

**ASSEMBLY BILL**

**No. 296**

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**Introduced by Assembly Member Wagner**

February 11, 2013

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An act to amend Section 6062 of the Business and Professions Code, relating to attorneys.

LEGISLATIVE COUNSEL'S DIGEST

AB 296, as introduced, Wagner. Attorneys.

Existing law, the State Bar Act, regulates attorneys and the practice of law in the state. Existing law requires, among other requirements, that an individual who has been admitted to practice law in a sister state, United States jurisdiction, possession, territory, or dependency the United States may acquire, pass the general bar examination, or Attorneys' Examination, as specified, to be certified to the Supreme Court for admission, and a license to practice law. Existing law requires an individual who has been admitted to practice law in a jurisdiction other than a sister state, United States jurisdiction, possession, or territory, to have passed the general bar examination, as specified, among other requirements.

This bill would authorize an individual who has been an active member in good standing of the bar of a sister state or United States jurisdiction, possession, or territory and who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in the state, as specified, to apply to receive a provisional license to practice law in the state without first taking the State Bar examination. This bill would provide that the provisional license confers all the same rights, benefits, duties, and responsibilities to practice law as a regular

license so long as the active member of the Armed Forces is assigned to a duty station in the state or until the provisional licenseholder passes the Attorneys’ Examination. This bill would require an applicant to meet various filing requirements in order to be eligible for the grant of that provisional license.

Vote: majority. Appropriation: no. Fiscal committee: no.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 6062 of the Business and Professions  
 2 Code is amended to read:  
 3 6062. (a) To be certified to the Supreme Court for admission,  
 4 and a license to practice law, a person who has been admitted to  
 5 practice law in a sister state, United States jurisdiction, possession,  
 6 territory, or dependency the United States may hereafter acquire,  
 7 shall:  
 8 (1) Be of the age of at least 18 years.  
 9 (2) Be of good moral character.  
 10 (3) Have passed the general bar examination given by the  
 11 examining committee. However, if that person has been an active  
 12 member in good standing of the bar of the admitting sister state  
 13 or United States jurisdiction, possession, or territory for at least  
 14 four years immediately preceding the first day of the examination  
 15 applied for, he or she may elect to take the Attorneys’ Examination  
 16 rather than the general bar examination. Attorneys admitted less  
 17 than four years and attorneys admitted four years or more in another  
 18 jurisdiction but who have not been active members in good  
 19 standing of their admitting jurisdiction for at least four years  
 20 immediately preceding the first day of the examination applied for  
 21 must take the general bar examination administered to general  
 22 applicants not admitted as attorneys in other jurisdictions.  
 23 (4) Have passed an examination in professional responsibility  
 24 or legal ethics as the examining committee may prescribe.  
 25 (b) (1) *An individual who has been an active member in good*  
 26 *standing of the bar of an admitting sister state of United States*  
 27 *jurisdiction, possession, or territory who is married to, or in a*  
 28 *domestic partnership or other legal union with, an active duty*  
 29 *member of the Armed Forces of the United States who is assigned*  
 30 *to a duty station in California under official active duty military*

1 orders, may apply to receive a provisional license to practice law  
2 in California, which shall confer all of the same rights, benefits,  
3 duties, and responsibilities as a license to practice law in  
4 California. A provisional license to practice law shall be granted  
5 to an applicant that meets the following requirements:

6 (A) Supplies evidence satisfactory to the State Bar of California  
7 that he or she is married to, or in a domestic partnership or other  
8 legal union with, an active duty member of the Armed Forces of  
9 the United States who is assigned to a duty station in California  
10 under official active duty military orders.

11 (B) Holds a current license to practice law in another state,  
12 district, or territory of the United States.

13 (C) Establishes that he or she is not currently subject to lawyer  
14 discipline or the subject of a pending disciplinary matter in any  
15 jurisdiction.

16 (D) Pays annual bar membership dues.

17 (E) Complies with all ethical, legal, and continuing legal  
18 education obligations.

19 (2) The provisional license shall be valid until the active duty  
20 member of the Armed Forces is no longer assigned a duty station  
21 in California under official active duty military orders or until the  
22 provisional licenseholder has passed the Attorneys' Examination.

23 ~~(b)~~

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

28 (1) Be of the age of at least 18 years.

29 (2) Be of good moral character.

30 (3) Have passed the general bar examination given by the  
31 examining committee.

32 (4) Have passed an examination in professional responsibility  
33 or legal ethics as the examining committee may prescribe.

34 ~~(e)~~

35 (d) The amendments to this section made at the 1997–98 Regular  
36 Session of the Legislature shall be applicable on and after January  
37 1, 1997, and do not constitute a change in, but are declaratory of,  
38 existing law.

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