

## TITLE 4. ADMISSIONS AND EDUCATIONAL STANDARDS

Adopted July 2007

### DIVISION 1. ADMISSION TO PRACTICE LAW IN CALIFORNIA

#### Chapter 1. General Provisions

##### Rule 4.1 Authority

The California Supreme Court exercises inherent jurisdiction over the practice of law in California. The Committee of Bar Examiners (“the Committee”) is authorized by law to administer the requirements for admission to practice law; to examine all applicants for admission; and to certify to the Supreme Court for admission those applicants who fulfill the requirements.<sup>1</sup>

*Rule 4.1 adopted effective September 1, 2008.*

##### Rule 4.2 What these rules are

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

*Rule 4.2 adopted effective September 1, 2008.*

##### Rule 4.3 Definitions

These definitions apply to the rules in this Division unless otherwise indicated.

- (A) An “American Bar Association Approved Law School” is a law school fully or provisionally approved by the American Bar Association and deemed accredited by the Committee.
- (B) An “attorney applicant” is an applicant who is or has been admitted as an attorney to the practice of law in any jurisdiction.
- (C) The “Attorneys’ Examination” is the California Bar Examination for which attorney applicants may apply, provided they have been admitted to the active practice of law in a United States jurisdiction at least four years immediately prior to the first day of administration of the examination and have been in good standing during that period. The Attorneys’ Examination includes essay questions and performance tests of the General Bar Examination but not its multiple-choice questions.

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<sup>1</sup> Business & Professions Code § 6046.

- (D) A “California accredited law school” is a law school accredited by the Committee but not approved by the American Bar Association.
- (E) The “California Bar Examination” is the examination administered by the Committee that an applicant must pass to be certified to the California Supreme Court as qualified for admission to practice law in California. The California Bar Examination includes the General Bar Examination and the Attorneys’ Examination.
- (F) “The Committee” is the Committee of Bar Examiners of the State Bar of California or, unless otherwise indicated, a subcommittee of two or more of its members whom the Committee authorizes to act on its behalf.
- (G) A “general applicant” is an applicant who has not been admitted as an attorney to the practice of law in any jurisdiction.
- (H) The “General Bar Examination” is the California Bar Examination required of every general applicant. The General Bar Examination consists of multiple-choice questions, essay questions, and performance tests.
- (I) The “First-Year Law Students’ Examination” is the examination administered by the Committee that an applicant must pass, unless otherwise exempt.<sup>2</sup> It includes questions on contracts, torts, and criminal law.
- (J) An “informal conference” is defined in Rule 4.45.
- (K) The “Office of Admissions” (“Admissions”) is the State Bar office authorized by the Committee to administer examinations and otherwise act on its behalf.
- (L) “Receipt” of a document the Committee sends an applicant is
  - (1) calculated from the date of mailing and is deemed to be five days from the date of mailing to a California address; ten days from the date of mailing to an address elsewhere in the United States; and twenty days from the date of mailing to an address outside the United States; or
  - (2) when the Committee delivers a document physically by personal service or otherwise.
- (M) “Receipt” of a document sent to the Committee is when it is physically received at the Office of Admissions.
- (N) “Senior Executive” means “Senior Executive, Admissions” or that person’s designee.

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<sup>2</sup> Business & Professions Code § 6060(h).

- (O) An “unaccredited law school” is a correspondence, distance-learning, or fixed-facility law school operating in California that the Committee registers but does not accredit.
- (P) For purposes of calculating law study credit toward meeting the legal education requirements necessary to qualify to take the First-Year Law Students’ Examination and California Bar Examination, a year is defined as the law study successfully completed in the time between the same calendar dates for consecutive calendar years, minus one day.

*Rule 4.3 adopted effective September 1, 2008; amended effective July 22, 2011.*

#### Rule 4.4 Confidentiality

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

*Rule 4.4 adopted effective September 1, 2008.*

#### Rule 4.5 Submissions

- (A) A document filed with the Committee pursuant to these rules must be completed according to instructions; verified or made under penalty of perjury;<sup>4</sup> and submitted with any required fee.
- (B) A document, which must be complete as defined by the instructions for filing, is deemed filed upon receipt.
- (C) Fingerprints provided by applicants are used to establish identity and disclose criminal records in California or elsewhere. Fingerprint records are confidential and for official use of the Committee and the State Bar.
- (D) Information on an examination application that is not required but submitted voluntarily, including ethnic survey and identification information furnished with applications to take the California Bar Examination, is separated from the applications at initial processing and may not be associated with applicants, their files, or their examination answers during grading unless there is reasonable doubt about the identity of a person taking an examination and the Committee requires the information to verify identity.

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

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<sup>3</sup> Evidence Code § 1040, Business & Professions Code §§ 6044.5, 6060.2, 6086, and 6090.6.

<sup>4</sup> Code of Civil Procedure § 2015.5.

#### Rule 4.6 Investigations and hearings

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

*Rule 4.6 adopted effective September 1, 2008.*

#### Rule 4.7 Statistics

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

*Rule 4.7 adopted effective September 1, 2008.*

#### Rule 4.8 Extensions of time

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

*Rule 4.8 adopted effective September 1, 2008.*

#### Rule 4.9 Review by Supreme Court

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

*Rule 4.9 adopted effective September 1, 2008.*

#### Rule 4.10 Fees

The Committee may set reasonable fees, subject to approval of the Board of Trustees, for its services such as application filing, reports, copying documents and providing letters of verification.

*Rule 4.10 adopted effective November 14, 2009; amended effective January 1, 2012.*

#### Rule 4.11 Meetings of the Committee

##### (A) Open meeting policy

Meetings of Committee are open to the public unless closed pursuant to the grounds provided below. Meeting space for members of the public may be limited and the State Bar is not obligated to provide seating for all members of the public in attendance.

(B) Location of meetings

Meetings of Committee should be held in California. Meetings may be held outside of California in special circumstances when approved by the Executive Director or his or her designee.

(C) Notice, late items, and emergency meetings

- (1) Notice of regular and special meetings of the Committee must be posted on the State Bar's website no fewer than five days before the meeting. The notice must include the date and place of the meeting, the agenda, and the starting time.
- (2) No item may be added to an agenda after the five-day notice period and no meeting may be called without notice except in an emergency. An emergency means those circumstances that call for immediate action before the next regular meeting of the Committee. If an emergency can be resolved by unanimous consent without discussion, the board-appointed body may act by fax poll, e-mail, or other electronic means without meeting. A report of action taken in emergencies must be made at the next regular meeting and indicated on its agenda.

(D) Closed sessions

The Committee and State Bar staff and others who are reasonably necessary for consideration of a closed session matter may attend the closed session at the discretion of the Committee's chair to discuss, deliberate, or take action upon any of the following:

- (1) pending or prospective litigation;
- (2) matters designated confidential by the Committee's charge, these rules, or otherwise by law;
- (3) matters related to the moral character, competence, or physical or mental health of an individual;
- (4) allegations of criminal or professional misconduct;
- (5) applications, petitions, requests, investigations, opinions, complaints, recommendations, or reports regarding matters delegated to the Committee by law or the Board of Trustees;
- (6) proposals, negotiations, or discussions related to contractual, labor, business, or legislative matters;

- (7) matters related to the development, administration, or grading of an examination;
- (8) matters related to laws school regulated by the Committee that involve individual students or information related to a law school's operations that is not generally known or reasonably ascertainable by others, and by which another law school or others could obtain an advantage over the law school; or
- (9) matters relating to internal management of the Committee.

*Rule 4.11 adopted effective May 13, 2016.*

## Chapter 2. Overview Of Admission Requirements

### Rule 4.15 Certification to California Supreme Court

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

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

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

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<sup>5</sup> Business & Professions Code § 6060.

#### Rule 4.16 Application for Admission

- (A) An Application for Admission consists of an Application for Registration, an Application for Determination of Moral Character, and an application for any required examination. Each application must be submitted with the required documentation and the fees set forth in the Schedule of Charges and Deadlines. The Committee determines when an application is complete.
- (B) The Application for Registration must be approved, before any other application is transmitted to the Committee. The applicant is required by law either to provide the Committee with a Social Security Number<sup>6</sup> or to request an exemption because of ineligibility for a Social Security Number.<sup>7</sup> Registration is deemed abandoned if all required documentation and fees have not been received within sixty days of submittal. No refund is issued for an abandoned registration.
- (C) After approval of the Application for Registration, an applicant for admission may submit an Application for Determination of Moral Character, an application for any examination as required by these rules and any other document or petition permitted by these rules.

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

#### Rule 4.17 Admission certification and time limit

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

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

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<sup>6</sup> Business & Professions Code § 30, Family Code § 17520.

<sup>7</sup> Business & Professions Code § 6060.6.

## Chapter 3. Required Education

### Rule 4.25 General education

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

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

*Rule 4.25 adopted effective September 1, 2008.*

### Rule 4.26 Legal education

General applicants for the California Bar Examination must

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

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

#### Rule 4.27 Study in a fixed-facility unaccredited law school

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

*Rule 4.27 adopted effective September 1, 2008.*

#### Rule 4.28 Study by correspondence or distance learning

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

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

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

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

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

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

#### Rule 4.30 Legal education in a foreign state or country

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

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

(3) have passed the First-Year Law Students' Examination in accordance with these rules and Committee policies.

*Rule 4.30 adopted effective September 1, 2008.*

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

An applicant who is required to pass the First-Year Law Students' Examination will not receive credit for any law study until the applicant passes the examination. An applicant who passes the examination within three consecutive administrations of first becoming eligible to take the examination, will receive credit for all law study completed to the date of the administration of the examination passed, subject to any restrictions otherwise covered by these rules. An applicant who does not pass the examination within three consecutive administrations of first becoming eligible to take the examination but who subsequently passes the examination will receive credit for his or her first year of law study only.

*Rule 4.31 adopted effective November 14, 2009.*

#### Rule 4.32 Repeated courses

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

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

#### Rule 4.33 Evaluation of study completed or contemplated

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

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

## Chapter 4. Moral Character Determination

### Rule 4.40 Moral Character Determination

- (A) An applicant must be of good moral character as determined by the Committee. The applicant has the burden of establishing that he or she is of good moral character.
- (B) “Good moral character” includes but is not limited to qualities of honesty, fairness, candor, trustworthiness, observance of fiduciary responsibility, respect for and obedience to the law, and respect for the rights of others and the judicial process.

*Rule 4.40 adopted effective September 1, 2008.*

### Rule 4.41 Application for Determination of Moral Character

- (A) An applicant must submit an Application for Determination of Moral Character with required fingerprints and the fee set forth in the Schedule of Charges and Deadlines. An attorney who is suspended or disbarred, has resigned with disciplinary charges pending or is otherwise not in good standing for disciplinary reasons in any jurisdiction may not submit an application.
- (B) An Application for Determination of Moral Character may be submitted any time after filing an Application for Registration but is deemed filed only when the application is complete.

*Rule 4.41 adopted effective September 1, 2008; amended effective November 14, 2009; amended effective July 22, 2011.*

### Rule 4.42 Duty to update Application for Determination of Moral Character

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

*Rule 4.42 adopted effective September 1, 2008; amended effective November 14, 2009.*

#### Rule 4.43 Abandonment of Application for Determination of Moral Character

- (A) An Application for Determination of Moral Character is deemed abandoned and ineligible for a refund of fees if
  - (1) it is not complete within sixty days after being initiated; or
  - (2) it is complete but the applicant has failed to provide additional information requested by the Committee within ninety days of the request.
- (B) A new Application for Determination of Moral Character must be submitted with the required fee if an application has been abandoned.

*Rule 4.43 adopted effective September 1, 2008.*

#### Rule 4.44 Withdrawal of Application for Determination of Moral Character

- (A) An applicant may withdraw an Application for Determination of Moral Character any time before being notified that the Committee is unable to make a determination without further inquiry and analysis.
- (B) An applicant may withdraw an application filed with the State Bar Court for a hearing on an adverse determination of moral character by filing a request for withdrawal with the Office of Chief Trial Counsel and forwarding a copy to the Committee at its San Francisco office.

*Rule 4.44 adopted effective September 1, 2008; amended effective November 18, 2016.*

#### Rule 4.45 Notice regarding status of Application for Determination of Moral Character

- (A) Within 180 days of receiving a completed Application for Determination of Moral Character, the Committee notifies an applicant that its determination of moral character is positive or that it requires further consideration. A positive determination is valid for thirty-six months.
- (B) While an Application for Determination of Moral Character remains pending, a status report is issued to the applicant at least every 120 days.
- (C) Within 120 days of receiving additional information it has requested, the Committee notifies the applicant that
  - (1) the applicant is determined to be of good moral character;
  - (2) the applicant has not met the burden of establishing good moral character;
  - (3) the application requires further consideration;

- (4) the applicant is invited to an informal conference with the Committee; or
- (5) the applicant is advised to enter into an Agreement of Abeyance with the Committee.

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

#### Rule 4.46 Informal conference regarding moral character

- (A) The Committee may invite an applicant for a determination of moral character to an informal conference regarding the application. Acceptance of an invitation is not mandatory, and declining it entails no negative inference.
- (B) An applicant notified of an adverse determination of moral character may request an informal conference with the Committee, provided the applicant has not previously declined the Committee's invitation to an informal conference. The request must be in writing and submitted to the Committee at its San Francisco office within thirty days of the date of the notice. Within sixty days of receiving a timely request, the Committee must schedule the informal conference, and within thirty days of the conference notify the applicant of its final determination. An adverse determination may be appealed in accordance with these rules.
- (C) The Committee may establish procedures for an informal conference and create a record of it by tape recording, video recording, or any other means. The applicant may attend the conference with counsel; make a written or oral statement; and present documentary evidence. Counsel is limited to observation and may not participate.

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

#### Rule 4.47 Appeal of adverse determination of moral character

- (A) An applicant notified of an adverse determination of moral character may file a request for hearing on the determination with the State Bar Court in accordance with the Rules of Procedure of the State Bar on Moral Character Proceedings. The request must be filed with the fee set forth in the Schedule of Charges and Deadlines within sixty days of the date of service of the notice of adverse determination.
- (B) A copy of the request for hearing must be served on the Committee and the Office of Chief Trial Counsel at the San Francisco office of the State Bar. Upon receipt of service, the Committee must promptly transmit all files related to the application to the Office of Chief Trial Counsel.

*Rule 4.47 adopted effective September 1, 2008; amended effective July 24, 2015.*

#### Rule 4.48 Agreement of Abeyance

- (A) The Committee and an applicant may suspend processing of an Application for Determination of Moral Character by an Agreement of Abeyance
  - (1) when a court has ordered an applicant charged with a crime to be treated, rehabilitated, or otherwise diverted;
  - (2) when a court has suspended the sentence of an applicant convicted of a crime and placed the applicant on probation;
  - (3) when an applicant is actively seeking or obtaining treatment for chemical dependency or drug or alcohol addiction; or
  - (4) if the Committee and an applicant otherwise agree.
- (B) An Agreement of Abeyance must be in writing and specify the period and conditions of abeyance. A copy must be provided to the applicant.

*Rule 4.48 adopted effective September 1, 2008.*

#### Rule 4.49 New application following adverse determination of moral character

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

*Rule 4.49 adopted effective September 1, 2008; amended effective July 24, 2015.*

#### Rule 4.50 Suspension of positive determination of moral character

- (A) Before certifying an applicant for admission to the practice of law, the Committee may notify an applicant that it has suspended a positive determination of moral character if it receives information that reasonably calls the applicant's character into question. The notice must specify the grounds for the suspension.
- (B) The application of an applicant whose positive determination has been suspended is processed in accordance with Rule 4.45.

*Rule 4.50 adopted effective September 1, 2008; amended effective July 22, 2011.*

#### Rule 4.51 Validity period of positive moral character determination

A positive determination of moral character is valid for thirty-six months. An applicant with a positive determination who has not been certified to practice law within this validity period must submit an Application for Extension of Determination of Moral Character.

*Rule 4.51 adopted effective September 1, 2008.*

#### Rule 4.52 Extension of positive moral character determination

An applicant who has received a positive moral character determination may submit an Application for Extension of Determination of Moral Character. The application must be filed in the last six months of the initial thirty-six month validity period with the required fingerprints and the fee set forth in the Schedule of Charges and Deadlines. If the Committee makes a positive determination before the initial thirty-six months expires, the initial thirty-six months is extended an additional thirty-six months. If the Committee makes a positive determination after expiration of the initial thirty-six months, an extension of thirty-six months begins at the time of its determination.

*Rule 4.52 adopted effective September 1, 2008.*

### Chapter 5. Examinations

#### Rule 4.55 First-Year Law Students' Examination requirement

- (A) A general applicant intending to seek admission to practice law in California must take the First-Year Law Students' Examination unless the applicant
- (1) has satisfactorily completed
    - (a) at least two years of college work as defined by these rules and the Committee's guidelines; and
    - (b) the first-year course of instruction
      - (i) at a law school that was approved by the American Bar Association or accredited by the Committee when the study was begun or completed; and
      - (ii) the law school has advanced the person, whether or not on probation, to the second-year of instruction; or
  - (2) is exempt by reason of study in a foreign law school as provided by these rules.

- (B) An applicant who passes the First-Year Law Students' Examination will receive credit for
- (1) all law study completed upon passing the examination within three administrations of the examination after first becoming eligible to take it; or
  - (2) the first year of law study only upon passing the examination after more than three administrations of the examination after first becoming eligible to take it.

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

#### Rule 4.56 First-Year Law Students' Examination

The First-Year Law Students' Examination is given each year in June and October at test centers in California designated by the Committee. The Committee determines the examination's format, scope, topics, content, questions, grading process, and passing score.

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

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

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

*Rule 4.57 adopted effective September 1, 2008.*

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

- (A) An application to take the First-Year Law Students' Examination in June must be submitted by April 1. An application to take the examination in October must be submitted by August 1. Applications received after these deadlines and by May 15 or September 15 are subject to a late fee. Applications are not accepted after those dates. Application fees and late fees are set forth in the Schedule of Charges and Deadlines. If a deadline falls on a non-business day, the deadline will be the next business day.
- (B) Different deadlines for initial filing and late fees apply to applicants who fail the First-Year Law Students' Examination and intend to take the next scheduled examination. These deadlines are set forth in the notice of examination results and are more than ten days from the date those results are released.

- (C) Applications that are unsigned or incomplete for any reason as of the final examination application filing deadline are deemed abandoned and ineligible for a refund of fees.
- (D) Applications for which eligibility documents have not been received by the date set forth in the Schedule of Charges and Deadlines are abandoned and ineligible for a refund of fees.

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

#### Rule 4.59 Multistate Professional Responsibility Examination

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

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

#### Rule 4.60 California Bar Examination

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

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

#### Rule 4.61 Applications for the California Bar Examination

- (A) Applications for the California Bar Examination are available March 1 for the July examination and October 1 for the February examination. An application must be submitted no later than April 1 for the July examination or November 1 for the February examination. Applications received after these deadlines and by June 15 or January 15 are subject to late fees. Applications are not accepted after those dates. Application fees and late fees are set forth in the Schedule of Charges and Deadlines. If a deadline falls on a non-business day, the deadline will be the next business day.
- (B) Different deadlines for initial filing and late fees apply to applicants who fail the California Bar Examination and intend to take the next scheduled examination.

These deadlines are set forth in the notice of examination results and are a minimum of ten days from the date those results are released.

- (C) Applications are deemed abandoned and ineligible for a refund of fees if
  - (1) they are incomplete or unsigned by the final examination application filing deadline;
  - (2) the applicant has not provided additional information requested by the final eligibility deadline; or
  - (3) eligibility cannot be determined by the final eligibility deadline.

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

#### Rule 4.62 Access to examination answers and scores

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

*Rule 4.62 adopted effective September 1, 2008.*

### Chapter 6. Conduct At Examinations

#### Rule 4.70 Conduct required at examinations

Applicants are expected to conduct themselves professionally at all times at an examination test center. Conduct that violates the security or administration of an examination may be reported to the Committee or, in extreme cases, require dismissal from the examination test center. Unacceptable conduct may include, but is not limited to, having unauthorized items, writing or typing after time has been called, looking at another applicant's answers, talking when silence is required, or abusive behavior.

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

#### Rule 4.71 Reports of conduct violations

- (A) A subcommittee designated by the Committee considers reports of the Chapter 6 Notices that have been issued to applicants during or following an administration

of an examination for as soon as practicable and no later than the first Committee meeting following the examination.

- (B) If the Subcommittee affirms the Chapter 6 Notice, the applicant must be notified of its proposed sanction within thirty days. Sanctions may include assigning a score of zero for a question, a session, or an entire examination. An examination score may be held in abeyance pending resolution of the matter.
- (C) The Committee may establish guidelines for the processing of conduct violations. The Committee may establish specific sanctions for certain undisputed conduct violations, such as bringing an unauthorized item into the examination room. An applicant sanctioned for an undisputed conduct violation is not entitled to an administrative hearing.

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

#### Rule 4.72 Request for an administrative hearing on conduct violation

- (A) An applicant notified of a conduct violation for which a specific sanction has not been established by examination rules or guidelines may file a written request for an administrative hearing on the subcommittee's findings. The request must be filed within twenty days of receipt of the notice or the proposed sanction will take effect. For good cause shown by clear and convincing evidence the Committee may extend the filing deadline.
- (B) To hear the request, the Senior Executive will designate a panel of three Committee members, one of whom is to serve as Chair. Panel members must not have served on the subcommittee that reviewed the report of conduct violation.
- (C) Once an applicant has filed a request for an administrative hearing on a conduct violation, the Committee must schedule an administrative hearing within ninety days, or at a later time for good cause, and notify the applicant of the time and place of the hearing.

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

#### Rule 4.73 Procedure for an administrative hearing on conduct violation

- (A) The Committee may establish procedures for conducting administrative hearings on conduct violations. A record of a hearing can be established by tape recording, video recording, or any other means. The applicant may attend the administrative hearing with counsel; make a written or oral statement; and present documentary evidence. Applicant's counsel is limited to observation and may not participate.

- (B) The Committee has the burden of establishing by clear and convincing evidence that a violation occurred.
- (C) The panel must render Findings and Recommendations no later than thirty days after the administrative hearing, which must be served on the applicant and counsel present at the hearing, and provided to the Committee for consideration during its next regularly scheduled meeting. The panel may recommend the sanction originally proposed or any other action it deems appropriate. The applicant may request review of the panel's determination within ten days of service.

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

#### Rule 4.74 Review of Findings and Recommendations

- (A) An applicant may request review of the Findings and Recommendations within ten days of service. The Committee must consider the applicant's request, any record of the hearing, the Findings and Recommendations, and any supplemental material the applicant provides in accordance with Committee requirements during its next regularly scheduled meeting. Neither the applicant nor applicant's counsel is permitted to attend.
- (B) The Committee may on its own determine that the panel's Findings and Recommendations should be reviewed.
- (C) The Committee may adopt the Findings and Recommendations of the hearing panel or take any other action it deems appropriate.
- (D) The Committee will notify the applicant within ten days of its determination.
- (E) If the applicant does not request review of the Findings and Recommendations of the panel within ten days of service and the Committee does not seek review, the panel's Findings and Recommendations become the decision of the Committee.

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

### Chapter 7. Testing Accommodations

#### Rule 4.80 Eligibility for testing accommodations

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

- (A) have submitted an approved Application for Registration;

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

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

#### Rule 4.81 Testing accommodations in general

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

*Rule 4.81 adopted effective September 1, 2008.*

#### Rule 4.82 Definitions

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

- (A) A "disability" is a physical or mental impairment that limits one or more of an applicant's major life activities, and limits an applicant's ability to demonstrate under standard testing conditions that the applicant possesses the knowledge, skills, and abilities tested on an examination.
- (B) A "physical impairment" is a physiological disorder or condition or an anatomical loss affecting one or more of the body's systems.
- (C) A "mental impairment" is a mental or psychological disorder such as organic brain syndrome, emotional or mental illness, attention deficit/hyperactivity disorder, or a specific learning disability.

- (D) A “reasonable testing accommodation” is an adjustment to or modification of standard testing conditions that addresses the functional limitations related to an applicant’s disability by modifications to rules, policies, or practices; removal of architectural, communication, or transportation barriers; or provision of auxiliary aids and services, provided that they do not
- (1) compromise the security or validity of an examination or the integrity or of the examination process;
  - (2) impose an undue burden on the Committee; or
  - (3) fundamentally alter the nature of an examination or the Committee’s ability to assess through the examination whether the applicant
    - (a) possesses the knowledge, skills, and abilities tested on an examination; and
    - (b) meets the essential eligibility requirements for admission.

*Rule 4.82 adopted effective September 1, 2008.*

#### Rule 4.83 Guidelines for testing accommodations

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

*Rule 4.83 adopted effective September 1, 2008.*

#### Rule 4.84 When to file a petition for testing accommodations

- (A) A Petition For Testing Accommodations is not an application for a bar examination. Filing one does not constitute filing the other or initiate its processing. An applicant must separately apply for an examination.
- (B) An applicant is encouraged to file a Petition For Testing Accommodations as far in advance as practicable. To allow sufficient processing time, general applicants are encouraged to submit their petitions at least by the beginning of their last year of law study and attorney applicants no later than six months prior to the examination they wish to take. If an applicant waits until the final examination application deadline for a particular examination to petition for testing accommodations, it is possible that processing will not be completed or the

applicant will not be able to complete all required or available procedures prior to administration of the examination.

- (C) A Petition For Testing Accommodations must be complete and receipt must be no later than
  - (1) January 15 for the February California Bar Examination;
  - (2) June 15 for the July California Bar Examination;
  - (3) May 15 for the June First-Year Law Students' Examination; or
  - (4) September 15 for the October First-Year Law Students' Examination.

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

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

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

#### Rule 4.85 Initial Petition For Testing Accommodations

- (A) An applicant with a qualified disability seeking testing accommodations must file a Petition for Testing Accommodations on the Committee's form.
- (B) In addition to the Petition for Testing Accommodations, a qualified applicant seeking testing accommodations must also provide with the petition the specific specialist verification forms the Committee determines are appropriate to verify applicants' disabilities.
- (C) If a law school has provided testing accommodations, a qualified applicant must submit the petition with the designated Committee form, completed by a law school official or legal education supervisor.
- (D) If another state has provided accommodations for its bar examination, a qualified applicant must submit the petition with the designated Committee form, completed by an official responsible for testing accommodations.
- (E) If another testing agency has provided accommodations for its examination, a qualified applicant may be required to submit the petition with a copy of the accommodations notice.

- (F) A Petition for Testing Accommodations is considered complete only upon receipt of all required forms that have been completed according to instructions. A petition that is incomplete by a final examination application deadline is not processed for that examination.

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

#### Rule 4.86 Subsequent petitions for testing accommodations

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

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

#### Rule 4.87 Emergency petitions for testing accommodations

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

*Rule 4.87 adopted effective September 1, 2008.*

#### Rule 4.88 Committee response to Petition For Testing Accommodations

- (A) An applicant who has filed a Petition For Testing Accommodations in accordance with these rules is notified in writing within thirty days of receipt when additional information is required, and within sixty days when the petition is granted, granted with modifications, denied, or action is pending.

- (B) If a complete petition is filed at least six months before the examination for which testing accommodations are sought, the applicant may expect a final determination at least a month before the examination.
- (C) With the consent of the petitioner, the Senior Executive or a consultant may confer with a specialist who has treated the petitioner.
- (D) A notice of denial of a Petition For Testing Accommodations or a modified grant is sent by certified mail. The notice states the reasons for the denial or modifications, and advises the petitioner of any right to appeal. The notice may include an excerpt of a consultant's evaluation.

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

#### Rule 4.89 Applicant response to proposed modification or request for information

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

*Rule 4.89 adopted effective September 1, 2008.*

#### Rule 4.90 Committee review of denied or modified petition

- (A) An applicant notified that a Petition For Testing Accommodations has been denied or granted with modifications may appeal the decision to the Committee. The appeal must be submitted within ten days of the date of the denial or modified grant or some other reasonable period established by the Committee.
- (B) Appeals filed in connection with a particular administration of an examination must be filed no later than the first business day of the month in which the examination is to be administered. Appeals received after that date will be considered in connection with future administration of the examination.
- (C) After reviewing the appeal and supporting documentation, the Senior Executive may withdraw the prior decision and grant the accommodations requested.
- (D) If the Senior Executive does not grant an appeal, the Committee must consider it as soon as practicable. The review must be based on the original petition and supporting documentation provided by the petitioner and the Senior Executive. Oral argument is not permitted. The review must be conducted in closed session either at a regular meeting or one specially convened by teleconference. If a subcommittee has been assigned to consider the appeal, the entire Committee must consider it upon the request of any member of the subcommittee.

*Rule 4.90 adopted effective September 1, 2008.*

#### Rule 4.91 Confidentiality of Petitions for Testing Accommodations

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

*Rule 4.91 adopted effective September 1, 2008.*

#### Rule 4.92 False or misleading information in Petition For Testing Accommodations

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

*Rule 4.92 adopted effective September 1, 2008.*