



## PROVISIONAL LICENSURE PROGRAM (PLP) FAQs

For ease of reference, we've attempted to categorize the frequently asked questions under relevant topic areas. This FAQ is not a comprehensive description of all program responsibilities or requirements. The California Rules of Court, available [here](#), must be consulted.

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### BACKGROUND

In response to the challenges facing law students due to the COVID-19 pandemic, the [California Supreme Court, on July 16, 2020](#), directed the State Bar of California to implement a short-term supervised provisional licensure program for 2020 law graduates which would create a limited license to practice under the supervision of a licensed attorney. California Rules of Court rule 9.49, was adopted to implement the Provisional Licensure Program (PLP). The program enacted by this rule, and subsequent amendments to this rule, is referred to as the Original Provisional Licensure Program.

This program was open to 2020 law graduates who:

- Had not yet passed the bar exam (whether or not they sat for exam).
- Either had an active (i.e., not expired) positive moral character determination or had submitted a complete application for determination of moral character that was pending.
- Either had passed the Multistate Professional Responsibility Exam (MPRE) or, within 30 days after entry into the program, completed the four hours of ethics e-learning that is part of the State Bar's 10-hour New Attorney Training.
- Submitted a declaration of an eligible California licensed attorney indicating that they would supervise the participant.
- Within one year after entry into the program, completed the remainder of the 10-hour New Attorney Training.

The Original PLP was not a pathway to licensure. Participants still needed to take and pass the bar exam before the end of the program and meet all other requirements for admission to continue practicing upon the expiration of the program.

On January 28, 2021, the Court adopted rule 9.49.1, creating a modified version of the program for those who scored between 1390 and 1439 on a California Bar Exam administered between July 2015 and February 2020.

This program created a pathway to licensure (thus referred to as the Pathway Provisional Licensure Program), without the need to take another bar exam.

Other than passing the bar exam, participants in the Pathway PLP needed to satisfy similar requirements as those in the Original PLP. However, Pathway PLP requirements also included a minimum of 300 hours of supervised legal work and a positive supervisor evaluation.

On December 23, 2022, the California Supreme Court extended the sunset date for both the Original PLP and the Pathway PLP and reopened the Pathway PLP for new applicants.

#### **RECENT SUPREME COURT EXTENSION – ORIGINAL PLP**

- 1. I'm a 2020 law graduate who has been in the Original PLP since June 2021, how long can I continue to work as a Provisionally Licensed Lawyer (PLL)?**

For those admitted to the program prior to December 31, 2022, the Supreme Court extended the Original PLP to May 31, 2023, or, in some cases, to December 31, 2025. The program will terminate on May 31, 2023, for any participant who has not yet satisfied all of the program requirements other than passing the California Bar Exam. If bar passage is the only remaining requirement to be satisfied, the PLL can continue in the program through December 31, 2025.

- 2. I'm a 2020 law graduate in the Original PLP. I have not yet passed the bar exam. I have satisfied all other program requirements, except that I recently received an adverse moral character determination. How long can I continue in the program?**

If you have received a negative determination, you will be immediately suspended from the PLP and cannot practice as a PLL. However, you will not be terminated from the program until time has passed to request a review or final appeal, or the review or appeal have concluded. If following the review or appeal you are issued a positive moral character determination, you can continue in the program through December 31, 2025, while you seek to pass the bar exam. If you had other outstanding requirements as of May 31, 2023 (for example, you hadn't yet received an 86 or higher on the MPRE), you will be terminated from the program as of May 31, 2023, regardless of the status of your moral character determination.

**3. What are the key requirements I need to satisfy by May 31, 2023, to continue in the program?**

The program will terminate on May 31, 2023, for any participant who:

- Has not completed the State Bar’s 10-hour New Attorney Training; or
- Has not received an 86 or higher on the MPRE; or
- Does not have an active positive moral character determination (except as noted above in response to question 2); or
- Does not submit all documentation required by the State Bar; or
- Does not have an eligible supervisor committed to supervise the participant through the end of 2023.

**RECENT SUPREME COURT EXTENSION – PATHWAY PLP**

**4. Does the Pathway PLP have the same May 31, 2023, deadline as the Original PLP for completion of certain program requirements?**

No. Unlike the Original PLP, the sunset date for the Pathway PLP was extended to December 31, 2025, for all participants. In other words, those who are still awaiting a positive moral character determination or an MPRE score of 86 or above can continue in the program. Additionally, the application for the Pathway PLP was reopened, and new participants who satisfy the eligibility requirements can apply through December 31, 2023. Applications will not be accepted after that date.

**APPLICATION PROCESS FOR THE ORIGINAL PLP**

**5. I didn’t apply before because I could not find a supervisor. Can I apply for the Original PLP now?**

Unfortunately, you cannot. The most recent amendments to Rule 9.49 provide that the recently granted program extension applies to those 2020 law graduates who were admitted to the Original PLP prior to December 31, 2022.

**APPLICATION PROCESS FOR THE PATHWAY PLP**

**6. Who can apply for the Pathway PLP?**

Under Rule 9.49.1, individuals who scored between 1390 and 1439 on a California Bar Exam administered between July 2015 and February 2020, as determined by the first read score or the final score, may apply so long as they:

- Have an active (unexpired) positive moral character determination *or* have submitted a complete Application for Determination of Moral Character. Whether the application is complete is determined by the State Bar.
- Have not received an adverse moral character determination, unless more than two years have elapsed from the date of the final determination. If, when the adverse moral character determination was issued, the Committee of Bar Examiners or State Bar provided a time frame other than two years for when the participant was eligible to reapply, that other time frame shall control here.

**7. I think I'm eligible for the program, but how do I know for certain if my first read or final scaled score was between 1390 and 1439?**

At the time the application becomes available (see question 7) applicants can check their eligibility to apply for the Pathway PLP through the [Applicant Portal](#) under the status tab. Only applicants who meet the qualification, specifically those who achieved a score between 1390 and 1439 at first read or as a total scaled score for any California Bar Exam between July 2015 and February 2020, will be granted access to the PLP application.

**8. How do I apply?**

- The State Bar plans to make applications available in the [Applicant Portal](#) beginning January 4, 2023.
- Attorney applicants need to provide an original Certificate of Good Standing from each jurisdiction in which they are licensed.
- Law school graduates (JD or LLM) need to provide official, sealed transcripts.
- The application will be considered complete when, in addition to the CGS and transcript referenced above, the following are received:
  - Applicant declaration.
  - [Supervising Attorney Declaration](#). The declaration must be submitted within the [Applicant Portal](#); declarations sent via email and USPS are not automatically associated with the online application and may delay processing. Please ensure that you are submitting as instructed in the Applicant Portal.
  - Payment.

**9. Do I have to have a positive moral character determination to apply?**

No, you can apply for the program before your moral character determination is completed. If your PLP application is based on having submitted a complete Application for Determination of Moral Character, please note that your PLP application will not be considered until the moral character application is deemed complete by the State Bar and placed in "filed" status. Filed status means that our office has all the preliminary documentation required to begin the background investigation. Moral Character Applications are processed in the order received and can take up to two to three months for

the initial review. If you submit your PLP application before the Moral Character Application is in filed status, your PLP application will say "Pending Internal Review."

**9.2 I received a positive moral character determination in 2018. Is that sufficient?**

No. A positive moral character determination expires after three years unless you apply for an extension and it is approved by the State Bar. If your positive determination has expired, you must take action to participate in the PLP. You need to have either a *current, nonexpired* positive moral character determination or you need to submit a new Application for Determination of Moral Character which is deemed complete and placed in filed status as described above in response to question 9.

**9.3 My positive moral character determination expires in four months; will the pending expiration stand in the way of me getting admitted into the PLP?**

No, but once your positive moral character determination expires, if you don't have a completed application for extension on file, you will be suspended from the program. Applications for Extension of Moral Character Determination are simpler, and can be filed up to six months before the expiration of your positive determination.

**10. Do I need to have scored an 86 or higher on the MPRE to apply?**

No, if you have not received an 86 or higher on the MPRE at the time of your acceptance into the program, you must complete the legal ethics portion of the New Attorney Training within the first 30 days of being licensed as a PLP. If you do not complete this within the required timeframe, you will be terminated from the program.

**11. Do applicants for the Pathway PLP have to live in California?**

No. An applicant need not live in California so long as they are employed by or volunteering with, or have a conditional offer of employment or to volunteer with from a legal employer, as defined, with an office in California and are supervised by an eligible California lawyer.

**12. How long do I have to get my application in?**

The deadline to submit the Pathway PLP application is December 31, 2023. No applications will be accepted after the deadline.

Applicants for the Pathway PLP must have 1) an active positive moral character determination or 2) have submitted a moral character application that has not resulted in the issuance of an adverse moral character determination. If you have not submitted a moral character application and do not have an active positive determination, you must submit a moral character application no later than December 31, 2023. Please note that your PLP application will not be considered until the moral character application is deemed complete and filed by the State Bar. If you fail to submit a moral character application by December 31,

2023, your PLP application will not be processed.

**13. I see that the amount of the application fee depends on whether the organization I will be working with is an IOLTA program. What is the Interest on Lawyers' Trust Accounts (IOLTA) program?**

- Interest on Lawyers' Trust Accounts, commonly known as IOLTA, is a tool for raising money to increase access to justice by funding legal services for indigent Californians.
- Rule 1.15 of the California Rules of Professional Conduct requires that attorneys who handle money belonging to their clients—including settlement checks, fees advances for services not yet performed, or money to pay court fees—deposit the funds in one or more clearly identifiable trust accounts. If the amount is large or the funds are to be held for a long period of time, the attorney must place the money in an interest-bearing account for the benefit of the client. However, if the client funds are nominal or will be held only for a short time, then they are pooled in a single account with similar funds of other clients. The latter type of account is an IOLTA account.
- The interest generated by the IOLTA accounts is collected by the State Bar's Legal Services Trust Fund Program and distributed to more than 100 nonprofit legal aid organizations that provide civil legal aid to indigent Californians.

**14. How do I know if my employer is an IOLTA-funded organization?**

You can look up IOLTA funded organizations [here](#).

## SCOPE OF PRACTICE

**15. What professional services can a provisionally licensed lawyer (PLL) provide?**

Under Rules 9.49 and 9.49.1, a provisionally licensed lawyer is allowed to provide a broad array of legal services for clients, including appearing before a court, drafting legal documents, contracts, transactional documents, and pleadings, engaging in negotiations and settlement discussions, and providing other legal advice, provided that the work is performed under the supervision of a qualifying supervising lawyer. The limits on what a provisionally licensed lawyer can do, or what needs to be done under direct versus general supervision, are largely left to the supervising attorney to determine the readiness of the provisionally licensed lawyer.

## PROGRAM REQUIREMENTS

**16. What are the key program requirements?**

Participants in the Original PLP must, by May 31, 2023:

- Have an active positive moral character determination.

- Have achieved a score of 86 or above on the MPRE.
- Have completed the 10-Hour New Attorney Training Program (for participants who have been in the program one-year or more, this training is required to have been completed within 12 months of entry into the program).
- For those who did not have an 86 or above on the MPRE at the time of entry into the program, have completed within the first 30 days of provisional licensure the ethics portion of the New Attorney Training Program.

Participants in the Pathway PLP must, prior to the termination of the program, satisfy those same requirements, in addition to completing and documenting completion of 300 hours of supervised legal practice and receiving a positive evaluation from the supervisor as required by the State Bar. Only hours completed while an active participant in the PLP will count toward the 300 hours.

**17. How and how frequently do participants in the Pathway PLP report their hours to the State Bar?**

Hours must be tracked and submitted to the Office of Admissions on a weekly basis. Specifically, PLLs will be required to note the total number of hours worked, the total number of hours spent performing legal services (whether paid or unpaid), a description of the supervised legal practice duties assigned that specific week. When the hours are submitted, the State Bar will contact the Supervising Lawyer to sign that week's completed log. To access the time-tracking log:

- Log in to the [Applicant Portal](#).
- At the top, click "Applications."
- Click "Timesheet."
- Click "New" to create a new timesheet.
- Enter all information and click Save.

Once that timesheet record has been saved, the applicant will receive an email with a link to capture their electronic signature. After receipt of that electronic signature, an email will be sent to the supervising attorney to confirm the hours reported.

Once a PLL has logged a total of 300 hours of supervised legal practice, an email will be sent to the supervising lawyer requesting an evaluation of the PLL's overall work performance. Once that evaluation has been completed, it will be reviewed by the eligibility team to determine whether the PLL has satisfactorily met the requirements of CA Rule of Court 9.49.1 (i).

**18. I understand that only hours spent engaged in "legal practice" may be counted toward the 300 required hours for the Pathway PLP. Wouldn't everything I do at the request of my supervising lawyer qualify as "legal practice"?**

No. California Rule of Court 9.49.1(b)(3) defines “legal practice” as “the provision of permitted legal services to clients in compliance with rule 9.49(f) and (g).” Rule 9.49(g) states that legal services to clients include, but are not limited to, “appearing before a court or administrative tribunal, drafting legal documents, contracts or transactional documents, and pleadings, engaging in negotiations and settlement discussions, and providing other legal advice and counsel, provided that the work is performed under the supervision of a Supervising Lawyer.”

Please note that the rules require that services be provided **to a client** for those hours to count towards the admission requirements. Assignments such as conducting research can count when that research is being used to draft legal documents or to provide legal advice to a client. Assignments that do not involve providing services to a client, such as training, while helpful, are not considered “legal practice” under the rules.

**19. Can a PLL’s supervised hours include unpaid work?**

While the PLP recognizes that some PLLs may engage in unpaid volunteer work, nothing in the program purports to exempt employers from any applicable employment and wage and hour laws. Employers interested in supervising a PLL in unpaid volunteer work should determine whether such an arrangement is legally permissible given the specific factual circumstances and should follow all applicable laws as required. You may also find helpful [this webpage from the California Lawyers Association about employing and paying a PLL](#).

**20. What happens if someone who is in the Original PLP takes the bar exam but is unsuccessful?**

Under the program for 2020 law graduates, provisionally licensed lawyers who attempt the bar exam but do not pass it may continue in the provisional licensure program until the program terminates. Furthermore, they are not required to sit for the bar exam. No further extensions of the program are anticipated. By the end of the program, they must have passed the bar exam to continue in the practice of law.

**21. Do participants in the Pathway PLP need to take and pass the Bar Exam?**

No. Entry into the Pathway PLP is only permitted for those who scored between 1390 and 1439 on a bar exam from July 2015 through February 2020. Program participants do not need to retake a bar exam if they complete 300 hours of supervised legal practice in the Pathway PLP and fulfill all other requirements of the rule.

**22. What are some of the other requirements are imposed by the rules?**

A PLL must:

- Expressly refer to themselves orally and in writing as a Provisionally Licensed Lawyer and/or participant in the State Bar’s Provisional Licensure Program and not describe



themselves as a fully licensed lawyer or imply in any way orally or in writing that they are a fully licensed lawyer.

- Follow the same professional conduct rules as all fully licensed lawyers.
- Agree to be subject to the disciplinary authority of the Supreme Court of California and the State Bar with respect to the law governing the conduct of lawyers.
- Attest that they will not practice California law other than under the supervision of an approved supervising lawyer during the time they are provisionally licensed.
- Be employed by, or volunteering at the firm (as defined) where the Supervising Lawyer works, and that firm must have an office located in California.

## SUPERVISION

### 23. What are the requirements for a supervising lawyer?

- To qualify to supervise a PLL, the supervisor must have practiced law for at least four years and have actively practiced law in California or taught law at a California Law School for at least two years immediately preceding the period of supervision.
- Supervising lawyers may also be judges of a court of record in the California judicial branch.
- Registered In-House Counsel and Registered Military Spouse Attorneys and others “specially admitted” are not California licensed attorneys and cannot act as supervisors for a PLL.
- Supervising lawyers must be active licensees in good standing, and must not be ineligible to practice, actually suspended, under a stayed suspension order, or have resigned or been disbarred in any jurisdiction.
- Supervising lawyers must agree to assume professional responsibility for any work of the PLL and must be prepared to assume personal representation of the PLL’s clients.

### 24. How do I find a supervising lawyer?

The California Lawyers Association (CLA) is collecting information about matching programs from around the state and has a provisional licensure e-community available to members where prospective supervisors and provisional licensees can connect. While the cost of joining CLA is minimal, if price is an obstacle to joining, they will provide assistance to individuals facing hardship if asked. The link to their resource page is here:

<https://calawyers.org/provisional-licensure/> and the link to join is here:

<https://calawyers.org/#join>

- If you plan to pursue a provisional license, you should let prospective employers know that and work with them to identify a potential supervising lawyer.
- You must submit a signed [declaration](#) from your supervising lawyer with your application for provisional licensure. The declaration must confirm that you will be employed by, or volunteer at, the firm or organization of the supervising lawyer. The declaration must be submitted with the [Applicant Portal](#); declarations sent via email

and USPS are not automatically associated with the online application and may delay processing.

**25. May a provisionally licensed lawyer have multiple supervising lawyers to get a broader range of experience?**

Yes, the rules allow for multiple supervisors. The supervisors may work within the same law firm or at a different law firm if you will be employed or volunteer at more than one organization. You must submit a [declaration](#) from each supervising lawyer with your application in the [Applicant Portal](#). You may not work at any organization unless you have submitted a declaration from a supervising lawyer with that organization, and the State Bar has approved the supervisor as eligible.

## TERMINATION

**26. What happens if a provisionally licensed lawyer is found culpable of misconduct?**

If the State Bar Court determines that a PLL is culpable of conduct that would result in discipline if fully licensed by the State Bar, or if the PLL is sanctioned for misconduct by any court or professional licensing authority, the provisional license terminates. In addition, the matter is referred to moral character.

**27. Does provisional licensure automatically terminate upon issuance of an adverse moral character determination?**

No. The license is suspended to give the PLL the opportunity to contest the determination. If no request for review or appeal is timely filed, the PLL is terminated. If a request for review or appeal is timely filed, the PLL will remain suspended until the final outcome, unless the PLL is terminated as a result of other factors (such as failing to meet other program requirements timely).

## UPDATES

4/23/2021

- Added new questions #24–#26

3/29/2021

- Updated question #2, #4, #8, and #17
- Added new question #22 and #23

2/24/2021

- Updated question #2, #4, and #17

2/22/2021

- Updated question #2, #4, #13, #17, and #20
- Added new question #6 and #7

FAQS: Provisional Licensure Program

December 14, 2023

- Deleted question regarding requesting refunds for the February 2021 Bar Exam  
2/18/2021

- Updated question #11 and #18

2/1/2021

- Updated question #2, #5, #6, #17, and #18

- Added new question #7

1/28/2021

- Updated question #2, #4, #8, and #14

1/3/2023

- Entire FAQ was updated include information on PLP extension

1/11/2023

- Added new question #9.2 and #9.3

12/14/2023

- Updated question #12