



The State Bar of California

OPEN SESSION

AGENDA ITEM

IV.E. SEPTEMBER 2022

DATE: September 16, 2022

TO: Members, California Board of Legal Specialization

FROM: Adrian Galang, Program Supervisor, Legal Specialization

SUBJECT: Approval of Annual Certification Revocations for Failure to Report Group 1
2022 Legal Specialist Continuing Legal Education Compliance

EXECUTIVE SUMMARY

Following extensive outreach and reminders, 40 certified specialists have failed to submit their 2022 Legal Specialist Continuing Legal Education (LSCLE) Compliance and are now 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.

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.

2022 MCLE Compliance Group 1 reporting was originally due February 1, 2022. 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, 2022, to report. The LSCLE deadline was similarly extended for specialists in Compliance Group 1, 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 2021, and again every month since then.

In addition, staff also sent the following physical notices via US Postal Service:

- Initial letter, when 2022 LSCLE Compliance reporting opened
- One week prior to February reporting deadline
- One week after February reporting deadline, notifying of extended deadline
- One week prior to extended June reporting deadline
- Final letter, thirty days after extended deadline

As of September 1, 2022, 40 certified specialists in Compliance Group 1 have not yet submitted their 2022 LSCLE compliance and are now more than 60 days overdue from the extended deadline.

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, 2022, and as of September 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 Who Have Not Reported Group 1 2022 LSCLE Compliance
Admiralty & Maritime Law	-
Appellate Law	4
Bankruptcy Law	2
Criminal Law	5
Estate Planning, Trust & Probate Law	4
Family Law	11
Franchise & Distribution Law	-
Immigration & Nationality Law	2
Legal Malpractice Law	2
Taxation Law	1
Workers' Compensation Law	9

Sixty days have passed since the extended deadline to report, and staff having engaged in multiple and repeated efforts to contact, 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 letter¹.

RECOMMENDATION

Should the California Board of Legal Specialization concur in the proposed action, passage of the following resolution is recommended:

RESOLVED, 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 September 1, 2022

¹ 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."