

Senate Bill No. 1257

Passed the Senate August 15, 2016

Secretary of the Senate

Passed the Assembly August 4, 2016

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 6060.1.5 to the Business and Professions Code, relating to the State Bar Act.

LEGISLATIVE COUNSEL'S DIGEST

SB 1257, Block. State Bar: admission: license: pro bono service requirement.

Existing law, the State Bar Act, requires an applicant for admission and a license to practice law, to meet certain requirements, including, but not limited to, having completed certain legal education in a law school, law office, or judge's chambers, passed an examination in professional responsibility, and passed the general bar examination. Existing law prohibits a person from practicing law in this state unless he or she is an active member of the State Bar.

This bill would additionally require an applicant, prior to admission, to complete at least 50 hours of supervised pro bono legal service, as specified, in order to supplement the applicant's legal education with practical legal work experience. Upon completion of the pro bono legal service requirement, the bill would require an applicant and the supervisor, as defined, to complete and sign a form confirming completion of the pro bono service. The bill would require the State Bar to adopt rules for the retention of the certification forms. The bill would authorize the State Bar to create the form upon which an applicant can report completion of pro bono service. The bill would require the State Bar to randomly audit submitted forms to ensure compliance with these provisions. The bill would provide that these provisions apply to all applicants who enter law school on or after January 1, 2018.

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

SECTION 1. Section 6060.1.5 is added to the Business and Professions Code, to read:

6060.1.5. (a) In addition to satisfying the requirements in Section 6060, irrespective of the manner or law school in which an applicant acquires his or her legal education, an applicant for

admission and a license to practice shall complete at least 50 hours of pro bono legal service prior to admission. The purpose of this pro bono legal service requirement is to supplement the applicant's legal education with practical legal work experience and expose the applicant to the professional value of pro bono legal service for the public good.

(b) All qualifying pro bono legal service shall be performed under the supervision of one of the following:

(1) A member of a law school faculty, including part-time faculty, or an instructor employed by a law school.

(2) A person with the appropriate licensing to represent the client before the relevant judicial body or government agency, which includes, but is not limited to, an active licensed attorney in good standing.

(3) An active licensed attorney in good standing.

(c) For the purposes of this section, the following definitions shall apply:

(1) "Pro bono legal service" means work without compensation from the client who receives the legal service that is designed to benefit the public interest or persons who are indigent or of modest means for one of the individuals, organizations, or programs listed in subdivision (d) that is for one of the following purposes:

(A) To secure or promote access to justice, including, but not limited to, the protection of civil rights, civil liberties, or public rights.

(B) To address the economic, health, and social needs of persons who are indigent or of modest means.

(C) To further the purpose of a charitable, civic, community, governmental, or educational organization where payment of the market rate for legal fees would significantly deplete the organization's resources or would otherwise be inappropriate.

(2) "Modest means" means low income, very low income, or extremely low income under the official state income limits established by the Department of Housing and Community Development under Section 50093 of the Health and Safety Code or under comparable official state income limits in another United States jurisdiction.

(3) "Attorney incubator program" means a postgraduate training program that teaches attorneys how to form, develop, and sustain law firms.

(d) Pro bono legal service shall be performed with or for any of the following:

(1) A “legal aid organization,” as defined by Section 6159.51, or a qualified legal services project or a qualified support center, as defined in Section 6213.

(2) A nonprofit organization.

(3) A charitable, civic, community, governmental, or educational organization.

(4) An externship, law school clinic or other placement approved for credit hours by a law school, or law school-sponsored project, in which the applicant is assigned work that otherwise meets the criteria of this section.

(5) A law firm, including a solo practitioner, or other legal services provider where the applicant is assigned work that otherwise meets the criteria of this section.

(6) A State Bar-certified lawyer referral and information services panel that provides legal services to the indigent or persons of modest means without charge or for less than market rate.

(7) An attorney incubator program or nonprofit law corporation affiliated with a law school or bar association that provides legal services to the indigent or persons of modest means without charge or for less than market rate.

(e) Nothing in this section prohibits an applicant from receiving compensation, including, but not limited to, a salary, for performing pro bono legal service that is paid by a person or entity other than the client who receives the pro bono legal service.

(f) Subject to subdivision (b), the 50 hours of pro bono legal service, or any portion thereof, may be completed in any state or territory of the United States, the District of Columbia, or any foreign country.

(g) The 50 hours of pro bono legal service shall be provided after the commencement of the applicant’s legal studies, and prior to admission.

(h) (1) Upon completion of the pro bono legal service requirement, an applicant shall complete a form describing the nature and dates of pro bono legal service and the number of hours completed and submit the form to the State Bar. Both the applicant and the supervising attorney or active judge shall sign the form. The State Bar shall adopt rules for its retention of the certification forms.

(2) The State Bar may create the form upon which the applicant can report completion of pro bono legal service.

(i) No applicant may satisfy any part of the 50-hour requirement by participating in any partisan political activities.

(j) The requirements of this section do not apply to:

(1) An applicant who is already admitted to practice in any state, territory, or foreign jurisdiction.

(2) An applicant who has earned a J.D. or its equivalent in a foreign jurisdiction and is qualified to practice without a separate admission process in that jurisdiction.

(3) An applicant qualifying for admission by completion of an LL.M. degree program.

(k) (1) Each law school shall publicly disclose on its Internet Web site through a link from the Internet Web site homepage of the law school under “Pro Bono Legal Service Requirement for Law Students,” all of the following information:

(A) A description of the requirements of this section.

(B) Links to programs available to students at the school and in the local community that provide opportunities for pro bono legal service and allow students to comply with the requirements of this section.

(C) To the extent practicable, information about times and dates when the programs are open or available to students that have been provided to the law school by the pro bono legal service program.

(2) Each law school shall provide an initial link to the above information to the State Bar no later than January 1, 2018, and shall maintain updated links to qualifying school and community programs on an annual basis.

(l) The State Bar shall publicly disclose on its Internet Web site, with a link from the “Future Lawyers” or “Admissions” Internet Web page of the State Bar under “Pro Bono Legal Service Requirement for Law Students,” all of the following information:

(1) A description of the requirements of this section.

(2) A link to the information described in paragraph (1) of subdivision (k) for each law school in the state that provides its link to that information to the State Bar pursuant to paragraph (2) of subdivision (k).

(m) Pursuant to rules adopted under subdivision (g), the State Bar shall randomly audit the compliance documentation applicants submit to ensure its consistency with the criteria in paragraph (1)

of subdivision (c). This section shall not require the State Bar to audit or investigate any service providers for which work was done by an applicant or to evaluate the substance of any work that was done by an applicant.

(n) The requirements of this section shall apply to all applicants who enter law school on or after January 1, 2018.

Approved _____, 2016

Governor