

AGENDA ITEM

JULY 133

Proposed Alternative to
Written Examination for
Franchise and
Distribution Law- Return
from Public Comment

DATE: June 13, 2008

TO: Members of the Board of Governors
Board Committee on Member Oversight

FROM: Alice W. O'Sullivan, Chair, Board of Legal Specialization
Phyllis J. Culp, Director, Office of Special Admissions and Specialization

SUBJECT: Proposed Alternative to Written Examination for Franchise and Distribution
Law – Return from Public Comment

ATTACHMENT: Attachment A: Revised Standards for Certification and Recertification in
Franchise and Distribution Law

EXECUTIVE SUMMARY

At its May 2008 meeting, at the request of the Board of Legal Specialization (BLS), the Board Committee authorized the publication of revised Standards for Certification and Recertification in Franchise and Distribution Law (Standards) for public comment. No comment has been received to date and the BLS requests that the Board Committee recommend that the Board of Governors approve the Standards as set forth in the attachment to this memorandum.

The Standards were revised to add new section 4.0, which sets forth the additional requirements that applicants may satisfy in lieu of passing a written exam. This follows the May 2008 approval by the Board of Governors of an amendment to the Legal Specialization program rules that allows an alternative to the written exam within the first two years of a new specialty, that alternative to be described in the standards for certification for that specialty.

Board members with questions on this item may contact Phyllis Culp at (415) 538-2118 or phyllis.culp@calbar.ca.gov

BACKGROUND

In May 2008, the Board of Governors approved an amendment to the Legal Specialization Rules that allows applicants for certification, within the first two years of a new specialty, to satisfy additional requirements in lieu of passing a written exam. The specific additional requirements are to be set forth in the Standards.

The proposed alternative requirements to the written exam were determined by the Franchise and Distribution Law Advisory Commission, incorporated into the Standards, and approved by the BLS. In May 2008, the BLS requested that the Board Committee on Member Oversight authorize publication of the revised Standards for a 45-day public comment period ending on June 30. The revised Standards were published in the *California Bar Journal* and on the State Bar website. No comment has been received to date. Any comment received by the June 30 deadline will be reported orally to the Board Committee and the Board at your July 11 meetings.

FISCAL AND PERSONNEL IMPACT

The Legal Specialization program fund has sufficient revenue to cover any administrative costs. There is no fiscal and personnel impact on the general fund.

BOARD BOOK/ADMINISTRATIVE MANUAL IMPACT

None.

RULE AMENDMENTS IMPACT

The proposed changes impact Title 3, Division 2, Chapter 4, Article VI, of the Rules of the State Bar of California.

RESOLUTIONS

Should the Board Committee determine to adopt the recommendation of the BLS, it would be appropriate to adopt the following resolution:

RESOLVED, following publication for comment and consideration of the comment received, that the Board Committee on Member Oversight recommends that the Board of Governors of the State Bar of California adopt proposed revisions to the Standards for Certification and Recertification in Franchise and Distribution Law, in the form attached to these minutes and made a part hereof, to be effective immediately.

Should the Board of Governors concur with the recommendation of the Board Committee on Member Oversight, adoption of the following resolution would be appropriate:

RESOLVED, following publication for comment and consideration of the comment received, and upon the recommendation of the Board Committee on Member Oversight, that the Board of Governors of the State Bar of California hereby adopts proposed revisions to the Standards for Certification and Recertification in Franchise and Distribution Law, in the form attached to these minutes and made a part hereof, to be effective immediately.