

## APPLICATION FOR RECERTIFICATION

### GENERAL INSTRUCTIONS

#### Read the enclosed Standards

Please refer to the enclosed Standards as you complete the application and attachments.

#### Can I handwrite my application?

Please type or print neatly. Illegible applications will be returned.

#### When is my application due?

The application is due on or before the end of your current certification term. If we do not receive an application by that date, your file will be closed. Applications may be submitted in advance but no earlier than six months prior to the end of your term.

#### Where do I mail my application?

Legal Specialization Department  
State Bar of California  
180 Howard Street  
San Francisco, CA 94105-1639

#### Have I included the correct fee?

A \$250 processing fee, payable to the State Bar of California, is due with the application. If you are applying for recertification and wish to fulfill the education requirement by written examination, please register to take the examination (next offered in October 2011) at [www.californiaspecialist.org](http://www.californiaspecialist.org). Standard examination fees will be due when you register.

#### What if I want to take a written examination in lieu of satisfying the educational requirements?

Complete and submit Attachment B. You must sit for the last examination administered prior to expiration of your certification or the first examination administered after your certification expires. If your certificate expires during a year in which the examination is not given, it will be extended for sufficient time to permit you to take the next examination.

#### What happens if I don't fill out my application correctly?

If your application is incomplete or insufficient on its face, you will receive notice to correct the deficiency. If you fail to correct the deficiency within 60 days from the date of the notice, the application shall be deemed withdrawn without a refund of the fee.

*We may request additional or supplemental non-confidential information in order to show compliance with recertification requirements.*

### INSTRUCTIONS FOR SELECTED QUESTIONS AND ATTACHMENTS

#### Application Form

**Box 1.** Enter your official State Bar name and address of record. This is the information that appears in State Bar Membership Records. To verify that the information is current, go to [www.calbar.ca.gov](http://www.calbar.ca.gov), *Attorney Search*. If the information is not current, you must notify Membership Records of the change pursuant to section 6002.1 of the B&P Code. Notification must be in writing. For your convenience, you will find an address change form on the website under *Attorney Resources>Bar Member Billing and Records*.

**Please be aware that all correspondence will be sent to you at your official address of record registered with the State Bar Office of Membership Records.**

**Box 9.** Section 9.3 of the Rules provides that the Advisory Commission may take the following into account in considering your application:

**Final disciplinary actions** imposed for professional misconduct by any court or body before whom you appear. Include: (1) title of disciplinary action; (2) action number; (3) nature of charge; (4) nature of sanction; (5) date sanction was imposed; and (6) date sanction was terminated. For non-attorney professional discipline (e.g., accountancy), provide information similar to the above.

**Felony convictions.** Provide the case number, title, date of conviction, and where it was filed.

**Resignation** from any bar, court, or body before whom you appear. Provide the name of the entity, the effective resignation date, and the reason.

**Judgments of professional negligence.** Include only if there were three or more judgments against you during the certification term. Provide the case number, title, date judgment was rendered, and where it was filed.

**Sanctions.** Include only sanctions, other than discovery sanctions, of \$1,000 or more. Provide a copy of the order.

**Findings of contempt.** Provide a copy of the findings.

## **Attachments**

### **A. Task and Experience Requirement**

Refer to the Standards for your specialty area for the specific requirements.

### **B. Education Requirement**

Check the first box only if you have complied fully with the requirement. Do not submit any documentation at this time. Keep in mind, however, that you are subject to an audit of your compliance. If audited, you will be required to provide your records, so be sure to keep them for at least one year from the date you are recertified by the Board of Legal Specialization (the date will appear in the letter notifying you of your recertification).

Check the second box if you wish to take the exam in lieu of completing the education requirement. Indicate which location you prefer and whether you wish to type the exam. You must sit for either the last exam administered prior to, or the first exam after, the end of your current certification term. If you fail the exam, your application for recertification will be denied automatically.

### **C. References**

When listing references, please include the person's bar number whenever possible. To find an attorney's or judge's bar number, go to [www.calbar.ca.gov](http://www.calbar.ca.gov), Attorney Search.

## **CHECKLIST**

Have you:

- Read the affirmation?
- Provided all information requested on the application and attachments?
- Signed and dated the application?
- Attached additional sheets if you needed more space?
- Put your name on the top of all attachments?
- Made copies for your records?
- Enclosed a check for the appropriate recertification fee?

## **RESOURCES**

The Rules, Standards and a list of approved legal specialization education providers are available online at [www.californiaspecialist.org](http://www.californiaspecialist.org).

To request a list of approved education activities for the past five years, email [legalspec@calbar.ca.gov](mailto:legalspec@calbar.ca.gov).

If you do not have Internet access, you can request any of the above items by calling (415) 538-2120.

THE CALIFORNIA BOARD OF LEGAL  
SPECIALIZATION  
The State Bar of California  
180 Howard Street  
San Francisco, CA 94105-1639  
(415) 538-2120

State Bar of California Program for Certifying  
Legal Specialists

**CONFIDENTIAL**

**APPLICATION FOR RECERTIFICATION  
Appellate Law Specialist**

**08**

For Office Use Only  
Legal Specialization

- \$250 Recert Fee  
 \_\_\_\_\_  
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**PLEASE PRINT OR TYPE. CHECK ALL BOXES THAT APPLY.**

1. Name & Address (exactly as they appear on State Bar membership records)	2. Bar number
	3. Daytime Phone Number (        )
	4. E-mail address

5. I hereby apply for recertification as an appellate law specialist under the State Bar of California Program for Certifying Legal Specialists.

Date Certified: \_\_\_\_\_

Date Most Recently Recertified: \_\_\_\_\_

6. I have been engaged in the practice of appellate law for at least 25% of the time spent in my occupational endeavors during the previous five (5) years. <input type="checkbox"/> Yes <input type="checkbox"/> No  <b>IF NO, PLEASE EXPLAIN ON A SEPARATE SHEET AND ATTACH TO THIS APPLICATION.</b>	7. At the time of application for recertification, I am an active member of the State Bar of California. <input type="checkbox"/> Yes <input type="checkbox"/> No  <b>IF NO, STOP HERE.</b> You are not eligible to apply.
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8. The following is a complete statement of my employment since my most recent application. List most recent employment first. **ATTACH SEPARATE SHEET IF NECESSARY. CHECK HERE IF ADDITIONAL SHEETS ARE ATTACHED.**

Dates of Employment	Employer	Employer's Address	Nature of Employment (summarize nature of work performed)

<p>9. During the current certification term:</p> <p>a. Were you disbarred, suspended or disciplined by the State Bar of California or similar attorney disciplinary authority or any other authority that imposes professional discipline in California, or in another state or jurisdiction, including a foreign jurisdiction, or by any bankruptcy court, or do you have any discipline pending?</p> <p>b. Did you have any felony convictions?</p> <p>c. Did you resign from any bar, court or body before whom you appear?</p> <p>d. Were there three or more judgments of professional negligence against you? <i>(If yes, please attach the relevant documents.)</i></p> <p>e. Were any sanctions, other than discovery sanctions, entered against you by any court or body before whom you appear?</p> <p>f. Were any findings of contempt made against you by any court or body before whom you appear?</p> <p><b>IF YOU ANSWER YES TO ANY OF THE ABOVE, YOU MUST PROVIDE FULL DETAILS ON A SEPARATE SHEET. A record of discipline or failure to disclose any of the information requested above may constitute grounds for denial of your application.</b></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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**AFFIRMATION**

I hereby authorize all educational institutions, governmental agencies and instrumentalities (including bar associations and bar examiners of other jurisdictions), employers and business and professional associates (past and present), to release to the California Board of Legal Specialization and the Appellate Law Advisory Commission any nonprivileged information, files or records requested by them for the purpose of processing this application. The foregoing release does not apply to matters communicated by me in confidence to any lawyer, spouse, physician, psychotherapist or clergyperson for which I have privilege of nondisclosure under the provisions of Chapter 4, Division 8 of the California Evidence Code.

I further authorize the Appellate Law Advisory Commission to conduct independent inquiry and review as provided in section 9.0 of the Rules.

I agree to pay all fees required by the California Board of Legal Specialization when due.

I agree to abide by all rules and regulations of the California Board of Legal Specialization as amended from time to time and to furnish to the Board and the Appellate Law Advisory Commission such information as they may require to determine my entitlement to certification.

I am the applicant herein for certification as an appellate law specialist under the State Bar of California Program for Certifying Legal Specialists. I fully understand that failure to make a truthful disclosure of any fact, item or information required may result in the denial of my application, revocation of my certificate of specialization, or disciplinary action by the State Bar of California. I have carefully read and answered each question completely and truthfully in the foregoing application and any attachments hereto, and certify that the information therein is true and correct to the best of my knowledge.

*I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on*

\_\_\_\_\_  
DATE

\_\_\_\_\_  
TYPE OR PRINT NAME

\_\_\_\_\_  
SIGNATURE

**TASK AND EXPERIENCE**  
**ATTACHMENT A**

Applicant Name: \_\_\_\_\_

**The Appellate Law Advisory Commission may require additional evidence of completion of tasks and experience shown in this Attachment A.**

**You must submit a total of 63 points that were accumulated during the current certification period.**

During the current five-year certification period, I have been substantially involved in the practice of appellate law as demonstrated by performance of the tasks listed below: (See section 2.0 of the Standards for a definition of "substantial involvement.")

**CHECK ALL BOXES THAT APPLY. A task may be counted in only one category.**

- Briefing:** I have been substantially involved in appellate court matters and had substantial responsibility for most or all of the following activities: reviewing the record; researching the law; analyzing the issues; writing a procedural history, a statement of facts, and writing legal arguments.

**Please photocopy Attachment A-1 and complete a separate sheet for each section listed below for which you are claiming credit. Summarize the briefing requirement in the grid below.**

Section	Description	Points
2.1.1.1	Handling an appeal or cross-appeal on behalf of an appellant including preparation of the opening brief -- <b>5 POINTS EACH</b> . <i>No more than three briefs under <u>People v. Wende</u> (1979) 25 Cal.3d 436 or <u>Anders v. California</u> (1976) 386 U.S. 738; 18 L.Ed.2d 493; 87 S.Ct. 1396 may be used in this section.</i>	
2.1.1.2	Handling appeals on behalf of a respondent or cross-respondent including preparation of the respondent's brief -- <b>4 POINTS EACH</b> .	
2.1.1.3	Handling a petition for extraordinary writ or petition for writ of habeas corpus filed in an appellate court -- <b>3 POINTS EACH</b> . If heard on the merits after issuance of an order to show cause or an alternative writ -- <b>AN ADDITIONAL 2 POINTS EACH</b> .	
2.1.1.4	Preparing preliminary opposition to petition for writ -- <b>1 POINT EACH</b> . If court issues alternative writ or order to show cause requiring answer and additional briefing -- <b>AN ADDITIONAL 3 POINTS EACH</b> .	
2.1.1.5	Supervisory handling of an appeal or writ -- <b>3 POINTS EACH</b> . <i>This requires supervision over issue selection, strategy decisions, organization and revision of drafts. <u>Only one attorney may claim supervisory credit for each appeal or writ.</u></i>	

Section	Description	Points
2.1.1.6	<p>Handling a matter in the California Supreme Court or the United States Supreme Court:</p> <p>Preparing a petition for review or certiorari -- <b>2 POINTS EACH</b>. If the attorney's initial substantial involvement in the appeal occurred after decision in the Court of Appeal -- <b>AN ADDITIONAL 2 POINTS EACH</b>.</p> <p>Answer to petition for review or certiorari -- <b>1 POINT EACH</b>. If the attorney's initial substantial involvement in the appeal occurred after review or cert was granted -- <b>AN ADDITIONAL 2 POINTS EACH</b>.</p> <p>Review or certiorari granted and attorney responsible for preparing briefs on the merits -- <b>3 ADDITIONAL POINTS EACH</b>. If the attorney's initial substantial involvement in the appeal occurred after decision in the Court of Appeal -- <b>AN ADDITIONAL 2 POINTS EACH</b>.</p> <p>Preparing opposing brief on the merits in the CA or U.S. Supreme Courts -- <b>3 POINTS EACH</b>. If the attorney's initial substantial involvement in the appeal occurred after review or cert was granted -- <b>AN ADDITIONAL 2 POINTS EACH</b>.</p>	
2.1.1.7	Preparing substantive Amicus Curiae Brief -- <b>2 POINTS EACH</b> . Reply to brief -- <b>1 ADDITIONAL POINT EACH</b> . If the attorney's initial substantial involvement in the appeal occurred after decision in the Court of Appeal -- <b>1 ADDITIONAL POINT EACH</b> .	
<b>TOTAL</b>		

In addition to, or in lieu of, the briefing requirement, I have completed the following tasks:

Section	Description	Points
2.1.2	Conducting or participating in a court supervised appellate settlement conference on an appeal -- <b>1 POINT EACH</b> .	
2.1.3	Oral argument in the CA or U.S. Supreme Court -- <b>2 POINTS EACH</b> . If the attorney's initial substantial involvement in the appeal occurred after decision in the Court of Appeal -- <b>2 ADDITIONAL POINTS EACH</b> .	
2.1.4.1	Employment as an appellate justice in any of the courts listed in section 1.0 of the Standards -- <b>40 POINTS FOR EACH YEAR OF SERVICE</b> . <i>Complete the grid below.</i>	
2.1.4.2	Employment as a research attorney or judicial law clerk in any of the courts listed in section 1.0 of the Standards -- <b>25 POINTS FOR EACH YEAR OF SERVICE UP TO A 3-YEAR MAXIMUM</b> . <i>Complete the grid below.</i>	
<b>TOTAL</b>		

If you are claiming credit for employment as an appellate justice, please provide the following information:

Year(s) of Service as an Appellate Justice	Court(s)	District

If you are claiming credit for employment as a research attorney or judicial law clerk, please provide the following information:

Year(s) of Service as a Research Attorney or Judicial Law Clerk	Court(s)	District

- I am requesting that the Advisory Commission consider granting additional credit for briefing or argument in a complex case (involving an unusually large record, numerous or complex issues, or issues of major significance) in fulfilling the requirements of substantial involvement. *(Please provide a statement detailing your involvement, the reasons why credit in excess of standard participatory units should be allowed for the activity, and the number of units requested. Attach a copy of any brief for which more than the standard participatory units is requested.)*
  
- I am submitting alternative or additional forms of appellate practice for consideration in fulfilling the requirements of substantial involvement. *(Please provide a statement detailing your involvement and the number of units requested.)*



EDUCATION REQUIREMENT

ATTACHMENT B

Applicant Name: \_\_\_\_\_

CHECK THE APPROPRIATE BOXES

- During the current certification period, I have complied with the educational requirements for recertification set forth in section 12.3 of the Rules and section 5.0 of the Standards by completing a minimum of 60 hours of educational activities. At least one education hour was completed in each of at least three of the five years of my current certification period.
- In lieu of satisfying the education requirement, I wish to recertify by successfully completing a written examination in the specialty field in which I am certified as permitted under section 12.4 of the Rules.

I intend to take the examination at the location indicated below. Please check one:

- Southern California       Northern California

- I understand that I need to register for the examination when the registration is available and pay the appropriate examination fee.

**You must sit for the last examination administered prior to expiration of your certification or the first examination administered after your certification expires.**

PLEASE NOTE THE FOLLOWING:

1. **You have complied with the education requirement if:**
  - a. **You have completed a minimum of 60 hours** of educational activities in the field of law in which recertification is sought\* that meet the criteria for education activities set forth in section 7.3 of the Rules or the alternative methods set forth in section 6.2. (*\*Appellate specialists are not restricted to courses in appellate or writ practice; substantive law courses and courses in pre-trial, trial, and post-trial procedures that meet the criteria may also be used to comply with the education requirement.*)
  - b. **Where applicable, you have completed the specific education requirements** set forth in section 5.0 of the Standards.
2. **At least one education hour** has been completed in each of at least three of the five years of your recertification period.
3. **No more than 30 hours** have been completed using the alternative methods set forth in section 6.2.
4. **Your compliance with the education requirement is subject to audit by the Board.** Under section 12.3.2 of the Rules, you must maintain records sufficient to prove compliance with the education requirements for recertification for at least one year from the date the Board acts to recertify you, and you must provide any such records to the Board as the Board may require.
5. **If the education activity was sponsored by an approved Legal Specialization provider, or was individually approved** for Legal Specialization credit, the certificate of attendance required to be provided to you by the sponsor of the activity shall be a sufficient record of compliance as long as it states the specialty area, including sub-areas, if applicable, for which credit is approved. If it does not, further documentation may be required.

6. **If the activity was not approved for Legal Specialization credit**, but you believe that it would meet the criteria for education activities set forth in section 7.3 of the Rules, your documentation should include sufficient information for the Board to make that determination in the event that you are audited. Examples: program agendas, course outlines, lists of instructors.
7. **If the activity is one of the alternative methods** set forth in section 6.2 of the Rules, you should be prepared to furnish the Board with the following documentation:

***Writing or editing published articles or books relating to your specialty field*** -- A copy of the materials for which you are claiming credit.

***Teaching a course in your specialty field at an accredited institution of higher education*** -- The name of each course, a brief description of the course and to whom it was taught, or a letter or other documentation from the institution confirming the courses taught and the dates.

***Self-verified listening to and/or viewing of a complete audio or audio/visual reproduction of an approved program or program segment*** -- A "self-study" log listing the name of the approved program, the number of credit hours, and the date on which the tape was listened to or viewed. Such tapes must be approved for legal specialization credit and listened to or viewed within the time period for which they were approved.

***Self-verified participation in other approved audiovisual activities, including interactive video instruction and activities electronically transmitted from another location, such as online education*** -- A "self-study" log listing the name of the approved activity, the number of credit hours, and the date on which you participated.

***Completion of an advanced postgraduate course at an accredited law school that includes education in your specialty field*** -- The name of the law school and a transcript indicating the courses completed.

The Board may require additional information regarding alternative endeavors in order to determine compliance with the education requirements.

8. **Commissions may accept equivalent educational experience offered by the applicant to fulfill the requirements of this section.**
9. Educational units completed **within the last six months** of a certification period in excess of the required 60 hours may be applied to the next certification period.

**INDEPENDENT INQUIRY AND REVIEW**

**ATTACHMENT C**

Applicant Name: \_\_\_\_\_

I submit the names and addresses of the following three attorneys or judges who have had an opportunity to observe my work and who can attest to my proficiency in the practice of appellate law.

**The references do not include any attorney who is my relative or who currently is my client, partner, associate, employer or employee.**

**All references, communications, reference forms, and information gathered pertaining to the applicant shall be the property of the State Bar and are confidential and no information concerning them and the matter to which they relate shall be given to any person except upon prior order of the Board of Governors of the State Bar or as provided in the Rules and Regulations.**

*Include each reference's California bar membership number to insure that reference forms are sent promptly and to the right individual. Bar membership numbers can be found online at [www.calbar.ca.gov](http://www.calbar.ca.gov) under Attorney Search.*

NAME	BAR NUMBER (REQUIRED)	ADDRESS