



# The State Bar of California

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## CALIFORNIA BOARD OF LEGAL SPECIALIZATION OPEN MEETING MINUTES

**The State Bar of California  
180 Howard Street, San Francisco, CA 94105  
Friday, April 5, 2019, 10:00 a.m. – 1:43 p.m.**

A meeting of the California Board of Legal Specialization (CBLs) was convened on Friday, April 5, 2019 at 10:00 a.m. in open session with member Robert Hershenson presiding.

The following members of the CBLs were present: Janet M. Coulter, Louis J. Esbin, Robert Hershenson, Mark A. Lester, and Aurelio Torre.

The following members of the CBLs were absent: Cynthia Levin and Donald K. Sheppard.

The following State Bar staff members were present: Amy C. Nuñez, Director; Christal Bundang, Program Supervisor; and Adrian Galang, Program Analyst.

### **I. INFORMATION**

1. Member Hershenson welcomed CBLs and staff.
2. Amy C. Nuñez gave the report on the status of several pending State Bar activities, including updates on:
  - the State Bar Board of Trustees' March action regarding implementation plans for the Legal Specialization Program;
  - responses from the advisory commissions at their last round of meetings;
  - the launch of the Admissions Information Management System;
  - the number of applications received for the 2019 Legal Specialist Examination;
  - the 2019 Legal Specialization Program Budget that was submitted to the Legislature; and
  - the 2019-2020 CBLs annual appointments schedule.
3. Regarding proposed California Board of Legal Specialization State Bar Rules Revisions (Title 3, Division 2, Chapter Rules Changes), members provided the following feedback to Adrian Galang as public comment:

Esbin:

- requests a sunset provision for attorneys to transition to new nomenclature (member to licensee) and consistency across State Bar (current licensees/'Admissions Ceremony'), and enforcement of non-compliance;
- notes that fingerprints should be part of the application for certification process;
- recommends adding a question regarding any pending malpractice cases to the certification and recertification applications; and
- notes that specialists need to be on any Legal Specialist Examination development team as they will have the specific and current knowledge to ensure exams are appropriate.

Torre:

- working groups should have a minimum of five volunteers (spread geographically throughout the state) when practical; and
- working groups should have some part in all primary approvals of applications
  - i.e. Staff would initially separate applications into three groups:
    1. Complete
    2. Complete with 'issues'
    3. Incomplete

Working group should then get a two-week review period to meet and discuss groups 1 and 2 above.

All:

- Graders should be selected from current or former specialist, absent exceptional qualifications.
4. Members Esbin and Lester requested a balance sheet showing assets vs liabilities, to be presented at the next CBLs meeting.

- Esbin further requests a report of any outstanding assets payable by the State Bar to Legal Specialization.

## II. **CONSENT**

1. **Action taken:** Upon motion made, seconded and adopted, the March 5, 2019 CBLS open meeting minutes was approved as amended.

Moved by Esbin, Seconded by Lester.

Substitution of the Roll Call.

Motion passes.

## III. **ACTION**

1. **Action taken:** Upon motion made, seconded and adopted, the report on Financial and Operational Key Indicators was received and filed.

Moved by Esbin, Seconded by Torre.

Substitution of the Roll Call.

Motion passes.

2. **Action taken:** Upon motion made, seconded and adopted, the report regarding the Post-Examination Application Status for Candidates Passing the 2015 and 2017 Legal Specialist Examinations was received and filed.

Moved by Torre, Seconded by Lester.

Substitution of the Roll Call.

Motion passes.

3. **Action taken:** Upon motion made, seconded and adopted, the recommendations of staff and the advisory commissions regarding the certification of certified specialists was approved.

Specialists who have not filed timely recertification applications will have their certificates revoked if they do not provide a recertification application and proper payment within ten days of a final reminder.

Moved by Lester, Seconded by Torre. Member Coulter abstained from the vote for Workers' Compensation Law.

Substitution of the Roll Call.

Motion passes.

4. **Action taken:** Upon motion made, seconded and adopted, that Jerome Spector was appointed Vice Chair to the Estate Planning, Trust & Probate Law Advisory Commission as interim appointment effective immediately until the sunset of the advisory commissions in 2019.

Moved by Lester, Seconded by Torre. Member Esbin was not present for this vote.

Yes – Coulter, Hershenson, Lester, Torre

No – N/A

Motion passes.

5. **Action taken:** Upon motion made, seconded and adopted, the National Board of Trial Advocacy's Application for Accreditation of Specialty Certification Program in Truck Accident Law was approved to be recommended to the Board of Trustees.

Moved by Torre, Seconded by Esbin.

Yes – Coulter, Esbin, Hershenson, Torre

No – Lester

Motion passes.

[Before the above vote occurred, the following alternate motion to recommend as modified a proposal brought by Esbin, and seconded by Coulter: Recommend accrediting the NBTA's specialty certification program in Truck Accident Law be approved for transmittal to the Board of Trustees after receipt of a brief business plan detailing program growth in California. Members Coulter and Esbin voted Yes; Members Hershenson, Lester and Torre voted No. The alternate motion failed.]

The next CBLS meeting will be held at State Bar of California in San Francisco on June 14, 2019, 9:00 a.m. - 2:00 p.m.

Seeing no other business, member Hershenson called the open session meeting to a close at 1:43 p.m. and the group convened into closed session.

Respectfully submitted,  
Adrian Galang  
Program Analyst, Legal Specialization