

COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

AGENDA ITEM: March 2016 – O-500

DATE: March 15, 2016

TO: Subcommittee on Moral Character

FROM: Gayle Murphy, Senior Director, Admissions

SUBJECT: Applicants Referred to LAP as a Condition of Abeyance

BACKGROUND

During its meeting on January 29, 2016, the Committee of Bar Examiners (Committee) received a presentation from Richard Carlton, Director of the State Bar of California's Lawyer Assistance Program (LAP), on the referral of applicants to LAP as a condition of abeyance.

In connection with that presentation, the Committee received a report on the history of the use of the program as a condition of abeyance for applicants seeking admission to practice law in California. As earlier discussed, the eligibility of applicants to participate in LAP was approved formally by the Board of Trustees when the new LAP Rules were passed in 2010. Currently, approximately 50% of the LAP participants are applicants who have either been referred to LAP as a condition of abeyance or have registered with the program on their own.

During 2015, the Committee referred 49 applicants to the LAP. As the Committee has also been advised previously, the cost of applicants participating in LAP (who have referred to LAP by the Committee) will be allocated to the Admission Fund beginning this year. Using January 2016 as a guide, the cost of this program to the Admissions Fund could be in the neighborhood of \$80,000 a year.

The current statute that establish LAP (Article 15; Attorney Diversion and Assistance Act of the California Business and Professions Code) refers only to attorneys. To ensure there is clarity with regard to applicants participation in LAP, the Committee may wish to consider recommending changes to Article 15 that set out the program's rules and guidelines.

RECOMMENDATION

If the Committee wishes to pursue recommending legislative amendments to the Business and Professions Code to clarify the inclusion of applicants seeking admission to practice law in California, it would be appropriate to seek the assistance of the General Counsel's office to draft the appropriate amendments.

PROPOSED MOTION

If the Subcommittee agrees with the recommendation, the following motion should be made:

Move, that a request be submitted to the State Bar's General Counsel's for assistance in drafting amendments to Article 15 of the California Business and Professions Code that expressly permit the participation of applicants for admission in the State Bar of California's Lawyer Assistance Program.