

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 If you fail to correct the deficiency within 60 days from the date of the notice, the application shall be deemed withdrawn without a refund of the fee.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
Estate Planning, Trust and Probate Law
Certified Specialist**

- \$350 Recert Fee
- _____
- _____

06

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 estate planning, trust and probate 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)

<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>
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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 Estate Planning, Trust and Probate Law Advisory Commission may require additional evidence of completion of the tasks and experience as indicated in this Attachment A.

In lieu of completing Attachment A, you may submit a sworn statement that you have engaged in the practice of estate planning, trust and probate law substantially to the same extent as described in your application for original certification.

1. PRACTICE EXPERIENCE

Within the five years immediately preceding submission of this application, I have substantially participated in the performance of the following number of tasks in two of the following five categories. *(A task may be counted in only one category.)* **REFER TO SECTION 2.0 OF THE STANDARDS FOR ADDITIONAL INFORMATION.**

CHECK THE BOXES THAT APPLY

- a. Thirty tax planning matters, tax procedures, or tax returns, for at least 20 separate clients. These may include, but not be limited to: tax opinions, memoranda, advice letters; tax-sensitive wills, trusts, or other dispositive instruments; audits or other administrative tax examinations, ruling requests; and estate, gift, fiduciary, or personal income tax returns.
- b. Fifty estate and incapacity plans, at least 20 of which must include tax issues. Portions of a plan may comprise the following: wills, trusts, custodianship, documents of title, beneficiary clauses, property agreements, powers of attorney, advanced health care directives, gifts, powers of appointment, disclaimers, public benefit plans. *A single document may not be sufficient to comprise an entire plan. Multiple documents for a client, or for a husband and wife together, comprise a single plan.*
- c. Forty administration procedures, for at least 20 separate clients, for estates, trusts (court or non-court), powers of attorney, advanced health care directives, custodianship, conservatorship, guardianships, spousal management procedures, or other procedures under the Probate Code or predecessor provisions.
- d. Completed transfers, by administration or otherwise, of a decedent's assets upon deaths of 40 persons, including tax issues, tax returns or tax basis problems in at least 10 of the completed transfers. These may include, but not be limited to: trust terminations, terminations of joint tenancy, and summary probate procedures, including spousal property petitions.
- e. Twenty litigated matters or contested hearings, relating to any of the above categories, for at least 10 separate clients. These may include, but not be limited to: will/trust contests, determinations of heirship, objections to accountings, fiduciary appointment/removal, creditors' claims, constructive trusts, family protection proceedings, asset ownership disputes, tax matters, elder abuse.

2. PRACTICE DESCRIPTION - YOU MUST INCLUDE A PRACTICE DESCRIPTION ON A SEPARATE SHEET

- Provide a description of your estate planning, trust and probate law practice:
 - a. Noting especially:
 - (1) the nature of the tasks you routinely perform that you have relied on in seeking qualification as an estate planning, trust and probate law specialist; and
 - (2) any unusual and/or special situations you typically handle (e.g., planning for, and administration of, closely held farms, business interests or ranches; planning substantial charitable gifts; planning for unmarried couples and remarried individuals).
 - b. Describe briefly the kinds of tax tasks you routinely perform in connection with your estate planning, trust and probate law practice (e.g., preparation of Forms 706, 709, 1040 [Final] and/or 1041; Q-Tip, 303, 2032A and/or 6166 elections; Requests for Extension of Time; Disclaimers, etc.).

3. PRACTICE PROFILE - COMPLETE THE FOLLOWING:

a. What portion of your practice is devoted to:				
(1) Estate Planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) Estate Administration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) Estate Related Litigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Of the estate planning you do, what portion of your clients are:				
(1) 18-35 years old	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) 36-65 years old	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) Over 65 years old	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. What percentage of your <u>primary</u> estate planning documents are (the aggregate may exceed (100%):				
(1) Non-trust wills (ignore pour-over wills)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) Wills dealing with children (including guardianship and/or CUTMA provisions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) Tax-sensitive wills (involving marital deductions, charitable bequests, GSTT problems, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. What percentage of your <u>primary</u> estate planning documents are (the aggregate may exceed (100%):				
(1) Non tax-sensitive trusts (for the benefit of children and/or parents, "special needs" trusts, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) Tax-sensitive trusts (exemptions equivalent bypass trusts, Q-TIP trusts, complex charitable trusts, generation skipping trusts, life insurance trusts, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) Revocable living trusts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) Testamentary trusts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. What percentage of your <u>primary</u> estate planning documents are (the aggregate may exceed (100%):				
(1) To effectuate gift programs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) To effectuate living trusts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) To effectuate charitable transfers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) In support of MediCal planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. What percentage of your <u>primary</u> estate planning documents are (the aggregate may exceed (100%):				
(1) MediCal/Medicaid planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) Durable powers of attorney				
re: assets	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
re: health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Of the estate administration you handle (this section should total 100%), what portion is:				
(1) Court supervised <i>inter vivos</i> administration (e.g., guardianships, conservatorships, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) Court supervised post mortem administration (e.g., probates, spousal property set asides, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) Non-court supervised <i>inter vivos</i> administration (e.g., powers of attorneys, trust administration, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) Non-court supervised post mortem administration (e.g., joint tenancy termination, living trust termination, collection of insurance/retirement benefits, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

***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