



MEMORANDUM

DATE: July 5, 2010

TO: Members of the Board Committee on Member Involvement, Relations and Services

FROM: Stafford Matthews, Chair, Board of Legal Specialization
Gayle Murphy, Senior Executive, Office of Admissions

SUBJECT: **Proposed Amendments to Standards for Certification in Immigration and Nationality Law - Request to Circulate for Public Comment**

EXECUTIVE SUMMARY

The Immigration and Nationality Law Advisory Commission (Commission) noted that attorneys who practice immigration and nationality law tend to focus on either employment-based immigration cases or removal (deportation) and family-based immigration cases. The Commission determined that the current requirements are significantly easier to meet for an attorney whose practice focuses on removal and family-based immigration. While believing that it is essential for an attorney to have meaningful experience in all areas of immigration and nationality law in order to be certified in that specialty, the Board of Legal Specialization is proposing amendments to the Standards for Certification and Recertification in Immigration and Nationality Law (Standards), which will allow attorneys who specialize in employment-based immigration to qualify for certification. The Board of Legal Specialization requests that the Board Committee authorize publication of proposed amendments to the Standards for Certification and Recertification in Immigration and Nationality Law (Standards) in the form attached hereto.

Board members with questions on this item may contact Gayle Murphy at (415) 538-2322 or gayle.murphy@calbar.ca.gov.

BACKGROUND

The Immigration and Nationality Law Advisory Commission (Commission) noted that attorneys who practice immigration and nationality law tend to focus on either employment-based immigration cases or removal (deportation) and family-based immigration cases. The Commission determined that the current requirements are significantly easier to meet for an attorney whose practice focuses on removal and

family-based immigration. The Commission recommended that Sections 2.1 and 2.1.2 of the Standards be amended to make the task requirements achievable for an attorney who specializes in employment-based immigration. A proposed change was also made to Section 4.1. The number of attorneys who apply for certification in immigration and nationality law is decreasing, and the Commission hopes that the amendments will increase the number of applicants. The proposed amendments to the Immigration and Nationality Law Standards were approved by the Board of Legal Specialization during its April 2010 meeting, subject to a period of public comment and final recommendation and adoption. Attached is a copy of the proposed amendments to the Standards.

ISSUE

Whether the Board Committee should authorize the publication of proposed amendments to the Standards for Certification and Recertification in Immigration and Nationality Law.

FISCAL / PERSONNEL IMPACT:

Minimal. There may be more attorneys applying for the specialty due to the amendments, which could positively impact the amount of fees received from applicants seeking certification.

RULE AMENDMENTS

If ultimately approved by the Board of Governors, the Standards for Certification and Recertification in Immigration and Nationality Law, which must be read in connection with the Rules Governing the State Bar of California Program for Certifying Legal Specialists, will be amended.

BOARD BOOK/ ADMINISTRATIVE MANUAL IMPACT

None.

RECOMMENDATION

If the Board Committee agrees that the proposed amendments to the Standards for Certification and Recertification in Immigration and Nationality Law should be circulated for a 45-day public comment period, the following resolution is recommended for adoption:

PROPOSED BOARD COMMITTEE RESOLUTION:

RESOLVED, that, upon recommendation from the Board of Legal Specialization, the Board Committee on Member Involvement Relations and Services hereby authorizes staff to make available for public comment for a period of 45 days, the proposed amendments to the Standards for Certification and Recertification in Immigration and Nationality Law, in the form attached; and it is

FURTHER RESOLVED, that this authorization for release for public comment is not, and shall not be construed as, a statement or recommendation of approval of the proposed item.