



NEWS RELEASE

FOR IMMEDIATE RELEASE

May 16, 2012

California Supreme Court To Decide Whether Undocumented Immigrant May Be Admitted to the California State Bar

San Francisco—The California Supreme Court today unanimously issued an order directing the Committee of Bar Examiners of the State Bar of California to show cause before the Supreme Court why the court should grant the Committee’s motion to admit Sergio C. Garcia to the State Bar of California as a licensed attorney. Garcia has graduated from law school in California and has passed the California bar examination, but is currently an undocumented immigrant.

After reviewing his application and performing a moral character review, the Committee of Bar Examiners certified his name to the Supreme Court for admission to the State Bar. The bar notified the court of Garcia’s immigration status at the time the motion was filed.

The Supreme Court’s order directs the Committee of Bar Examiners and Garcia to file opening briefs in support of the Committee’s motion by June 18, 2012, and invites others to file amicus curiae briefs in the Supreme Court, either in support of or in opposition to the motion. In particular, the order invites amicus participation by the Attorneys General of California and the United States.

The order also lists five specific questions as “among the issues that should be briefed.” The five questions are:

“1. Does 8 U.S.C. section 1621, subdivision (c) apply and preclude this court’s admission of an undocumented immigrant to the State Bar of California? Does any other statute, regulation, or authority preclude the admission?”

“2. Is there any state legislation that provides — as specifically authorized by 8 U.S.C. section 1621, subdivision (d) — that undocumented immigrants are eligible for professional licenses in fields such as law, medicine, or other professions, and, if not, what significance, if any, should be given to the absence of such legislation?”

“3. Does the issuance of a license to practice law impliedly represent that the licensee may be legally employed as an attorney?”

(more)

“4. If licensed, what are the legal and public policy limitations, if any, on an undocumented immigrant’s ability to practice law?”

“5. What, if any, other concerns arise with a grant of this application?”

Once the briefing is completed and the court has an opportunity to consider it, the court may set the case for oral argument.

A copy of the court’s order is attached.

#

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re SERGIO C. GARCIA on Admission.

The Committee of Bar Examiners of the State Bar of California is ordered to show cause before this court why its motion for admission of Sergio C. Garcia to the State Bar of California should be granted. The Committee of Bar Examiners and Sergio C. Garcia may serve and file opening briefs in support of the Committee of Bar Examiners' motion on or before June 18, 2012.

Applications for permission to file an amicus curiae brief, either in support of or opposition to the motion, are invited. Such applications should comply with California Rules of Court, rule 8.520(f) and be accompanied by the proposed brief. The applications should be served and filed no later than 30 days after the filing of opening briefs by the Committee of Bar Examiners and Sergio C. Garcia, or 30 days after expiration of the time for the filing of opening briefs by the Committee of Bar Examiners and Sergio C. Garcia. In particular, the court invites such applications from the State of California Department of Justice, Office of the Attorney General (if appropriate under California Rules of Court, rule 8.520, subdivision (f)(8)), and the United States Department of Justice, Office of the Attorney General.

The Committee of Bar Examiners and Sergio C. Garcia may serve and file answers to the individual amicus curiae briefs, or a consolidated answer to multiple amicus curiae briefs, within 30 days after either the court rules on the last timely filed application to file an amicus curiae brief or the time for filing applications to file an amicus curiae brief expires, whichever is later. Any answer must be served on the amicus curiae.

The following are among the issues that should be briefed:

1. Does 8 U.S.C. section 1621, subdivision (c) apply and preclude this court's admission of an undocumented immigrant to the State Bar of California? Does any other statute, regulation, or authority preclude the admission?
2. Is there any state legislation that provides — as specifically authorized by 8 U.S.C. section 1621, subdivision (d) — that undocumented immigrants are eligible for

professional licenses in fields such as law, medicine, or other professions, and, if not, what significance, if any, should be given to the absence of such legislation?

3. Does the issuance of a license to practice law impliedly represent that the licensee may be legally employed as an attorney?

4. If licensed, what are the legal and public policy limitations, if any, on an undocumented immigrant's ability to practice law?

5. What, if any, other public policy concerns arise with a grant of this application?

Cantil-Sakauye

Chief Justice

Kennard

Associate Justice

Baxter

Associate Justice

Werdegar

Associate Justice

Chin

Associate Justice

Corrigan

Associate Justice

Liu

Associate Justice