



The State Bar of California

OPEN SESSION

AGENDA ITEM

IV.B. SEPTEMBER 2022

DATE: September 16, 2022

TO: Members, California Board of Legal Specialization

FROM: Adrian Galang, Program Supervisor, Legal Specialization

SUBJECT: Report on Initial Certification Application Statuses

EXECUTIVE SUMMARY

This agenda item updates the CBLs on the status of applications for certification from those attorneys who passed the 2019 and 2021 administrations of the Legal Specialist Examination (LSX). This item is informational and does not require action.

BACKGROUND

To receive initial certification as a specialist, applicants must comply with a two-part process. First, applicants must take and pass the LSX in the desired specialty area. Only then may successful applicants apply for initial certification, which includes filing a post-examination application documenting their experience and education—including references.

Rule 3.110 provides that a post-examination application must be filed within 18 months of the exam. An applicant may request an extension of up to 18 months for completion of all requirements.

Rule 3.115 requires that to become a certified specialist, in the five years immediately preceding submission of the application for certification, an attorney must, “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.”

To allow newly admitted attorneys who sit for the specialization exam sufficient time to meet all program requirements—in particular the five years of practice and filing a timely application—the CBLS has historically allowed an additional three months be added to the 18-month extension period¹.

Applicants who fail to file their initial certification applications by the extended deadline must take and pass the examination again to continue with their eligibility for certification.

DISCUSSION

2019 SUCCESSFUL EXAMINATION APPLICANTS

As of September 1, 2022, 291 of the 382 candidates who passed the 2019 LSX have filed their initial certification applications. Attachment A provides a breakdown of those candidates by specialty area. Notably, Bankruptcy Law and Franchise & Distribution Law have had 100 percent of eligible applicants submit their applications. Those are followed by Estate Planning, Trust & Probate Law and Family Law, who have each had 80 percent or more of the eligible applicants submit their applications.

Remaining candidates had until April 24, 2021, to submit their initial certification application, unless an extension of time to submit their application had been granted. However, the CBLS approved a three-month extension due to COVID-19, extending the final submission date from January 31, 2023, to April 30, 2023. Despite the requirement of meeting the April deadline to submit the application or request an extension, staff will nonetheless continue to accept applications or extension requests from the remaining 47 candidates through the final filing deadline.

2021 SUCCESSFUL EXAMINATION APPLICANTS

As of September 1, 2022, 131 of the 329 candidates who passed the 2021 LSX have filed their initial certification applications. Attachment B provides a breakdown of those candidates by specialty area. Estate Planning, Trust & Probate Law and Taxation Law each saw 50 percent or more of eligible applicants submit their applications.

The remaining 198 candidates have until April 24, 2023, to submit their initial certification application, or request an extension of time to submit their application no later than January 31, 2025. Staff continues to work with the remaining applicants to submit their applications or provide an extension of time.

¹ Example scenario: A licensee takes and passes the July 2021 Bar Exam, they receive their results in November 2021, they are admitted in December 2021, and they begin practicing January 2022. Without the extra three-month grace period extending LSX results, they would not be eligible to sit for the LSX until October 2025, as the 2023 results would expire before the licensee reaches their five-year time in practice requirement (see State Bar Rule 3.115). However, with the extra time, they can take the LSX as soon as October 2023, and receive initial certification right when they reach the five-year practice requirement in January 2026. This also allows the same licensee a second opportunity at the exam if they are unsuccessful on the first attempt.

The most common reason for requesting an extension is to meet the minimum five-year time in practice required to become a certified specialist. Candidates can submit their applications before they meet the five-year practice requirement so that other parts of the application can be evaluated, however, certification will not be approved or issued until that requirement is met.

ATTACHMENT(S) LIST

- A.** 2019 Post-Examination Initial Certification Applications Filed by Specialty, as of September 1, 2022
- B.** 2021 Post-Examination Initial Certification Applications Filed by Specialty, as of September 1, 2022