently implement the proposed changes; and

(6) Whether the proposed changes have previously demonstrated their efficacy under testing conditions similar to those of the bar examination.

(~~b~~c) Analysis of validity

~~The State Bar~~The Committee of Bar Examiners, subject to the review and approval of the Board of Trustees, must conduct an analysis of the validity of the bar examination and its passing score at least once every seven years, or whenever directed by the Supreme Court. The ~~State Bar~~examiners must prepare and submit a report summarizing its findings and

recommendations, if any, to the Board of Trustees and the Supreme Court. Any recommendations proposing significant changes to the topics and skills tested on 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.)

(ed) Report on examination

The ~~State~~Committee of Bar Examiners 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.

Rule 9.9.5. ~~Attorney~~ Fingerprinting of applicants and licensees

~~**(a) Subsequent arrest notification**~~

~~(1) The State Bar must enter into a contract with the California Department of Justice for subsequent arrest notification services for attorneys whose license is on active status with the State Bar ("active licensed attorneys") and attorneys permitted to practice in the State of California pursuant to rules 9.44, 9.45, and 9.46 of the California Rules of Court ("special admissions attorneys").~~

~~(2) The State Bar must consider those active licensed attorneys and special admissions attorneys for whom it is already receiving subsequent arrest notification services as having satisfied the fingerprinting requirement of this rule and thereby exempt. The State Bar must adopt a procedure for notification of all attorneys as to whether they have been deemed to have already satisfied the requirement.~~

~~**(b) Active licensed attorneys**~~

~~Each active licensed attorney, with the exception of those attorneys specifically exempt under (a)(2) of this rule, must, pursuant to the procedure identified by the State Bar, be fingerprinted for the purpose of obtaining criminal offender record information regarding state and federal level convictions and arrests from the Department of Justice and the Federal Bureau of Investigation. These fingerprints will be retained by the Department of Justice for the limited purpose of subsequent arrest notification~~.

~~**(c) Inactive licensed attorneys**~~

~~An attorney whose license is on inactive status with the State Bar ("inactive licensed attorneys"), with the exception of those attorneys specifically exempt under (a)(2) of this rule, must, pursuant to the procedure identified by the State Bar, be fingerprinted prior to being placed on active status for the purposes described in (b) of this rule.~~

~~**(d) Active licensed attorneys in foreign countries**~~

~~Active licensed attorneys who are residing outside the United States and required to submit fingerprints under this rule should have their fingerprints taken by a licensed fingerprinting service agency and submit the hard copy fingerprint card to the State Bar. If fingerprinting services are not provided in the jurisdiction where the attorney is physically located, or the attorney is able to provide evidence that he/she is unable to access or afford such services, the attorney must notify the State Bar pursuant to the procedure identified by the State Bar. The attorney will be exempt from providing fingerprints until he or she returns to the United States for a period of not less than 60 days.~~

(a) Fingerprinting of applicants for admission or reinstatement

Applicants for admission or reinstatement to the practice of law in the State of California must, pursuant to the procedures and exceptions identified by the State Bar, be fingerprinted for the purpose of obtaining criminal offender record information regarding state and federal level convictions and arrests from the California Department of Justice and the Federal Bureau of Investigation. The State Bar's use of that information shall be limited to the official use of the State Bar in establishing the identity of the applicant and in determining the character and fitness of the applicant for admission or reinstatement, and in discovering prior and subsequent criminal arrests of an applicant, licensee, or applicant for reinstatement.

(b) Fingerprinting of active or inactive licensees

Each active licensee must, pursuant to the procedures and exceptions identified by the State Bar, be fingerprinted for the purpose of obtaining criminal offender record information regarding state and federal level convictions and arrests from the California Department of Justice and the Federal Bureau of Investigation. Failure to be fingerprinted, if required, may result in involuntary inactive enrollment of the licensee pursuant to Business and Professions Code section 6054, subdivision (e). An inactive licensee who has not previously submitted fingerprints under this rule must, pursuant to the procedures and exceptions identified by the State Bar, be fingerprinted prior to being placed on active status. The fingerprints submitted under this rule will be retained by the California Department of Justice for the limited purpose of subsequent arrest notification.

(ec) Special admissions attorneys

Attorneys permitted to practice law in the State of California pursuant to rules 9.41.1, 9.44, 9.45, and 9.46 ~~of the California Rules of Court, with the exception of those attorneys specifically exempt under (a)(2) of this rule,~~ must, pursuant to the procedures and exceptions identified by the State Bar, be fingerprinted for the purpose of obtaining criminal offender record information regarding state and federal level convictions and arrests from the California Department of Justice and the Federal Bureau of Investigation. These fingerprints will be retained by the California Department of Justice for the limited purpose of subsequent arrest notification. Failure to be fingerprinted, if required, may result in a State Bar determination that the attorney cease providing legal services in California.

~~**(f) Implementation schedule and penalty for noncompliance**~~

~~(1) The State Bar must develop a schedule for implementation that requires all attorneys subject to fingerprinting under (b) of this rule to be fingerprinted by December 1, 2019. The State Bar must develop a schedule for implementation that requires all special admissions attorneys subject to fingerprinting under (e) of this rule to be fingerprinted by the renewal of their application to practice law in the State of California.~~

~~(2) The State Bar has ongoing authority to require submission of fingerprints after December 1, 2019 for attorneys for whom it is not receiving subsequent arrest notification services and for attorneys transferring to active status. Failure to be fingerprinted if required by this rule may result in involuntary inactive enrollment pursuant to Business and Professions Code section 6054(d).~~

~~(3) The State Bar has ongoing authority to require submission of fingerprints after December 1, 2019, for special admissions attorneys for whom it is not receiving subsequent arrest notification services. Failure to be fingerprinted if required may result in a State Bar determination that the attorney cease providing legal services in California.~~

(d) Subsequent arrest notification

The State Bar must maintain a contract with the California Department of Justice for subsequent arrest notification services for licensees on active status with the State Bar and special admissions attorneys permitted to practice in the State of California pursuant to rules 9.41.1, 9.44, 9.45, and 9.46.

(ge) Information obtained by fingerprint submission; disclosure limitations

Any information obtained by the State Bar as a result of fingerprint submission under this rule must be kept confidential and used solely for State Bar licensing and regulatory purposes.

(hf) Fingerprint submission and processing costs

(1) Except as described in (hf)(2), all costs incurred for the processing of fingerprints for the State Bar, including print furnishing and encoding, as required by Business and Professions Code section 6054, must be borne by the ~~licensed attorney~~applicant, licensee, or special admissions attorney.

(2) The State Bar must develop procedures for granting waivers of the processing costs of running California Department of Justice and Federal Bureau of Investigation background checks for ~~licensed attorneys~~applicants and licensees with demonstrable financial hardship.

(ig) ~~Attorneys~~ Persons who are physically unable to be fingerprinted

(1) If the California Department of Justice makes a determination pursuant to Penal Code section 11105.7 that any ~~attorney~~person required to be fingerprinted under this

rule is presently unable to provide legible fingerprints, the ~~attorney~~person will be deemed to have complied with the fingerprinting requirements of this rule.

(2) ~~Attorneys~~Persons required to be fingerprinted under this rule may also submit notification to the State Bar that they are unable to submit fingerprints due to disability, illness, accident, or other circumstances beyond their control. The State Bar must evaluate the notification and may require additional evidence. If the State Bar determines that the ~~attorney~~person is unable to submit fingerprints based on the information provided, the ~~attorney~~person will be deemed to have complied with the fingerprinting requirements of this rule.

(3) A determination of deemed compliance under (~~i~~g)(1) and (~~i~~g)(2) will apply only to those ~~attorneys~~persons who are unable to supply legible fingerprints due to disability, illness, accident, or other circumstances beyond their control and will not apply to ~~attorneys~~persons who are unable to provide fingerprints because of actions they have taken to avoid submitting their fingerprints.

Rule 9.9.5 adopted effective June 1, 2018.

Chapter 3. Attorney Disciplinary Proceedings

Rule 9.10. Authority of the State Bar Court
Rule 9.11. State Bar Court judges
Rule 9.12. Standard of review for State Bar Court Review Department
Rule 9.13. ~~Review~~Petitions for review by licenscees of State Bar Court decisions and review of other State Bar decisions
Rule 9.14. Petitions for review by the Chief Trial Counsel of State Bar Court decisions
Rule 9.15. Petitions for review by the State Bar~~; grounds for review; confidentiality~~ in moral character proceedings
Rule 9.16. Grounds for review of State Bar Court decisions in the Supreme Court
Rule 9.16.1. Briefs by parties following grant of review by the Supreme Court
Rule 9.16.2. Requesting depublication of published State Bar Court opinion
Rule 9.17. Remand with instructions
Rule 9.18. Effective date of disciplinary orders and decisions
Rule 9.19. Conditions attached to reprovals
Rule 9.20. Duties of disbarred, resigned, or suspended attorneys
Rule 9.21. Resignations of licensees of the State Bar with disciplinary charges pending
Rule 9.22. Suspension of licensees of the State Bar for failure to comply with judgment or order for child or family support
Rule 9.23. Enforcement as money judgment disciplinary orders directing the payment of costs and disciplinary orders requiring reimbursement of the Client Security Fund

Rule 9.12. Standard of review for State Bar Court Review Department-

In reviewing the decisions, orders, or rulings of a hearing judge under rule ~~301~~5.151 of the Rules of Procedure of the State Bar of California or such other rule as may be adopted governing the review of any decisions, orders, or rulings by a hearing judge that fully disposes of an entire proceeding, the Review Department of the State Bar Court must independently review the record and may adopt findings, conclusions, and a decision or recommendation different from those of the hearing judge.-

Rule 9.12 amended and renumbered effective January 1, 2007; adopted as rule 951.5 by the Supreme Court effective February 23, 2000.

Rule 9.13. ~~Review~~Petitions for review by licensees of State Bar Court decisions and review of other State Bar decisions

(a) Review of recommendation of disbarment or suspension

A petition to the Supreme Court by a licensee to review a decision of the State Bar Court recommending his or her disbarment or suspension from practice must be served and filed within 60 days after a certified copy of the decision complained of is filed with the Clerk of the Supreme Court. The State Bar may serve and file an answer to the petition within ~~15~~ 20 days after filing of the petition. Within ~~5~~ 10 days after filing of the answer, the petitioner may serve and file a reply. ~~If review is ordered by the Supreme Court, the State Bar must serve and file a supplemental brief within 45 days after the order is filed. Within 15 days after filing of the supplemental brief, the petitioner may serve and file a reply brief.~~

(Subd (a) amended effective January 1, 2019; previously relettered and amended effective October 1, 1973; previously amended effective July 1, 1968, December 1, 1990, and January 7, 2007.)

(b) Review of recommendation to set aside stay of suspension or modify probation

A petition to the Supreme Court by a licensee to review a recommendation of the State Bar Court that a stay of an order of suspension be set aside or that the duration or conditions of probation be modified on account of a violation of probation must be served and filed within 15 days after a certified copy of the recommendation complained of is filed with the Clerk of the Supreme Court. Within 15 days after filing of the petition, the State Bar may serve and file an answer. Within 5 days after filing of the answer, the petitioner may serve and file a reply.

(Subd (b) amended effective January 1, 2019; adopted effective October 1, 1973; previously amended effective December 1, 1990; and January 1, 2007.)

(c) Review of interim decisions

A petition to the Supreme Court by a licensee to review a decision of the State Bar Court regarding interim suspension, the exercise of powers delegated by rule 9.10(b)–(e), or another interlocutory matter must be served and filed within 15 days after written notice of the adverse decision of the State Bar Court is mailed by the State Bar to the petitioner and to his or her counsel of record, if any, at their respective addresses under Business and Professions Code section 6002.1. Within 15 days after filing of the petition, the State Bar may serve and file an answer. Within 5 days after filing of the answer, the petitioner may serve and file a reply.

(Subd (c) amended effective January 1, 2019; adopted effective December 1, 1990; previously amended effective January 1, 2007.)

(d) Review of other decisions

A petition to the Supreme Court to review any other decision of the State Bar Court or action of the Board of Trustees of the State Bar, or of any board or committee appointed by it and authorized to make a determination under the provisions of the State Bar Act, or of the chief executive officer of the State Bar or the designee of the chief executive officer authorized to make a determination under article 10 of the State Bar Act or these rules of court, must be served and filed within 60 days after written notice of the action complained of is mailed to the petitioner and to his or her counsel of record, if any, at their respective addresses under Business and Professions Code section 6002.1. Within ~~15~~20 days after filing of the petition, the State Bar may serve and file an answer and brief. Within ~~5~~10 days after filing of the answer and brief, the petitioner may serve and file a reply. ~~If review is ordered by the Supreme Court, the State Bar, within 45 days after filing of the order, may serve and file a supplemental brief. Within 15 days after filing of the supplemental brief, the petitioner may serve and file a reply brief.~~

(Subd (d) amended effective January 1, 2019; previously amended effective July 1, 1968, May 1, 1986, April 2, 1987, and January 1, 2007; previously relettered and amended effective October 1, 1973, and December 1, 1990.)

(e) Contents of petition

(1) A petition to the Supreme Court filed under (a) or (b) of this rule must be verified, must specify the grounds relied upon, must show that review within the State Bar Court has been exhausted, must address why review is appropriate under one or more of the grounds specified in rule 9.16, and must have attached a copy of the State Bar Court decision from which relief is sought.

(2) When review is sought under (c) or (d) of this rule, the petition must also be accompanied by a record adequate to permit review of the ruling, including:

(A) Legible copies of all documents and exhibits submitted to the State Bar Court or the State Bar supporting and opposing petitioner's position;

(B) Legible copies of all other documents submitted to the State Bar Court or the State Bar that are necessary for a complete understanding of the case and the ruling; and

(C) A transcript of the proceedings in the State Bar Court leading to the decision or, if a transcript is unavailable, a declaration by counsel explaining why a transcript is unavailable and fairly summarizing the proceedings, including arguments by counsel and the basis of the State Bar Court's decision, if stated; or a declaration by counsel stating that the transcript has been ordered, the date it was ordered, and the date it is expected to be filed, which must be a date before any action is requested from the Supreme Court other than issuance of a stay supported by other parts of the record.

(3) A petitioner who requests an immediate stay must explain in the petition the reasons for the urgency and set forth all relevant time constraints.

(4) If a petitioner does not submit the required record, the court may summarily deny the stay request, the petition, or both.

(Subd (e) amended effective January 1, 2019; previously repealed and adopted by the Supreme Court effective December 1, 1990, and February 1, 1991; previously repealed and adopted effective March 15, 1991; previously amended effective January 1, 2007.)

(f) Service

All petitions, briefs, reply briefs, and other pleadings filed by a petitioner under this rule must be accompanied by proof of service of ~~three copies~~ one copy on the General Counsel of the State Bar at the San Francisco or the Los Angeles office of the State Bar, and of one copy on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court. The State Bar must serve the licensee at ~~his or her~~the address of record under Business and Professions Code section 6002.1, and ~~his or her~~ counsel of record, if any.

(Subd (f) amended effective January 1, 2019; adopted by the Supreme Court effective December 1, 1990; previously amended by the Supreme Court effective February 1, 1991; previously amended effective March 15, 1991, and January 1, 2007.)

Rule 9.13 amended effective January 1, 2019; adopted as rule 59 by the Supreme Court effective April 20, 1943, and by the Judicial Council effective July 1, 1943; previously amended and renumbered as rule 952 effective October 1, 1973, and as 9.13 effective January 1, 2007; previously amended effective July 1, 1976, May 1, 1986, April 2, 1987, December 1, 1990, February 1, 1991, and March 15, 1991.

Rule 9.14. Petitions for review by the Chief Trial Counsel of State Bar Court decisions

(a) Time for filing a petition

The Chief Trial Counsel may petition for review of recommendations and decisions of the State Bar Court as follows:

(1) From recommendations that a licensee be suspended, within 60 days of the date the recommendation is filed with the Supreme Court.

(2) From recommendations that the duration or conditions of probation be modified, or a reinstatement application be granted, within 15 days of the date the recommendation is filed with the Supreme Court.

(3) From decisions not to place an eligible licensee on interim suspension, or vacating interim suspension, or a denial of a petition brought under Business and Professions Code section 6007, subdivision (c), within 15 days of notice under the rules adopted by the State Bar.

(4) From decisions dismissing disciplinary proceedings or recommending approval, within 60 days of notice under the rules adopted by the State Bar.

(b) Subsequent briefs

Within 20 days after the filing of the petition under this rule, the licensee may serve and file an answer. Within 10 days after the filing of the answer, the Chief Trial Counsel may serve and file a reply.

(Subd (a) amended effective January 1, 2019; adopted effective March 15, 1991; previously adopted by the Supreme Court effective December 10, 1990; previously amended effective January 1, 2007.)

~~**(b) Procedures**~~

~~Proceedings under this rule with regard to briefing, service of process, and applicable time periods therefor must correspond to proceedings brought under rule 9.13, except that the rights and duties of the licensee and the State Bar under that rule are reversed.~~

(c) Service

All petitions, briefs, reply briefs, and other pleadings filed by the Chief Trial Counsel under this rule must be accompanied by proof of service on the licensee at the address of record under Business and Professions Code section 6002.1, and counsel of record, if any. All briefs and other pleadings filed by the licensee under this rule must be accompanied by proof of service of one copy on the General Counsel of the State Bar at the San Francisco or the Los Angeles office of the State Bar, and of one copy on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court.

(Subd (b) amended effective January 1, 2019; adopted as part of subd (d) effective March 15, 1991; previously adopted by the Supreme Court effective December 10, 1991; previously amended and relettered effective January 1, 2007.)

Rule 9.14 amended effective January 1, 2019; adopted as rule 952.5 effective March 15, 1991; previously amended and renumbered effective January 1, 2007.

Rule 9.15. Petitions for review by State Bar~~; grounds for review; confidentiality~~ in moral character proceedings

(a) Petition for review by the State Bar

The State Bar may petition for review of the decision of the Review Department of the State Bar Court in moral character proceedings. All petitions under this rule must be served and filed with the Clerk of the Supreme Court within 60 days after the State Bar Court decision is filed and served on the General Counsel of the State Bar at the San Francisco or the Los Angeles office of the State Bar. The applicant may file and serve an answer within ~~15~~20 days after filing of the petition. Within ~~5~~10 days after filing of the answer the State Bar may serve and file a reply. ~~If review is ordered by the Supreme Court, within 45 days after filing and service of the order, the applicant may serve and file a supplemental brief. Within 15 days after filing of the supplemental brief, the petitioner may serve and file a reply brief.~~

(Subd (a) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(b) Contents of petition

A petition to the Supreme Court filed under this rule must show that review within the State Bar Court has been exhausted, must address why review is appropriate under one or more of the grounds specified in rule 9.16, and must have attached a copy of the State Bar Court decision for which review is sought.

(Subd (b) amended effective January 1, 2007.)

(c) Service

All petitions, briefs, reply briefs, and other pleadings filed by the State Bar must include a proof of service by mail to the applicant's last address provided to the State Bar or the applicant's attorney of record, if any. Filings by the applicant must include a proof of service of ~~three copies~~one copy on the General Counsel of the State Bar at the San Francisco or the Los Angeles office of the State Bar and one copy on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court.

(Subd (c) amended effective January 1, 2019; previously amended effective April 20, 1998, and January 1, 2007.)

(d) Confidentiality

All filings under this rule are confidential unless: (1) the applicant waives confidentiality in writing; or (2) the Supreme Court grants review. Once the Supreme Court grants review, filings under this rule are open to the public; however, if good cause exists, the Supreme Court may order portions of the record or the identity of witnesses or other third parties to the proceedings to remain confidential.

(Subd (d) amended effective January 1, 2007; adopted effective April 20, 1998.)

Rule 9.15 amended effective January 1, 2019; adopted as rule 952.6 by the Supreme Court effective July 1, 1993, and by the Judicial Council May 6, 1998; previously amended by the Supreme Court effective April 20, 1998; previously amended and renumbered effective January 1, 2007.

Rule 9.16.1. Briefs by parties following grant of review by the Supreme Court

(a) Parties' briefs; time to file

If the Supreme Court grants review of a petition filed pursuant to rules 9.13(a) or (d), 9.14(a), or 9.15(a), the opposing party must serve and file a supplemental brief within 45 days after the order granting review is filed. Within 15 days after filing of the supplemental brief, the petitioner may serve and file a reply brief.

(b) Judicial notice

To obtain judicial notice by the Supreme Court under Evidence Code section 459, a party must comply with rule 8.252(a).

(c) Service

All briefs, reply briefs, and other pleadings filed by a licensee under this rule must be accompanied by proof of service of one copy on the General Counsel of the State Bar at the San Francisco or the Los Angeles office of the State Bar, and of one copy on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court. The State Bar must serve the licensee at the address of record under Business and Professions Code section 6002.1, and counsel of record, if any.

Rule 9.16.2. Requesting depublication of published State Bar Court opinion

(a) Request

(1) Any person may request the Supreme Court to order that an opinion certified for publication by the State Bar Court not be published.

(2) The request must not be made as part of a petition for review, but by a separate letter to the Supreme Court not exceeding 10 pages.

(3) The request must concisely state the person's interest and the reason why the opinion should not be published.

(4) The request must be delivered to the Supreme Court within 30 days after the decision is final in the State Bar Court.

(5) The request must be served on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court and all parties.

(b) Response

(1) Within 10 days after the Supreme Court receives a request under (a), the State Bar Court or any person may submit a response supporting or opposing the request. A response submitted by anyone other than the State Bar Court must state the person's interest.

(2) A response must not exceed 10 pages and must be served on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court, all parties, and any person who requested depublication.

(c) Action by Supreme Court

(1) The Supreme Court may order the State Bar Court to depublish the opinion or deny the request. It must send notice of its action to the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court, all parties, and any person who requested depublication.

(2) The Supreme Court, on its own motion, may order the State Bar Court to depublish an opinion, notifying the State Bar Court of its action.

(d) Effect of Supreme Court order to depublish

A Supreme Court order to depublish is not an expression of the court's opinion of the correctness of the result of the decision or of any law stated in the opinion. An opinion ordered depublished must not be cited or relied on by a court or a party in any other action. A depublished opinion may be cited when relevant under the doctrines of law of the case, res judicata, or collateral estoppel or if the opinion is relevant to a criminal or disciplinary action because it states reasons for a decision affecting the same defendant or respondent in another such action.

Rule 9.22. Suspension of licensees of the State Bar for failure to comply with judgment or order for child or family support

(a) State Bar recommendation for suspension of delinquent licensees

Under Family Code section 17520, the State Bar is authorized to transmit to the Supreme Court twice a year the names of those licensees listed by the State Department of Child Support Services as delinquent in their payments of court-ordered child or family support with a recommendation for their suspension from the practice of law.

(Subd (a) amended effective October 20, 2023; previously amended effective January 1, 2007 and January 1, 2019.)

(b) Conditions for reinstatement of a suspended licensees

The Supreme Court may reinstate a licensee suspended under this rule ~~may be reinstated~~ only after receipt by the Supreme Court of notification from the State Bar that the

licensee's name has been removed from the State Department of Child Support Services list as provided in Family Code section 17520(h) and that the licensee has submitted a declaration under penalty of perjury stating whether the licensee practiced law during the suspension.

(Subd (b) amended effective October 20, 2023; adopted as part of subd (a) effective January 31, 1993; previously amended and lettered effective January 1, 2007; previously amended effective January 1, 2019.)

(c) Subsequent recommendation for suspension by the State Bar

Under Family Code section 17520(*l*), the State Bar is further authorized to promptly transmit to the Supreme Court with a recommendation for their suspension from the practice of law the name of any licensee previously listed by the State Department of Child Support Services as delinquent in their payments of court-ordered child or family support, who has been reinstated under (b) of this rule, and who has subsequently been identified by the Department of Child Support Services as again being delinquent.

(Subd (c) amended effective October 20, 2023; adopted as part of subd (a) effective January 31, 1993; previously amended and lettered effective January 1, 2007; previously amended effective January 1, 2019.)

(d) Compliance with Rule 9.20(a)-(c)

A licensee suspended under this rule must comply with the requirements of rule 9.20 in connection with an initial suspension under (a) of this rule and any subsequent suspension under (c) of this rule.

(Subd (d) adopted effective October 20, 2023.)

(e) Authorization for the Board of Trustees of the State Bar to adopt rules

The Board of Trustees of the State Bar is authorized to adopt such rules as it deems necessary and appropriate in order to comply with this rule. The rules of the State Bar must contain procedures governing the notification, suspension, and reinstatement of licensees of the State Bar in a manner not inconsistent with Family Code section 17520.

(Subd (e) amended and relettered effective October 20, 2023; adopted as subd (b) effective January 31, 1993; previously amended and relettered as subd (d) effective January 1, 2007; previously amended effective January 1, 2019.)

Rule 9.22 amended effective October 20, 2023; adopted as rule 962 effective January 31, 1993; previously amended by the Supreme Court effective April 1, 1996 and January 1, 2019; previously amended and renumbered effective January 1, 2007.

Chapter 4. Legal Education

Rule 9.30. Law school study in schools other than those accredited by the ~~examining committee~~Committee of Bar Examiners
Rule 9.31. Minimum continuing legal education
Rule 9.32. New Attorney Training

Rule 9.30. Law school study in schools other than those accredited by the ~~examining committee~~Committee of Bar Examiners

(a) Receipt of credit

A person who seeks to be certified to the Supreme Court for admission in and licensed to practice law under section 6060(e)(2) of the Business and Professions Code may receive credit for:

(1) Study in a law school in the United States other than one accredited by the ~~examining committee established by the Board of Trustees of the State Bar under Business and Professions Code section 6046~~Committee of Bar Examiners only if the law school satisfies the requirements of (b) or (c) of this rule; or

(2) Instruction in law from a correspondence school only if the correspondence school requires 864 hours of preparation and study per year for four years and satisfies the requirements of (d) of this rule; or

(3) Study in a law school outside the United States other than one accredited by the ~~examining committee~~Committee of Bar Examiners ~~established by the Board of Trustees of the State Bar under Business and Professions Code section 6046~~ only if the ~~examining committee~~Committee of Bar Examiners is satisfied that the academic program of such law school is substantially equivalent to that of a law school qualified under (b) of this rule.

(Subd (a) amended effective January 1, 2019; previously amended effective April 2, 1984, and January 1, 2007.)

(b) Requirements for unaccredited law schools in state

A law school in this state that is not accredited by the ~~examining committee~~Committee of Bar Examiners must:

(1) Be authorized to confer professional degrees by the laws of this state;

(2) Maintain a regular course of instruction in law, with a specified curriculum and regularly scheduled class sessions;

(3) Require classroom attendance of its students for a minimum of 270 hours a year for at least four years, and further require regular attendance of each student at not less than 80 percent of the regularly scheduled class hours in each course in which such student was enrolled and maintain attendance records adequate to determine each student's compliance with these requirements;

(4) Maintain, in a fixed location, physical facilities capable of accommodating the classes scheduled for that location;

(5) Have an adequate faculty of instructors in law. The faculty will prima facie be deemed adequate if at least 80 percent of the instruction in each academic period is by persons who possess one or more of the following qualifications:

(A) Admission to the general practice of the law in any jurisdiction in the United States;

(B) Judge of a United States court or a court of record in any jurisdiction in the United States; or

(C) Graduation from a law school accredited by the ~~examining committee~~Committee of Bar Examiners.

(6) Own and maintain a library consisting of at least those materials identified by the Committee of Bar Examiners in the rules or guidelines for unaccredited law schools. ~~not less than the following sets of books, all of which must be current and complete:~~

~~(A) The published reports of the decisions of California courts, with advance sheets and citator;~~

~~(B) A digest or encyclopedia of California law;~~

~~(C) An annotated set of the California codes; and~~

~~(D) A current, standard text or treatise for each course or subject in the curriculum of the school for which such a text or treatise is available.~~

(7) Establish and maintain standards for academic achievement, advancement in good standing and graduation, and provide for periodic testing of all students to determine the quality of their performance in relation to such standards; and

(8) Register with the ~~examining committee~~Committee of Bar Examiners, and maintain such records (available for inspection by the ~~examining committee~~Committee of Bar Examiners) and file with the ~~examining committee~~Committee of Bar Examiners such reports, notices, and certifications as may be required by the rules of the ~~examining committee~~Committee of Bar Examiners.

(Subd (b) amended effective January 1, 2007; previously amended effective April 2, 1984.)

(c) Requirements for unaccredited law schools outside the state

A law school in the United States that is outside the state of California and is not accredited by the ~~examining committee~~Committee of Bar Examiners must:

(1) Be authorized to confer professional degrees by the law of the state in which it is located;

(2) Comply with (b)(2), (3), (4), (5), (7), and (8) of this rule; and

(3) Own and maintain a library that is comparable in content to that specified in (b)(6) of this rule.

(Subd (c) amended effective January 1, 2007; previously amended effective April 2, 1984.)

(d) Registration and reports

A correspondence law school must register with the ~~examining committee~~Committee of Bar Examiners and file such reports, notices, and certifications as may be required by the rules of the ~~examining committee~~ Committee of Bar Examiners concerning any person whose mailing address is in the state of California or whose application to, contract with, or correspondence with or from the law school indicates that the instruction by correspondence is for the purpose or with the intent of qualifying that person for admission to practice law in California.

(Subd (d) amended effective January 1, 2007.)

(e) Inspections

The ~~examining committee~~Committee of Bar Examiners may make such inspection of law schools not accredited by the committee or correspondence schools as may be necessary or proper to give effect to the provisions of Business and Professions Code section 6060, this rule, and the rules of the ~~examining committee~~Committee of Bar Examiners.

(Subd (e) amended effective January 1, 2007.)

(f) Application

This rule does not apply to any person who, on the effective date of the rule, had commenced the study of law in a manner authorized by Business and Professions Code section 6060(e) and registered as a law student before January 1, 1976 (as provided in Business and Professions Code section 6060(d) and otherwise satisfies the requirements of Business and Professions Code section 6060(e), provided that after January 1, 1976, credit will be given such person for any study in an unaccredited law school or by correspondence only if the school complies with the requirements of (b)(8) or (d) of this rule, whichever is applicable, and permits inspection under (e) of this rule.

(Subd (f) amended effective January 1, 2007.)

Rule 9.30 amended effective January 1, 2019; adopted as rule 957 by the Supreme Court effective October 8, 1975; previously amended effective April 2, 1984; previously amended and renumbered effective January 1, 2007.

Rule 9.31. Minimum continuing legal education

(a) Statutory authorization

This rule is adopted under Business and Professions Code section 6070.

(Subd (a) amended effective January 1, 2007.)

(b) State Bar minimum continuing legal education program

The State Bar must establish and administer a minimum continuing legal education program under rules adopted by the Board of Trustees ~~of the State Bar~~. These rules may provide for carryforward of excess credit hours, staggering of the education requirement for implementation purposes, and retroactive credit for legal education.

(Subd (b) amended effective August 1, 2017; previously amended effective September 27, 2000, and January 1, 2007.)

(c) Minimum continuing legal education requirements

Each active licensee of the State Bar (1) not exempt under Business and Professions Code section 6070, (2) not a full-time employee of the United States Government, its departments, agencies, and public corporations, acting within the scope of his or her employment, and (3) not otherwise exempt under rules adopted by the Board of Trustees ~~of the State Bar~~, must, within 36-month periods designated by the State Bar, complete at least 25 hours of legal education approved by the State Bar or offered by a State Bar-approved provider. Four of those hours must address legal ethics. Licensees may be required to complete legal education in other specified areas within the 25-hour requirement under rules adopted by the State Bar. Each active licensee must report his or her compliance to the State Bar under rules adopted by the Board of Trustees ~~of the State Bar~~.

(Subd (c) amended effective August 1, 2019; previously amended effective September 27, 2000, January 1, 2007, and August 1, 2017.)

(d) Failure to comply with program

A licensee of the State Bar who fails to satisfy the requirements of the State Bar's minimum continuing legal education program must be enrolled as an inactive licensee of the State Bar under rules adopted by the Board of Trustees ~~of the State Bar~~.

(Subd (d) amended effective January 1, 2019; previously amended effective January 1, 2007, and August 1, 2017.)

(e) Fees and penalties

The State Bar has the authority to set and collect appropriate fees and penalties.

(Subd (e) amended effective January 1, 2007.)

(f) One-time expungement of a record of inactive enrollment for failure to comply with program

The State Bar is authorized to expunge a public record of a period of inactive enrollment for failure to comply with the minimum continuing legal education program for those licensees who meet all of the following criteria:

(1) The licensee has not on any previous occasion obtained an expungement under the terms of this rule or rule ~~9.6~~9.8(b);

(2) The period of inactive enrollment was for 90 days or less;

(3) The period of inactive enrollment ended at least seven years before the date of expungement;

(4) The licensee has no other record of suspension or involuntary inactive enrollment for discipline or otherwise.

(Subd (f) amended effective January 1, 2019; adopted effective August 1, 2017.)

(g) Records to be maintained by State Bar

Under (f) of this rule, the State Bar will remove or delete the record of such period of inactive enrollment from the licensee's record. Notwithstanding any other provision of this rule, the State Bar must maintain such internal records as are necessary to apply the terms of (f) of this rule and to report to the Commission on Judicial Nominees Evaluation or appropriate governmental entities involved in judicial elections the licensee's eligibility for a judgeship under the California Constitution, article VI, section 15.

(Subd (g) amended effective January 1, 2019; adopted effective August 1, 2017.)

(h) Duty of disclosure by licensee

Expungement of the record of a licensee's period of inactive enrollment under (f) of this rule will not relieve the licensee of his or her duty to disclose the period of inactive enrollment for purpose of determining the licensee's eligibility for a judgeship under the California Constitution, article VI, section 15. For all other purposes, the record of inactive enrollment expunged under (f) of this rule is deemed not to have occurred and the licensee may answer accordingly any question relating to his or her record.

(Subd (h) amended effective January 1, 2019; adopted effective August 1, 2017.)

Rule 9.31 amended effective January 1, 2019; adopted as rule 958 effective December 6, 1990; previously amended effective December 25, 1992; previously amended by the Supreme Court effective September 27, 2000; previously amended and renumbered as rule 9.31 effective January 1, 2007; previously amended effective August 1, 2017.

Rule 9.32. New Attorney Training

(a) State Bar New Attorney Training

The State Bar must establish and administer a New Attorney Training program under rules adopted by the Board of Trustees of the State Bar, including Rules of the State Bar of California, ~~Rules~~rules 2.140-2.144.

(b) State Bar New Attorney Training requirements

All new licensees of the State Bar must, by the last day of the month of their one year anniversary as a State Bar licensee, complete the New Attorney Training program and report having done so as provided in Rules of the State Bar of California, ~~Rule~~rule 2.141.

(c) Failure to comply with program

A licensee of the State Bar who fails to satisfy the requirements of the State Bar New Attorney Training program will be enrolled as an inactive licensee of the State Bar under rules adopted by the Board of Trustees of the State Bar, including Rules of the State Bar of California, ~~Rules~~rules 2.150-2.153.

(d) Fees and penalties

The State Bar has the authority to set and collect appropriate fees and penalties.

Rule 9.32 adopted effective January 1, 2024.

Division 4. Appearances and Practice by Individuals Who Are Not Licensees of the State Bar of California

***Rule 9.40. Counsel* pro hac vice**
Rule 9.41. Appearances by military counsel
Rule 9.41.1. Registered military spouse attorney
Rule 9.42. Certified law students
Rule 9.43. Out-of-state attorney arbitration counsel
Rule 9.44. Registered foreign legal consultant
Rule 9.45. Registered legal aid attorneys
Rule 9.46. Registered in-house counsel
Rule 9.47. Attorneys practicing law temporarily in California as part of litigation
Rule 9.48. Nonlitigating attorneys temporarily in California to provide legal services
Rule 9.49. Provisional Licensure of 2020 Law School Graduates
Rule 9.49.1 Provisional Licensure with Pathway to Full Licensure for Certain Individuals

Rule 9.40. Counsel *pro hac vice*

(a) Eligibility

A person who is not a licensee of the State Bar ~~of California~~ but who is an attorney in good standing of and eligible to practice before the bar of any United States court or the highest court in any state, territory, or insular possession of the United States, and who has been retained to appear in a particular cause pending in a court of this state, may in the discretion of such court be permitted upon written application to appear as counsel *pro hac vice*, provided that an active licensee of the State Bar ~~of California~~ is associated as attorney of record. No person is eligible to appear as counsel *pro hac vice* under this rule if the person is:

(1) A resident of the State of California;

(2) Regularly employed in the State of California; or

(3) Regularly engaged in substantial business, professional, or other activities in the State of California.

(Subd (a) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(b) Repeated appearances as a cause for denial

Absent special circumstances, repeated appearances by any person under this rule is a cause for denial of an application.

(Subd (b) lettered effective January 1, 2007; adopted as part of subd (a) effective September 13, 1972.)

(c) Application

(1) *Application in superior court*

A person desiring to appear as counsel *pro hac vice* in a superior court must file with the court a verified application together with proof of service by mail in accordance with Code of Civil Procedure section 1013a of a copy of the application and of the notice of hearing of the application on all parties who have appeared in the cause and on the State Bar ~~of California~~ at its San Francisco office. The notice of hearing must be given at the time prescribed in Code of Civil Procedure section 1005 unless the court has prescribed a shorter period.

(2) *Application in Supreme Court or Court of Appeal*

An application to appear as counsel *pro hac vice* in the Supreme Court or a Court of Appeal must be made as provided in rule 8.54, with proof of service on all parties who have appeared in the cause and on the State Bar ~~of California~~ at its San Francisco office.

(Subd (c) amended and relettered effective January 1, 2007; adopted as part of subd (b) effective September 13, 1972; subd (b) previously amended effective October 3, 1973, September 3, 1986, January 17, 1991, and March 15, 1991.)

(d) Contents of application

The application must state:

(1) The applicant's residence and office address;

(2) The courts to which the applicant has been admitted to practice and the dates of admission;

(3) That the applicant is a licensee in good standing in those courts;

(4) That the applicant is not currently suspended or disbarred in any court;

(5) The title of each court and cause in which the applicant has filed an application to appear as counsel *pro hac vice* in this state in the preceding two years, the date of each application, and whether or not it was granted; and

(6) The name, address, and telephone number of the active licensee of the State Bar ~~of California~~ who is attorney of record.

(Subd (d) amended effective January 1, 2019; adopted as part of subd (b) effective September 13, 1972; subd (b) previously amended effective October 3, 1973, September 3, 1986, January 17, 1991, and March 15, 1991; previously amended and lettered effective January 1, 2007.)

(e) Fee for application

The State Bar ~~of California~~ may set an appropriate application fee to be paid by counsel *pro hac vice*.

(Subd (e) amended effective July 24, 2024; adopted as subd (c) effective September 3, 1986; previously amended and relettered effective January 1, 2007; previously amended effective January 1, 2019.)

(f) Counsel *pro hac vice* subject to jurisdiction of courts and State Bar

A person permitted to appear as counsel *pro hac vice* under this rule is subject to the jurisdiction of the courts of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a licensee of the State Bar ~~of California.~~. The counsel *pro hac vice* must familiarize himself or herself and comply with the standards of professional conduct required of licensees of the State Bar ~~of California~~ and will be subject to the disciplinary jurisdiction of the State Bar ~~of California~~ with respect to any of his or her acts occurring in the course of such appearance. Article 5 of chapter 4, division 3~~.~~ of the Business and Professions Code and the Rules of Procedure of the State Bar govern in any investigation or proceeding conducted by the State Bar ~~of California~~ under this rule.

(Subd (f) amended effective July 24, 2024; previously relettered as subd (d) effective September 3, 1986; previously amended and relettered effective January 1, 2007; previously amended effective January 1, 2019.)

(g) Representation in cases governed by the Indian Child Welfare Act (25 U.S.C. § 1903 et seq.)

(1) The requirement in (a) that the applicant associate with an active licensee of the State Bar ~~of California~~ does not apply to an applicant seeking to appear in a California court to represent an Indian tribe in a child custody proceeding governed by the Indian Child Welfare Act; and

(2) An applicant seeking to appear in a California court to represent an Indian tribe in a child custody proceeding governed by the Indian Child Welfare Act constitutes a special circumstance for the purposes of the restriction in (b) that an application may be denied because of repeated appearances.

(Subd (g) adopted effective January 1, 2019.)

(h) Supreme Court and Court of Appeal not precluded from permitting argument in a particular case

This rule does not preclude the Supreme Court or a Court of Appeal from permitting argument in a particular case from a person who is not a licensee of the State Bar ~~of California~~, but who is licensed to practice in another jurisdiction and who possesses special expertise in the particular field affected by the proceeding.

(Subd (h) amended effective July 24, 2024; previously relettered as subd (e) effective September 3, 1986; previously amended and relettered as subd (g) effective January 1, 2007; previously amended and relettered as subd (h) effective January 1, 2007.)

(i) Inherent Power of Supreme Court

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

(Subd (i) adopted effective July 24, 2024.)

Rule 9.40 amended effective July 24, 2024; adopted as rule 983 by the Supreme Court effective September 13, 1972; previously amended and renumbered effective January 1, 2007; previously amended effective October 3, 1973, September 3, 1986, January 17, 1991, March 15, 1991, and January 1, 2019.

Rule 9.41. Appearances by military counsel

(a) Permission to appear

A judge advocate (as that term is defined at 10 U.S.C. §801(13)) who is not a licensee of the State Bar ~~of California~~ but who is an attorney in good standing of and eligible to

practice before the bar of any United States court or of the highest court in any state, territory, or insular possession of the United States may, in the discretion of a court of this state, be permitted to appear in that court to represent a person in the military service in a particular cause pending before that court, under the Servicemembers Civil Relief Act, 50 United States Code Appendix section 501 et seq., if:

(1) The judge advocate has been made available by the cognizant Judge Advocate General (as that term is defined at 10 United States Code section 801(1)) or a duly designated representative; and

(2) The court finds that retaining civilian counsel likely would cause substantial hardship for the person in military service or that person's family; and

(3) The court appoints a judge advocate as attorney to represent the person in military service under the Servicemembers Civil Relief Act.

Under no circumstances is the determination of availability of a judge advocate to be made by any court within this state, or reviewed by any court of this state. In determining the likelihood of substantial hardship as a result of the retention of civilian counsel, the court may take judicial notice of the prevailing pay scales for persons in the military service.

(Subd (a) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(b) Notice to parties

The clerk of the court considering appointment of a judge advocate under this rule must provide written notice of that fact to all parties who have appeared in the cause. A copy of the notice, together with proof of service by mail in accordance with Code of Civil Procedure section 1013a, must be filed by the clerk of the court. Any party who has appeared in the matter may file a written objection to the appointment within 10 days of the date on which notice was given unless the court has prescribed a shorter period. If the court determines to hold a hearing in relation to the appointment, notice of the hearing must be given at least 10 days before the date designated for the hearing unless the court has prescribed a shorter period.

(Subd (b) amended effective January 1, 2007.)

(c) Appearing judge advocate subject to court and State Bar jurisdiction

A judge advocate permitted to appear under this rule is subject to the jurisdiction of the courts of this state with respect to the law of this state governing the conduct of attorneys to the same extent as licensee of the State Bar ~~of California.~~. The judge advocate must become familiar with and comply with the standards of professional conduct required of licensees of the State Bar ~~of California~~ and is subject to the disciplinary jurisdiction of the State Bar ~~of California~~. Division 3, chapter 4, article 5 of the Business and Professions Code and the Rules of Procedure of the State Bar ~~of California~~ govern any investigation or proceeding conducted by the State Bar under this rule.

(Subd (c) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(d) Appearing judge advocate subject to rights and obligations of State Bar licensees concerning professional privileges

A judge advocate permitted to appear under this rule is subject to the rights and obligations with respect to attorney-client privilege, work-product privilege, and other professional privileges to the same extent as a licensee of the State Bar ~~of California~~.

(Subd (d) amended effective January 1, 2019; previously amended effective January 1, 2007.)

Rule 9.41 amended effective January 1, 2019; adopted as rule 983.1 by the Supreme Court effective February 19, 1992; adopted by the Judicial Council effective February 21, 1992; amended and renumbered effective January 1, 2007.

Rule 9.43. Out-of-state attorney arbitration counsel

(a) Definition

An "out-of-state attorney arbitration counsel" is an attorney who is:

(1) Not a licensee of the State Bar ~~of California~~ but who is an attorney in good standing of and eligible to practice before the bar of any United States court or the highest court in any state, territory, or insular possession of the United States, and who has been retained to appear in the course of, or in connection with, an arbitration proceeding in this state;

(2) Has served a certificate in accordance with the requirements of Code of Civil Procedure section 1282.4 on the arbitrator, the arbitrators, or the arbitral forum, the State Bar ~~of California~~, and all other parties and counsel in the arbitration whose addresses are known to the attorney; and

(3) Whose appearance has been approved by the arbitrator, the arbitrators, or the arbitral forum.

(Subd (a) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(b) State Bar out-of-state attorney arbitration counsel program

The State Bar ~~of California~~ must establish and administer a program to implement the State ~~Bar of California's~~Bar's responsibilities under Code of Civil Procedure section 1282.4. The State ~~Bar of California's program~~Bar's program may be operative only as long as the applicable provisions of Code of Civil Procedure section 1282.4 remain in effect.

(Subd (b) amended effective January 1, 2007.)

(c) Eligibility to appear as an out-of-state attorney arbitration counsel

To be eligible to appear as an out-of-state attorney arbitration counsel, an attorney must comply with all of the applicable provisions of Code of Civil Procedure section 1282.4 and the requirements of this rule and the related rules and regulations adopted by the State Bar ~~of California~~.

(Subd (c) amended effective January 1, 2007.)

(d) Discipline

An out-of-state attorney arbitration counsel who files a certificate containing false information or who otherwise fails to comply with the standards of professional conduct required of licensees of the State Bar ~~of California~~ is subject to the disciplinary jurisdiction of the State Bar ~~of California~~ with respect to any of his or her acts occurring in the course of the arbitration.

(Subd (d) amended effective July 24, 2024; previously amended effective January 1, 2007; and January 1, 2019.)

(e) Disqualification

Failure to timely file and serve a certificate or, absent special circumstances, appearances in multiple separate arbitration matters are grounds for disqualification from serving in the arbitration in which the certificate was filed.

(Subd (e) amended effective January 1, 2007.)

(f) Fee

The State Bar ~~of California~~ may set an appropriate application fee to be paid by the out-of-state attorney arbitration counsel.

(Subd (f) amended effective July 24, 2024; previously amended effective January 1, 2007.)

(g) Inherent power of Supreme Court

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

(Subd (g) amended effective July 24, 2024; previously amended effective January 1, 2007.)

Rule 9.43 amended effective July 24, 2024; adopted as rule 983.4 by the Supreme Court effective July 1, 1999; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2019.

Rule 9.44. Registered foreign legal consultant

(a) Definition

A "registered foreign legal consultant" is a person who:

(1) Is admitted to practice and is in good standing as an attorney or counselor-at-law or the equivalent in a foreign country; and

(2) Has a currently effective certificate of registration as a registered foreign legal consultant from the State Bar.

(Subd (a) amended effective January 1, 2007.)

(b) State Bar registered foreign legal consultant program

The State Bar must establish and administer a program for registering foreign attorneys or counselors-at-law or the equivalent under rules adopted by the Board of Trustees of the State Bar.

(Subd (b) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(c) Eligibility for certification

To be eligible to become a registered foreign legal consultant, an applicant must:

(1) Present satisfactory proof that the applicant has been admitted to practice and has been in good standing as an attorney or counselor-at-law or the equivalent in a foreign country for at least four of the six years immediately preceding the application and, while so admitted, has actually practiced the law of that country;

(2) Present satisfactory proof that the applicant possesses the good moral character requisite for a person to be licensed as a licensee of the State Bar ~~of California~~ and proof of compliance with California Rules of Court, rule 9.9.5, governing attorney fingerprinting;

(3) Agree to comply with the provisions of the rules adopted by the Board of Trustees of the State Bar relating to security for claims against a foreign legal consultant by his or her clients;

(4) Agree to comply with the provisions of the rules adopted by the Board of Trustees of the State Bar relating to maintaining an address of record for State Bar purposes;

(5) Agree to notify the State Bar of any change in his or her status in any jurisdiction where he or she is admitted to practice or of any discipline with respect to such admission;

(6) Agree to be subject to the jurisdiction of the courts of this state with respect to the laws of the State of California governing the conduct of attorneys, to the same extent as a licensee of the State Bar ~~of California~~;

(7) Agree to become familiar with and comply with the standards of professional conduct required of licensees of the State Bar ~~of California~~;

(8) Agree to be subject to the disciplinary jurisdiction of the State Bar ~~of California~~;

(9) Agree to be subject to the rights and obligations with respect to attorney client privilege, work-product privilege, and other professional privileges, to the same extent as attorneys admitted to practice law in California; and

(10) Agree to comply with the laws of the State of California, the rules and regulations of the State Bar ~~of California~~, and these rules.

(Subd (c) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(d) Authority to practice law

Subject to all applicable rules, regulations, and statutes, a registered foreign legal consultant may render legal services in California, except that he or she may not:

(1) Appear for a person other than himself or herself as attorney in any court, or before any magistrate or other judicial officer, in this state or prepare pleadings or any other papers or issue subpoenas in any action or proceeding brought in any court or before any judicial officer;

(2) Prepare any deed, mortgage, assignment, discharge, lease, or any other instrument affecting title to real estate located in the United States;

(3) Prepare any will or trust instrument affecting the disposition on death of any property located in the United States and owned by a resident or any instrument relating to the administration of a decedent's estate in the United States;

(4) Prepare any instrument in respect of the marital relations, rights, or duties of a resident of the United States, or the custody or care of the children of a resident; or

(5) Otherwise render professional legal advice on the law of the State of California, any other state of the United States, the District of Columbia, the United States, or of any jurisdiction other than the jurisdiction named in satisfying the requirements of (c) of this rule, whether rendered incident to preparation of legal instruments or otherwise.

(Subd (d) amended effective January 1, 2007.)

(e) Failure to comply with program

A registered foreign legal consultant who fails to comply with the requirements of the State Bar Registered Foreign Legal Consultant Program will have her or his certification suspended or revoked under rules adopted by the Board of Trustees of the State Bar.

(Subd (e) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(f) Fee and penalty

The State Bar has the authority to set and collect appropriate fees and penalties for this program.

(Subd (f) amended effective January 1, 2007.)

(g) 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.

(Subd (g) amended effective January 1, 2007.)

Rule 9.44 amended effective January 1, 2019; adopted as rule 988 effective December 1, 1993; previously amended and renumbered effective January 1, 2007.

Rule 9.45. Registered legal aid attorneys

(a) Definitions

The following definitions apply in this rule:

(1) "Eligible legal aid organization" means any of the following:

(A) A nonprofit entity in good standing in California and in the state in which it is incorporated, if other than California, that provides legal aid in civil matters, including family law and immigration law, to indigent and disenfranchised persons, especially underserved client groups, such as the elderly, persons with disabilities, people of color, juveniles, and persons with limited English ~~proficient persons~~proficiency; or

(B) A nonprofit law school approved by the American Bar Association located in California or accredited by the State Bar ~~of California~~ that provides legal aid as described above in subdivision (A)~~.~~); or

(C) ~~Entities~~An entity that ~~receive~~receives IOLTA funds pursuant to Business and Professions Code, section 6210, et seq~~., are deemed to be eligible legal aid organizations.~~

(2) "Active licensee in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency" means an attorney who:

(A) Is a licensee in good standing of the entity governing the practice of law in each jurisdiction in which the attorney is licensed to practice law, who has not

been disbarred, has not resigned with charges pending, or is not suspended from practicing law for disciplinary misconduct in any other jurisdiction; and

(B) Remains an active licensee in good standing of the entity governing the practice of law in at least one United States state, jurisdiction, possession, territory, or dependency other than California while practicing law as a registered legal aid attorney in California.

(Subd (a) amended effective March 1, 2019; adopted as subd (j) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)

(b) Scope of practice

Subject to all applicable rules, regulations, and statutes, an attorney practicing law under this rule may practice law in California only while working, with or without pay, at an eligible legal aid organization, as defined in this rule, and, at that institution and only on behalf of its clients or customers, may engage, under supervision, in all forms of legal practice that are permissible for a licensee of the State Bar ~~of California.~~.

(Subd (b) amended effective March 1, 2019; adopted as subd (a) effective November 15, 2004; previously amended and relettered effective January 1, 2007; previously amended effective January 1, 2019.)

(c) Requirements

For an attorney to qualify to practice law under this rule, the attorney must:

(1) Be an active licensee in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency;

(2) Meet all of the requirements for admission to the State Bar ~~of California~~, except that the attorney:

(A) Need not take the California bar examination or the Multistate Professional Responsibility Examination; and

(B) May practice law while awaiting the result of his or her Application for Determination of Moral Character;

(3) Comply with the rules adopted by the Board of Trustees relating to the State Bar Registered Legal Aid Attorney Program;

(4) Practice law under the supervision of an attorney who is employed by the eligible legal aid organization and who is a licensee in good standing of the State Bar ~~of California~~;

(5) Abide by all of the laws and rules that govern licensees of the State Bar ~~of California~~, including the Minimum Continuing Legal Education (MCLE) requirements;

(6) Satisfy in his or her first year of practice under this rule all of the MCLE requirements, including ethics education, that licensees of the State Bar ~~of California~~ must complete every three years and, thereafter, satisfy the MCLE requirements for the registered legal aid attorney's compliance group as set forth in State Bar Rules 2.70 and 2.71. If the registered legal aid attorney's compliance group is required to report in less than thirty-six months, the MCLE requirements will be reduced proportionally; and

(7) Not have taken and failed the California bar examination within five years immediately preceding initial application to register under this rule.

(Subd (c) amended and renumbered effective March 1, 2019; adopted as subd (b) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)

(d) Application

The attorney must comply with the following registration requirements:

(1) Register as a legal aid attorney; submit a separate application for each eligible legal aid organization; file an Application for Determination of Moral Character with the State Bar ~~of California~~; and comply with Rules of Court, rule 9.9.5, governing attorney fingerprinting;

(2) Submit to the State Bar ~~of California~~ a declaration signed by the attorney agreeing that he or she will be subject to the disciplinary authority of the Supreme Court of California and the State Bar ~~of California~~ and attesting that he or she will not practice law in California other than under supervision of an attorney at an eligible legal aid organization a during the time he or she practices law as a registered legal aid attorney in California; and

(3) Submit to the State Bar ~~of California~~ a declaration signed by a qualifying supervisor on behalf of the from each eligible legal aid organization in California. The declaration must attesting:

(i) that the applicant will work, with or without pay, as an attorney for the organization;

(ii) that the applicant will be supervised as specified in this rule;

(iii) that the eligible legal aid organization and the supervising attorney assume professional responsibility for any work performed by the applicant under this rule;

(iv) that the organization will notify the State Bar ~~of California~~ within 30 days of the cessation of the applicant's employment with that employer in California; and

(v) that the person signing the declaration believes, to the best of his or her knowledge after reasonable inquiry, that the applicant qualifies for registration under this rule and is an individual of good moral character.

(Subd (d) amended effective March 1, 2019; adopted as subd (c) effective November 15, 2004; previously relettered effective January 1, 2007.)

(e) Duration of practice

A registered legal aid attorney must renew his or her registration annually and may practice for no more than a total of five years under this rule.

(Subd (e) amended effective March 1, 2019; adopted as subd (d) effective November 15, 2004; previously relettered effective January 1, 2007.)

(f) Application and registration fees

The State Bar ~~of California~~ may set appropriate application fees and initial and annual registration fees to be paid by registered legal aid attorneys.

(Subd (f) amended effective March 1, 2019; adopted as subd (e) effective November 15, 2004; previously amended and relettered effective January 1, 2007.)

(g) State Bar Registered Legal Aid Attorney Program

The State Bar may establish and administer a program for registering California legal aid attorneys under rules adopted by the Board of Trustees of the State Bar.

(Subd (g) amended effective March 1, 2019; adopted as subd (f) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)

(h) Supervision

To meet the requirements of this rule, an attorney supervising a registered legal aid attorney:

(1) Must have practiced law as a full-time occupation for at least four years in any United States jurisdiction;

(2) Must have actively practiced law in California for at least two years immediately preceding the time of supervision and be a licensee in good standing of the State Bar ~~of California~~;

(3) Must assume professional responsibility for any work that the registered legal aid attorney performs under the supervising attorney's supervision;

(4) Must assist, counsel, and provide direct supervision of the registered legal aid attorney in the activities authorized by this rule, approve in writing any appearance in court, deposition, arbitration or any proceeding by the registered legal aid attorney, and review such activities with the supervised registered legal aid attorney, to the extent required for the protection of the client or customer;

(5) Must read, approve, and personally sign any pleadings, briefs, or other similar documents prepared by the registered legal aid attorney before their filing, and must read and approve any documents prepared by the registered legal aid attorney before their submission for execution; and

(6) May, in his or her absence, designate another attorney meeting the requirements of (1) through (5) to provide the supervision required under this rule.

(Subd (h) amended and renumbered effective March 1, 2019; adopted as subd (g) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)

(i) Inherent power of Supreme Court

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

(Subd (i) amended and relettered effective January 1, 2007; adopted as subd (h) effective November 15, 2004.)

(j) Effect of rule on multijurisdictional practice

Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not licensees of the State Bar ~~of California~~.

(Subd (j) amended effective January 1, 2019; adopted as subd (i) effective November 15, 2004; previously relettered effective January 1, 2007.)

Rule 9.45 amended effective March 1, 2019; adopted as rule 964 by the Supreme Court effective November 15, 2004; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2019.

Rule 9.46. Registered in-house counsel

(a) Definitions

The following definitions apply to terms used in this rule:

(1) "Qualifying institution" means a corporation, a partnership, an association, or other legal entity, including its subsidiaries and organizational affiliates, which has an

office located in California. Neither a governmental entity nor an entity that provides legal services to others can be a qualifying institution for purposes of this rule. A qualifying institution must:

(A) Employ at least 5 full time employees; or

(B) Employ in California an attorney who is an active licensee in good standing of the State Bar ~~of California~~.

(2) "Active licensee in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency" means an attorney who:

(A) Is a licensee in good standing of the entity governing the practice of law in each jurisdiction in which the attorney is licensed to practice law, who has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law for disciplinary misconduct in any other jurisdiction; and

(B) Remains an active licensee in good standing of the entity governing the practice of law in at least one United States state, jurisdiction, possession, territory, or dependency, other than California, while practicing law as registered in-house counsel in California.

(Subd (a) amended effective March 1, 2019; adopted as subd (j) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)

(b) Scope of practice

Subject to all applicable rules, regulations, and statutes, an attorney practicing law under this rule is:

(1) Permitted to provide legal services in California only to the qualifying institution that employs him or her;

(2) Permitted to provide *pro bono* legal services under supervision of a California attorney for either eligible legal aid organizations as defined by Rules of Court, rule 9.45(a)(1), or the qualifying institution that employs him or her;

(3) Not permitted to make court appearances in California state courts or to engage in any other activities for which *pro hac vice* admission is required if they are performed in California by an attorney who is not a licensee of the State Bar ~~of California~~; and

(4) Not permitted to provide personal or individual representation to any customers, shareholders, owners, partners, officers, employees, servants, or agents of the qualifying institution, except as described in subdivision (b)(2).

(Subd (b) amended effective March 1, 2019; adopted as subd (a) effective November 15, 2004; previously amended and relettered effective January 1, 2007; previously amended effective January 1, 2019.)

(c) Requirements

For an attorney to practice law under this rule, the attorney must:

(1) Be an active licensee in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency;

(2) Meet all of the requirements for admission to the State Bar ~~of California~~, except that the attorney:

(A) Need not take the California bar examination or the Multistate Professional Responsibility Examination; and

(B) May practice law while awaiting the result of his or her Application for Determination of Moral Character;

(3) Comply with the rules adopted by the Board of Trustees relating to the State Bar Registered In-House Counsel Program;

(4) Practice law exclusively for a single qualifying institution, except that, while practicing under this rule, the attorney may provide pro bono services through eligible legal aid organizations;

(5) Abide by all of the laws and rules that govern licensees of the State Bar ~~of California~~, including the Minimum Continuing Legal Education (MCLE) requirements;

(6) Satisfy in his or her first year of practice under this rule all of the MCLE requirements, including ethics education, that licensees of the State Bar ~~of California~~ must complete every three years and, thereafter, satisfy the MCLE requirements for the registered in-house counsel's compliance group as set forth in State Bar Rules 2.70 and 2.71. If the registered in-house counsel's compliance group is required to report in less than thirty-six months, the MCLE requirement will be reduced proportionally; and

(7) Reside in California.

(Subd (c) amended effective March 1, 2019; adopted as subd (b) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)

(d) Application

The attorney must comply with the following registration requirements:

(1) Register as an in-house counsel; submit an application for the qualifying institution; file an Application for Determination of Moral Character with the State Bar ~~of California~~; and comply with Rules of Court, rule 9.9.5. governing attorney fingerprinting;

(2) Submit a supplemental form identifying the eligible legal aid organizations as defined by Rules of Court, rule 9.45(a)(1) and the supervising attorney, through which an in-house counsel intends to provide *pro bono* services, if applicable;

(3) Submit to the State Bar ~~of California~~ a declaration signed by the attorney agreeing that he or she will be subject to the disciplinary authority of the Supreme Court ~~of California~~ and the State Bar ~~of California~~ and attesting that he or she will not practice law in California other than on behalf of the qualifying institution during the time he or she is registered in-house counsel in California, except if supervised, a registered in-house counsel may provide pro bono services through eligible legal aid organization; and

(4) Submit to the State Bar ~~of California~~ a declaration signed by an officer, a director, or a general counsel of the applicant's employer, on behalf of the applicant's employer. The declaration must attest:

(i) that the applicant is employed as an attorney for the employer;

(ii) that the nature of the employment conforms to the requirements of this rule;

(iii) that the employer will notify the State Bar ~~of California~~ within 30 days of the cessation of the applicant's employment in California; and

(iv) that the person signing the declaration believes, to the best of his or her knowledge after reasonable inquiry, that the applicant qualifies for registration under this rule and is an individual of good moral character.

(Subd (d) amended effective March 1, 2019; adopted as subd (c) effective November 15, 2004; previously relettered effective January 1, 2007.)

(e) Duration of practice

A registered in-house counsel must renew his or her registration annually. There is no limitation on the number of years in-house counsel may register under this rule. Registered in-house counsel may practice law under this rule only for as long as he or she remains employed by the same qualifying institution that provided the declaration in support of his or her application. If an attorney practicing law as registered in-house counsel leaves the employment of his or her employer or changes employers, he or she must notify the State Bar ~~of California~~ within 30 days. If an attorney wishes to practice law under this rule for a new employer, he or she must first register as in-house counsel for that employer.

(Subd (e) amended and relettered effective January 1, 2007; adopted as subd (d) effective November 15, 2004.)

(f) Application and registration fees

The State Bar ~~of California~~ may set appropriate application fees and initial and annual registration fees to be paid by registered in-house counsel.

(Subd (f) relettered effective March 1, 2019; adopted as subd (f) effective November 15, 2004; previously amended and relettered as subd (g) effective January 1, 2007.)

(g) State Bar Registered In-House Counsel Program

The State Bar must establish and administer a program for registering California in-house counsel under rules adopted by the Board of Trustees.

(Subd (g) relettered effective March 1, 2019; adopted as subd (g) effective November 15, 2004; previously amended and relettered as subd (h) effective January 1, 2007; previously amended effective January 1, 2019.)

(h) Inherent power of Supreme Court

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

(Subd (h) relettered effective March 1, 2019; adopted as subd (h) effective November 15, 2004; previously amended and relettered as subd (i) effective January 1, 2007.)

(i) Effect of rule on multijurisdictional practice

Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not licensees of the State Bar ~~of California~~.

(Subd (i) relettered effective March 1, 2019; adopted as subd (i) effective November 15, 2004; previously relettered as subd (j) effective January 1, 2007; previously amended effective January 1, 2019.)

Rule 9.46 amended effective March 1, 2019; adopted as rule 965 by the Supreme Court effective November 15, 2004; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2019.

Rule 9.47. Attorneys practicing law temporarily in California as part of litigation

(a) Definitions

The following definitions apply to the terms used in this rule:

(1) "A formal legal proceeding" means litigation, arbitration, mediation, or a legal action before an administrative decision-maker.

(2) "Authorized to appear" means the attorney is permitted to appear in the proceeding by the rules of the jurisdiction in which the formal legal proceeding is taking place or will be taking place.

(3) "Active attorney in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency" means an attorney who meets all of the following criteria:

(A) Is a licensee in good standing of the entity governing the practice of law in each jurisdiction in which the attorney is licensed to practice law~~;~~ who has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law in any other jurisdiction; and

(B) Remains an active licensee in good standing of the entity governing the practice of law in at least one United States state, jurisdiction, possession, territory, or dependency while practicing law under this rule~~; and~~.

~~(C) Has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law in any other jurisdiction.~~

(Subd (a) amended effective January 1, 2019; adopted as subd (g) effective November 15, 2004; previously relettered effective January 1, 2007.)

(b) Requirements

For an attorney to practice law under this rule, the attorney must:

(1) Maintain an office in a United States jurisdiction other than California and in which the attorney is licensed to practice law;

(2) Already be retained by a client in the matter for which the attorney is providing legal services in California, except that the attorney may provide legal advice to a potential client, at the potential client's request, to assist the client in deciding whether to retain the attorney;

(3) Indicate on any Web site or other advertisement that is accessible in California either that the attorney is not a licensee of the State Bar ~~of California~~ or that the attorney is admitted to practice law only in the states listed; and

(4) Be an active attorney in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency.

(Subd (b) amended effective January 1, 2019; adopted as subd (a) effective November 15, 2004; previously relettered effective January 1, 2007.)

(c) Permissible activities

An attorney meeting the requirements of this rule, who complies with all applicable rules, regulations, and statutes, is not engaging in the unauthorized practice of law in California if the attorney's services are part of:

(1) A formal legal proceeding that is pending in another jurisdiction and in which the attorney is authorized to appear;

(2) A formal legal proceeding that is anticipated but is not yet pending in California and in which the attorney reasonably expects to be authorized to appear;

(3) A formal legal proceeding that is anticipated but is not yet pending in another jurisdiction and in which the attorney reasonably expects to be authorized to appear; or

(4) A formal legal proceeding that is anticipated or pending and in which the attorney's supervisor is authorized to appear or reasonably expects to be authorized to appear.

The attorney whose anticipated authorization to appear in a formal legal proceeding serves as the basis for practice under this rule must seek that authorization promptly after it becomes possible to do so. Failure to seek that authorization promptly, or denial of that authorization, ends eligibility to practice under this rule.

(Subd (c) relettered effective January 1, 2007; adopted as subd (b) effective November 15, 2004.)

(d) Restrictions

To qualify to practice law in California under this rule, an attorney must not:

(1) Hold out to the public or otherwise represent that he or she is admitted to practice law in California;

(2) Establish or maintain a resident office or other systematic or continuous presence in California for the practice of law;

(3) Be a resident of California;

(4) Be regularly employed in California;

(5) Regularly engage in substantial business or professional activities in California; or

(6) Have been disbarred, have resigned with charges pending, or be suspended from practicing law in any other jurisdiction.

(Subd (d) relettered effective January 1, 2007; adopted as subd (c) effective November 15, 2004.)

(e) Conditions

By practicing law in California under this rule, an attorney agrees that he or she is providing legal services in California subject to:

(1) The jurisdiction of the State Bar ~~of California~~;

(2) The jurisdiction of the courts of this state to the same extent as is a licensee of the State Bar ~~of California~~; and

(3) The laws of the State of California relating to the practice of law, the State Bar Rules of Professional Conduct, the rules and regulations of the State Bar ~~of California~~, and these rules.

(Subd (e) amended effective January 1, 2019; adopted as subd (d) effective November 15, 2004; previously relettered effective January 1, 2007.)

(f) Inherent power of Supreme Court

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

(Subd (f) amended and relettered effective January 1, 2007; adopted as subd (e) effective November 15, 2004.)

(g) Effect of rule on multijurisdictional practice

Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not licensees of the State Bar of California.

(Subd (g) amended effective January 1, 2019; adopted as subd (f) effective November 15, 2004; previously relettered effective January 1, 2007.)

Rule 9.47; amended effective January 1, 2019; adopted as rule 966 by the Supreme Court effective November 15, 2004; previously amended and renumbered effective January 1, 2007.

Rule 9.48. Nonlitigating attorneys temporarily in California to provide legal services

(a) Definitions

The following definitions apply to terms used in this rule:

(1) "A transaction or other nonlitigation matter" includes any legal matter other than litigation, arbitration, mediation, or a legal action before an administrative decision-maker.

(2) "Active attorney in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency" means an attorney who meets all of the following criteria:

(A) Is a licensee in good standing of the entity governing the practice of law in each jurisdiction in which the attorney is licensed to practice law; who has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law in any other jurisdiction; and

(B) Remains an active attorney in good standing of the entity governing the practice of law in at least one United States state, jurisdiction, possession, territory, or dependency other than California while practicing law under this rule; and.

~~(C) Has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law in any other jurisdiction.~~

(Subd (a) amended effective January 1, 2019; adopted as subd (h) effective November 15, 2004; previously relettered effective January 1, 2007.)

(b) Requirements

For an attorney to practice law under this rule, the attorney must:

(1) Maintain an office in a United States jurisdiction other than California and in which the attorney is licensed to practice law;

(2) Already be retained by a client in the matter for which the attorney is providing legal services in California, except that the attorney may provide legal advice to a potential client, at the potential client's request, to assist the client in deciding whether to retain the attorney;

(3) Indicate on any Web site or other advertisement that is accessible in California either that the attorney is not a licensee of the State Bar ~~of California~~ or that the attorney is admitted to practice law only in the states listed; and

(4) Be an active attorney in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency.

(Subd (b) amended effective January 1, 2019; adopted as subd (a) effective November 15, 2004; previously relettered effective January 1, 2007.)

(c) Permissible activities

An attorney who meets the requirements of this rule and who complies with all applicable rules, regulations, and statutes is not engaging in the unauthorized practice of law in California if the attorney:

(1) Provides legal assistance or legal advice in California to a client concerning a transaction or other nonlitigation matter, a material aspect of which is taking place in a jurisdiction other than California and in which the attorney is licensed to provide legal services;

(2) Provides legal assistance or legal advice in California on an issue of federal law or of the law of a jurisdiction other than California to attorneys licensed to practice law in California; or

(3) Is an employee of a client and provides legal assistance or legal advice in California to the client or to the client's subsidiaries or organizational affiliates.

(Subd (c) relettered effective January 1, 2007; adopted as subd (b) effective November 15, 2004.)

(d) Restrictions

To qualify to practice law in California under this rule, an attorney must not:

(1) Hold out to the public or otherwise represent that he or she is admitted to practice law in California;

(2) Establish or maintain a resident office or other systematic or continuous presence in California for the practice of law;

(3) Be a resident of California;

(4) Be regularly employed in California;

(5) Regularly engage in substantial business or professional activities in California; or

(6) Have been disbarred, have resigned with charges pending, or be suspended from practicing law in any other jurisdiction.

(Subd (d) amended and relettered effective January 1, 2007; adopted as subd (c) effective November 15, 2004.)

(e) Conditions

By practicing law in California under this rule, an attorney agrees that he or she is providing legal services in California subject to:

(1) The jurisdiction of the State Bar ~~of California~~;

(2) The jurisdiction of the courts of this state to the same extent as is a licensee of the State Bar ~~of California~~; and

(3) The laws of the State of California relating to the practice of law, the State Bar Rules of Professional Conduct, the rules and regulations of the State Bar ~~of California~~, and these rules.

(Subd (e) amended effective January 1, 2019; adopted as subd (d) effective November 15, 2004; previously amended and relettered effective January 1, 2007.)

(f) Scope of practice

An attorney is permitted by this rule to provide legal assistance or legal services concerning only a transaction or other nonlitigation matter.

(Subd (f) relettered effective January 1, 2007; adopted as subd (e) effective November 15, 2004.)

(g) Inherent power of Supreme Court

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

(Subd (g) amended and relettered effective January 1, 2007; adopted as subd (f) effective November 15, 2004.)

(h) Effect of rule on multijurisdictional practice

Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not licensees of the State Bar ~~of California~~.

(Subd (h) amended effective January 1, 2019; adopted as subd (g) effective November 15, 2004; previously relettered effective January 1,2007.)

Rule 9.48 amended effective January 1, 2019; adopted as rule 967 by the Supreme Court effective November 15, 2004; previously amended and renumbered effective January 1, 2007.

CLEAN VERSION

Title 9. Rules on Law Practice, Attorneys, and Judges

Division 2. Admission and Discipline of Attorneys and Review of State Bar Proceedings

Chapter 1. General Provisions

Rule 9.1. Definitions

Rule 9.1. Definitions

As used in this division, unless the context otherwise requires:

(1) "State Bar" means the State Bar of California as established under Article VI, Section 9 of the California Constitution and Business and Professions Code section 6001.

(2) "Licensee" means a person licensed by the State Bar to practice law in this state.

(3) "Board of Trustees" means the Board of Trustees of the State Bar of California established under Business and Professions Code section 6010.

(4) "Committee of Bar Examiners" means the committee established by the Board of Trustees of the State Bar under Business and Professions Code section 6046.

(5) "State Bar Court" means the Hearing Department or the Review Department established under Business and Professions Code sections 6079.1 and 6086.65.

(6) "Hearing Department" means the Hearing Department of the State Bar Court established under Business and Professions Code section 6079.1.

(7) "Review Department" means the Review Department of the State Bar Court established under Business and Professions Code section 6086.65.

(8) "General Counsel" means the general counsel of the State Bar of California appointed under Business and Professions Code section 6012.

(9) "Chief Trial Counsel" means the chief trial counsel of the State Bar of California appointed under Business and Professions Code section 6079.5.

Rule 9.1 amended effective January 1, 2019; adopted as rule 950 effective December 1, 1990; previously amended and renumbered as rule 9.5 effective January 1, 2007; previously renumbered as 9.1 effective January 1, 2018.

Chapter 2. Attorney Admissions

Rule 9.3. Inherent power of Supreme Court
Rule 9.4. Nomination and appointment of members to Committee of Bar Examiners
Rule 9.5. Authority of the Committee of Bar Examiners
Rule 9.6. The California bar examination
Rule 9.7. Oath required when admitted to practice law
Rule 9.8. Roll of attorneys admitted to practice
Rule 9.8.5. State Bar Client Trust Account Protection Program
Rule 9.9. Online reporting by attorneys
Rule 9.9.5. Fingerprinting of applicants and licensees

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.

(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.

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

(a) Appointments

(1) The Supreme Court is responsible for appointing ten examiners to the Committee of Bar Examiners for a term of four years with each full term commencing at the end of the Board of Trustees' September meeting.

(2) The Supreme Court may fill any vacancies at any time. Vacancies shall be filled for the remainder of the four-year term vacated and such appointments do not count toward any term limits for the examiner filling the vacancy under (a)(5) of this rule.

(3) At least one examiner must be a judicial officer in this state.

(4) The other examiners must be licensees, at least one of whom shall have been admitted to practice law in California within three years of the date of appointment.

(5) With the exception of appointments to fill a partial term vacancy under (a)(2) of this rule, each examiner shall serve for a term of four years and may apply for reappointment by the Supreme Court for up to three additional full terms. Reappointments are at the discretion of the Supreme Court. Examiners may continue to serve beyond the expiration of their terms until their successors are appointed.

(6) The Supreme Court shall select the chair and vice chair of the Committee of Bar Examiners. The terms of the chair and vice chair shall be one year ending at the conclusion of the Board of Trustees' September meeting.

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

(b) Nominations

(1) The Supreme Court may make its appointments from a list of candidates nominated by the Board of Trustees pursuant to a procedure approved by the court.

(2) Candidates selected for nominations shall be screened for actual and potential conflicts of interest including any financial and nonfinancial interests that might affect or might be affected by the candidate's service as an examiner. Such conflicts may include being actively involved in any capacity related to a bar examination preparation business or in any other capacity to assist applicants in fulfilling the requirements for admission; or are actively serving as a member of the governing or other policy-making board or committee of a law school.

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

Rule 9.5. Authority of the Committee of Bar Examiners

(a) Admissions

The Committee of Bar Examiners, pursuant to the authority delegated to it by the Supreme Court and the Board of Trustees, is authorized to determine and 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. Any changes recommended by the examiners to the prerequisites to be certified for admission to practice law must be reviewed and approved by the Board of Trustees and then submitted to the Supreme Court for its review and approval.

(b) Additional authority

In furtherance of its duties under these rules, the Committee of Bar Examiners shall:

(1) Have the power to conduct hearings on matters involving admissions and may take and hear relevant evidence, administer oaths and affirmations, and compel by subpoena the attendance of witnesses and the production of documents in accordance with Code of Civil Procedure section 1985 et seq.,

(2) Regularly review the revenues and expenses for the admissions fund and propose a budget for the Office of Admissions, subject to review and approval by the Board of Trustees, prior to the adoption of a final budget pursuant to Business and Professions Code section 6140.1;

(3) Recommend to the Executive Director of the State Bar any candidate under consideration for Chief of Admissions;

(4) Regulate and oversee law schools conferring a juris doctor degree in California that are not accredited by the American Bar Association, as required by Business and Professions Code section 6060.7; and

(5) Set fees related to admissions programs and related to the accreditation, registration, and inspection of law schools under (b)(4), subject to review and approval by the Board of Trustees.

(c) Delegation of duties

The Committee of Bar Examiners may delegate its duties described in this rule and rule 9.6 to a subcommittee of examiners, as necessary and where not prohibited by law or these rules. Unless otherwise stated in the delegation, the action of the subcommittee shall be the decision of the committee without further ratification. Actions taken by the subcommittee shall be reported to the full committee at the next regularly scheduled meeting.

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

Rule 9.6. The California bar examination

(a) Administration of the exam

The Committee of Bar Examiners is responsible for administering the bar examination, including its mode of administration, proctoring, format, scope, topics, content, and grading process In carrying out these responsibilities, the committee:

(1) May utilize the services of third parties, subject to review and approval by the Board of Trustees, to prepare bar examination questions, provided that the vendor has no financial interest in other matters that might create a conflict of interest

with the State Bar or with the vendor's ability to draft fair and reliable exam questions. With the exception of examination questions provided by the National Conference of Bar Examiners, the attorney and judicial officer members of the committee, or their designated content validation panels, must review all new questions drafted for the examination before they are administered on a bar examination or released for use in any study guide;

(2) Must develop, maintain, and publish qualification standards, subject to review and approval by the Supreme Court, for the committee's selection of panelists and subject matter experts for any content validation panels or standard setting panels designated by the committee to review new examination questions or to determine the recommended raw passing score for the bar examination;

(3) Must develop, maintain, and publish standards for assessing the ability of any third-party vendor to administer and/or proctor the bar examination in any format (in-person, online, or hybrid), subject to review and approval by the Board of Trustees;

(4) Must develop, maintain, and publish standards regarding bar examination testing accommodations, subject to review and approval by the Board of Trustees;

(5) Must oversee the grading process of the bar examination and develop, maintain, and publish standards for grading, regrading, and for any scoring adjustments redressing exam administration irregularities, subject to review and approval by the Board of Trustees;

(6) Must recommend any change to the passing score for the bar examination, subject to review and approval by the Supreme Court; and

(7) Must consult with law school stakeholders on issues relating to the doctrines tested on the bar examination, the experience of examinees, and the effective design and delivery of exams.

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

(b) Analysis of costs and benefits of changes to the exam

Any changes to the bar examination that require substantial modification to the training or preparation required for passage of the examination or that substantially modify the method by which the examination is administered must be approved by the Supreme Court. In proposing such changes, the Committee of Bar Examiners must conduct and submit a cost-benefit analysis to assess, if relevant:

(1) The direct and indirect costs and the tangible and intangible benefits for the State Bar and examinees of existing practices compared to the proposed changes;

(2) Any other alternative, existing products or services that are feasible to accomplish the same goals and objectives as the proposed changes and at a comparable or lower cost for the State Bar and the examinees;

(3) Whether any new technological requirements or new fees to implement the proposed changes would place an undue financial burden on the examinees;

(4) The estimated number of temporary and non-temporary full-time equivalent positions necessary to implement the proposed changes;

(5) The estimated timeframe required to competently implement the proposed changes; and

(6) Whether the proposed changes have previously demonstrated their efficacy under testing conditions similar to those of the bar examination.

(c) Analysis of validity

The Committee of Bar Examiners, subject to the review and approval of the Board of Trustees, must conduct an analysis of the validity of the bar examination and its passing score at least once every seven years, or whenever directed by the Supreme Court. The examiners must prepare and submit a report summarizing its findings and recommendations, if any, to the Board of Trustees and the Supreme Court. Any recommendations proposing significant changes to the topics and skills tested on 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.)

(d) Report on examination

The Committee of Bar Examiners 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.

Rule 9.9.5. Fingerprinting of applicants and licensees

(a) Fingerprinting of applicants for admission or reinstatement

Applicants for admission or reinstatement to the practice of law in the State of California must, pursuant to the procedures and exceptions identified by the State Bar, be fingerprinted for the purpose of obtaining criminal offender record information regarding state and federal level convictions and arrests from the California Department of Justice and the Federal Bureau of Investigation. The State Bar's use of that information shall be limited to the official use of the State Bar in establishing the identity of the applicant and in

determining the character and fitness of the applicant for admission or reinstatement, and in discovering prior and subsequent criminal arrests of an applicant, licensee, or applicant for reinstatement.

(b) Fingerprinting of active or inactive licensees

Each active licensee must, pursuant to the procedures and exceptions identified by the State Bar, be fingerprinted for the purpose of obtaining criminal offender record information regarding state and federal level convictions and arrests from the California Department of Justice and the Federal Bureau of Investigation. Failure to be fingerprinted, if required, may result in involuntary inactive enrollment of the licensee pursuant to Business and Professions Code section 6054, subdivision (e). An inactive licensee who has not previously submitted fingerprints under this rule must, pursuant to the procedures and exceptions identified by the State Bar, be fingerprinted prior to being placed on active status. The fingerprints submitted under this rule will be retained by the California Department of Justice for the limited purpose of subsequent arrest notification.

(c) Special admissions attorneys

Attorneys permitted to practice law in the State of California pursuant to rules 9.41.1, 9.44, 9.45, and 9.46 must, pursuant to the procedures and exceptions identified by the State Bar, be fingerprinted for the purpose of obtaining criminal offender record information regarding state and federal level convictions and arrests from the California Department of Justice and the Federal Bureau of Investigation. These fingerprints will be retained by the California Department of Justice for the limited purpose of subsequent arrest notification. Failure to be fingerprinted, if required, may result in a State Bar determination that the attorney cease providing legal services in California.

(d) Subsequent arrest notification

The State Bar must maintain a contract with the California Department of Justice for subsequent arrest notification services for licensees on active status with the State Bar and special admissions attorneys permitted to practice in the State of California pursuant to rules 9.41.1, 9.44, 9.45, and 9.46.

(e) Information obtained by fingerprint submission; disclosure limitations

Any information obtained by the State Bar as a result of fingerprint submission under this rule must be kept confidential and used solely for State Bar licensing and regulatory purposes.

(f) Fingerprint submission and processing costs

(1) Except as described in (f)(2), all costs incurred for the processing of fingerprints for the State Bar, including print furnishing and encoding, as required by Business and

Professions Code section 6054, must be borne by the applicant, licensee, or special admissions attorney.

(2) The State Bar must develop procedures for granting waivers of the processing costs of running California Department of Justice and Federal Bureau of Investigation background checks for applicants and licensees with demonstrable financial hardship.

(g) Persons who are physically unable to be fingerprinted

(1) If the California Department of Justice makes a determination pursuant to Penal Code section 11105.7 that any person required to be fingerprinted under this rule is presently unable to provide legible fingerprints, the person will be deemed to have complied with the fingerprinting requirements of this rule.

(2) Persons required to be fingerprinted under this rule may also submit notification to the State Bar that they are unable to submit fingerprints due to disability, illness, accident, or other circumstances beyond their control. The State Bar must evaluate the notification and may require additional evidence. If the State Bar determines that the person is unable to submit fingerprints based on the information provided, the person will be deemed to have complied with the fingerprinting requirements of this rule.

(3) A determination of deemed compliance under (g)(1) and (g)(2) will apply only to those persons who are unable to supply legible fingerprints due to disability, illness, accident, or other circumstances beyond their control and will not apply to persons who are unable to provide fingerprints because of actions they have taken to avoid submitting their fingerprints.

Rule 9.9.5 adopted effective June 1, 2018.

Chapter 3. Attorney Disciplinary Proceedings

Rule 9.10. Authority of the State Bar Court
Rule 9.11. State Bar Court judges
Rule 9.12. Standard of review for State Bar Court Review Department
Rule 9.13. Petitions for review by licenscees of State Bar Court decisions and review of other State Bar decisions
Rule 9.14. Petitions for review by the Chief Trial Counsel of State Bar Court decisions
Rule 9.15. Petitions for review by the State Bar in moral character proceedings
Rule 9.16. Grounds for review of State Bar Court decisions in the Supreme Court
Rule 9.16.1. Briefs by parties following grant of review by the Supreme Court
Rule 9.16.2. Requesting depublication of published State Bar Court opinion
Rule 9.17. Remand with instructions
Rule 9.18. Effective date of disciplinary orders and decisions
Rule 9.19. Conditions attached to reprovals

Rule 9.20. Duties of disbarred, resigned, or suspended attorneys
Rule 9.21. Resignations of licensees of the State Bar with disciplinary charges pending
Rule 9.22. Suspension of licensees of the State Bar for failure to comply with judgment or order for child or family support
Rule 9.23. Enforcement as money judgment disciplinary orders directing the payment of costs and disciplinary orders requiring reimbursement of the Client Security Fund

Rule 9.12. Standard of review for State Bar Court Review Department

In reviewing the decisions, orders, or rulings of a hearing judge under rule 5.151 of the Rules of Procedure of the State Bar of California or such other rule as may be adopted governing the review of any decisions, orders, or rulings by a hearing judge that fully disposes of an entire proceeding, the Review Department of the State Bar Court must independently review the record and may adopt findings, conclusions, and a decision or recommendation different from those of the hearing judge.

Rule 9.12 amended and renumbered effective January 1, 2007; adopted as rule 951.5 by the Supreme Court effective February 23, 2000.

Rule 9.13. Petitions for review by licensees of State Bar Court decisions and review of other State Bar decisions

(a) Review of recommendation of disbarment or suspension

A petition to the Supreme Court by a licensee to review a decision of the State Bar Court recommending his or her disbarment or suspension from practice must be served and filed within 60 days after a certified copy of the decision complained of is filed with the Clerk of the Supreme Court. The State Bar may serve and file an answer to the petition within 20 days after filing of the petition. Within 10 days after filing of the answer, the petitioner may serve and file a reply.

(Subd (a) amended effective January 1, 2019; previously relettered and amended effective October 1, 1973; previously amended effective July 1, 1968, December 1, 1990, and January 7, 2007.)

(b) Review of recommendation to set aside stay of suspension or modify probation

A petition to the Supreme Court by a licensee to review a recommendation of the State Bar Court that a stay of an order of suspension be set aside or that the duration or conditions of probation be modified on account of a violation of probation must be served and filed within 15 days after a certified copy of the recommendation complained of is filed with the Clerk of the Supreme Court. Within 15 days after filing of the petition, the State Bar may serve and file an answer. Within 5 days after filing of the answer, the petitioner may serve and file a reply.

(Subd (b) amended effective January 1, 2019; adopted effective October 1, 1973; previously amended effective December 1, 1990; and January 1, 2007.)

(c) Review of interim decisions

A petition to the Supreme Court by a licensee to review a decision of the State Bar Court regarding interim suspension, the exercise of powers delegated by rule 9.10(b)–(e), or another interlocutory matter must be served and filed within 15 days after written notice of the adverse decision of the State Bar Court is mailed by the State Bar to the petitioner and to his or her counsel of record, if any, at their respective addresses under Business and Professions Code section 6002.1. Within 15 days after filing of the petition, the State Bar may serve and file an answer. Within 5 days after filing of the answer, the petitioner may serve and file a reply.

(Subd (c) amended effective January 1, 2019; adopted effective December 1, 1990; previously amended effective January 1, 2007.)

(d) Review of other decisions

A petition to the Supreme Court to review any other decision of the State Bar Court or action of the Board of Trustees of the State Bar, or of any board or committee appointed by it and authorized to make a determination under the provisions of the State Bar Act, or of the chief executive officer of the State Bar or the designee of the chief executive officer authorized to make a determination under article 10 of the State Bar Act or these rules of court, must be served and filed within 60 days after written notice of the action complained of is mailed to the petitioner and to his or her counsel of record, if any, at their respective addresses under Business and Professions Code section 6002.1. Within 20 days after filing of the petition, the State Bar may serve and file an answer and brief. Within 10 days after filing of the answer and brief, the petitioner may serve and file a reply.

(Subd (d) amended effective January 1, 2019; previously amended effective July 1, 1968, May 1, 1986, April 2, 1987, and January 1, 2007; previously relettered and amended effective October 1, 1973, and December 1, 1990.)

(e) Contents of petition

(1) A petition to the Supreme Court filed under (a) or (b) of this rule must be verified, must specify the grounds relied upon, must show that review within the State Bar Court has been exhausted, must address why review is appropriate under one or more of the grounds specified in rule 9.16, and must have attached a copy of the State Bar Court decision from which relief is sought.

(2) When review is sought under (c) or (d) of this rule, the petition must also be accompanied by a record adequate to permit review of the ruling, including:

(A) Legible copies of all documents and exhibits submitted to the State Bar Court or the State Bar supporting and opposing petitioner's position;

(B) Legible copies of all other documents submitted to the State Bar Court or the State Bar that are necessary for a complete understanding of the case and the ruling; and

(C) A transcript of the proceedings in the State Bar Court leading to the decision or, if a transcript is unavailable, a declaration by counsel explaining why a transcript is unavailable and fairly summarizing the proceedings, including arguments by counsel and the basis of the State Bar Court's decision, if stated; or a declaration by counsel stating that the transcript has been ordered, the date it was ordered, and the date it is expected to be filed, which must be a date before any action is requested from the Supreme Court other than issuance of a stay supported by other parts of the record.

(3) A petitioner who requests an immediate stay must explain in the petition the reasons for the urgency and set forth all relevant time constraints.

(4) If a petitioner does not submit the required record, the court may summarily deny the stay request, the petition, or both.

(Subd (e) amended effective January 1, 2019; previously repealed and adopted by the Supreme Court effective December 1, 1990, and February 1, 1991; previously repealed and adopted effective March 15, 1991; previously amended effective January 1, 2007.)

(f) Service

All petitions, briefs, reply briefs, and other pleadings filed by a petitioner under this rule must be accompanied by proof of service of one copy on the General Counsel of the State Bar at the San Francisco or the Los Angeles office of the State Bar, and of one copy on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court. The State Bar must serve the licensee at the address of record under Business and Professions Code section 6002.1, and counsel of record, if any.

(Subd (f) amended effective January 1, 2019; adopted by the Supreme Court effective December 1, 1990; previously amended by the Supreme Court effective February 1, 1991; previously amended effective March 15, 1991, and January 1, 2007.)

Rule 9.13 amended effective January 1, 2019; adopted as rule 59 by the Supreme Court effective April 20, 1943, and by the Judicial Council effective July 1, 1943; previously amended and renumbered as rule 952 effective October 1, 1973, and as 9.13 effective January 1, 2007; previously amended effective July 1, 1976, May 1, 1986, April 2, 1987, December 1, 1990, February 1, 1991, and March 15, 1991.

Rule 9.14. Petitions for review by the Chief Trial Counsel of State Bar Court decisions

(a) Time for filing a petition

The Chief Trial Counsel may petition for review of recommendations and decisions of the State Bar Court as follows:

(1) From recommendations that a licensee be suspended, within 60 days of the date the recommendation is filed with the Supreme Court.

(2) From recommendations that the duration or conditions of probation be modified, or a reinstatement application be granted, within 15 days of the date the recommendation is filed with the Supreme Court.

(3) From decisions not to place an eligible licensee on interim suspension, or vacating interim suspension, or a denial of a petition brought under Business and Professions Code section 6007, subdivision (c), within 15 days of notice under the rules adopted by the State Bar.

(4) From decisions dismissing disciplinary proceedings or recommending approval, within 60 days of notice under the rules adopted by the State Bar.

(b) Subsequent briefs

Within 20 days after the filing of the petition under this rule, the licensee may serve and file an answer. Within 10 days after the filing of the answer, the Chief Trial Counsel may serve and file a reply.

(Subd (a) amended effective January 1, 2019; adopted effective March 15, 1991; previously adopted by the Supreme Court effective December 10, 1990; previously amended effective January 1, 2007.)

(c) Service

All petitions, briefs, reply briefs, and other pleadings filed by the Chief Trial Counsel under this rule must be accompanied by proof of service on the licensee at the address of record under Business and Professions Code section 6002.1, and counsel of record, if any. All briefs and other pleadings filed by the licensee under this rule must be accompanied by proof of service of one copy on the General Counsel of the State Bar at the San Francisco or the Los Angeles office of the State Bar, and of one copy on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court.

(Subd (b) amended effective January 1, 2019; adopted as part of subd (d) effective March 15, 1991; previously adopted by the Supreme Court effective December 10, 1991; previously amended and relettered effective January 1, 2007.)

Rule 9.14 amended effective January 1, 2019; adopted as rule 952.5 effective March 15, 1991; previously amended and renumbered effective January 1, 2007.

Rule 9.15. Petitions for review by State Bar in moral character proceedings

(a) Petition for review by the State Bar

The State Bar may petition for review of the decision of the Review Department of the State Bar Court in moral character proceedings. All petitions under this rule must be served and filed with the Clerk of the Supreme Court within 60 days after the State Bar Court decision is filed and served on the General Counsel of the State Bar at the San Francisco or the Los Angeles office of the State Bar. The applicant may file and serve an answer within 20 days after filing of the petition. Within 10 days after filing of the answer the State Bar may serve and file a reply.

(Subd (a) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(b) Contents of petition

A petition to the Supreme Court filed under this rule must show that review within the State Bar Court has been exhausted, must address why review is appropriate under one or more of the grounds specified in rule 9.16, and must have attached a copy of the State Bar Court decision for which review is sought.

(Subd (b) amended effective January 1, 2007.)

(c) Service

All petitions, briefs, reply briefs, and other pleadings filed by the State Bar must include a proof of service by mail to the applicant's last address provided to the State Bar or the applicant's attorney of record, if any. Filings by the applicant must include a proof of service of one copy on the General Counsel of the State Bar at the San Francisco or the Los Angeles office of the State Bar and one copy on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court.

(Subd (c) amended effective January 1, 2019; previously amended effective April 20, 1998, and January 1, 2007.)

(d) Confidentiality

All filings under this rule are confidential unless: (1) the applicant waives confidentiality in writing; or (2) the Supreme Court grants review. Once the Supreme Court grants review, filings under this rule are open to the public; however, if good cause exists, the Supreme Court may order portions of the record or the identity of witnesses or other third parties to the proceedings to remain confidential.

(Subd (d) amended effective January 1, 2007; adopted effective April 20, 1998.)

Rule 9.15 amended effective January 1, 2019; adopted as rule 952.6 by the Supreme Court effective July 1, 1993, and by the Judicial Council May 6, 1998; previously amended by the Supreme Court effective April 20, 1998; previously amended and renumbered effective January 1, 2007.

Rule 9.16.1. Briefs by parties following grant of review by the Supreme Court

(a) Parties' briefs; time to file

If the Supreme Court grants review of a petition filed pursuant to rules 9.13(a) or (d), 9.14(a), or 9.15(a), the opposing party must serve and file a supplemental brief within 45 days after the order granting review is filed. Within 15 days after filing of the supplemental brief, the petitioner may serve and file a reply brief.

(b) Judicial notice

To obtain judicial notice by the Supreme Court under Evidence Code section 459, a party must comply with rule 8.252(a).

(c) Service

All briefs, reply briefs, and other pleadings filed by a licensee under this rule must be accompanied by proof of service of one copy on the General Counsel of the State Bar at the San Francisco or the Los Angeles office of the State Bar, and of one copy on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court. The State Bar must serve the licensee at the address of record under Business and Professions Code section 6002.1, and counsel of record, if any.

Rule 9.16.2. Requesting depublication of published State Bar Court opinion

(a) Request

(1) Any person may request the Supreme Court to order that an opinion certified for publication by the State Bar Court not be published.

(2) The request must not be made as part of a petition for review, but by a separate letter to the Supreme Court not exceeding 10 pages.

(3) The request must concisely state the person's interest and the reason why the opinion should not be published.

(4) The request must be delivered to the Supreme Court within 30 days after the decision is final in the State Bar Court.

(5) The request must be served on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court and all parties.

(b) Response

(1) Within 10 days after the Supreme Court receives a request under (a), the State Bar Court or any person may submit a response supporting or opposing the request. A response submitted by anyone other than the State Bar Court must state the person's interest.

(2) A response must not exceed 10 pages and must be served on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court, all parties, and any person who requested depublication.

(c) Action by Supreme Court

(1) The Supreme Court may order the State Bar Court to depublish the opinion or deny the request. It must send notice of its action to the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court, all parties, and any person who requested depublication.

(2) The Supreme Court, on its own motion, may order the State Bar Court to depublish an opinion, notifying the State Bar Court of its action.

(d) Effect of Supreme Court order to depublish

A Supreme Court order to depublish is not an expression of the court's opinion of the correctness of the result of the decision or of any law stated in the opinion. An opinion ordered depublished must not be cited or relied on by a court or a party in any other action. A depublished opinion may be cited when relevant under the doctrines of law of the case, res judicata, or collateral estoppel or if the opinion is relevant to a criminal or disciplinary action because it states reasons for a decision affecting the same defendant or respondent in another such action.

Rule 9.22. Suspension of licensees of the State Bar for failure to comply with judgment or order for child or family support

(a) State Bar recommendation for suspension of delinquent licensees

Under Family Code section 17520, the State Bar is authorized to transmit to the Supreme Court twice a year the names of those licensees listed by the State Department of Child Support Services as delinquent in their payments of court-ordered child or family support with a recommendation for their suspension from the practice of law.

(Subd (a) amended effective October 20, 2023; previously amended effective January 1, 2007 and January 1, 2019.)

(b) Conditions for reinstatement of a suspended licensees

The Supreme Court may reinstate a licensee suspended under this rule only after receipt by the Supreme Court of notification from the State Bar that the licensee's name has been removed from the State Department of Child Support Services list as provided in Family Code section 17520(h) and that the licensee has submitted a declaration under penalty of perjury stating whether the licensee practiced law during the suspension.

(Subd (b) amended effective October 20, 2023; adopted as part of subd (a) effective January 31, 1993; previously amended and lettered effective January 1, 2007; previously amended effective January 1, 2019.)

(c) Subsequent recommendation for suspension by the State Bar

Under Family Code section 17520(*l*), the State Bar is further authorized to promptly transmit to the Supreme Court with a recommendation for their suspension from the practice of law the name of any licensee previously listed by the State Department of Child Support Services as delinquent in their payments of court-ordered child or family support, who has been reinstated under (b) of this rule and who has subsequently been identified by the Department of Child Support Services as again being delinquent.

(Subd (c) amended effective October 20, 2023; adopted as part of subd (a) effective January 31, 1993; previously amended and lettered effective January 1, 2007; previously amended effective January 1, 2019.)

(d) Compliance with Rule 9.20(a)-(c)

A licensee suspended under this rule must comply with the requirements of rule 9.20 in connection with an initial suspension under (a) of this rule and any subsequent suspension under (c) of this rule.

(Subd (d) adopted effective October 20, 2023.)

(e) Authorization for the Board of Trustees of the State Bar to adopt rules

The Board of Trustees of the State Bar is authorized to adopt such rules as it deems necessary and appropriate in order to comply with this rule. The rules of the State Bar must contain procedures governing the notification, suspension, and reinstatement of licensees of the State Bar in a manner not inconsistent with Family Code section 17520.

(Subd (e) amended and relettered effective October 20, 2023; adopted as subd (b) effective January 31, 1993; previously amended and relettered as subd (d) effective January 1, 2007; previously amended effective January 1, 2019.)

Rule 9.22 amended effective October 20, 2023; adopted as rule 962 effective January 31, 1993; previously amended by the Supreme Court effective April 1, 1996 and January 1, 2019; previously amended and renumbered effective January 1, 2007.

Chapter 4. Legal Education

Rule 9.30. Law school study in schools other than those accredited by the Committee of Bar Examiners
Rule 9.31. Minimum continuing legal education
Rule 9.32. New Attorney Training

Rule 9.30. Law school study in schools other than those accredited by the Committee of Bar Examiners

(a) Receipt of credit

A person who seeks to be certified to the Supreme Court for admission in and licensed to practice law under section 6060(e)(2) of the Business and Professions Code may receive credit for:

(1) Study in a law school in the United States other than one accredited by the Committee of Bar Examiners only if the law school satisfies the requirements of (b) or (c) of this rule; or

(2) Instruction in law from a correspondence school only if the correspondence school requires 864 hours of preparation and study per year for four years and satisfies the requirements of (d) of this rule; or

(3) Study in a law school outside the United States other than one accredited by the Committee of Bar Examiners only if the Committee of Bar Examiners is satisfied that the academic program of such law school is substantially equivalent to that of a law school qualified under (b) of this rule.

(Subd (a) amended effective January 1, 2019; previously amended effective April 2, 1984, and January 1, 2007.)

(b) Requirements for unaccredited law schools in state

A law school in this state that is not accredited by the Committee of Bar Examiners must:

(1) Be authorized to confer professional degrees by the laws of this state;

(2) Maintain a regular course of instruction in law, with a specified curriculum and regularly scheduled class sessions;

(3) Require classroom attendance of its students for a minimum of 270 hours a year for at least four years, and further require regular attendance of each student at not less than 80 percent of the regularly scheduled class hours in each course in which such

student was enrolled and maintain attendance records adequate to determine each student's compliance with these requirements;

(4) Maintain, in a fixed location, physical facilities capable of accommodating the classes scheduled for that location;

(5) Have an adequate faculty of instructors in law. The faculty will prima facie be deemed adequate if at least 80 percent of the instruction in each academic period is by persons who possess one or more of the following qualifications:

(A) Admission to the general practice of the law in any jurisdiction in the United States;

(B) Judge of a United States court or a court of record in any jurisdiction in the United States; or

(C) Graduation from a law school accredited by the Committee of Bar Examiners.

(6) Own and maintain a library consisting of at least those materials identified by the Committee of Bar Examiners in the rules or guidelines for unaccredited law schools.

(7) Establish and maintain standards for academic achievement, advancement in good standing and graduation, and provide for periodic testing of all students to determine the quality of their performance in relation to such standards; and

(8) Register with the Committee of Bar Examiners, and maintain such records (available for inspection by the Committee of Bar Examiners) and file with the Committee of Bar Examiners such reports, notices, and certifications as may be required by the rules of the Committee of Bar Examiners.

(Subd (b) amended effective January 1, 2007; previously amended effective April 2, 1984.)

(c) Requirements for unaccredited law schools outside the state

A law school in the United States that is outside the state of California and is not accredited by the Committee of Bar Examiners must:

(1) Be authorized to confer professional degrees by the law of the state in which it is located;

(2) Comply with (b)(2), (3), (4), (5), (7), and (8) of this rule; and

(3) Own and maintain a library that is comparable in content to that specified in (b)(6) of this rule.

(Subd (c) amended effective January 1, 2007; previously amended effective April 2, 1984.)

(d) Registration and reports

A correspondence law school must register with the Committee of Bar Examiners and file such reports, notices, and certifications as may be required by the rules of the Committee of Bar Examiners concerning any person whose mailing address is in the state of California or whose application to, contract with, or correspondence with or from the law school indicates that the instruction by correspondence is for the purpose or with the intent of qualifying that person for admission to practice law in California.

(Subd (d) amended effective January 1, 2007.)

(e) Inspections

The Committee of Bar Examiners may make such inspection of law schools not accredited by the committee or correspondence schools as may be necessary or proper to give effect to the provisions of Business and Professions Code section 6060, this rule, and the rules of the Committee of Bar Examiners.

(Subd (e) amended effective January 1, 2007.)

(f) Application

This rule does not apply to any person who, on the effective date of the rule, had commenced the study of law in a manner authorized by Business and Professions Code section 6060(e) and registered as a law student before January 1, 1976 (as provided in Business and Professions Code section 6060(d) and otherwise satisfies the requirements of Business and Professions Code section 6060(e), provided that after January 1, 1976, credit will be given such person for any study in an unaccredited law school or by correspondence only if the school complies with the requirements of (b)(8) or (d) of this rule, whichever is applicable, and permits inspection under (e) of this rule.

(Subd (f) amended effective January 1, 2007.)

Rule 9.30 amended effective January 1, 2019; adopted as rule 957 by the Supreme Court effective October 8, 1975; previously amended effective April 2, 1984; previously amended and renumbered effective January 1, 2007.

Rule 9.31. Minimum continuing legal education

(a) Statutory authorization

This rule is adopted under Business and Professions Code section 6070.

(Subd (a) amended effective January 1, 2007.)

(b) State Bar minimum continuing legal education program

The State Bar must establish and administer a minimum continuing legal education program under rules adopted by the Board of Trustees. These rules may provide for carryforward of excess credit hours, staggering of the education requirement for implementation purposes, and retroactive credit for legal education.

(Subd (b) amended effective August 1, 2017; previously amended effective September 27, 2000, and January 1, 2007.)

(c) Minimum continuing legal education requirements

Each active licensee of the State Bar (1) not exempt under Business and Professions Code section 6070, (2) not a full-time employee of the United States Government, its departments, agencies, and public corporations, acting within the scope of his or her employment, and (3) not otherwise exempt under rules adopted by the Board of Trustees, must, within 36-month periods designated by the State Bar, complete at least 25 hours of legal education approved by the State Bar or offered by a State Bar-approved provider. Four of those hours must address legal ethics. Licensees may be required to complete legal education in other specified areas within the 25-hour requirement under rules adopted by the State Bar. Each active licensee must report his or her compliance to the State Bar under rules adopted by the Board of Trustees.

(Subd (c) amended effective August 1, 2019; previously amended effective September 27, 2000, January 1, 2007, and August 1, 2017.)

(d) Failure to comply with program

A licensee of the State Bar who fails to satisfy the requirements of the State Bar's minimum continuing legal education program must be enrolled as an inactive licensee of the State Bar under rules adopted by the Board of Trustees.

(Subd (d) amended effective January 1, 2019; previously amended effective January 1, 2007, and August 1, 2017.)

(e) Fees and penalties

The State Bar has the authority to set and collect appropriate fees and penalties.

(Subd (e) amended effective January 1, 2007.)

(f) One-time expungement of a record of inactive enrollment for failure to comply with program

The State Bar is authorized to expunge a public record of a period of inactive enrollment for failure to comply with the minimum continuing legal education program for those licensees who meet all of the following criteria:

(1) The licensee has not on any previous occasion obtained an expungement under the terms of this rule or rule 9.8(b);

(2) The period of inactive enrollment was for 90 days or less;

(3) The period of inactive enrollment ended at least seven years before the date of expungement;

(4) The licensee has no other record of suspension or involuntary inactive enrollment for discipline or otherwise.

(Subd (f) amended effective January 1, 2019; adopted effective August 1, 2017.)

(g) Records to be maintained by State Bar

Under (f) of this rule, the State Bar will remove or delete the record of such period of inactive enrollment from the licensee's record. Notwithstanding any other provision of this rule, the State Bar must maintain such internal records as are necessary to apply the terms of (f) of this rule and to report to the Commission on Judicial Nominees Evaluation or appropriate governmental entities involved in judicial elections the licensee's eligibility for a judgeship under the California Constitution, article VI, section 15.

(Subd (g) amended effective January 1, 2019; adopted effective August 1, 2017.)

(h) Duty of disclosure by licensee

Expungement of the record of a licensee's period of inactive enrollment under (f) of this rule will not relieve the licensee of his or her duty to disclose the period of inactive enrollment for purpose of determining the licensee's eligibility for a judgeship under the California Constitution, article VI, section 15. For all other purposes, the record of inactive enrollment expunged under (f) of this rule is deemed not to have occurred and the licensee may answer accordingly any question relating to his or her record.

(Subd (h) amended effective January 1, 2019; adopted effective August 1, 2017.)

Rule 9.31 amended effective January 1, 2019; adopted as rule 958 effective December 6, 1990; previously amended effective December 25, 1992; previously amended by the Supreme Court effective September 27, 2000; previously amended and renumbered as rule 9.31 effective January 1, 2007; previously amended effective August 1, 2017.

Rule 9.32. New Attorney Training

(a) State Bar New Attorney Training

The State Bar must establish and administer a New Attorney Training program under rules adopted by the Board of Trustees of the State Bar, including Rules of the State Bar of California, rules 2.140-2.144.

(b) State Bar New Attorney Training requirements

All new licensees of the State Bar must, by the last day of the month of their one year anniversary as a State Bar licensee, complete the New Attorney Training program and report having done so as provided in Rules of the State Bar of California, rule 2.141.

(c) Failure to comply with program

A licensee of the State Bar who fails to satisfy the requirements of the State Bar New Attorney Training program will be enrolled as an inactive licensee of the State Bar under rules adopted by the Board of Trustees of the State Bar, including Rules of the State Bar of California, rules 2.150-2.153.

(d) Fees and penalties

The State Bar has the authority to set and collect appropriate fees and penalties.

Rule 9.32 adopted effective January 1, 2024.

Division 4. Appearances and Practice by Individuals Who Are Not Licensees of the State Bar of California

***Rule 9.40. Counsel* pro hac vice**
Rule 9.41. Appearances by military counsel
Rule 9.41.1. Registered military spouse attorney
Rule 9.42. Certified law students
Rule 9.43. Out-of-state attorney arbitration counsel
Rule 9.44. Registered foreign legal consultant
Rule 9.45. Registered legal aid attorneys
Rule 9.46. Registered in-house counsel
Rule 9.47. Attorneys practicing law temporarily in California as part of litigation
Rule 9.48. Nonlitigating attorneys temporarily in California to provide legal services
Rule 9.49. Provisional Licensure of 2020 Law School Graduates
Rule 9.49.1 Provisional Licensure with Pathway to Full Licensure for Certain Individuals

Rule 9.40. Counsel *pro hac vice*

(a) Eligibility

A person who is not a licensee of the State Bar but who is an attorney in good standing of and eligible to practice before the bar of any United States court or the highest court in any state, territory, or insular possession of the United States, and who has been retained to appear in a particular cause pending in a court of this state, may in the discretion of such court be permitted upon written application to appear as counsel *pro hac vice*, provided that an active licensee of the State Bar is associated as attorney of record. No person is eligible to appear as counsel *pro hac vice* under this rule if the person is:

(1) A resident of the State of California;

(2) Regularly employed in the State of California; or

(3) Regularly engaged in substantial business, professional, or other activities in the State of California.

(Subd (a) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(b) Repeated appearances as a cause for denial

Absent special circumstances, repeated appearances by any person under this rule is a cause for denial of an application.

(Subd (b) lettered effective January 1, 2007; adopted as part of subd (a) effective September 13, 1972.)

(c) Application

(1) *Application in superior court*

A person desiring to appear as counsel *pro hac vice* in a superior court must file with the court a verified application together with proof of service by mail in accordance with Code of Civil Procedure section 1013a of a copy of the application and of the notice of hearing of the application on all parties who have appeared in the cause and on the State Bar at its San Francisco office. The notice of hearing must be given at the time prescribed in Code of Civil Procedure section 1005 unless the court has prescribed a shorter period.

(2) *Application in Supreme Court or Court of Appeal*

An application to appear as counsel *pro hac vice* in the Supreme Court or a Court of Appeal must be made as provided in rule 8.54, with proof of service on all parties who have appeared in the cause and on the State Bar at its San Francisco office.

(Subd (c) amended and relettered effective January 1, 2007; adopted as part of subd (b) effective September 13, 1972; subd (b) previously amended effective October 3, 1973, September 3, 1986, January 17, 1991, and March 15, 1991.)

(d) Contents of application

The application must state:

(1) The applicant's residence and office address;

(2) The courts to which the applicant has been admitted to practice and the dates of admission;

(3) That the applicant is a licensee in good standing in those courts;

(4) That the applicant is not currently suspended or disbarred in any court;

(5) The title of each court and cause in which the applicant has filed an application to appear as counsel *pro hac vice* in this state in the preceding two years, the date of each application, and whether or not it was granted; and

(6) The name, address, and telephone number of the active licensee of the State Bar who is attorney of record.

(Subd (d) amended effective January 1, 2019; adopted as part of subd (b) effective September 13, 1972; subd (b) previously amended effective October 3, 1973, September 3, 1986, January 17, 1991, and March 15, 1991; previously amended and lettered effective January 1, 2007.)

(e) Fee for application

The State Bar may set an appropriate application fee to be paid by counsel *pro hac vice*.

(Subd (e) amended effective July 24, 2024; adopted as subd (c) effective September 3, 1986; previously amended and relettered effective January 1, 2007; previously amended effective January 1, 2019.)

(f) Counsel *pro hac vice* subject to jurisdiction of courts and State Bar

A person permitted to appear as counsel *pro hac vice* under this rule is subject to the jurisdiction of the courts of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a licensee of the State Bar. The counsel *pro hac vice* must familiarize himself or herself and comply with the standards of professional conduct required of licensees of the State Bar and will be subject to the disciplinary jurisdiction of the State Bar with respect to any of his or her acts occurring in the course of such appearance. Article 5 of chapter 4, division 3 of the Business and Professions Code

and the Rules of Procedure of the State Bar govern in any investigation or proceeding conducted by the State Bar under this rule.

(Subd (f) amended effective July 24, 2024; previously relettered as subd (d) effective September 3, 1986; previously amended and relettered effective January 1, 2007; previously amended effective January 1, 2019.)

(g) Representation in cases governed by the Indian Child Welfare Act (25 U.S.C. § 1903 et seq.)

(1) The requirement in (a) that the applicant associate with an active licensee of the State Bar does not apply to an applicant seeking to appear in a California court to represent an Indian tribe in a child custody proceeding governed by the Indian Child Welfare Act; and

(2) An applicant seeking to appear in a California court to represent an Indian tribe in a child custody proceeding governed by the Indian Child Welfare Act constitutes a special circumstance for the purposes of the restriction in (b) that an application may be denied because of repeated appearances.

(Subd (g) adopted effective January 1, 2019.)

(h) Supreme Court and Court of Appeal not precluded from permitting argument in a particular case

This rule does not preclude the Supreme Court or a Court of Appeal from permitting argument in a particular case from a person who is not a licensee of the State Bar, but who is licensed to practice in another jurisdiction and who possesses special expertise in the particular field affected by the proceeding.

(Subd (h) amended effective July 24, 2024; previously relettered as subd (e) effective September 3, 1986; previously amended and relettered as subd (g) effective January 1, 2007; previously amended and relettered as subd (h) effective January 1, 2007.)

(i) Inherent Power of Supreme Court

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

(Subd (i) adopted effective July 24, 2024.)

Rule 9.40 amended effective July 24, 2024; adopted as rule 983 by the Supreme Court effective September 13, 1972; previously amended and renumbered effective January 1, 2007; previously amended effective October 3, 1973, September 3, 1986, January 17, 1991, March 15, 1991, and January 1, 2019.

Rule 9.41. Appearances by military counsel

(a) Permission to appear

A judge advocate (as that term is defined at 10 U.S.C. §801(13)) who is not a licensee of the State Bar but who is an attorney in good standing of and eligible to practice before the bar of any United States court or of the highest court in any state, territory, or insular possession of the United States may, in the discretion of a court of this state, be permitted to appear in that court to represent a person in the military service in a particular cause pending before that court, under the Servicemembers Civil Relief Act, 50 United States Code Appendix section 501 et seq., if:

(1) The judge advocate has been made available by the cognizant Judge Advocate General (as that term is defined at 10 United States Code section 801(1)) or a duly designated representative; and

(2) The court finds that retaining civilian counsel likely would cause substantial hardship for the person in military service or that person's family; and

(3) The court appoints a judge advocate as attorney to represent the person in military service under the Servicemembers Civil Relief Act.

Under no circumstances is the determination of availability of a judge advocate to be made by any court within this state, or reviewed by any court of this state. In determining the likelihood of substantial hardship as a result of the retention of civilian counsel, the court may take judicial notice of the prevailing pay scales for persons in the military service.

(Subd (a) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(b) Notice to parties

The clerk of the court considering appointment of a judge advocate under this rule must provide written notice of that fact to all parties who have appeared in the cause. A copy of the notice, together with proof of service by mail in accordance with Code of Civil Procedure section 1013a, must be filed by the clerk of the court. Any party who has appeared in the matter may file a written objection to the appointment within 10 days of the date on which notice was given unless the court has prescribed a shorter period. If the court determines to hold a hearing in relation to the appointment, notice of the hearing must be given at least 10 days before the date designated for the hearing unless the court has prescribed a shorter period.

(Subd (b) amended effective January 1, 2007.)

(c) Appearing judge advocate subject to court and State Bar jurisdiction

A judge advocate permitted to appear under this rule is subject to the jurisdiction of the courts of this state with respect to the law of this state governing the conduct of attorneys to the same extent as licensee of the State Bar. The judge advocate must become familiar with and comply with the standards of professional conduct required of licensees of the State Bar and is subject to the disciplinary jurisdiction of the State Bar. Division 3, chapter 4, article 5 of the Business and Professions Code and the Rules of Procedure of the State Bar govern any investigation or proceeding conducted by the State Bar under this rule.

(Subd (c) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(d) Appearing judge advocate subject to rights and obligations of State Bar licensees concerning professional privileges

A judge advocate permitted to appear under this rule is subject to the rights and obligations with respect to attorney-client privilege, work-product privilege, and other professional privileges to the same extent as a licensee of the State Bar.

(Subd (d) amended effective January 1, 2019; previously amended effective January 1, 2007.)

Rule 9.41 amended effective January 1, 2019; adopted as rule 983.1 by the Supreme Court effective February 19, 1992; adopted by the Judicial Council effective February 21, 1992; amended and renumbered effective January 1, 2007.

Rule 9.43. Out-of-state attorney arbitration counsel

(a) Definition

An "out-of-state attorney arbitration counsel" is an attorney who is:

(1) Not a licensee of the State Bar but who is an attorney in good standing of and eligible to practice before the bar of any United States court or the highest court in any state, territory, or insular possession of the United States, and who has been retained to appear in the course of, or in connection with, an arbitration proceeding in this state;

(2) Has served a certificate in accordance with the requirements of Code of Civil Procedure section 1282.4 on the arbitrator, the arbitrators, or the arbitral forum, the State Bar, and all other parties and counsel in the arbitration whose addresses are known to the attorney; and

(3) Whose appearance has been approved by the arbitrator, the arbitrators, or the arbitral forum.

(Subd (a) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(b) State Bar out-of-state attorney arbitration counsel program

The State Bar must establish and administer a program to implement the State Bar's responsibilities under Code of Civil Procedure section 1282.4. The State Bar's program may be operative only as long as the applicable provisions of Code of Civil Procedure section 1282.4 remain in effect.

(Subd (b) amended effective January 1, 2007.)

(c) Eligibility to appear as an out-of-state attorney arbitration counsel

To be eligible to appear as an out-of-state attorney arbitration counsel, an attorney must comply with all of the applicable provisions of Code of Civil Procedure section 1282.4 and the requirements of this rule and the related rules and regulations adopted by the State Bar.

(Subd (c) amended effective January 1, 2007.)

(d) Discipline

An out-of-state attorney arbitration counsel who files a certificate containing false information or who otherwise fails to comply with the standards of professional conduct required of licensees of the State Bar is subject to the disciplinary jurisdiction of the State Bar with respect to any of his or her acts occurring in the course of the arbitration.

(Subd (d) amended effective July 24, 2024; previously amended effective January 1, 2007; and January 1, 2019.)

(e) Disqualification

Failure to timely file and serve a certificate or, absent special circumstances, appearances in multiple separate arbitration matters are grounds for disqualification from serving in the arbitration in which the certificate was filed.

(Subd (e) amended effective January 1, 2007.)

(f) Fee

The State Bar may set an appropriate application fee to be paid by the out-of-state attorney arbitration counsel.

(Subd (f) amended effective July 24, 2024; previously amended effective January 1, 2007.)

(g) Inherent power of Supreme Court

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

(Subd (g) amended effective July 24, 2024; previously amended effective January 1, 2007.)

Rule 9.43 amended effective July 24, 2024; adopted as rule 983.4 by the Supreme Court effective July 1, 1999; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2019.

Rule 9.44. Registered foreign legal consultant

(a) Definition

A "registered foreign legal consultant" is a person who:

(1) Is admitted to practice and is in good standing as an attorney or counselor-at-law or the equivalent in a foreign country; and

(2) Has a currently effective certificate of registration as a registered foreign legal consultant from the State Bar.

(Subd (a) amended effective January 1, 2007.)

(b) State Bar registered foreign legal consultant program

The State Bar must establish and administer a program for registering foreign attorneys or counselors-at-law or the equivalent under rules adopted by the Board of Trustees of the State Bar.

(Subd (b) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(c) Eligibility for certification

To be eligible to become a registered foreign legal consultant, an applicant must:

(1) Present satisfactory proof that the applicant has been admitted to practice and has been in good standing as an attorney or counselor-at-law or the equivalent in a foreign country for at least four of the six years immediately preceding the application and, while so admitted, has actually practiced the law of that country;

(2) Present satisfactory proof that the applicant possesses the good moral character requisite for a person to be licensed as a licensee of the State Bar and proof of compliance with California Rules of Court, rule 9.9.5, governing attorney fingerprinting;

(3) Agree to comply with the provisions of the rules adopted by the Board of Trustees of the State Bar relating to security for claims against a foreign legal consultant by his or her clients;

(4) Agree to comply with the provisions of the rules adopted by the Board of Trustees of the State Bar relating to maintaining an address of record for State Bar purposes;

(5) Agree to notify the State Bar of any change in his or her status in any jurisdiction where he or she is admitted to practice or of any discipline with respect to such admission;

(6) Agree to be subject to the jurisdiction of the courts of this state with respect to the laws of the State of California governing the conduct of attorneys, to the same extent as a licensee of the State Bar;

(7) Agree to become familiar with and comply with the standards of professional conduct required of licensees of the State Bar;

(8) Agree to be subject to the disciplinary jurisdiction of the State Bar;

(9) Agree to be subject to the rights and obligations with respect to attorney client privilege, work-product privilege, and other professional privileges, to the same extent as attorneys admitted to practice law in California; and

(10) Agree to comply with the laws of the State of California, the rules and regulations of the State Bar, and these rules.

(Subd (c) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(d) Authority to practice law

Subject to all applicable rules, regulations, and statutes, a registered foreign legal consultant may render legal services in California, except that he or she may not:

(1) Appear for a person other than himself or herself as attorney in any court, or before any magistrate or other judicial officer, in this state or prepare pleadings or any other papers or issue subpoenas in any action or proceeding brought in any court or before any judicial officer;

(2) Prepare any deed, mortgage, assignment, discharge, lease, or any other instrument affecting title to real estate located in the United States;

(3) Prepare any will or trust instrument affecting the disposition on death of any property located in the United States and owned by a resident or any instrument relating to the administration of a decedent's estate in the United States;

(4) Prepare any instrument in respect of the marital relations, rights, or duties of a resident of the United States, or the custody or care of the children of a resident; or

(5) Otherwise render professional legal advice on the law of the State of California, any other state of the United States, the District of Columbia, the United States, or of any jurisdiction other than the jurisdiction named in satisfying the requirements of (c) of this rule, whether rendered incident to preparation of legal instruments or otherwise.

(Subd (d) amended effective January 1, 2007.)

(e) Failure to comply with program

A registered foreign legal consultant who fails to comply with the requirements of the State Bar Registered Foreign Legal Consultant Program will have her or his certification suspended or revoked under rules adopted by the Board of Trustees of the State Bar.

(Subd (e) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(f) Fee and penalty

The State Bar has the authority to set and collect appropriate fees and penalties for this program.

(Subd (f) amended effective January 1, 2007.)

(g) 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.

(Subd (g) amended effective January 1, 2007.)

Rule 9.44 amended effective January 1, 2019; adopted as rule 988 effective December 1, 1993; previously amended and renumbered effective January 1, 2007.

Rule 9.45. Registered legal aid attorneys

(a) Definitions

The following definitions apply in this rule:

(1) "Eligible legal aid organization" means any of the following:

(A) A nonprofit entity in good standing in California and in the state in which it is incorporated, if other than California, that provides legal aid in civil matters, including family law and immigration law, to indigent and disenfranchised persons, especially underserved client groups, such as the elderly, persons with disabilities, people of color, juveniles, and persons with limited English proficiency; or

(B) A nonprofit law school approved by the American Bar Association located in California or accredited by the State Bar that provides legal aid as described above in subdivision (A); or

(C) An entity that receives IOLTA funds pursuant to Business and Professions Code, section 6210, et seq

(2) "Active licensee in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency" means an attorney who:

(A) Is a licensee in good standing of the entity governing the practice of law in each jurisdiction in which the attorney is licensed to practice law, who has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law for disciplinary misconduct in any other jurisdiction; and

(B) Remains an active licensee in good standing of the entity governing the practice of law in at least one United States state, jurisdiction, possession, territory, or dependency other than California while practicing law as a registered legal aid attorney in California.

(Subd (a) amended effective March 1, 2019; adopted as subd (j) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)

(b) Scope of practice

Subject to all applicable rules, regulations, and statutes, an attorney practicing law under this rule may practice law in California only while working, with or without pay, at an eligible legal aid organization, as defined in this rule, and, at that institution and only on behalf of its clients or customers, may engage, under supervision, in all forms of legal practice that are permissible for a licensee of the State Bar.

(Subd (b) amended effective March 1, 2019; adopted as subd (a) effective November 15, 2004; previously amended and relettered effective January 1, 2007; previously amended effective January 1, 2019.)

(c) Requirements

For an attorney to qualify to practice law under this rule, the attorney must:

(1) Be an active licensee in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency;

(2) Meet all of the requirements for admission to the State Bar, except that the attorney:

(A) Need not take the California bar examination or the Multistate Professional Responsibility Examination; and

(B) May practice law while awaiting the result of his or her Application for Determination of Moral Character;

(3) Comply with the rules adopted by the Board of Trustees relating to the State Bar Registered Legal Aid Attorney Program;

(4) Practice law under the supervision of an attorney who is employed by the eligible legal aid organization and who is a licensee in good standing of the State Bar ;

(5) Abide by all of the laws and rules that govern licensees of the State Bar, including the Minimum Continuing Legal Education (MCLE) requirements;

(6) Satisfy in his or her first year of practice under this rule all of the MCLE requirements, including ethics education, that licensees of the State Bar must complete every three years and, thereafter, satisfy the MCLE requirements for the registered legal aid attorney's compliance group as set forth in State Bar Rules 2.70 and 2.71. If the registered legal aid attorney's compliance group is required to report in less than thirty-six months, the MCLE requirements will be reduced proportionally; and

(7) Not have taken and failed the California bar examination within five years immediately preceding initial application to register under this rule.

(Subd (c) amended and renumbered effective March 1, 2019; adopted as subd (b) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)

(d) Application

The attorney must comply with the following registration requirements:

(1) Register as a legal aid attorney; submit a separate application for each eligible legal aid organization; file an Application for Determination of Moral Character with the State Bar; and comply with Rules of Court, rule 9.9.5, governing attorney fingerprinting;

(2) Submit to the State Bar a declaration signed by the attorney agreeing that he or she will be subject to the disciplinary authority of the Supreme Court of California and the State Bar and attesting that he or she will not practice law in California other than under supervision of an attorney at an eligible legal aid organization a during the time he or she practices law as a registered legal aid attorney in California; and

(3) Submit to the State Bar a declaration signed by a qualifying supervisor on behalf of the from each eligible legal aid organization in California. The declaration must attesting:

(i) that the applicant will work, with or without pay, as an attorney for the organization;

(ii) that the applicant will be supervised as specified in this rule;

(iii) that the eligible legal aid organization and the supervising attorney assume professional responsibility for any work performed by the applicant under this rule;

(iv) that the organization will notify the State Bar within 30 days of the cessation of the applicant's employment with that employer in California; and

(v) that the person signing the declaration believes, to the best of his or her knowledge after reasonable inquiry, that the applicant qualifies for registration under this rule and is an individual of good moral character.

(Subd (d) amended effective March 1, 2019; adopted as subd (c) effective November 15, 2004; previously relettered effective January 1, 2007.)

(e) Duration of practice

A registered legal aid attorney must renew his or her registration annually and may practice for no more than a total of five years under this rule.

(Subd (e) amended effective March 1, 2019; adopted as subd (d) effective November 15, 2004; previously relettered effective January 1, 2007.)

(f) Application and registration fees

The State Bar may set appropriate application fees and initial and annual registration fees to be paid by registered legal aid attorneys.

(Subd (f) amended effective March 1, 2019; adopted as subd (e) effective November 15, 2004; previously amended and relettered effective January 1, 2007.)

(g) State Bar Registered Legal Aid Attorney Program

The State Bar may establish and administer a program for registering California legal aid attorneys under rules adopted by the Board of Trustees of the State Bar.

(Subd (g) amended effective March 1, 2019; adopted as subd (f) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)

(h) Supervision

To meet the requirements of this rule, an attorney supervising a registered legal aid attorney:

(1) Must have practiced law as a full-time occupation for at least four years in any United States jurisdiction;

(2) Must have actively practiced law in California for at least two years immediately preceding the time of supervision and be a licensee in good standing of the State Bar;

(3) Must assume professional responsibility for any work that the registered legal aid attorney performs under the supervising attorney's supervision;

(4) Must assist, counsel, and provide direct supervision of the registered legal aid attorney in the activities authorized by this rule, approve in writing any appearance in court, deposition, arbitration or any proceeding by the registered legal aid attorney, and review such activities with the supervised registered legal aid attorney, to the extent required for the protection of the client or customer;

(5) Must read, approve, and personally sign any pleadings, briefs, or other similar documents prepared by the registered legal aid attorney before their filing, and must read and approve any documents prepared by the registered legal aid attorney before their submission for execution; and

(6) May, in his or her absence, designate another attorney meeting the requirements of (1) through (5) to provide the supervision required under this rule.

(Subd (h) amended and renumbered effective March 1, 2019; adopted as subd (g) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)

(i) Inherent power of Supreme Court

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

(Subd (i) amended and relettered effective January 1, 2007; adopted as subd (h) effective November 15, 2004.)

(j) Effect of rule on multijurisdictional practice

Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not licensees of the State Bar.

(Subd (j) amended effective January 1, 2019; adopted as subd (i) effective November 15, 2004; previously relettered effective January 1, 2007.)

Rule 9.45 amended effective March 1, 2019; adopted as rule 964 by the Supreme Court effective November 15, 2004; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2019.

Rule 9.46. Registered in-house counsel

(a) Definitions

The following definitions apply to terms used in this rule:

(1) "Qualifying institution" means a corporation, a partnership, an association, or other legal entity, including its subsidiaries and organizational affiliates, which has an office located in California. Neither a governmental entity nor an entity that provides legal services to others can be a qualifying institution for purposes of this rule. A qualifying institution must:

(A) Employ at least 5 full time employees; or

(B) Employ in California an attorney who is an active licensee in good standing of the State Bar.

(2) "Active licensee in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency" means an attorney who:

(A) Is a licensee in good standing of the entity governing the practice of law in each jurisdiction in which the attorney is licensed to practice law, who has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law for disciplinary misconduct in any other jurisdiction; and

(B) Remains an active licensee in good standing of the entity governing the practice of law in at least one United States state, jurisdiction, possession, territory, or dependency, other than California, while practicing law as registered in-house counsel in California.

(Subd (a) amended effective March 1, 2019; adopted as subd (j) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)

(b) Scope of practice

Subject to all applicable rules, regulations, and statutes, an attorney practicing law under this rule is:

(1) Permitted to provide legal services in California only to the qualifying institution that employs him or her;

(2) Permitted to provide *pro bono* legal services under supervision of a California attorney for either eligible legal aid organizations as defined by Rules of Court, rule 9.45(a)(1), or the qualifying institution that employs him or her;

(3) Not permitted to make court appearances in California state courts or to engage in any other activities for which *pro hac vice* admission is required if they are performed in California by an attorney who is not a licensee of the State Bar; and

(4) Not permitted to provide personal or individual representation to any customers, shareholders, owners, partners, officers, employees, servants, or agents of the qualifying institution, except as described in subdivision (b)(2).

(Subd (b) amended effective March 1, 2019; adopted as subd (a) effective November 15, 2004; previously amended and relettered effective January 1, 2007; previously amended effective January 1, 2019.)

(c) Requirements

For an attorney to practice law under this rule, the attorney must:

(1) Be an active licensee in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency;

(2) Meet all of the requirements for admission to the State Bar, except that the attorney:

(A) Need not take the California bar examination or the Multistate Professional Responsibility Examination; and

(B) May practice law while awaiting the result of his or her Application for Determination of Moral Character;

(3) Comply with the rules adopted by the Board of Trustees relating to the State Bar Registered In-House Counsel Program;

(4) Practice law exclusively for a single qualifying institution, except that, while practicing under this rule, the attorney may provide pro bono services through eligible legal aid organizations;

(5) Abide by all of the laws and rules that govern licensees of the State Bar, including the Minimum Continuing Legal Education (MCLE) requirements;

(6) Satisfy in his or her first year of practice under this rule all of the MCLE requirements, including ethics education, that licensees of the State Bar must complete every three years and, thereafter, satisfy the MCLE requirements for the

registered in-house counsel's compliance group as set forth in State Bar Rules 2.70 and 2.71. If the registered in-house counsel's compliance group is required to report in less than thirty-six months, the MCLE requirement will be reduced proportionally; and

(7) Reside in California.

(Subd (c) amended effective March 1, 2019; adopted as subd (b) effective November 15, 2004; previously relettered effective January 1, 2007; previously amended effective January 1, 2019.)

(d) Application

The attorney must comply with the following registration requirements:

(1) Register as an in-house counsel; submit an application for the qualifying institution; file an Application for Determination of Moral Character with the State Bar; and comply with Rules of Court, rule 9.9.5. governing attorney fingerprinting;

(2) Submit a supplemental form identifying the eligible legal aid organizations as defined by Rules of Court, rule 9.45(a)(1) and the supervising attorney, through which an in-house counsel intends to provide *pro bono* services, if applicable;

(3) Submit to the State Bar a declaration signed by the attorney agreeing that he or she will be subject to the disciplinary authority of the Supreme Court and the State Bar and attesting that he or she will not practice law in California other than on behalf of the qualifying institution during the time he or she is registered in-house counsel in California, except if supervised, a registered in-house counsel may provide pro bono services through eligible legal aid organization; and

(4) Submit to the State Bar a declaration signed by an officer, a director, or a general counsel of the applicant's employer, on behalf of the applicant's employer. The declaration must attest:

(i) that the applicant is employed as an attorney for the employer;

(ii) that the nature of the employment conforms to the requirements of this rule;

(iii) that the employer will notify the State Bar within 30 days of the cessation of the applicant's employment in California; and

(iv) that the person signing the declaration believes, to the best of his or her knowledge after reasonable inquiry, that the applicant qualifies for registration under this rule and is an individual of good moral character.

(Subd (d) amended effective March 1, 2019; adopted as subd (c) effective November 15, 2004; previously relettered effective January 1, 2007.)

(e) Duration of practice

A registered in-house counsel must renew his or her registration annually. There is no limitation on the number of years in-house counsel may register under this rule. Registered in-house counsel may practice law under this rule only for as long as he or she remains employed by the same qualifying institution that provided the declaration in support of his or her application. If an attorney practicing law as registered in-house counsel leaves the employment of his or her employer or changes employers, he or she must notify the State Bar within 30 days. If an attorney wishes to practice law under this rule for a new employer, he or she must first register as in-house counsel for that employer.

(Subd (e) amended and relettered effective January 1, 2007; adopted as subd (d) effective November 15, 2004.)

(f) Application and registration fees

The State Bar may set appropriate application fees and initial and annual registration fees to be paid by registered in-house counsel.

(Subd (f) relettered effective March 1, 2019; adopted as subd (f) effective November 15, 2004; previously amended and relettered as subd (g) effective January 1, 2007.)

(g) State Bar Registered In-House Counsel Program

The State Bar must establish and administer a program for registering California in-house counsel under rules adopted by the Board of Trustees.

(Subd (g) relettered effective March 1, 2019; adopted as subd (g) effective November 15, 2004; previously amended and relettered as subd (h) effective January 1, 2007; previously amended effective January 1, 2019.)

(h) Inherent power of Supreme Court

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

(Subd (h) relettered effective March 1, 2019; adopted as subd (h) effective November 15, 2004; previously amended and relettered as subd (i) effective January 1, 2007.)

(i) Effect of rule on multijurisdictional practice

Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not licensees of the State Bar.

(Subd (i) relettered effective March 1, 2019; adopted as subd (i) effective November 15, 2004; previously relettered as subd (j) effective January 1, 2007; previously amended effective January 1, 2019.)

Rule 9.46 amended effective March 1, 2019; adopted as rule 965 by the Supreme Court effective November 15, 2004; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2019.

Rule 9.47. Attorneys practicing law temporarily in California as part of litigation

(a) Definitions

The following definitions apply to the terms used in this rule:

(1) "A formal legal proceeding" means litigation, arbitration, mediation, or a legal action before an administrative decision-maker.

(2) "Authorized to appear" means the attorney is permitted to appear in the proceeding by the rules of the jurisdiction in which the formal legal proceeding is taking place or will be taking place.

(3) "Active attorney in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency" means an attorney who meets all of the following criteria:

(A) Is a licensee in good standing of the entity governing the practice of law in each jurisdiction in which the attorney is licensed to practice law who has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law in any other jurisdiction; and

(B) Remains an active licensee in good standing of the entity governing the practice of law in at least one United States state, jurisdiction, possession, territory, or dependency while practicing law under this rule.

(Subd (a) amended effective January 1, 2019; adopted as subd (g) effective November 15, 2004; previously relettered effective January 1, 2007.)

(b) Requirements

For an attorney to practice law under this rule, the attorney must:

(1) Maintain an office in a United States jurisdiction other than California and in which the attorney is licensed to practice law;

(2) Already be retained by a client in the matter for which the attorney is providing legal services in California, except that the attorney may provide legal advice to a

potential client, at the potential client's request, to assist the client in deciding whether to retain the attorney;

(3) Indicate on any Web site or other advertisement that is accessible in California either that the attorney is not a licensee of the State Bar or that the attorney is admitted to practice law only in the states listed; and

(4) Be an active attorney in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency.

(Subd (b) amended effective January 1, 2019; adopted as subd (a) effective November 15, 2004; previously relettered effective January 1, 2007.)

(c) Permissible activities

An attorney meeting the requirements of this rule, who complies with all applicable rules, regulations, and statutes, is not engaging in the unauthorized practice of law in California if the attorney's services are part of:

(1) A formal legal proceeding that is pending in another jurisdiction and in which the attorney is authorized to appear;

(2) A formal legal proceeding that is anticipated but is not yet pending in California and in which the attorney reasonably expects to be authorized to appear;

(3) A formal legal proceeding that is anticipated but is not yet pending in another jurisdiction and in which the attorney reasonably expects to be authorized to appear; or

(4) A formal legal proceeding that is anticipated or pending and in which the attorney's supervisor is authorized to appear or reasonably expects to be authorized to appear.

The attorney whose anticipated authorization to appear in a formal legal proceeding serves as the basis for practice under this rule must seek that authorization promptly after it becomes possible to do so. Failure to seek that authorization promptly, or denial of that authorization, ends eligibility to practice under this rule.

(Subd (c) relettered effective January 1, 2007; adopted as subd (b) effective November 15, 2004.)

(d) Restrictions

To qualify to practice law in California under this rule, an attorney must not:

(1) Hold out to the public or otherwise represent that he or she is admitted to practice law in California;

(2) Establish or maintain a resident office or other systematic or continuous presence in California for the practice of law;

(3) Be a resident of California;

(4) Be regularly employed in California;

(5) Regularly engage in substantial business or professional activities in California; or

(6) Have been disbarred, have resigned with charges pending, or be suspended from practicing law in any other jurisdiction.

(Subd (d) relettered effective January 1, 2007; adopted as subd (c) effective November 15, 2004.)

(e) Conditions

By practicing law in California under this rule, an attorney agrees that he or she is providing legal services in California subject to:

(1) The jurisdiction of the State Bar;

(2) The jurisdiction of the courts of this state to the same extent as is a licensee of the State Bar; and

(3) The laws of the State of California relating to the practice of law, the State Bar Rules of Professional Conduct, the rules and regulations of the State Bar, and these rules.

(Subd (e) amended effective January 1, 2019; adopted as subd (d) effective November 15, 2004; previously relettered effective January 1, 2007.)

(f) Inherent power of Supreme Court

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

(Subd (f) amended and relettered effective January 1, 2007; adopted as subd (e) effective November 15, 2004.)

(g) Effect of rule on multijurisdictional practice

Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not licensees of the State Bar of California.

(Subd (g) amended effective January 1, 2019; adopted as subd (f) effective November 15, 2004; previously relettered effective January 1, 2007.)

Rule 9.47; amended effective January 1, 2019; adopted as rule 966 by the Supreme Court effective November 15, 2004; previously amended and renumbered effective January 1, 2007.

Rule 9.48. Nonlitigating attorneys temporarily in California to provide legal services

(a) Definitions

The following definitions apply to terms used in this rule:

(1) "A transaction or other nonlitigation matter" includes any legal matter other than litigation, arbitration, mediation, or a legal action before an administrative decision-maker.

(2) "Active attorney in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency" means an attorney who meets all of the following criteria:

(A) Is a licensee in good standing of the entity governing the practice of law in each jurisdiction in which the attorney is licensed to practice law who has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law in any other jurisdiction; and

(B) Remains an active attorney in good standing of the entity governing the practice of law in at least one United States state, jurisdiction, possession, territory, or dependency other than California while practicing law under this rule.

(Subd (a) amended effective January 1, 2019; adopted as subd (h) effective November 15, 2004; previously relettered effective January 1, 2007.)

(b) Requirements

For an attorney to practice law under this rule, the attorney must:

(1) Maintain an office in a United States jurisdiction other than California and in which the attorney is licensed to practice law;

(2) Already be retained by a client in the matter for which the attorney is providing legal services in California, except that the attorney may provide legal advice to a potential client, at the potential client's request, to assist the client in deciding whether to retain the attorney;

(3) Indicate on any Web site or other advertisement that is accessible in California either that the attorney is not a licensee of the State Bar or that the attorney is admitted to practice law only in the states listed; and

(4) Be an active attorney in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency.

(Subd (b) amended effective January 1, 2019; adopted as subd (a) effective November 15, 2004; previously relettered effective January 1, 2007.)

(c) Permissible activities

An attorney who meets the requirements of this rule and who complies with all applicable rules, regulations, and statutes is not engaging in the unauthorized practice of law in California if the attorney:

(1) Provides legal assistance or legal advice in California to a client concerning a transaction or other nonlitigation matter, a material aspect of which is taking place in a jurisdiction other than California and in which the attorney is licensed to provide legal services;

(2) Provides legal assistance or legal advice in California on an issue of federal law or of the law of a jurisdiction other than California to attorneys licensed to practice law in California; or

(3) Is an employee of a client and provides legal assistance or legal advice in California to the client or to the client's subsidiaries or organizational affiliates.

(Subd (c) relettered effective January 1, 2007; adopted as subd (b) effective November 15, 2004.)

(d) Restrictions

To qualify to practice law in California under this rule, an attorney must not:

(1) Hold out to the public or otherwise represent that he or she is admitted to practice law in California;

(2) Establish or maintain a resident office or other systematic or continuous presence in California for the practice of law;

(3) Be a resident of California;

(4) Be regularly employed in California;

(5) Regularly engage in substantial business or professional activities in California; or

(6) Have been disbarred, have resigned with charges pending, or be suspended from practicing law in any other jurisdiction.

(Subd (d) amended and relettered effective January 1, 2007; adopted as subd (c) effective November 15, 2004.)

(e) Conditions

By practicing law in California under this rule, an attorney agrees that he or she is providing legal services in California subject to:

(1) The jurisdiction of the State Bar;

(2) The jurisdiction of the courts of this state to the same extent as is a licensee of the State Bar; and

(3) The laws of the State of California relating to the practice of law, the State Bar Rules of Professional Conduct, the rules and regulations of the State Bar, and these rules.

(Subd (e) amended effective January 1, 2019; adopted as subd (d) effective November 15, 2004; previously amended and relettered effective January 1, 2007.)

(f) Scope of practice

An attorney is permitted by this rule to provide legal assistance or legal services concerning only a transaction or other nonlitigation matter.

(Subd (f) relettered effective January 1, 2007; adopted as subd (e) effective November 15, 2004.)

(g) Inherent power of Supreme Court

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

(Subd (g) amended and relettered effective January 1, 2007; adopted as subd (f) effective November 15, 2004.)

(h) Effect of rule on multijurisdictional practice

Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not licensees of the State Bar.

(Subd (h) amended effective January 1, 2019; adopted as subd (g) effective November 15, 2004; previously relettered effective January 1,2007.)

Rule 9.48 amended effective January 1, 2019; adopted as rule 967 by the Supreme Court effective November 15, 2004; previously amended and renumbered effective January 1, 2007.