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SUPREME COURT
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Frank A. McGuire, Clerk
Supreme Court of California
350 McAllister Street
San Francisco, CA 94102-4797

Frank A. McGuire Clerk

Deputy

RE: *In re Sergio C. Garcia on Admission*, No. S202512 (Cal. S. Ct.)

Dear Mr. McGuire:

I am writing in response to the Court's order of October 16, inviting the parties and amici to address the effect of the enactment of AB 1024 (2013-2014 Reg. Sess.) on this proceeding. In its amicus brief, the United States explained that, in its view, the State was barred from issuing Mr. Garcia a law license by 8 U.S.C. § 1621. *See* U.S. Br. 5-12. Our brief also noted, however, that the federal statute authorizes a State to "enact measures that would provide benefits to unlawfully present aliens." *Id.* at 12. As we noted, 8 U.S.C. § 1621(d) provides that a "State may provide that an alien who is not lawfully present in the United States is eligible for any State or local public benefit for which such alien would otherwise be ineligible under subsection (a) of this section only through the enactment of a State law after August 22, 1996, which affirmatively provides for such eligibility." 8 U.S.C. § 1621(d).

On October 5, 2013, Governor Brown signed AB 1024 into law. AB 1024 adds the following language to the California Business and Professions Code:

Upon certification by the examining committee that an applicant who is not lawfully present in the United States has fulfilled the requirements for admission to practice law, the Supreme Court may

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admit that applicant as an attorney at law in all the courts of this state and may direct an order to be entered upon its records to that effect. A certificate of admission thereupon shall be given to the applicant by the clerk of the court.

AB 1024, Sec. 1 (adding Cal. Bus. & Prof. Code § 6064(b)). This provision becomes effective on January 1, 2014. *See* Cal. Const., Art. 4, § 8(c).

In enacting AB 1024, California exercised the authority expressly recognized in the federal statute to enact laws affirmatively making unlawfully present aliens eligible for state and local public benefits for which such aliens would otherwise be ineligible under 8 U.S.C. § 1621(a). Accordingly, starting on January 1, 2014—the effective date of AB 1024—the issuance of a law license in this case will no longer be precluded by 8 U.S.C. § 1621. This change in State law does not alter the separate point articulated in our amicus brief, where we explained that employment authorization is distinct from possession of a law license, and is determined solely by reference to federal law. *See* U.S. Br. 12–16.

We appreciate your consideration of this matter.

Sincerely,



Daniel Tenny
Counsel for the United States

cc (via Federal Express): Robert Cooper (counsel for Sergio Garcia)
J. Starr Babcock (counsel for the Committee of Bar Examiners)
Ross Charles Moody (counsel for the California Attorney General)