



The State Bar *of California*

OPEN SESSION AGENDA ITEM IV.D. MARCH 2020

DATE: March 9, 2020

TO: Members, California Board of Legal Specialization

FROM: Amy C. Nuñez, Director, Office of Admissions

SUBJECT: Approval of Proposed Extension of Legal Specialist Continuing Legal Education Compliance Deadline

SUMMARY

Consistent with past practice, it is recommended that the California Board of Legal Specialization (CBLS) extend the deadline for completing and reporting the required education for certified specialists in Compliance Group 3 to Tuesday, June 30, 2020.

Certified specialists who are licensees of Compliance Group 3 were due to report Legal Specialist Continuing Legal Education (LSCLE) compliance by February 3, 2020. As of March 1, 50.3% of 1,949 certified specialists in Compliance Group 3 have already reported LSCLE compliance and 5.3% have resigned for reasons other than educational compliance.

BACKGROUND

While certified specialists recertify every five years, the educational portion of their compliance is reported every three years, in the same year that they are scheduled report their general Minimum Continuing Legal Education (MCLE) compliance to the State Bar, by February 1.

In order to maintain their certificates of specialization, specialists must complete a total of thirty-six hours of LSCLE or an approved equivalent during the three-year period. Examples of approved equivalents include MCLE-approved courses in the specialty area, self-study in the specialty area. Certain specialties offer additional options when appropriate to the practice area.

The reporting schedule is determined by the licensee's MCLE Compliance Group. When an attorney is first licensed by the State Bar, (s)he is assigned to one of three MCLE compliance groups upon licensure, based on the licensee's last name at the time of admission. The group assignment does not change even if the licensee's name changes. The groups are as follows:

Compliance Group 3- Last names beginning with N-Z at the time of Bar licensure, with next reporting deadline of Feb. 1, 2023.

Compliance Group 2- Last names beginning with H-M at the time of Bar licensure, with next reporting deadline of Feb. 1, 2021.

Compliance Group 1- Last names beginning with A-G at the time of Bar licensure, with next reporting deadline of Feb. 1, 2022.

Each compliance period is three years long and reporting is due on February 1, or the first business day thereafter, at the end of the three-year period.

DISCUSSION

The 2020 reporting deadline for certified specialists in Compliance Group 3 was February 3, 2020. As of March 1, 2020, 980 of 1,949 specialists in this compliance group have already reported legal specialist education compliance, while 104 have since resigned their certificates.

In total, 864 certified specialists (44.3%) have not yet reported their LSCLE compliance.

Certified specialists in Compliance Group 3 who failed to report their general MCLE reporting by the February 3 deadline now have until June 30, 2020 to comply, so long as they additionally pay a penalty fee.

It is recommended that the specialists in Compliance Group 3 be granted an extension to June 30, 2020 to complete and report their LSCLE requirement, which would be consistent with the deadline allowed to report MCLE compliance. This extension would be consistent with CBLS actions taken in previous compliance periods.

Staff further recommend that the LSCLE reporting deadline permanently follow the corresponding MCLE deadline. Since LSCLE Compliance reporting moved to the three-year reporting cycle, the CBLS has approved LSCLE extensions to match the MCLE extended deadline each year. This recommendation aligns with CBLS historical practice and with the practice that certified specialists have come to expect when making their educational plans.

RECOMMENDATION

It is recommended that the California Board of Legal Specialization approve the following motion:

MOVE, that certified specialists who are licensees of MCLE Compliance Group 3 and who have not reported their LSCLE compliance be granted an extension of the original deadline to June 30, 2020 to do so, with the option to take additional courses until that date to fulfill the requirement; and

FURTHER MOVE, that the CBLS approve in principle the LSCLE compliance deadline be permanently extended to match the MCLE extended deadline each reporting period, effective with the next compliance group reporting period.