

Proposed amendments to Legal Specialization rule 3.124 (redline)

Rule 3.124 Suspension or revocation of certification

- (A) Certification will be suspended or revoked by the State Bar under the following circumstances: may be suspended by the State Bar when a disciplinary recommendation has been made by the State Bar Court, or upon transfer to inactive status, suspension, resignation, or disbarment in California; or pending disciplinary charges, other disciplinary actions, suspension, resignation, or disbarment in another jurisdiction or before another regulatory body that has licensing or professional disciplinary authority over the certified specialist. Certification may otherwise be revoked or suspended by the State Bar for failure to comply with a material requirement of these rules or any relevant standard.
- (1) Certification will be automatically suspended for the duration of the licensee's suspension from the practice of law in California.
- (2) Certification will be automatically revoked following the licensee's disbarment from the practice of law in California.
- (3) Certification may otherwise be revoked by the State Bar for failure to:
- (a) timely pay the annual Legal Specialization Program fee;
 - (b) timely complete the Legal Specialization Continuing Legal Education requirement;
 - (c) recertify every five years; or
 - (d) comply with material requirement of this chapter or any relevant standard to maintain certification.
- (B) If the State Bar intends to ~~suspend or~~ revoke certification for reasons other than those listed in paragraph (A)(2) of this rule, 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. The response or request for hearing must be supported by any additional relevant evidence. ~~Suspension or r~~Revocation of certification is final if the specialist fails to provide a timely written response or a request for hearing.
- (C) The board must consider a timely response to a notice of intent to ~~suspend or~~ revoke

certification of a certified specialist within ninety days of receiving the response. The board may then continue certification with or without conditions, or ~~suspend or~~ revoke certification. The certified specialist must be provided with written notice of the reasons for the board's action. A decision to continue certification with or without conditions is final.

- (D) Within ninety days of receiving a timely request for hearing, the board will schedule a hearing. Following the hearing, the board may then continue certification with or without conditions, ~~suspend~~ or revoke certification. The certified specialist must be provided with written notice of the reasons for the board's action.

Proposed amendments to Legal Specialization rule 3.124 (clean version)

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- (A) Certification will be suspended or revoked by the State Bar under the following circumstances:
- (1) Certification will be automatically suspended for the duration of the licensee's suspension from the practice of law in California.
 - (2) Certification will be automatically revoked following the licensee's disbarment from the practice of law in California.
 - (3) Certification may otherwise be revoked by the State Bar for failure to:
 - (a) timely pay the annual Legal Specialization Program fee;
 - (b) timely complete the Legal Specialization Continuing Legal Education
 - (c) recertify every five years;
 - (d) comply with any material requirement of this chapter or any relevant standard to maintain certification.
- (B) If the State Bar intends to revoke certification, for reasons other than those listed in paragraph (A)(2) of this rule, 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 revocation would be inappropriate or to request a hearing before the board. The response or request for hearing must be supported by any additional relevant evidence. Revocation of certification is final if the specialist fails to provide a timely written response or a request for hearing.
- (C) The board must consider a timely response to a notice of intent to revoke certification of a certified specialist within ninety days of receiving the response. The board may then continue certification with or without conditions, or revoke certification. The certified specialist must be provided with written notice of the reasons for the board's action. A decision to continue certification with or without conditions is final.
- (D) Within ninety days of receiving a timely request for hearing, the board will schedule a hearing. Following the hearing, the board may then continue certification with or without

conditions, revoke certification. The certified specialist must be provided with written notice of the reasons for the board's action.