

APPLICATION FOR RECERTIFICATION

When is my application due?

The application is due on or before the end of your current certification term. 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?

Department of Legal Specialization
State Bar of California
180 Howard Street
San Francisco, CA 94105-1617

Have I included the correct fee?

A \$350* processing fee, payable either via check or credit card to the State Bar of California, is due with the application.

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 If you fail to correct the deficiency within 60 days from the date of the notice, the application shall be deemed withdrawn without a refund of the fee.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, *Attorney Search*. If the information is not current, you must update your information pursuant to section 6002.1 of the B&P Code, through *My State Bar Profile*.

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 8. Section 3.113 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 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

Note that your legal specialist education compliance is reported along with your MCLE Compliance Group, rather than as a part of this packet. For your convenience and benefit, this packet contains Attachment B in which you confirm that you are aware that you will report your compliance along with your reporting group, and that you know the compliance group to which you are assigned. Note that you must report in the MCLE Compliance Group to which you were assigned at the time of admission to the State Bar of California.

As you are completing your education, please refer to www.californiaspecialist.org for information about qualifying courses and be sure to keep your certificates of attendance for at least one year from your compliance group reporting deadline.

C. References

When listing a reference, please include the attorney's bar number. To find an attorney's or judge's bar number, go to www.calbar.ca.gov, *Attorney Search*.

CHECKLIST

Have you:

- Read the declaration?
- 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/payment information for the appropriate recertification fee*?

RESOURCES

Please refer to the Standards for your specialty area as you complete the application and attachments.

The Rules, Standards, and list of approved legal specialization education providers are available online at www.californiaspecialist.org.

**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.*

THE CALIFORNIA BOARD
OF LEGAL SPECIALIZATION
The State Bar of California
180 Howard Street
San Francisco, CA 94105-1617
(415) 538-2120

**State Bar of California
Program for Certifying Legal Specialists**

CONFIDENTIAL

**APPLICATION FOR RECERTIFICATION
Appellate Law
Certified Specialist**

- \$350 Recert Fee
- _____
- _____

08

For Office Use Only
Legal Specialization

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 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.

Yes No

IF NO, PLEASE EXPLAIN ON A SEPARATE SHEET AND ATTACH TO THIS APPLICATION

6. At the time of application for recertification, I am an active member of the State Bar of California.

Yes No

IF NO, STOP HERE. You are not eligible to apply.

7. 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) |
|---------------------|----------|--------------------|---|
| | | | |
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|---|---|
| <p>8. 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>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.</p> | <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> |
|---|---|

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 State Bar of California Board of Legal Specialization ("CBLS") and/or its agents or advisors any nonprivileged information, files or records requested 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 clergy person 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.

I agree to abide by all rules and regulations of the CBLS as amended from time to time and to furnish to the CBLS such information as it may require to evaluate my application.

I am the applicant herein for certification as a 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 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, 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.")

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

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 | # OF MATTERS CLAIMED | # OF POINTS CLAIMED |
|---------|--|----------------------|---------------------|
| 2.1.1.1 | Handling an appeal or cross-appeal on behalf of an appellant including preparation of the opening brief – 5 POINTS EACH. <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 – 4 POINTS EACH. | | |
| 2.1.1.3 | Handling a petition for extraordinary writ or petition for writ of habeas corpus filed in an appellate court – 3 POINTS EACH. If heard on the merits after issuance of an order to show cause or an alternative writ – AN ADDITIONAL 2 POINTS EACH. | | |
| 2.1.1.4 | Preparing preliminary opposition to petition for writ – 1 POINT EACH. If court issues alternative writ or order to show cause requiring answer and additional briefing – AN ADDITIONAL 3 POINTS EACH. | | |
| 2.1.1.5 | Supervisory handling of an appeal or writ – 3 POINTS EACH. <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 | # OF MATTERS CLAIMED | # OF POINTS CLAIMED |
|--------------|--|----------------------|---------------------|
| 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> – 2 POINTS EACH. If your initial substantial involvement in the appeal occurred after decision in the Court of Appeal – AN ADDITIONAL 2 POINTS EACH.</p> <p>Preparing an answer to petition for review or <i>certiorari</i> – 1 POINT EACH. If you're your initial substantial involvement in the appeal occurred decision in the Court of Appeal – AN ADDITIONAL 2 POINTS EACH.</p> <p>Preparing brief on the merits after review or <i>certiorari</i> granted – 5 POINTS EACH.</p> <p>Preparing opposing brief on the merits – 4 POINTS EACH.</p> | | |
| 2.1.1.7 | <p>Preparing substantive <i>amicus curiae</i> brief – 2 POINTS EACH.</p> <p>Reply to brief – 1 POINT EACH.</p> | | |
| TOTAL | | | |

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

| SECTION | DESCRIPTION | # OF MATTERS CLAIMED | # OF POINTS CLAIMED |
|--------------|---|----------------------|---------------------|
| 2.1.2 | Conducting or participating in a court supervised appellate settlement conference on an appeal – 1 POINT EACH . | | |
| 2.1.3 | <p>Oral argument in the CA or U.S. Supreme Court – 2 POINTS EACH.</p> <p>If your initial substantial involvement in the appeal occurred after decision in the Court of Appeal – 2 ADDITIONAL POINTS EACH.</p> | | |
| 2.1.4.1 | <p>Employment as an appellate justice in any of the courts listed in section 1.0 of the Standards – 40 POINTS FOR EACH YEAR OF SERVICE.</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 – 25 POINTS FOR EACH YEAR OF SERVICE UP TO A 3-YEAR MAXIMUM.</p> <p><i>Complete the grid on the following page.</i></p> | | |
| TOTAL | | | |

FOR ALL ACTIVITIES COMBINED, COMPUTE THE FOLLOWING:

| | |
|---|--|
| GRAND TOTAL OF NUMBER OF POINTS CLAIMED (minimum 63 points) | |
|---|--|

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 |
|---|----------|----------|
| | | |
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| | | |

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.)*

***NEW EDUCATION REPORTING SCHEDULE
ATTACHMENT B**

Applicant Name: _____ Bar Number: _____

The Legal Specialist Education requirement is no longer reported in the recertification application. Attorneys now report their Legal Specialist Education by submitting a Legal Specialization Education Compliance Card. The Compliance Card can be found online at www.californiaspecialist.org under the forms section.

Specialists are required to complete a total of 36-hours of approved education every three years. Compliance Groups and reporting deadlines are listed below:

- Compliance Group 1 (Last Name A-G at the time of Admission to the State Bar) 2/1/2019
- Compliance Group 2 (Last Name H-M at the time of Admission to the State Bar) 2/1/2021
- Compliance Group 3 (Last Name N-Z at the time of Admission to the State Bar) 2/1/2020

Some FAQs about this process:

Does the education reporting period affect my recertification deadline?

No. You will still be due to recertify every five (5) years. **Please do not submit a compliance card with your recertification application**, if you have already submitted a compliance card or if you are not due to report your Legal Specialist Education.

How do I submit my Legal Specialist Education Compliance Card?

Once you have completed and signed the Legal Specialist Education Compliance Card, you can submit it to the Department of Legal Specialization either via mail, fax or e-mail.

Isn't reporting my Legal Specialist Education the same as reporting my MCLE compliance?

No. Your Legal Specialist Education is reported on a compliance card, and your MCLE compliance is reported online on My State Bar Profile.

What if I am certified in more than one specialty?

During your compliance period, you will need to submit a Legal Specialization Education Compliance Card for each specialty. For example, if you are a dual specialist, you will have to submit a compliance card for each area of law in which you are a specialist.

Can I submit my compliance card before my Compliance Group is due to report?

No. Compliance cards will only be accepted for the Compliance Group due to report. Any other compliance cards sent to the Department of Legal Specialization will not be marked as received.

How do I report my education if I was certified after they compliance group period?

You will have a reduced and proportional educational requirement. You will have to report at least 1 hour for each month that you were certified. For example, if your compliance period is from February 1, 2016-January 31, 2019 and you were certified in September 2018, you would have to report at least 5 hours of legal specialist education.

Do I need to send in my certificates of attendance?

No. Please save them for one year after you report your education compliance in the event that you are audited.

For more information, visit the MCLE Requirements for Certified Specialists page on www.californiaspecialist.org for full details, as well as potentially qualifying MCLE substitutions.

**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 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. | |



CALIFORNIA BOARD OF LEGAL SPECIALIZATION OF THE STATE BAR OF CALIFORNIA

180 HOWARD STREET
SAN FRANCISCO, CALIFORNIA 94105-1617
TELEPHONE: (415) 538-2120
FAX: (415) 538-2180
E-MAIL: legalspec@calbar.ca.gov
WEBSITE: www.californiaspecialist.org

Legal Specialization Recertification Application Credit Card Authorization Form

Attorney Name: _____ Bar Number: _____

Address: _____

City, State, Zip: _____

Telephone: _____ E-mail Address: _____

| DESCRIPTION | FEE |
|--|-----------------|
| Legal Specialization Recertification Application Fee | \$350 |
| Credit Card Payment Processing Fee* (2.25%) | \$7.88 |
| TOTAL | \$357.88 |

**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