



# The State Bar of California

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## **OPEN SESSION AGENDA ITEM IV.E. MARCH 2022**

**DATE:** March 18, 2022

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

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

**SUBJECT:** Approval of Annual Certification Revocations for Failure to Report Group 2  
2021 Legal Specialist Continuing Legal Education Compliance

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### **EXECUTIVE SUMMARY**

Following extensive outreach and reminders, 78 certified specialists have failed to submit their 2021 Legal Specialist Continuing Legal Education (LSCLE) Compliance and are now nearly one-year overdue. This agenda item recommends that the CBLS authorize staff to take the necessary actions to revoke certification for failure to report LSCLE Compliance. The complete list of specialists recommended for revocation is contained in Attachment A.

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### **BACKGROUND**

Rule 3.114 of the State Bar's Legal Specialization rules requires that certified specialists complete 36 hours of LSCLE every three years. At the same time, they are required to report having complied with the general MCLE requirement, they are additionally required to separately report they have complied with the LSCLE requirement.

2021 MCLE Compliance Group 2 reporting was originally due February 1, 2021. Licensees who failed to report MCLE compliance by the February deadline were notified of noncompliance, assessed a \$75 late fee, and were given until June 30, 2021 to report. The LSCLE deadline was similarly extended for specialists in Compliance Group 2, except there was no financial penalty for late LSCLE compliance. Licensees who failed to report MCLE compliance by the extended deadline had their State Bar status set to Not Eligible for 'Administrative Inactive/MCLE Noncompliance'.

Pursuant to the direction of the CBLS, reminder notices were to specialists via email when reporting opened in December 2020, and again in February and June of 2021.

At both the September and December 2021 meetings, the CBLS declined the staff recommendations to revoke certification of those specialists who failed to meet the deadline for completing and reporting LSCLE, and asked staff to conduct further outreach to those specialists.

In November 2021 staff sent both an electronic letter and physical letter via US Postal Service, and those letters were sent again in January 2022. Between November 2021 and January 2022, staff spoke to, or left messages, for any specialists with overdue 2021 LSCLE compliance. As of March 1, 2022, 78 certified specialists in Compliance Group 2 have not yet submitted their 2021 LSCLE compliance, which was due 13 months prior.

## DISCUSSION

Attachment A lists all certified specialists who were due to report their 36 hours of LSCLE or an approved equivalent by the extended deadline of June 30, 2021, and as of March 1, 2022, have not submitted their LSCLE compliance or did not otherwise respond to any of Staff's communications to comply, resign from the program, or request an additional extension of time. The following table provides a breakdown of those specialists by specialty area.

Specialty Area	# of Specialists Pending 2021 LSCLE Compliance
Admiralty & Maritime Law	1
Appellate Law	2
Bankruptcy Law	1
Criminal Law	10
Estate Planning, Trust & Probate Law	13
Family Law	19
Franchise & Distribution Law	0
Immigration & Nationality Law	4
Legal Malpractice Law	2
Taxation Law	6
Workers' Compensation Law	20

Thirteen months having passed since the deadline to report, and staff having engaged in multiple and repeated efforts to contact, staff now recommend the certification records of those specialists listed in Attachment A be closed, and these specialists be sent notice (by email

and by physical letter) that their certificate of specialization is revoked if their LSCLE compliance is not received within 30 days of the letter<sup>1</sup>.

## **RECOMMENDATION**

**Should the California Board of Legal Specialization agree with the staff recommendation, the following motion should be made:**

**MOVE**, that the certification records of those certified specialists listed in Attachment A are closed, and these specialists be sent notice (by email and physical letter) that their certificate of specialization is revoked if their LSCLE compliance is not received within 30 days of the letter.

## **ATTACHMENT LIST**

- A.** List of certified specialists who did not submit 2021 Group 2 LSCLE compliance as of March 1, 2022

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<sup>1</sup> State Bar Rule 3.124 provides that, "If the State Bar intends to suspend or revoke certification, it must notify the certified specialist of its reasons for doing so and allow the applicant thirty days either to respond in writing to the State Bar that suspension or revocation would be inappropriate or to request a hearing before the board."