

### TITLE 3. PROGRAMS AND SERVICES

Effective January 2014

#### DIVISION 2. ATTORNEY MEMBERS

##### Chapter 2. Legal Specialization

##### Article 1. General provisions

##### Rule 3.90 California Board of Legal Specialization

- (A) The California Board of Legal Specialization (“board”) is appointed by the Board of Trustees of the State Bar of California to establish and administer a program to encourage attorney competence by certifying as legal specialists attorneys who have demonstrated proficiency in specified areas of law.<sup>1</sup> This chapter sets forth the rules for those certified specialists.
- (B) The board consists of the following members, including a chair, vice-chair, and the immediate past chair, each entitled to vote:
  - (1) twelve attorney members, up to two of whom need not be certified specialists; and
  - (2) three non-attorneys.
- (C) The board may recommend that the Board of Trustees approve additional areas of legal specialization and their related certification standards.
- (D) The board may recommend that the Board of Trustees authorize other entities to grant certification. The rules applicable to such entities are set forth elsewhere in this title.<sup>2</sup>

*Rule 3.90 adopted effective January 1, 2014.*

##### Rule 3.91 Certification standards

The Board of Trustees adopts certification standards for each specialty to supplement these rules.

*Rule 3.91 adopted effective January 1, 2014.*

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<sup>1</sup> See Rule of Court 9.35.

<sup>2</sup> Rule 3.900 et seq.

### Rule 3.92 Advisory commissions

An advisory commission (“commission”) is appointed by the Board of Trustees to recommend and apply certification standards for each area of legal specialization. A commission consists of an even number of attorney members, but no more than eight, and a non-attorney member. One of the attorney members need not be a certified specialist.

*Rule 3.92 adopted effective January 1, 2014.*

### Rule 3.93 Terms

- (A) Each board and commission member is appointed for a term of four years. A member whose four-year term is expiring may serve an additional year as chair, vice-chair, or immediate past chair. An immediate past chair may also serve an additional year.
- (B) A vacancy on the board or a commission occurs when a member dies, resigns, or an attorney member ceases to be an active member of the State Bar. A vacancy must be filled by the Board of Trustees.

*Rule 3.93 adopted effective January 1, 2014.*

### Rule 3.94 Meetings

Meetings of the board and its advisory commissions are governed by the Rules of the State Bar.<sup>3</sup>

*Rule 3.94 adopted effective January 1, 2014.*

### Rule 3.95 Conflicts of interest

- (A) To avoid a conflict of interest that may interfere or appear to interfere with impartial evaluation of an applicant~~[Deleted Text Begin] for certification[Deleted Text End]~~, a board or commission member considering an ~~[Deleted Text Begin]Application for Certification [Deleted Text End]~~[Insert Text Begin]application[Insert Text End] must immediately disclose to the chair of the board or commission any significant past or present relationship with the applicant, whether familial, professional, political, social, or financial.
- (B) A board or commission member who believes that the length or nature of a relationship would unduly influence or appear to influence evaluation of an applicant may in no way participate in or attempt to influence the evaluation. Representing opposing parties in a legal matter does not necessarily require recusal.

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<sup>3</sup> See Rule 6.60 et seq.

- (C) If a board or commission member believes recusal is not required and the chair disagrees, the determination of the chair prevails. Factors the chair is to consider in making the determination include the date of the relationship, its duration, and whether it is more than casual or incidental.
- (D) A board or commission member may in no way participate in or attempt to influence board or commission consideration of his or her own application for certification.

Rule 3.95 adopted effective January 1, 2014 [Insert Text Begin]; amended effective \_\_\_\_\_ [Insert Text end].

#### Rule 3.96 Confidentiality

- (A) A certified specialist's certification is public information, but all applications, ~~[Deleted Text Begin]tests[Deleted Text End]~~ [Insert Text Begin]examination development, examination administration, examinations, grading materials, scores [Insert Text end], references, and other records are confidential~~[Deleted Text Begin]and the property of the State Bar[Deleted Text End]~~, unless otherwise provided by these rules or by law. Hearings and informal conferences of the board and the commissions are confidential.
- (B) This rule does not preclude disclosure of information ~~[Deleted Text Begin]of alleged professional misconduct by[Deleted Text End]~~ [Insert Text Begin]about[Insert Text end] an applicant or certified specialist ~~[Deleted Text Begin]to[Deleted Text End]~~ [Insert Text Begin]by and between the board and [Insert Text end] the State Bar's Office of the Chief Trial Counsel or [Insert Text Begin]the[Insert Text end] Office of General Counsel ~~[Deleted Text Begin]to fulfill their[Deleted Text End]~~ [Insert Text Begin]in furtherance of the State Bar's[Insert Text end] regulatory and disciplinary responsibilities.
- (C) A board or commission member may be removed by the Board of Trustees for a breach of confidentiality.

Rule 3.95 adopted effective January 1, 2014 [Insert Text Begin]; amended effective \_\_\_\_\_ [Insert Text end].

#### Article 2. Certified specialists

##### Rule 3.110 Certification requirements in general

- (A) [Insert Text Begin]In these rules "applicant" means an initial applicant for certification or an application for recertification, unless otherwise specified.[Insert Text end] An applicant ~~[Deleted Text Begin]for certification or recertification[Deleted Text End]~~ must [Insert Text Begin]establish proficiency in the specialty area by meeting the following requirements:[Insert Text end]

- (1) be an active member [\[Insert Text Begin\]in good standing\[Insert Text end\]](#) of the State Bar[\[Insert Text Begin\] and not currently in disciplinary proceedings or on disciplinary or criminal probation\[Insert Text end\]](#);
- (2) submit an ~~[Deleted Text Begin]~~Application for Certification ~~[Deleted Text End]~~[\[Insert Text Begin\]application\[Insert Text end\]](#) with an application fee; and
- (3) meet the requirements of these rules and any relevant standards regarding

~~[Deleted Text Begin](a) eligibility;[Deleted Text End]~~

~~[Deleted Text Begin](b)[Deleted Text End]~~[\[Insert Text Begin\]\(a\) \[Insert Text end\]](#)education;

~~[Deleted Text Begin](c)[Deleted Text End]~~[\[Insert Text Begin\]\(b\) \[Insert Text end\]](#)practice and tasks;

~~[Deleted Text Begin](d)[Deleted Text End]~~[\[Insert Text Begin\]\(c\) \[Insert Text end\]](#)examination; and

~~[Deleted Text Begin](e)[Deleted Text End]~~[\[Insert Text Begin\]\(d\) \[Insert Text end\]](#)references [\[Insert Text Begin\]familiar with the applicant's proficiency in performing tasks relied upon for certification in the specialty area.\[Insert Text end\]](#)

- (B) An applicant must submit the application within eighteen months of the date on which the applicant took the examination. ~~[Deleted Text Begin]The[Deleted Text End]~~[\[Insert Text Begin\]An\[Insert Text end\]](#) applicant may request an extension of up to eighteen months for completion of all requirements. Requests are granted for good cause shown at the discretion of the board.

Rule 3.110 adopted effective January 1, 2014[\[Insert Text Begin\]; amended effective \\_\\_\\_\\_\\_ \[Insert Text end\]](#).

#### Rule 3.111 ~~[Deleted Text Begin]Eligibility[Deleted Text End]~~

~~[Deleted Text Begin]To be eligible for certification or recertification as a legal specialist, a member of the State Bar who meets the requirements of these rules must maintain active status.[Deleted Text End]~~

~~[Deleted Text Begin]An applicant may be ineligible for certification or recertification because of[Deleted Text End]~~

~~[Deleted Text Begin]a material fact affecting standing to practice law wherever licensed or otherwise authorized to practice law, such as transfer to inactive status, disciplinary actions, suspension, resignation, or disbarment;[Deleted Text End]~~

~~[Deleted Text Begin]disciplinary charges filed in the State Bar Court or being formally considered by a body that has licensed or is authorized to impose professional discipline on the applicant;[Deleted Text End]~~

~~[Deleted Text Begin]a finding of contempt made or sanction imposed, other than a discovery sanction, by any court or body before whom the applicant or specialist appears; or[Deleted Text End]~~

~~[Deleted Text Begin]information the applicant is required to report to the State Bar<sup>4</sup> and to the board<sup>5</sup> indicating a lack of proficiency in the specialty area of law for which certification is sought or granted~~

~~[Deleted Text Begin]Rule 3.111 adopted effective January 1, 2014.[Deleted Text End]~~

~~[Deleted Text Begin]Rule 3.112 [Deleted Text End]~~Fees and deadlines

- (A) These rules refer to fees and deadlines that are set forth in the Schedule of Charges and Deadlines.<sup>6</sup>
- (B) A certified specialist who fails to make timely payment of a required fee ~~[Deleted Text Begin]is[Deleted Text End]~~[Insert Text Begin]will be[Insert Text end] notified of the delinquency and may be assessed a late charge. ~~[Deleted Text Begin]Certification is suspended for f [Deleted Text End]~~[Insert Text Begin]F[Insert Text end]ailure to pay the annual fee or late charge within thirty days of ~~[Deleted Text Begin]imposition of the late charge[Deleted Text End]~~[Insert Text Begin]notice of delinquency may result in suspension of certification[Insert Text end].

[Insert Text Begin]Rule 3.111 adopted as[Insert Text end] Rule 3.112 ~~[Deleted Text Begin]adopted[Deleted Text End]~~ effective January 1, 2014[Insert Text Begin]; renumbered effective [Insert Text end]; amended effective [Insert Text end].

Rule 3.~~[Deleted Text Begin]113[Deleted Text End]~~[Insert Text Begin]112[Insert Text end] Application for Certification

- (A) An Application for Certification must be submitted with an application fee.
- (B) An application is deemed abandoned and ineligible for a refund of the application fee if
- (1) the application is not complete within sixty days of receipt by the State Bar, unless an extension has been granted;

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~~[Deleted Text Begin]4~~ For example, see Business and Professions Code §§ 6068(c)(1)-(7) and 6086.8(c).~~[Deleted Text End]~~

~~[Deleted Text Begin]5~~ Rule 3.114~~[Deleted Text End]~~

<sup>6</sup> See Rule 1.20(L).

- (2) the application is complete but the applicant fails to provide additional information requested by the State Bar within ninety days of the request; or
  - (3) an applicant fails to complete any other certification application requirement.
- (C) Certification requirements completed for an abandoned application may be used for a subsequent application.
- (D) An applicant may apply for certification in more than one specialty.

[Insert Text Begin]Rule 3.112 adopted as[Insert Text end] Rule 3.113 [Deleted Text-Begin]adopted[Deleted Text End] effective January 1, 2014[Insert Text Begin]; renumbered effective [Insert Text end].

Rule 3. ~~[Deleted Text Begin]114[Deleted Text End]~~[Insert Text Begin]113[Insert Text end] Reporting requirement

Every applicant and [Insert Text Begin]every[Insert Text end] certified specialist has an ongoing duty to comply with these rules and any relevant standards and to promptly disclose to the board any information that might affect eligibility for certification<sup>7</sup> or that the State Bar Act requires the member to report to the State Bar.<sup>8</sup>

[Insert Text Begin]Rule 3.113 adopted as[Insert Text end] Rule 3.114 [Deleted Text-Begin]adopted[Deleted Text End]effective January 1, 2014[Insert Text Begin]; renumbered effective [Insert Text end]; amended effective [Insert Text end].

Rule 3. ~~[Deleted Text Begin]115[Deleted Text End]~~[Insert Text Begin]114[Insert Text end] Education

- (A) Board-approved education or board-approved education alternative must be completed in the specialty area of law as follows:
- (1) by applicants for initial certification: at least forty-five hours in the three years immediately preceding the application; and
  - (2) by certified specialists: at least thirty-six hours during the specialist's Minimum Continuing Legal Education (MCLE) compliance period. The specialist must report specialty education compliance to the board when reporting MCLE compliance.<sup>9</sup>

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<sup>7</sup> Rule 3.111.

<sup>8</sup> Business and Professions Code § 6068(o).

<sup>9</sup> Rules 2.70 and 2.71

- (B) A provider intending to offer specialty education must be approved by the State Bar as a Multiple Activity Provider in a specialty area of law<sup>10</sup> or must file an application to the board or a designated commission for approval of a single education activity designed to attain or maintain proficiency in a specialty area of law.
- (C) The board may grant specialty education credit for education that meets certification requirements,<sup>11</sup> inclusive of activities approved for MCLE credit<sup>12</sup> as well as credit for MCLE requirements for legal ethics, elimination of bias, and competence issues.<sup>13</sup>
- (D) The board may grant specialty education credit to a certified specialist who mentors an applicant or a prospective applicant for certification as well as to the mentored applicant or prospective applicant, provided the specialty education is documented to the satisfaction of the board and otherwise meets the requirements of these rules.<sup>14</sup>

~~[Insert Text Begin]Rule 3.114 adopted as~~[Insert Text end] Rule 3.115 ~~[Deleted Text Begin]adopted[Deleted Text End]~~ effective January 1, 2014~~[Insert Text Begin]; renumbered effective~~  
~~[Insert Text end]~~.

Rule 3. ~~[Deleted Text Begin]116[Deleted Text End]~~~~[Insert Text Begin]115[Insert Text end]~~ Practice and task requirements

In the five years immediately preceding the Application for Certification, an applicant must complete the tasks prescribed by the relevant standards with proficiency; demonstrate current substantial involvement in the practice; and spend at least twenty-five percent of the time given to occupational endeavors practicing law in the specialty in which certification is sought. The board's acceptance or rejection of the computation is final.

~~[Insert Text Begin]Rule 3.115 adopted as~~[Insert Text end] Rule 3.116 ~~[Deleted Text Begin]adopted[Deleted Text End]~~ effective January 1, 2014~~[Insert Text Begin]; renumbered effective~~  
~~[Insert Text end]~~.

Rule 3. ~~[Deleted Text Begin]117[Deleted Text End]~~~~[Insert Text Begin]116[Insert Text end]~~ Examination

- (A) An applicant must pay an examination registration fee and take and pass a written examination that tests knowledge of the substantive law and procedures of a legal specialty. The board determines the scope, format, topics, grading process, and passing score of the examination.

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<sup>10</sup> See Rule 2.52 and Rule 3.600 et seq.

<sup>11</sup> Rule 2.84

<sup>12</sup> See Rules 2.51; 2.80; 2.81; 2.82; and 2.83

<sup>13</sup> Rule 2.72

<sup>14</sup> Rule 2.86

- (B) Results reported to applicants are final. Applicants are not entitled to receive their examination answers or to see their scores.
- (C) Upon approval of a new area of legal specialization by the Board of Trustees, the board may approve for a period of no more than two years satisfactory completion of one or more alternative tasks in lieu of a written examination.

[Insert Text Begin]Rule 3.116 adopted as[Insert Text end] Rule 3.117 ~~[Deleted Text-Begin]adopted[Deleted Text-End]~~ effective January 1, 2014[Insert Text Begin]; renumbered effective [Insert Text end].

Rule 3. ~~[Deleted Text-Begin]118[Deleted Text-End]~~[Insert Text Begin]117[Insert Text end] References

An applicant must provide references from attorneys or judges whom the applicant has identified as familiar with the applicant's proficiency in performing the tasks required for certification. At least three [Insert Text Begin]positive[Insert Text end] references must be provided unless the relevant standards require more. A commission may seek additional references.

[Insert Text Begin]Rule 3.117 adopted as[Insert Text end] Rule 3.118 ~~[Deleted Text-Begin]adopted[Deleted Text-End]~~ effective January 1, 2014[Insert Text Begin]; renumbered effective [Insert Text end].

Rule 3. ~~[Deleted Text-Begin]119[Deleted Text-End]~~[Insert Text Begin]118[Insert Text end] Waivers and modifications

- (A) A certified specialist who serves full-time in a state or federal court of record as a judge, magistrate, commissioner, or referee or as an administrative law judge is exempt during the period of service from the annual fee required of a certified specialist and from recertification requirements. The specialist is not eligible for the fee waiver until the service officially begins; any fee paid prior to that time is not refundable.
- (B) The board may waive or permit modification of a certification requirement.

[Insert Text Begin]Rule 3.118 adopted as[Insert Text end] Rule 3.119 ~~[Deleted Text-Begin]adopted[Deleted Text-End]~~ effective January 1, 2014[Insert Text Begin]; renumbered effective [Insert Text end].

[Insert Text Begin]Rule 3.119 Recertification[Insert Text end]



[Insert Text Begin](A) To maintain certification in a specialty area, a certified specialist must recertify every five years, which includes submitting a completed application,<sup>15</sup> paying fees,<sup>16</sup> and meeting education, practice and task, and reference requirements as specified by the board.[Insert Text end]

[Insert Text Begin](B) If permitted by the relevant standards, education or practice and task requirements completed in the last six months of certification that exceed recertification requirements may be applied to the next certification period.[Insert Text end]

[Insert Text Begin](C) An applicant who fails to pay fees will be notified of the delinquency and may be assessed a late charge. Failure to pay fees or any assessed late charge within 30 days of the notice of delinquency may result in suspension of certification.[Insert Text end]

[Insert Text Begin](D) Action on an application for recertification is governed by the process applicable to action on an initial application.<sup>17</sup>[Insert Text end]

[Insert Text Begin](E) Certified specialists who choose not to recertify will be terminated from the legal specialization program.[Insert Text end]

[Insert Text Begin]Rule 3.119 adopted as Rule 3.124 effective January 1, 2014; renumbered effective \_\_\_\_\_; amended effective \_\_\_\_\_.[Insert Text end]

[Insert Text Begin]3.120 Denial of certification or recertification [Insert Text end]

[Insert Text Begin]An applicant may be denied certification or recertification for[Insert Text end]

[Insert Text Begin](A) failure to timely file a completed application, pass the examination for certification, meet the practice and task requirements, obtain at least three positive references, and pay all certification or recertification fees:[Insert Text end]

[Insert Text Begin](B) pending disciplinary charges in the State Bar Court, transfer to inactive status, suspension, resignation, or disbarment in California:[Insert Text end]

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[Insert Text Begin]<sup>15</sup> Following the process outlined in Rule 3.112[Insert Text end]

[Insert Text Begin]<sup>16</sup> See rule 3.111[Insert Text end]

[Insert Text Begin]<sup>17</sup> Rules 3.122-3.124, and 3.126[Insert Text end]

[Insert Text Begin](C) pending disciplinary charges, other disciplinary actions, suspension, resignation, or disbarment in another jurisdiction or before another regulatory body that has licensing or professional disciplinary authority over the applicant;

[Insert Text Begin](D) prior discipline;[Insert Text end]

[Insert Text Begin](E) lack of candor, including any material omissions or material false representations or misstatements made in an Application for Certification or Application for Recertification, or to a commission, the board, or the State Bar;[Insert Text end]

[Insert Text Begin](F) failure to report information the applicant must report to the State Bar<sup>18</sup> and to the board<sup>19</sup>; or[Insert Text end]

[Insert Text Begin](G) information bearing negatively on proficiency that is obtained from references.[Insert Text end]

[Insert Text Begin]Rule 3.120 adopted as Rule 3.111[Insert Text end]effective January 1, 2014[Insert Text Begin]; renumbered effective ; amended effective .[Insert Text end]

Rule 3. ~~[Deleted Text Begin]120[Deleted Text End]~~[Insert Text Begin]121[Insert Text end] Commission action on application

(A) Within 180 days of receipt of an ~~[Deleted Text Begin]Application for Certification~~~~[Deleted Text End]~~[Insert Text Begin]application.[Insert Text Begin]~~[Deleted Text Begin]~~<sup>20</sup>~~[Deleted Text End]~~ a commission must recommend that the board grant or deny certification or advise the applicant that

- (1) it requires additional time or information to consider the application; or
- (2) because of substantial and credible concerns regarding the applicant's qualifications, it is allowing the applicant to withdraw the application or to request an informal conference to address the concerns.<sup>21</sup>

(B) A commission must recommend that the board grant or deny certification no later than 180 days after

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[Insert Text Begin]<sup>18</sup> For example, see Business and Professions Code §§ 6068(o)(1)-(7) and 6086.8(c).[Insert Text end]

[Insert Text Begin]<sup>19</sup> Rule 3.113[Insert Text end]  
~~[Deleted Text Begin]~~<sup>20</sup> ~~See Rule 3.110.~~~~[Deleted Text End]~~

<sup>21</sup> See Rule 3.121.

- (1) an informal conference with an applicant;
- (2) the date of a scheduled conference at which the applicant failed to appear; or,
- (3) if an applicant did not request a conference, the date of the notice regarding the commission's concerns.

~~[Insert Text Begin]Rule 3.121 adopted as[Insert Text end] Rule 3.120 [Deleted Text-Begin]adopted[Deleted Text End] effective January 1, 2014[Insert Text Begin]; renumbered effective [Insert Text end].~~

Rule 3.~~[Deleted Text Begin]121[Deleted Text End]~~~~[Insert Text Begin]122[Insert Text end]~~ Informal conference

- (A) An applicant notified of a commission's concerns regarding his or her application may request an informal conference within thirty days of the date of the notice. The conference must be held within one year of the State Bar's receipt of the request. The applicant's failure to attend the conference entails no negative inference.
- (B) An informal conference may be recorded as the commission deems appropriate. The applicant may attend with counsel; make a written or oral statement; and present documentary evidence. Counsel is limited to observation and may not participate. The commission may require the applicant to provide further documentation or information after the conference.

~~[Insert Text Begin]Rule 3.122 adopted as[Insert Text end] Rule 3.121 [Deleted Text-Begin]adopted[Deleted Text End]effective January 1, 2014[Insert Text Begin]; renumbered effective [Insert Text end].~~

Rule 3.~~[Deleted Text Begin]122[Deleted Text End]~~~~[Insert Text Begin]123[Insert Text end]~~ Board action on application

- (A) Within 120 days of receiving a commission's recommendation to grant or deny certification, the board must make a determination to
  - (1) grant certification;
  - (2) direct the commission to further consider the application and report back within 100 days; or
  - (3) deny certification.

~~[Deleted Text Begin](B) [Deleted Text end]~~~~[Insert Text Begin](B) [Insert Text end]~~If the board intends to deny certification, it must notify the applicant of its reasons for doing so and allow the applicant thirty days to withdraw the application,

provide further support for it, or request a hearing [Insert Text Begin] before the board [Insert Text end].

[Insert Text Begin](C) Within ninety days of receiving a timely request for hearing, the board will schedule a hearing. Following the hearing, the board may then continue to deny certification. The applicant must be provided with written notice of the reasons for the board's denial. [Insert Text end]

[Insert Text Begin](D) [Insert Text end] Within thirty days of deciding to grant certification, the board must notify the applicant that certification begins on a specified date for a five-year period. Certification may be terminated sooner as provided by these rules or upon the request of a certified specialist. Certification remains in effect pending final action on a timely application for recertification [Insert Text Begin], except where certification is suspended or revoked pursuant to Rule 3.124 [Insert Text end].

[Insert Text Begin](E) [Insert Text end] The board may postpone commission or board action on an application

~~[Deleted Text Begin](1) — pending final action on a disciplinary proceeding in the State Bar Court or by another body that has licensed or is authorized to impose professional discipline on the applicant; or [Deleted Text End]~~

[Insert Text Begin](1) when a disciplinary recommendation has been made by the State Bar Court or another body that has licensing or professional disciplinary authority over the applicant; or [Insert Text end]

[Insert Text Begin](2) If the applicant is on probation as a result of a disciplinary recommendation; or [Insert Text end]

~~[Deleted Text Begin](2) [Deleted Text End]~~ [Insert Text Begin](3) [Insert Text end]  
upon an applicant's suspension, resignation, disbarment or another status change not entitling ~~[Deleted Text Begin]the specialist [Deleted Text End]~~ [Insert Text Begin]an applicant [Insert Text end] to practice law in any jurisdiction where admitted to practice law.

~~[Deleted Text Begin]The board may deny an application because the applicant has made a material false representation or misstatement of material fact to a commission or the board. [Deleted Text End]~~

[Insert Text Begin]Rule 3.123 adopted as [Insert Text end] Rule 3.122 [Deleted Text-Begin]adopted [Deleted Text End]effective January 1, 2014 [Deleted Text Begin]. [Deleted Text End] [Insert Text Begin]; renumbered effective ; amended effective . [Insert Text end]

~~[Deleted Text Begin]Rule 3.123—Designation as certified specialist [Deleted Text End]~~

~~[Deleted Text Begin]Certification may be indicated by “Certified by The State Bar of California Board of Legal Specialization,” the logo of the certified specialization program, or both. Certification is individual and may not be attributed to a firm. An attorney whose certification has been revoked may not claim to be a certified specialist.[Deleted Text End]~~

~~[Deleted Text Begin]Rule 3.123 adopted effective January 1, 2014[Deleted Text End]~~

~~[Deleted Text Begin]Rule 3.124 Recertification[Deleted Text End]~~

~~(A) [Deleted Text Begin]To be recertified, a certified specialist must comply with the requirements of these rules and any relevant standards and pay an annual fee. A specialist who fails to make timely payment of an annual fee may be assessed a late charge. Certification is suspended for failure to pay the fee and any late charge within thirty days of imposition of the late charge.[Deleted Text End]~~

~~(B) If permitted by the relevant standards, education or tasks completed in the last six months of certification that exceed recertification requirements may be applied to the next certification period.[Deleted Text End]~~

~~(C) Action on an application for recertification is governed by the rules applicable to action on an initial application.<sup>22</sup>[Deleted Text End]~~

~~[Deleted Text Begin]Rule 3.124 adopted effective January 1, 2014[Deleted Text End]~~

Rule 3. ~~[Deleted Text Begin]125[Deleted Text End]~~[Insert Text Begin]124[Insert Text end] Suspension or revocation of certification

(A) Certification may be suspended by the board

~~[Deleted Text Begin](1) — pending final action on a disciplinary proceeding in the State Bar Court or by another body that has licensed or is authorized to impose professional discipline on the applicant;[Deleted Text End]~~

[Insert Text Begin]when a disciplinary recommendation has been made by the State Bar Court, or upon transfer to inactive status, suspension, resignation, or disbarment in California; or[Insert Text End]

[Insert Text Begin](B) pending disciplinary charges, other disciplinary actions, suspension, resignation, or disbarment in another jurisdiction or before another regulatory body that has licensing or professional disciplinary authority over the certified specialist.[Insert Text End]

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~~[Deleted Text Begin]<sup>22</sup> Rules 3.120 and 3.122.[Deleted Text End]~~

~~[Deleted Text Begin](2) — upon an applicant's a certified specialist's suspension, resignation, disbarment or another status change not entitling the specialist to practice law in any jurisdiction where admitted to practice law, in which case the suspension of certification will continue through any probationary period and may be reinstated only upon successful completion of probation; or [Deleted Text End]~~

~~[Deleted Text Begin] — when a disciplinary recommendation has been made by the State Bar Court or by another body that has licensing or professional disciplinary authority over the application; or [Deleted Text end]~~

~~[Deleted Text Begin](3) — for failure to comply with these rules or any relevant standards.<sup>23</sup> [Deleted Text End]~~

~~[Deleted Text Begin] Certification may will be revoked by the board when the California Supreme Court disbars or accepts the resignation of a certified specialist, in which case the revocation is final; or~~

~~[Deleted Text Begin](B) [Deleted Text End]~~ [Insert Text Begin](C) Certification may otherwise be revoked or suspended by the board [Insert Text end] for failure to comply with a material requirement of these rules or a [Insert Text Begin]ny [Insert Text end] relevant standard.<sup>24</sup>

[Insert Text Begin](D) If the board intends to suspend or revoke certification, it must notify the certified specialist of its reasons for doing so and allow the applicant thirty days [Insert Text end] ~~[Deleted Text Begin] the board must provide a certified specialist with thirty days' written notice of its intent to suspend or revoke certification, a certified specialist may [Deleted Text End] [Insert Text Begin] either to [Insert Text end] respond in writing to the board that suspension or revocation would be inappropriate [Insert Text Begin] or to request a hearing before the board [Insert Text end]. The response [Insert Text Begin] or request for hearing [Insert Text end] must be supported by any additional relevant evidence. Suspension or revocation of certification is final if the specialist fails to provide a timely written response [Insert Text Begin] or a request for hearing [Insert Text end].~~

[Insert Text Begin](E) [Insert Text end] The board must consider a timely response to a notice of intent to suspend or revoke certification of a certified specialist within ninety days of receiving the response. The board may then continue certification with or without conditions, or suspend or revoke certification. The certified specialist must be provided with written notice of the reasons for the board's

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~~[Deleted Text Begin]<sup>23</sup> Rule of Court 9.35(d). [Deleted Text End]~~

<sup>24</sup> Rule of Court 9.35(d).

action. A decision to continue certification with [Insert Text Begin]or without[Insert Text end] conditions is final.

[Insert Text Begin](F) Within ninety days of receiving a timely request for hearing, the board will schedule a hearing. Following the hearing, the board may then continue certification with or without conditions, suspend or revoke certification. The certified specialist must be provided with written notice of the reasons for the board's action.[Insert Text end]

[Insert Text Begin]Rule 3.124 adopted as [Insert Text end]Rule 3.125 ~~[Deleted Text Begin]adopted-[Deleted Text End]~~effective January 1, 2014[Insert Text Begin]; renumbered effective \_\_\_\_\_; amended effective \_\_\_\_\_[Insert Text end].

Rule 3.~~[Deleted Text Begin]126[Deleted Text End]~~[Insert Text Begin]125[Insert Text end] Appeal of certification denial, suspension, or revocation

~~[Deleted Text Begin]The Board's decision to deny certification is final.[Deleted Text End]~~  
An applicant [Insert Text Begin]who is denied certification or recertification pursuant to Rule 3.120 (C)-(G)[Insert Text end] or a certified specialist [Insert Text Begin]whose certification is suspended or revoked pursuant to Rule 3.124(B) or (C)[Insert Text end] may file a petition for hearing ~~[Deleted Text Begin]on his or her denial, suspension or revocation-[Deleted Text End]~~in the State Bar Court in accordance with the rules of that court [Insert Text Begin] with the fee set forth in the Schedule of Charges and Deadlines [Insert Text end]no later than ~~[Deleted Text Begin]sixty[Deleted Text End]~~[Insert Text Begin]thirty[Insert Text end] days ~~[Deleted Text Begin]of the date of[Deleted Text End]~~[Insert Text Begin]after[Insert Text end] the notice of denial, suspension or revocation[Insert Text Begin] is served on the applicant or certified specialist[Insert Text end]. A copy of the petition must be served on the board and the Office of the Chief Trial Counsel at the San Francisco office of the State Bar.~~[Deleted Text Begin]Upon receipt of service, the board must promptly transmit all files related to the application, suspension or revocation to the Office of the Chief Trial Counsel.[Deleted Text End]~~

[Insert Text Begin]Rule 3.125 adopted as[Insert Text end] Rule 3.126 ~~[Deleted Text Begin]adopted-[Deleted Text End]~~effective January 1, 2014[Insert Text Begin]; renumbered effective \_\_\_\_\_; amended effective \_\_\_\_\_.[Insert Text end]

[Insert Text Begin]Rule 3.126 Designation as certified specialist[Insert Text end]

[Insert Text Begin] Certification may be indicated by "Certified by The State Bar of California Board of Legal Specialization," the logo of the certified specialization program, or both. Certification is individual and may not be attributed to a firm. Anyone whose certification has been revoked or suspended may not claim to be certified specialist.[Insert Text end]

[Insert Text Begin]Rule 3.126 adopted as Rule 3.123 effective January 1, 2014; renumbered effective \_\_\_\_\_.[Insert Text end]

[Insert Text Begin]RULES OF THE STATE BAR OF CALIFORNIA APPENDIX A: SCHEDULE OF  
CHARGES AND DEADLINES[Insert Text end]

[Insert Text Begin]TITLE 3, DIVISION 2, CHAPTER 2 LEGAL SPECIALIZATION *Fees previously  
adopted by the Board of Trustees or mandated by statute. Amended March 7, 2014*\_\_\_\_\_, *retroactively  
effective January 1, 2014.*[Insert Text end]

[Rule references in Schedule of Charges and Deadlines will be updated to reflect renumbering in Rules.]

<u>3.125</u>	<u>Appeal of certification denial, suspension, or revocation</u>	<u>\$500.00</u>	<u>Not applicable</u>
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