



CALIFORNIA BOARD OF LEGAL SPECIALIZATION OF THE STATE BAR OF CALIFORNIA

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POST-EXAMINATION APPLICATION FOR CERTIFICATION Franchise and Distribution 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 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 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 Franchise and Distribution Law Advisory Commission, such information as they may require, to determine my entitlement to certification.

I am the applicant herein for certification as a franchise and distribution 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 Franchise and Distribution 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 franchise and distribution 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 at least 100 points. Points may be accumulated from any of the tasks, subject to the maximums specified per task.

EACH TASK MAY BE COUNTED IN ONLY ONE CATEGORY

NOTE: For each section below in which you claim 20 or more points, provide a brief narrative statement summarizing your experience in that area and include the statement as Attachment A-1. To the extent that you can identify your professional activities that are not confidential (e.g., captions of cases, franchise registration applications or trademark applications in which you are listed as counsel of record, etc.), please do so, being sure to protect client confidentiality and privilege.

SECTION	DESCRIPTION	NUMBER OF MATTERS	NUMBER OF POINTS CLAIMED
2.1	Representing the franchisor in the structuring of a franchise program, including the drafting of the franchise agreement and related documentation (including any disclosure documents required by law): 5 points per franchise program. Maximum number of points in this category: 35		
2.2	Representing the supplier in the structuring of a distribution program other than a franchise program, including the drafting of the distribution agreement and related documentation: 5 points per distribution program. Maximum number of points in this category: 35		
2.3	Preparing and filing of (i) regulatory applications for initial registration, or (ii) substantive applications for renewal, or (iii) substantive post-effective amendments of a franchise program. Individual applications and applications for coordinated review may be used to satisfy this requirement. 5 points per separate program. Maximum number of points in this category: 35		
2.4	Representing a current or prospective franchisee or franchisor in connection with the acquisition or transfer of a new or existing franchise. 5 points per matter or transaction. Maximum number of points in this category: 35		
2.5	Representing a current or prospective distributor in connection with the acquisition or transfer of a new or existing distribution agreement. 5 points per matter or transaction. Maximum number of points in this category: 35		
2.6	Representing the seller or purchaser, with respect to the franchise or distribution law issues, in a merger or acquisition involving a franchise or distribution program consisting of at least 10 franchisees or distributors, in a single or related series of transactions. 5 points per each separate acquisition. Maximum number of points in this category: 35		

SECTION	DESCRIPTION	NUMBER OF MATTERS	NUMBER OF POINTS CLAIMED
2.7	Providing substantive written legal advice or analysis regarding the application or non-application of the franchise or distribution laws in the United States in connection with a commercial relationship. 5 points per matter or transaction. Maximum number of points in this category: 35		
2.8	Providing substantive written legal advice or analysis regarding the applicable franchise or distribution laws in connection with a cross-border franchise or distribution matter or transaction which is inbound to or outbound from the United States. 5 points per matter or transaction. Maximum number of points in this category: 35		
2.9	Providing substantive written legal advice or analysis regarding the cancellation, termination or non-renewal of a franchise or distribution agreement. 5 points per matter or transaction. Maximum number of points in this category: 35		
2.10	Providing substantive written legal advice or analysis to associations of franchisees or distributors, or assisting in negotiations on behalf of any associations of franchisees or distributors, in connection with franchise or distribution law matters. 5 points per matter or transaction. Maximum number of points in this category: 35		
2.11	Providing substantive written legal advice or analysis involving antitrust or unfair competition law issues relating to franchise or distribution relationships. 5 points per matter or transaction. Maximum number of points in this category: 35		
2.12	Providing substantive written legal advice or analysis involving advertising or consumer protection law issues relating to franchise or distribution relationships. 5 points per matter or transaction. Maximum number of points in this category: 35		
2.13	Representing a party in litigation as its principal attorney where matters of franchise or distribution law are among the main contested issues. 5 points per separate litigation case if at least 250 hours are billed by the attorney on the case; 10 points per separate litigation case if at least 500 hours are billed by the attorney on the case; or 15 points per separate litigation case if at least 750 hours are billed by the attorney on the case. Maximum number of points in this category: 60		
2.14	Preparing or opposing a motion for summary judgment or other dispositive motion in litigation where matters of franchise or distribution law are among the main contested issues. 5 points per separate litigation case. Maximum number of points in this category: 35		
2.15	Preparing briefs in litigation on appeal to any appellate court where: (i) the attorney is the principal attorney responsible for authoring the brief(s); and (ii) matters of franchise or distribution law are among the main issues on appeal. 5 points per separate litigation case. Maximum number of points in this category: 35		
2.16	Conducting the principal oral argument before any appellate court for litigation on appeal where matters of franchise or distribution law are among the main issues in the oral argument. 5 points per separate litigation case. Maximum number of points in this category: 35		
2.17	Acting as the principal attorney in devising and implementing the litigation strategy in connection with pending or threatened litigation where matters of franchise or distribution law are expected to be among the main contested issues. 5 points per separate litigation case. Maximum number of points in this category: 35		

SECTION	DESCRIPTION	NUMBER OF MATTERS	NUMBER OF POINTS CLAIMED
2.18	Representing a party in a formal mediation as its principal attorney where matters of franchise or distribution law are among the main contested issues. 5 points per separate formal mediation case. Maximum number of points in this category: 35		
2.19	Acting as the principal attorney in devising and implementing a formal compliance program for a client following the entry of a court order or other binding order or award against the client in any litigation where matters of franchise or distribution laws are among the main issues. 5 points per separate litigation case. Maximum number of points in this category: 35		
2.20	Acting as an expert witness or legal consultant in litigation where matters of franchise or distribution law are among the main contested issues. 5 points per separate litigation case. Maximum number of points in this category: 35		
2.21	Acting as a judge, arbitrator or mediator in any litigation or formal mediation where matters of franchise or distribution law are among the main contested issues. 5 points per separate litigation or mediation case. Maximum number of points in this category: 35		
2.22	Providing substantive written legal advice or analysis regarding other material issues concerning a franchise or distribution relationship not otherwise covered above. 5 points per matter or transaction. Maximum number of points in this category: 35		
TOTAL (minimum 100 points)			

**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)

HOURS ATTENDED OR TAUGHT** (total from B-1 + B-2)	HOURS OF ALTERNATIVE EDUCATION (total from B-3)	TOTAL (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 st 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-2
Classes Approved Only for MCLE Credit**

Applicant Name: _____ Bar Number: _____

On this attachment, list the educational activities you have attended that were approved for MCLE credit and specifically teaching the law of your specialty areas, but NOT specifically pre-approved for legal specialist credit. The CBLS has discretion as to whether to approve these courses. Do not include alternative educational activities for which the provider does not issue a certificate on this page. Rather, list them on Attachment B-3.

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

DOCUMENTATION REQUIRED FOR EACH ACTIVITY: Certificate of attendance, plus sufficient information for the CBLS to determine whether credit should be granted if the title and program sponsor do not make this clear (for example, promotional materials, a brief description of the program, course outline, list of instructors).

NAME OF PROGRAM SPONSOR	NAME OF PROGRAM	HOURS ATTENDED	HOURS TAUGHT 1 st 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. Self-verified 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><u>LIST THE ACTIVITIES AND HOURS REQUESTED FOR EACH ON A SEPARATE SHEET.</u></p>	
<p>2. Self-verified participation in MCLE-approved audiovisual activities, including interactive video instruction or webinars, if the subject is your substantive area of law.</p> <p><u>LIST THE ACTIVITIES AND HOURS REQUESTED FOR EACH ON A SEPARATE SHEET.</u></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. 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.</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. 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.</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. 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.</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 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
TOTAL	\$306.75

**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