



The State Bar of California

OPEN SESSION

AGENDA ITEM

IV.B. MARCH 2023

CALIFORNIA BOARD OF LEGAL SPECIALIZATION

DATE: March 10, 2023

TO: Members, California Board of Legal Specialization

FROM: Adrian Galang, Program Supervisor, Legal Specialization

SUBJECT: Review and Discussion of Proposed Changes to Legal Specialist Exam Results Rules and Policies

EXECUTIVE SUMMARY

At the December 2022 meeting of the California Board of Legal Specialization (CBLS), the CBLS discussed extending the Legal Specialist Exam (LSX) results validity period and directed staff to research State Bar rules to determine if Legal Specialization rules should be updated to formalize that potential policy. Staff now present proposed Legal Specialization rules updates for further discussion.

BACKGROUND

State Bar Legal Specialization Rule 3.110(B) provides applicants 36 months (three years) from the date they passed the LSX to submit an application for initial certification before their results expire. This limits the eligibility of applicants to take the exam, as they have to practice in the specialty area for two full years before actually taking the exam, allowing them to take the full three years of results validity to reach the five-year practice requirement for certification. Out of past practice, staff have offered an additional three months, extending results validity to 39 months, which allowed more applicants to sit for any given exam. With this additional time, applicants who have been practicing in the area for one year and nine months would then be eligible to sit for the exam.

DISCUSSION

At the December 2022 CBLS meeting, staff proposed extending the results validity period from three years to five. This would allow for more applicants to register for the LSX, as they could then take the full five years to meet the five-year practice requirement for certification. In our research, we (1) looked at the Legal Specialization rules to determine if there were any specific rules already in place regarding LSX refunds; (2) looked at other State Bar rules and resources to see if there were any similar rules or policies we may be able to use or reference; and (3) drafted proposed updates to the Legal Specialization rules related to a LSX results extension.

In addition to rules research, Staff also looked at other areas that may need to be updated as a result of any LSX results extension (i.e. LSX application or State Bar website).

Attachment A provides a table reflecting this research, and is open for discussion and further edits, as needed. Staff can finalize the proposed updates after today's meeting, and this will be brought back to the CBLS at its April meeting for recommendation to approve to transmit to the Board of Trustees and circulate for public comment.

FISCAL/PERSONNEL IMPACT

None

AMENDMENTS TO RULES OF THE STATE BAR OF CALIFORNIA

Title 3, Division 2, Chapter 2, Rules 3.110 and 3.116

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

None – core business operations

ATTACHMENT(S) LIST

- A.** State Bar Table of LSX Results Rules Research and Proposed Rules Revisions