



# CALIFORNIA BOARD OF LEGAL SPECIALIZATION OF THE STATE BAR OF CALIFORNIA

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## POST-EXAMINATION APPLICATION FOR CERTIFICATION Appellate Law Certified Specialist

(Filing Fee - \$300\*)

*\*For credit card payments, a processing fee of 2.25% will be added to all charges. There is no processing fee associated with payments by check*

*Applicants who have successfully passed the 2017 Legal Specialization Examination must submit this application along with the required \$300\* filing fee by **April 24, 2019** or submit a request for an extension to [legalspec@calbar.ca.gov](mailto:legalspec@calbar.ca.gov) by that date. The most common reason for an extension is to gain the five required years of practice in the specialty. Extensions cannot be granted beyond January 31, 2021.*

*Interested applicants who have not passed a legal specialist examination should visit [www.californiaspecialist.org](http://www.californiaspecialist.org) for up-to-date examination information and to review the rules and standards applicable to your specialty area.*

### POST-EXAM ELIGIBILITY

1. I passed the Legal Specialization Examination administered in October \_\_\_\_\_ (Year)

### CONTACT INFORMATION

2. Name (exactly as it appears on your State Bar Profile)

\_\_\_\_\_

3. Address (as it appears on your State Bar Profile)

Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

4. Bar Number: \_\_\_\_\_ 5. Daytime Phone Number: \_\_\_\_\_

6. E-mail Address: \_\_\_\_\_

### LICENSE/CERTIFICATION INFORMATION

7. List all jurisdictions in which you are licensed or have been licensed to practice law:

Jurisdiction	Bar Card/ I.D. Number	Date Admitted

8. List any professional licenses or legal certification(s) you may have previously obtained:

Professional Organization	Professional License (i.e. CPA)	Date of Licensing/ Certification

**PRACTICE REQUIREMENT**

9. Check the box below that applies to your time in practice in the specialty area, adding additional documentation if requested:

- I have practiced law continuously for the last five years, during which I devoted an average of at least 25% of the time to practice in the specialty area.
- While I have had breaks in practice over the last five years, I have practiced law for at least five years, and have devoted an average of at least 25% of the time to practice in the specialty area during at least five years (Please attach a letter summarizing your time in practice, including the nature and frequency of practice in the specialty area).
- I have not yet practiced in the specialty area for five years, but I believe I have met the remaining requirements for certification in the specialty area, and I understand that while processing on my file will begin, certification will not take place until I have been practicing in the specialty area for at least five years for at least 25% of the time. (Please attach a letter summarizing your time in practice, including the nature and frequency of practice in the specialty area).

**EMPLOYMENT HISTORY**

10. The following is a complete statement of my employment since my admission to practice law:

LIST MOST RECENT EMPLOYMENT FIRST. ATTACH SEPARATE SHEETS IF NECESSARY

CHECK HERE IF ADDITIONAL SHEETS ARE ATTACHED.

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

## DISCIPLINE

11. Since your admission to the State Bar of California

- a. Have you been 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?  Yes  No
- b. Do you have any discipline charges pending as described above?  Yes  No
- c. Have you had any felony convictions?  Yes  No
- d. Did you resign from any bar, court or body before whom you appear?  Yes  No
- e. Have there been three or more judgments of professional negligence against you?  Yes  No  
*(If yes, please attach the relevant documents.)*
- f. Have any sanctions, other than discovery sanctions, been entered against you by any court or body before whom you appear?  Yes  No
- g. Have any findings of contempt been made against you by any court or body before whom you appear?  Yes  No

**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.**

## DECLARATION

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 ("CBLS") and/or its agents or advisors any non-privileged 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 CBLS to conduct independent inquiry and review, including contacting the references I provide and other references within the discretion of the CBLS and agree that neither I nor my agents will seek to review the materials collected during the evaluation of my application.

I agree to pay all fees required by the CBLS when due.

I agree to abide by all rules and regulations of the CBLS as amended from time to time and to furnish to the CBLS 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 certified 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: \_\_\_\_\_

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

## TASK AND EXPERIENCE REQUIREMENT ATTACHMENT A

Applicant Name: \_\_\_\_\_ Bar Number: \_\_\_\_\_

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

**Within the five years immediately preceding submission of this application**, please demonstrate that you have been substantially involved in the practice of appellate law as demonstrated by performance of the tasks listed below including, if necessary, the alternative category at the end of the list (see section 2.0 of the Standards for a definition of “substantial involvement” – note that you must have performed the task personally). Check all boxes that apply.

**You must submit a total of 125 points, at least 75 of which were accumulated during the five years immediately preceding this application.**

### EACH 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 summarize the points you are claiming below. Then, for each section for which you are claiming points, please use a copy of Attachment A-1 to provide details about matter.**

SECTION	DESCRIPTION	POINTS SINCE ADMISSION TO BAR	POINTS IN FIVE YEARS PRECEDING APPLICATION
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, which must include preparing 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. Only <u>one</u> attorney may claim supervisory credit for each appeal or writ.</i>		

SECTION	DESCRIPTION	POINTS SINCE ADMISSION TO BAR	POINTS IN FIVE YEARS PRECEDING APPLICATION
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 <i>certiorari</i> – <b>2 POINTS EACH</b>. If your initial substantial involvement in the appeal occurred after decision in the Court of Appeal – <b>AN ADDITIONAL 2 POINTS EACH</b>.</p> <p>Preparing an answer to petition for review or <i>certiorari</i> – <b>1 POINT EACH</b>. If you're your initial substantial involvement in the appeal occurred decision in the Court of Appeal – <b>AN ADDITIONAL 2 POINTS EACH</b>.</p> <p>Preparing brief on the merits after review or <i>certiorari</i> granted – <b>5 POINTS EACH</b>.</p> <p>Preparing opposing brief on the merits – <b>4 POINTS EACH</b>.</p>		
2.1.1.7	<p>Preparing substantive <i>amicus curiae</i> brief – <b>2 POINTS EACH</b>.</p> <p>Reply to brief – <b>1 POINT EACH</b>.</p>		
2.1.2	<p>Conducting or participating in a court supervised appellate settlement conference on an appeal – <b>1 POINT EACH</b>.</p>		
2.1.3	<p>Oral argument in the CA or U.S. Supreme Court – <b>2 POINTS EACH</b>.</p> <p>If your initial substantial involvement in the appeal occurred after decision in the Court of Appeal – <b>2 ADDITIONAL POINTS EACH</b>.</p>		
2.1.4.1	<p>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>.</p> <p><i>Complete the grid on the following page.</i></p>		
2.1.4.2	<p>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>.</p> <p><i>Complete the grid on the following page.</i></p>		
<b>TOTAL</b> (minimum 125 points)		(minimum 50 pts)	(minimum 75 pts)

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

**Oral Argument:** Since admission to the Bar, I have presented seven oral arguments in one or more of the courts listed in section 1.0 of the Standards. *(The oral arguments must involve some discussion of the case other than a mere inquiry as to whether the court has questions.)*

	CASE TITLE	CASE NUMBER	COURT WHERE ARGUED	DATE OF DECISION
1.				
2.				
3.				
4.				
5.				
6.				
7.				

- Oral Argument Alternative:** I have served at least one full year as an appellate justice in lieu of the Oral Argument requirement. I have not used the year of service as an appellate justice listed below to satisfy my requirement under section 2.1.4.1 of the Standards.

YEAR(S) OF SERVICE AS AN APPELLATE JUSTICE	COURT(S)	DISTRICT

- I am submitting alternative or additional forms of appellate practice for consideration in fulfilling the requirements of substantial involvement.

*Alternative or additional forms of appellate practice or briefing or argument in complex or “JUMBO” case (involving an unusually large record or numerous or complex issues of major significance) may be called to the attention of the Advisory Commission for consideration in fulfilling the requirements of substantial involvement or for increased credit. Please attach additional sheets detailing your involvement, the reasons why additional credit is being requested, and the number of units requested. Attach a copy of any brief for which more than the standard participatory units is being requested.*

## TASK AND EXPERIENCE ATTACHMENT A-1

Applicant Name: \_\_\_\_\_ Bar Number: \_\_\_\_\_

Case Name	Court	Number	**Activity	Date Filed	Points Requested
<b>SAMPLE</b> <i>People v. Smith</i>	<i>4DCA1</i>	<i>E017237</i>	<i>Appeal</i>	<i>04-01-99</i>	<i>5</i>
<b>** Activity =</b> AOB, Appeal, Mediation, Petition for Review, RB, Writ, or Other					<b>TOTAL POINTS FOR THIS PAGE</b>

Make as many copies of this attachment as necessary

Page \_\_\_\_ of \_\_\_\_



**EDUCATION REQUIREMENT  
ATTACHMENT B  
Total Educational Reporting**

Applicant Name: \_\_\_\_\_ Bar Number: \_\_\_\_\_

In order to satisfy the education requirement for initial certification, you must have completed at least 45 hours of education in the substantive area as described below **within the three years immediately preceding submission of this application.** One-half, or 22.5 hours, may be satisfied with alternative educational activities, sometimes also called non-participatory activities, in which your participation is not verified by an independent party such as the educational provider.

**ON ATTACHMENT B-1\***, list the educational activities pre-approved for legal specialist credit that you have attended or taught. Refer to Attachment B-1 for the type of documentation required.

**ON ATTACHMENT B-2\***, list the educational activities you have attended or taught that were not specifically approved for legal specialist credit, but were approved for MCLE credit and concern the direct legal subject matter in the specialty area. Refer to Attachment B-2 for a further explanation and the type of documentation required.

**ON ATTACHMENT B-3**, list any alternative educational activities that you have completed to satisfy the education requirement. Keep in mind that, with the exception of approved tapes, hours claimed for alternative educational activities are subject to approval and/or adjustment by the CBLs.

**REMEMBER:** Courses taken to fulfill the MCLE special topic requirements (legal ethics, substance abuse/competency, elimination of bias) CANNOT be used to satisfy the education requirement for certification unless they specifically discuss the substantive law of your specialty area.

**Summarize your hours in the grid provided below.**

**SUMMARY OF EDUCATION ACTIVITIES (INCLUDING ALTERNATIVES)**

AREA	HOURS ATTENDED OR TAUGHT** (total from B-1 + B-2)	HOURS OF ALTERNATIVE EDUCATION (total from B-3)	TOTAL
Appellate Practice			
Writ Practice			
<b>Subtotal</b> (# of hours in Appellate and/or Writ Practice must total at least 20)			
Pre-trial, trial, or post-trial practice and procedure			
Substantive law topics			
<b>TOTAL</b> (minimum of 45 hours)			

**\*YOU MUST SUBMIT A CERTIFICATE OF ATTENDANCE FOR EACH COURSE BEING CLAIMED ON ATTACHMENTS B-1 & B-2.** Applications received without certificates, or missing certificates, will be considered incomplete. Please note that the provider is required to give you a certificate of attendance. If you did not receive a certificate, contact the provider directly.

\*\*You may claim four hours for each hour that you taught a new or substantially updated course.

**EDUCATION REQUIREMENT  
ATTACHMENT B-1  
Education Approved for Legal Specialist Credit**

Applicant Name: \_\_\_\_\_ Bar Number: \_\_\_\_\_

On this attachment, list the educational activities you have attended or taught that were specifically pre-approved for legal specialist credit. Providers of approved legal specialist activities are subject to the same requirements as MCLE providers, so you should have been provided with a **certificate of attendance** indicating that the activity was approved for legal specialist credit and stating the number of hours of credit you received.

**COPY THIS ATTACHMENT IF ADDITIONAL LINES ARE NEEDED IN THE TABLE BELOW.**

**DOCUMENTATION REQUIRED FOR EACH ACTIVITY: Certificate of attendance.** The provider is required to give you a certificate of attendance. If you did not receive a certificate, contact the provider directly.

NAME OF PROGRAM SPONSOR OR APPROVED PROVIDER	NAME OF PROGRAM	HOURS ATTENDED	HOURS TAUGHT 1 <sup>st</sup> TIME*	HOURS TAUGHT REPEAT*	DATE COMPLETED

\*Calculate credit for teaching as follows: Under Hours Taught First Time, record the actual number of hours of speaking time multiplied by four. On that same line, if there was also a portion of the class in which another speaker was teaching, claim actual hours for that time. If it was a repeat presentation that you have taught before with the same content, you may claim only actual speaking time. In that case, record your hours under Hours Attended.



**EDUCATION REQUIREMENT  
ATTACHMENT B-3  
Alternative Education**

Applicant Name: \_\_\_\_\_ Bar Number: \_\_\_\_\_

On this attachment, list the alternative methods you used to satisfy the legal specialist education requirement. Your participation in these activities is self-verified, so the provider does not provide a certificate of attendance. Remember that no more than one-half (1/2) of your requirement can be satisfied in this manner, except for course under options 4 and 5.

Note that webinars and tapes can sometimes be participatory activities that should be reported on B-1 or B-2 if they involve some sort of independent verification of attendance, such as a test during or after the class; in this case, the provider will provide a certificate of attendance.

If you are submitting activities that require CBLS approval, please provide sufficient information to allow evaluation of the self-study. Reading of treatises on your own is generally not approved.

*The CBLS may require additional information regarding alternative education activities.*

ALTERNATIVE EDUCATION	# HOURS REQUESTED
<p>1. <b>Self-verified</b> listening to and/or viewing of a complete audio or audio/visual reproduction of a program approved for legal specialist credit or MCLE credit if the subject is your substantive area of law. Such tapes must involve current law.</p> <p><b><u>LIST THE ACTIVITIES AND HOURS REQUESTED FOR EACH ON A SEPARATE SHEET.</u></b></p>	
<p>2. <b>Self-verified</b> participation in MCLE-approved audiovisual activities, including interactive video instruction or webinars, if the subject is your substantive area of law.</p> <p><b><u>LIST THE ACTIVITIES AND HOURS REQUESTED FOR EACH ON A SEPARATE SHEET.</u></b></p>	
<p>3. Authoring or co-authoring published articles, chapters or books in the substantive area of law. PLEASE SUBMIT A COPY OF THE MATERIALS FOR WHICH YOU ARE CLAIMING CREDIT. Credit generally will not be awarded for reading or editing. <b>The hours of credit to be allowed shall be determined by the CBLS after consideration of the amount and quality of the submitted materials. Estimate the time you spend preparing the materials, up to a maximum of half of your total educational requirement as noted above.</b></p>	
<p>4. Completion of an advanced postgraduate course at an accredited law school that includes education in your specialty, such as an LL.M. <b>The hours of credit to be allowed shall be determined by the Commission based upon the amount and quality of professional education involved. Note that this option can be used to fully satisfy your educational requirement and it is not subject to the cap noted above.</b></p> <p>NAME OF LAW SCHOOL: _____            COURSE COMPLETED: _____            DATE COMPLETED: _____</p>	
<p>5. Teaching a course in the specialty area at an accredited law school. <b>The hours of credit to be allowed shall be determined by the CBLS based upon the amount and quality of professional education involved. If teaching a course as an adjunct or guest lecturer, claim four hours per speaking hour. If serving as the course professor, claim twelve hours per credit hour. Note that this option can be used to fully satisfy your educational requirement and it is not subject to the cap noted above.</b></p> <p>NAME OF INSTITUTION: _____            NAME OF COURSE: _____            BRIEF DESCRIPTION: _____            AUDIENCE (LAW STUDENTS, ATTORNEYS, ETC): _____            DATE COMPLETED: _____</p>	

## INDEPENDENT INQUIRY AND REVIEW ATTACHMENT C

Applicant Name: \_\_\_\_\_ Bar Number: \_\_\_\_\_

Please submit the names of a minimum of three attorneys or judges who have had an opportunity to observe your work and who can attest to your proficiency in the practice of the specialty area under the laws applicable to the specialty in California.

To expedite your application, please include the following among your references if possible: opposing counsel, attorneys from other firms, and judges, commissioners or magistrates before whom you have appeared. References may include attorneys who are clients, partners, associates, employers or employees. Note, however, that references will be asked to disclose any such relationship.

References will be contacted by the State Bar of California via questionnaire. The information gathered shall be the property of the State Bar of California and shall not be revealed to you.

*Include each reference's California bar membership number to insure that reference forms are sent promptly and to the right individual. Bar numbers can be found online at [www.calbar.ca.gov](http://www.calbar.ca.gov) under Attorney Search. If the attorney does not have a California Bar number or is a judge, please provide a full address.*

NAME AND BAR NUMBER	ADDRESS
1.	
2.	
3.	
4.	
5.	
6.	



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## Legal Specialization Post-Examination Application for Certification Credit Card Authorization Form

Attorney Name: \_\_\_\_\_ Bar Number: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

DESCRIPTION	FEE
Legal Specialization Post-Examination Application for Certification Fee	\$300
Credit Card Payment Processing Fee* (2.25%)	\$6.75
<b>TOTAL</b>	<b>\$306.75</b>

*\*For credit card payments, a processing fee of 2.25% will be added to all charges. There is no processing fee associated with payments by check.*

This form may not be used to pay dues or other attorney fees; it only may be used to pay fees related to Legal Specialization. **Please print legibly.**

Credit Card Number: \_\_\_\_\_

Credit Card Security Code: \_\_\_\_\_ Expiration Date (Month/Year) \_\_\_\_\_

Credit Card Type:  Visa  MasterCard  Discover  American Express

Name on Card: \_\_\_\_\_

Signature of Card Holder: \_\_\_\_\_ Date: \_\_\_\_\_

*By my signature on this document, I/we hereby authorize The State Bar of California to charge my/our Visa, MasterCard, Discover, or American Express account for the amount listed in the 'Total' box above.*

### SUBMISSION INFORMATION

**MAIL TO:**  
The State Bar of California  
Department of Legal Specialization  
180 Howard Street  
San Francisco, CA 94105

OR

**FAX TO:**  
(415) 538-2180