



# The State Bar of California

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## **OPEN SESSION**

## **AGENDA ITEM**

## **III.B. APRIL 2024**

## **CALIFORNIA BOARD OF LEGAL SPECIALIZATION**

**DATE:** April 26, 2024

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

**FROM:** Adrian Galang, Program Manager, Office of Admissions

**SUBJECT:** Review and Action on Applicant Request for Legal Specialization Recertification Fee Waiver

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### **EXECUTIVE SUMMARY**

Title 3, Rule 3.118(A) of the Rules of the State Bar provides that certified specialists who serve full-time in a judicial capacity are exempt from meeting the Legal Specialization certification maintenance requirements during the period of service. If requested, staff may also waive or permit modification of a certification requirement<sup>1</sup>.

This agenda item outlines a certified specialist's request to waive the Legal Specialization Recertification processing fee that was previously denied by staff; the applicant is now appealing for additional consideration by the California Board of Legal Specialization (CBLS).

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### **BACKGROUND**

In order to maintain certification, specialists must continually meet the following three requirements, on the indicated schedule:

1. Pay the \$360 Legal Specialization Program Annual Fee each year, billed on each specialist's annual fee statement;
2. Report compliance of the ongoing LSCLE requirement by completing 36 hours of LSCLE every three years, due at the same time as their general MCLE reporting date; and
3. Be in Active status with the State Bar, and report compliance of the ongoing task &

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<sup>1</sup> Rules of the State Bar, Title 3, Division 2, Chapter 2, Article 1, Rule 3.118(B)—The State Bar may waive or permit modification of a certification requirement.

experience and reference requirements by recertifying and submitting an application for recertification and \$350 processing fee every five years (note the \$350 recertification processing fee is separate from, and required in addition to, the \$360 annual fee).

The Legal Specialization program is funded solely through the imposition and collection of fees. For this reason, specialist fee waivers should not be granted as a matter of course, but rather should be limited to extraordinary, compelling, and exigent situations.

## DISCUSSION

The following table summarizes the specialist's certification history, and his request for the recertification fee waiver received by staff, along with the recommendation to grant or deny the request<sup>2</sup>. Staff's recommendation is based on comprehensive review of the full request and supporting information provided by the requesting specialist.

Name	State Bar Status	Legal Specialization Status	Request/Comments	Staff Recommendation
Waiver Applicant 1	Active	Currently Certified (overdue recertification)	<ul style="list-style-type: none"><li>• Applicant originally certified in Criminal Law in 2001.</li><li>• Most recent certification term ended 2022.</li><li>• In 2023 Applicant requested recertification deadline extension.</li><li>• Prior to extended deadline date, Applicant then requested a recertification fee waiver.</li><li>• Applicant requests a 'waiver to the recertification fee requirement based on moving into semi-retirement and drastically reduced income resulting from that change, or at a minimum, a significant reduction in the fee.'</li><li>• No additional information or explanation was provided in his request.</li><li>• Applicant is current on Legal Specialization annual fees.</li></ul>	Deny

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<sup>2</sup> In the interest of privacy, the requestor is listed anonymously.

## **FISCAL/PERSONNEL IMPACT**

This item contains one recommendation for a waiver or adjustment of fees for a total financial impact of \$350.

## **RECOMMENDATION**

Given the lack of additional information or explanation of extenuating circumstances, it is recommended that the CBLS deny the request.

## **PROPOSED MOTION**

Should the California Board of Legal Specialization agree with the staff recommendation, the following motion would be appropriate:

**MOVE**, that the California Board of Legal Specialization deny the certified specialist's request for the recertification fee waiver, and

**FURTHER MOVE**, that if the applicant's application for recertification and processing fee are not received within 30 days of notice, their certification record be closed for failure to meet the recertification requirement.