



# The State Bar *of California*

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## **OPEN SESSION**

## **AGENDA ITEM**

## **IV.D. SEPTEMBER 2020**

**DATE:** September 14, 2020

**TO:** Members, California Board of Legal Specialization

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

**SUBJECT:** Approval to Deny Certifications for Failure to Comply With a Material Requirement of the Legal Specialization Rules or Any Relevant Standard

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## **SUMMARY**

Staff provide the following recommendations for denial of certification or recertification applications under Title 3, Division 2, Chapter 2, Rule 3.120 of the Rules of the State Bar of California Program for Legal Specialization.

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## **BACKGROUND**

Under Rule 3.120, Denial of certification or recertification, an applicant may be denied certification or recertification for:

- (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, or pay all certification or recertification fees;
- (B) pending disciplinary charges in the State Bar Court, transfer to inactive status, suspension, resignation, or disbarment in California;
- (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;
- (D) prior discipline;
- (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 working group member, the board, or the State Bar;

- (F) failure to report information the applicant must report to the State Bar and to the board; or
- (G) information bearing negatively on proficiency that is obtained from references.

## DISCUSSION

After an application for initial certification or recertification is brought to a complete status, applications are then categorized and flagged by staff. Flagged applications are then forwarded to subject matter experts for review. Based on the subject matter expert feedback, staff may approve or deny the application.

The table below lists applicants for initial certification or recertification whose application is being recommended for denial for one or more of the subsections of Rule 3.120, as noted above.

Bar #	Name	Applicant Type	Specialty Area	Rule 3.120 subsection
97503	Franz Andre-Mari Criego	Recertification	Criminal Law	(C)
136261	Frank Clifford Carson	Recertification	Criminal Law	(C)
177941	Elizabeth A Nigro	Recertification	Family Law	(F)
226248	Yolanda Simmons Bachtell	Initial Certification	Family Law	(F), (G)
226804	Wazhma Mojaddidi	Initial Certification	Family Law	(G)
157305	George Ellis Corson IV	Recertification	Workers' Compensation Law	(D), (E)

Staff requests permission to send a final notice (via email and by mail) informing these applicants that they have not established that they meet the requirements of certification, their application will be closed, and if an applicant for recertification, their certificate of specialization will be revoked. Note that under Rule 3.122, Informal Conference, the applicant may request an informal conference within thirty days of receiving the letter.

## RECOMMENDATION

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

**MOVE**, that those applicant's applications listed above are denied under Rule 3.120 of the Rules of the State Bar of California Program for Legal Specialization; and

**FURTHER MOVE**, that those applications are closed if no response to a final communication is received within thirty days.