

Rules of the State Bar of California

Title 3. Programs and Services

Division 5. Providers of Programs and Services

(for public comment, July 2013)

Chapter 4. Approval to certify legal specialists

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Rule 3.900 What these rules are

The California Board of Legal Specialization (“board”) is authorized to certify legal specialists. The board may also recommend that the Board of Trustees approve other entities to certify legal specialists.¹ This chapter sets forth the rules that apply to such approved entities. Rules for board certification of legal specialists are set forth elsewhere in this title.²

Rule 3.901 Fees³

These rules refer to fees and deadlines that are set forth in the Schedule of Charges and Deadlines.⁴

Rule 3.902 Application to Certify California Legal Specialists

- (A) An entity applying for approval to certify California Legal Specialists must demonstrate to the satisfaction of the board and the Board of Trustees that the entity meets the requirements of these rules for approved entities and their specialty programs.
- (B) The entity’s application must be completed in accordance with instructions and submitted with the required fee.⁵

Rule 3.903 Requirements of approved entities⁶

- (A) The certification program of an approved entity must⁷
 - (1) serve consumer interests;

¹ See Rule of Court 9.35(b). That provision states that “The State Bar must establish and administer a program for certifying legal specialists and may establish a program for certifying entities that certify legal specialists.”

² Title 3, Division 2, Chapter 4, Legal specialization, Rules 3.90 et seq.

³ See current rule 19.5, Program Financing.

⁴ This language is also used in 3.95(A). And cf. Rule 4.110(A), “The regulatory and oversight services provided by the Committee are funded by reasonable fees that are set forth in the Schedule of Charges and Deadlines.”

⁵ Rule 1.24. Use of the application form obviates the need for the detail of current rule 8.0: where to send the form, with what, etc.

⁶ Most of these requirements derive from current rule 4.0, except that references are covered by current 5.2; the security of written examinations by current 5.3; the “California component” by current 5.1, 5.3, and 6.1; impartial review by current 7.0, and comparability to board requirements by current 5.1 and 6.1.

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- (2) have requirements that are clear, not arbitrary, consistently applied, and comparable to those required for board certification in a specialty area of law;⁸
 - (3) test substantive and procedural proficiency as well as relevant issues of legal ethics by
 - (a) a written examination protected by appropriate security measures or
 - (b) acceptable alternative means;
 - (4) include California law in the written examination and proficiency requirements; and
 - (5) otherwise comply with these rules.
- (B) The Board of Trustees has sole discretion to determine whether an entity has certification requirements that are clear, not arbitrary, consistently applied, and comparable to those required for board certification of legal specialists in the specialty area of law.
- (C) In its California advertisements, an approved entity must state the specialty area of law for which the entity is approved by the State Bar of California to certify legal specialists.

Rule 3.904 Maintaining approval

An entity approved to certify California legal specialists must at all times comply with these rules and

- (A) annually submit a Request to Renew Approval to Certify California Legal Specialists with the appropriate fee or late fee;⁹ and
- (B) promptly report to the board any change in contact information or in the entity's qualifications as approved by the Board of Trustees.¹⁰

Rule 3.905 Revocation of approval¹¹

- (A) The board may determine to recommend that the Board of Trustees revoke approval to certify legal specialists in California for failure to comply with these rules.¹² The approved entity must be provided with written notice of the intended revocation and reasons for it.

⁸ See Title 3, Division 2, Chapter 4, Legal specialization, Rules 3.90 et seq.

⁹ *Cf. current rule 18.0 on annual renewal.*

¹⁰ *Cf. current rules 17.1 and 17.2.*

¹¹ *Cf. Rule 3.123, Revocation of Certification.*

¹² *Cf. current rule 15.0, Revocation of Accreditation.*

Within thirty days of the date of the notice, the approved entity may respond in writing that revocation would be inappropriate. The response must be supported by any relevant evidence.

- (B) Within sixty days of receipt of a response to a notice of intent to revoke approval, the board may determine that the certification of the approved entity will continue or the board may recommend that the Board of Trustees revoke approval or continue the approval with conditions. A copy of the recommendation must be provided to the entity.
- (C) The decision of the Board of Trustees is final.¹³

Rule 3.906 Public information

The entity's Application to Certify California Legal Specialists and any related records and documents submitted by an Applicant are public information, except that actual or proposed written examinations of the entity are confidential.¹⁴

¹³ *Cf Rule 3.444(C): "A Final Decision of the [Client Security Fund] Commission constitutes the final action of the State Bar."*

¹⁴ *Cf. current rule 21.0, Disclosure of Information.*