



# The State Bar of California

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## **OPEN SESSION AGENDA ITEM IV.C. JUNE 2022**

**DATE:** June 10, 2022

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

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

**SUBJECT:** Approval of Proposed Certification Revocations for Failure to Recertify

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### **EXECUTIVE SUMMARY**

Following extensive outreach and reminders, 14 certified specialists have failed to submit their applications for recertification and are at least 90, and up to 365, days past their recertification due date. This agenda item recommends that the CBLS authorize staff to take the necessary actions to revoke certification for failure to file recertification applications. The complete list of specialists recommended for revocation is contained in Attachment A.

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### **BACKGROUND**

Program rules require certified specialists to recertify on or before the conclusion of their five-year certification terms<sup>1</sup>.

Reminders have been sent to specialists by email through the Admissions Applicant Portal prior to, and after, their certification end date on the following schedule:

- Six months prior to certification end date
- Sixty days prior to certification end date
- Thirty days prior to certification end date
- Seven days after certification end date

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<sup>1</sup> State Bar Rule 3.119(A) requires that, "To maintain certification in a specialty area, a certified specialist must recertify every five years, which includes submitting a completed application, paying fees, and meeting education, practice and task, and reference requirements as specified by the State Bar."

In an effort to ensure contact with the affected specialists, staff also sent the following notices:

- Thirty days after the certification end date, an email reminder was sent through the State Bar's email notification system (not the Admissions Applicant Portal).
- Sixty days after the certification end date, (1) a final letter was sent via US Postal Service, and (2) an email notice was sent through the State Bar's email service.

## DISCUSSION

As of June 1, 2022, there are 14 certified specialists whose certifications expired at least 90 days prior who have failed to submit their application for recertification. Attachment A lists certified specialists who were due to recertify on varying dates through March 1, 2022, but who failed to file applications for recertification and failed to request extensions. The following table provides a breakdown of those specialists by specialty area.

Specialty Area	# of Specialists Pending Recertification
Admiralty & Maritime Law	-
Appellate Law	1
Bankruptcy Law	-
Criminal Law	1
Estate Planning, Trust & Probate Law	1
Family Law	3
Franchise & Distribution Law	-
Immigration & Nationality Law	-
Legal Malpractice Law	3
Taxation Law	1
Workers' Compensation Law	4

Since these 14 specialists have all been contacted numerous times in various ways, staff recommend that these certification records be closed, and these specialists be sent notice (by email and by physical letter) that their certificate of specialization is revoked if recertification is not received within 30 days of the letter<sup>2</sup>. This recommendation is consistent with past CBLs action taken with certified specialists who failed to recertify.

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<sup>2</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."

## **RECOMMENDATION**

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

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

## **ATTACHMENT LIST**

- A.** List of certified specialists who did not file recertification applications that were due before March 1, 2022