



STANDARDS FOR DETERMINING THE CREATION OF A NEW SPECIALTY
(adopted by the Board of Legal Specialization on September 10, 2009)

I. Initiation of Study by the Board of Legal Specialization:

Development of new specialty areas is an important and ongoing activity of the Legal Specialization program. It furthers the stated purposes of the program – assisting the public in identifying competent legal counsel.

The Board of Legal Specialization (BLS) will study a proposal to create a new specialty area upon receipt of one or more of the following:

- Written application from interested attorney(s).
- Written application from a State Bar, local or other bar, or professional organization.
- Its own motion.

II. Required Showing:

An attorney or organization seeking adoption of a new specialty must submit a written request to the BLS that should include the following:

- Signatures of 25 attorneys (or such other number BLS may determine) recommending the creation of the proposed specialty area (the attorneys do not have to qualify for or be interested in being certified in the practice area).
- A statement as to whether the State Bar of California, or other bar or professional organization, has a practice section or committee in the proposed specialty area.
- Demonstration of the Perceived Need: Is this an area---
 - in which it is difficult for consumers to identify competent counsel?
 - in which consumers may be particularly vulnerable or unsophisticated?
 - requiring high levels of substantive knowledge or experience for competent performance?
 - where there is an unmet need for reliable referrals?

- in which it is difficult for small practitioners to concentrate their practice?
- in which there is rapidly developing new law?
- Indication of the Potential Value: How will ---
 - certification in this area meet the above perceived need?
 - attorneys benefit from certification?
 - those attorneys currently identified by other attorneys as practicing in this area (de facto specialists) react to certification?
- Substantive Feasibility: How do we identify---
 - what knowledge or experience is required to perform competently in this area?
 - what procedures or tasks are unique to this area?
 - which activities form a discrete area of law?
 - other areas of practice related to or which overlap this area?
 - education necessary for competence in this area?
- Degree of Interest and Support: Is there ---
 - certification in the area offered by another state or entity?
 - one or more voluntary association(s) of attorneys who practice in this area?
 - evidence of support or opposition among current practitioners to certification in this area?
- Practical Viability: Approximately how many ---
 - attorneys currently concentrate their practices in this area?
 - attorneys are needed to defray the cost of administering the certification process?
 - attorneys could be expected to obtain certification if the program were available?
 - education providers are in the area?