



The State Bar of California

OPEN SESSION AGENDA ITEM 7.1 MAY 2025 BOARD OF TRUSTEES

DATE: May 22, 2025

TO: Members, Board of Trustees

FROM: Adrian Galang, Program Manager, Office of Admissions

SUBJECT: Approval of a New Legal Specialization Certification Area in Privacy Law

EXECUTIVE SUMMARY

Based on the recommendations of the California Board of Legal Specialization (CBLS), this staff report requests approval by the Board of Trustees to establish Privacy Law as a new State Bar legal specialization certification area. If approved by the Board of Trustees, Privacy Law would be the first new specialization area introduced since 2008.

RECOMMENDED ACTION

It is recommended that the Board approve, based on the recommendations of the California Board of Legal Specialization, the establishment of Privacy Law as a new State Bar legal specialization certification area.

DISCUSSION

The CBLS appointed members to the Consulting Group on the Establishment of a Legal Specialization in Privacy Law (PLG), assigning them with the responsibility of evaluating the need for, and interest in, creating a new specialty and developing criteria to ensure attorneys are properly qualified for this rapidly evolving area of law.

To assess the need for a Privacy Law Group specialty, the PLG conducted a comprehensive review of current legal trends, analyzed the increasing complexity of privacy-related legal matters, and presented relevant case law during their public meetings and to the CBLS. In an effort to assess interest, the PLG extended invitations to several attorney organizations with a shared focus on Privacy Law, including the International Association of Privacy Professionals (IAPP), the California Lawyers Association (CLA), and the North Carolina State Bar Board of Legal Specialization. Given the lively engagement and the identification of consumer protection needs in areas such as personal information sharing, emerging technologies, data privacy, and cybersecurity, it became clear to the CBLS that this is a legal specialty area worth pursuing.

EXAM SPECIFICATIONS

The PLG reviewed the exam specifications from the International Association of Privacy Professionals and Harvard Law's Online Data Privacy and Technology program to help shape the proposed standards for the Privacy Law exam. The PLG reviewed the State Bar's legal specialization exam specifications in Estate Planning, Trust & Probate Law, Taxation Law, and Workers' Compensation Law to ensure the new specifications align with other existing specifications in style and organization. The PLG successfully narrowed the field focus to seven key areas applicants should be familiar with: professional responsibility, principles, data collection, use of personal information, data security, data sharing, and technologies.

TASK AND EXPERIENCE REQUIREMENT FOR CERTIFICATION AND RECERTIFICATION

The PLG reviewed the task and experience requirements from the State Bar's established requirements in Estate Planning, Trust & Probate Law, Taxation Law, and Workers' Compensation Law to help shape the proposed task and experience requirements for Privacy Law certification and recertification. The PLG refined the focus into 15 key areas outlining the tasks applicants would be completing as part of the Privacy Law practice. These tasks became the blueprint to determine the points that would be required to be certified and recertified in PLG.

CONTINUING LEGAL EDUCATION TOPICS

In line with the proposed task and experience, the PLG proposed a set of CLE topics and identified 15 CLE focus areas. Many of these topics are covered through CLE programs offered by the CLA and IAPP, which regularly provides education for practitioners in this field.

EXAMINATION ALTERNATIVE FOR A LEGAL SPECIALIZATION CERTIFICATION IN PRIVACY LAW

State Bar Rule 3.116 (C) on examination notes that upon approval of a new area of legal specialization by the Board of Trustees, the State Bar may approve for a period of no more than two years satisfactory completion of one or more alternative tasks in lieu of a written examination. That is, applicants who meet the experience requirement can be offered a nonexam pathway to certification during the new specialty's first two years. This provides the State Bar two years to develop an exam, ensuring that the exam is developed by qualified experts, and meets appropriate testing standards. The PLG reviewed the State Bar's most recent specialty area, Admiralty & Maritime Law, created in 2008, to help inform the proposed examination alternatives for a legal specialization certification in Privacy Law. The PLG outlined three key alternative requirements for passing the written examination, which would be in addition to the proposed task and experience requirements for initial certification.

STANDARDS FOR CERTIFICATION AND RECERTIFICATION IN PRIVACY LAW (ATTACHMENT A)

The PLG developed a set of proposed Standards for Certification and Recertification in Privacy Law, found in Attachment A. The standards provide definitions for the proposed profession, specifically task and educational requirements for certification, alternative to written exam requirements, and task and educational requirements for recertification. If approved, these changes would be incorporated into the Legal Specialization rules following a 90-day public comment period and Board approval.

PREVIOUS ACTION

The California Board of Legal Specialization approved the recommendations set forth by the PLG at its [December 13, 2024 Meeting](#).

FISCAL/PERSONNEL IMPACT

The estimated cost to develop the Privacy Law certification examination is \$75,000. This amount accounts for expenses related to psychometric services, consultants, exam developers, pretesters, and graders. The exam will require biannual maintenance to ensure that questions remain relevant and legally accurate. Following development, staff anticipates approximately 500 individuals will register for the exam, based on interest projections provided by the PLG, generating an estimated \$250,000 in exam fee revenue. Successful candidates will then pay annual certification fees that could total in excess of \$150,000 annually. The long-term demand for this certification is unknown, however exam development fees will be fully recovered by the initial expected candidate pool of 500, though exam related revenue will not be generated for at least two years.

AMENDMENTS TO RULES

Title 3, Division 2, Chapter 2, Rules Article VIII

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

Goal 2. Protect the Public by Enhancing Access to and Inclusion in the Legal System
b. 4. Make the State Bar a leader in connecting the public to legal representation by enhancing public awareness of the resources available and continually enhancing those resources.

RESOLUTIONS

Should the Board of Trustees concur, it is:

RESOLVED, that the Board of Trustees approve the recommendations of the California Board of Legal Specialization to establish Privacy Law as a new legal specialty area; and it is

FURTHER RESOLVED, that the recommendation be adopted and released for a 90-day public comment period.

ATTACHMENT LIST

- A. Proposed Standards for Certification and Recertification for a Legal Specialization Certification in Privacy Law