The State Bar of California

OFFICE OF ADMISSIONS

180 Howard Street, San Francisco, CA 94105 415-538-2120 legalspec@calbar.ca.gov

POST-EXAMINATION APPLICATION FOR INITIAL CERTIFICATION
Legal Malpractice Law Certified Specialist

Filing Fee - $300*

**You may submit payment via check or Legal Specialization Credit Card Authorization Form. For credit card payments, a processing fee of 2.5% will be added to all charges. There is no processing fee associated with payments by check.*

PERSONAL INFORMATION

Name: _____ Bar Number: _____

Phone: _____ Email: _____

Address Street: _____

City: _____ State: _____ Zip: _____

POST-EXAM ELIGIBILITY

I passed the Legal Specialist Examination administered in October _____ (year)

LICENSES AND CERTIFICATIONS

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

Jurisdiction	Bar/ID Number	Date Admitted

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

Professional Organization	Professional License (i.e. CPA)	Date Licensed/Certified

PRACTICE REQUIREMENT

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

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**	**Address**	**Nature of Employment** (summarize nature of work performed)

DISCIPLINE

Since your admission to the State Bar of California:

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

Do you have any discipline charges pending as described above? ☐ Yes ☐ No

Have you had any felony convictions? ☐ Yes ☐ No

Did you resign from any bar, court or body before whom you appear? ☐ Yes ☐ No

Have there been three or more judgments of professional negligence against you? (If yes, please attach the relevant documents.) ☐ Yes ☐ No

Have any sanctions, other than discovery sanctions, been entered against you by any court or body before whom you appear? ☐ Yes ☐ No

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 State Bar of 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, as described in the Rules of the State Bar, Appendix A: Schedule of Charges and Deadlines.

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: _____

Print Name: _____

Signature: _____

Additional Information

Submit complete application and payment via mail to State Bar of California, Department of Legal Specialization, 180 Howard Street, San Francisco, CA 94105 or fax to (415) 438-2180. Alternatively, the application and payment can be submitted in the Admissions Information Management System (AIMS) community at https://admissions.calbar.ca.gov.

Applicants who have successfully passed the Legal Specialist Examination must submit this application along with the required $300 filing fee by ***April 24*** *in the year after their results were released (i.e. if passing the 2019 exam, results were released in 2020, the application will be due April 24, 2021) or submit a request for an extension to legalspec@calbar.ca.gov by the due 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*** *in the third year after receiving results (i.e. if passing the 2019 exam, results were released in 2020, the maximum extension date is January 31, 2023).*

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.

LEGAL MALPRACTICE LAW CERTIFICATION
Attachment A – Task and Experience Requirement

Applicant Name: _____ Bar Number: _____

The State Bar of California Board of Legal Specialization may require additional evidence of completion of the tasks and experience as indicated in this Attachment A.

1. **PRACTICE DESCRIPTION -** YOU MUST INCLUDE A PRACTICE DESCRIPTION ON A SEPARATE SHEET

   ☐ Provide a description of your legal malpractice law practice, noting the nature of the tasks you routinely perform that you have relied on in seeking qualification as a Legal Malpractice Law Certified Specialist.

2. **PRACTICE EXPERIENCE**

Within the five years immediately preceding submission of this application**,** please demonstrate that you have been substantially involved in the practice of legal malpractice law as demonstrated by performance of the tasks listed below. **COMPLETE ALL BOXES THAT APPLY**

You must submit a total of at least 275 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: With respect to each task, the applicant must have performed the task personally, or had direct and primary responsibility for its performance under his or her close and ongoing supervision. For purposes of this showing, points may be accumulated from any of the tasks subject to the maximums specified per task. Each task may be counted only once, but cases may be used for more than one task. You need place in the "Number of Matters" box only the number of matters to support the points you claim; e.g., for a matter counting 10 points; "at least 6" for 60 points claimed.

SECTION	DESCRIPTION	NUMBER OF MATTERS	NUMBER OF POINTS CLAIMED
2.1	Acting as the principal counsel in devising, implementing or evaluating the advisability or the strategy of litigation and related issues, such as the existence of an attorney-client relationship and the unauthorized practice of law, in connection with pending or threatened litigation where matters of malpractice law are the main contested issue: 10 points per separate litigation case. Maximum number of points in this category: **60 points**		
2.2	Representing a claimant or attorney in litigation as its principal counsel where matters of malpractice law are the main contested issue: 10 points per separate litigation case. Maximum number of points in this category: **60 points**		

SECTION	DESCRIPTION	NUMBER OF MATTERS	NUMBER OF POINTS CLAIMED
2.3	Acting as principal counsel in the trial, jury or non-jury, or binding arbitration of an action for legal malpractice or action on attorney's fees tried to conclusion to a jury, judge, or arbitrator: 30 points per separate jury trial and 20 points per separate court trial or binding arbitration. Maximum number of points in this category: **120**. Up to **80 points** may be accumulated for trials or arbitrations that do not involve legal malpractice and/or are prior to the five-year period.		
2.4	Preparing or opposing a demurrer, a motion for summary judgment, or other dispositive motion in litigation where matters of legal malpractice law are the main contested issue: 10 points per separate litigation case. Maximum number of points in this category: **60 points**		
2.5	Preparing briefs in litigation matters before a court or arbitral forum: 10 points per litigation matter. Maximum number of points in this category: **40 points**		
2.6	Representing a party in a formal mediation before a neutral party as its principal counsel where matters of legal malpractice are the main contested issue: 10 points per separate formal mediation. Maximum number of points in this category: **60 points**		
2.7	Acting as an expert witness or legal consultant in litigation where matters of legal malpractice are among the main contested issues: 10 points per separate litigation case. Maximum number of points in this category: **40 points**		
2.8	Acting as an arbitrator or mediator in any litigation or formal mediation where matters of malpractice law are among the main contested issues: 10 points per separate litigation or mediation case. Maximum number of points in this category: **40 points**		
2.9	Representing a claimant or attorney in a legal malpractice matter in bringing or defending an anti-SLAAP motion: 10 points per matter. Maximum number of points in this category: **40 points**		
2.10	Representing a claimant or attorney in a legal malpractice matter where there is an underlying coverage issue or reservation of rights letter: 5 points per separate litigation case. Maximum number of points in this category: **20 points**		
2.11	Providing substantive written legal advice or analysis regarding conflicts of interest issues: 10 points per separate matter or transaction. Maximum number of points in this category: **40 points**		

SECTION	DESCRIPTION	NUMBER OF MATTERS	NUMBER OF POINTS CLAIMED
2.12	Providing substantive written legal advice or analysis regarding issues related to fees for legal services rendered by an attorney, including collectability, unconscionability under the Rules of Professional Conduct, reasonableness under Business & Professions Code §§6147-6148, and issues of quantum meruit: 10 points per separate matter. Maximum number of points in this category: **40 points**		
2.13	Providing substantive written legal advice or analysis regarding a statute of limitations issue for legal malpractice: 5 points per matter or transaction. Maximum number of points in this category: **20 points**		
2.14	Participation in a Bench Bar panel in which there is a fee dispute over the attorney's legal services: 10 points per separate matter. Maximum number of points in this category: **40 points**		
2.15	Providing substantive written legal advice or analysis regarding an attorney's errors and omissions insurance policy, including insurance coverage policy limits, reservations of rights, and/or coverage exclusion issues: 5 points per separate matter. Maximum number of points in this category: **20 points**		
2.16	Providing substantive written legal advice or analysis regarding other material issues concerning legal malpractice law not otherwise covered above: 5 points per separate matter or transaction. Maximum number of points in this category: **20 points**		
	TOTAL (minimum 275 points)		

Other Experience

If you are unable to meet any part of the requirement above, you must submit other experience demonstrating substantial compliance with the requirements. Please describe the nature of your practice. Include detailed information regarding your experience as it relates to the foregoing requirements.

☐ I am submitting alternative or additional forms of legal malpractice practice for consideration in fulfilling the requirements of substantial involvement. **ATTACH SEPARATE SHEET**

LEGAL SPECIALIST CONTINUING LEGAL EDUCATION REQUIREMENT FOR CERTIFICATION
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 Continuing Legal Education (LSCLE) credit in the specialty area 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 LSCLE 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 the 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.

LEGAL SPECIALIST CONTINUING LEGAL EDUCATION REQUIREMENT FOR CERTIFICATION
Attachment B-1 – Education Approved for LSCLE 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 LSCLE 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 LSCLE credit and stating the number of hours of credit you received.

COPY THIS ATTACHMENT OR PROVIDE A SIMILAR TABLE IF ADDITIONAL LINES ARE NEEDED 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 1st 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.

LEGAL SPECIALIST CONTINUING LEGAL EDUCATION REQUIREMENT FOR CERTIFICATION
Attachment B-2 – Education Approved for MCLE Credit Only

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 LSCLE credit. The CBLS has discretion as to whether to approve these courses.

COPY THIS ATTACHMENT OR PROVIDE A SIMILAR TABLE IF ADDITIONAL LINES ARE NEEDED 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 OR APPROVED PROVIDER	NAME OF PROGRAM	HOURS ATTENDED	HOURS TAUGHT 1st 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.

LEGAL SPECIALIST CONTINUING LEGAL EDUCATION REQUIREMENT FOR CERTIFICATION
Attachment B-3 – Alternative Education

Applicant Name: _____ Bar Number: _____

On this attachment, list the alternative methods you used to satisfy the LSCLE 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
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. **LIST THE ACTIVITIES AND HOURS REQUESTED FOR EACH ON A SEPARATE SHEET.**	
2. **Self-verified** participation in MCLE-approved audiovisual activities, including interactive video instruction or webinars, if the subject is your substantive area of law. **LIST THEACTIVITIES AND HOURS REQUESTED FOR EACH ON A SEPARATE SHEET.**	
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.**	

(CONTINUED ON NEXT PAGE)

ALTERNATIVE EDUCATION	# HOURS REQUESTED
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 CBLS 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.** NAME OF LAW SCHOOL: _____ COURSE COMPLETED: _____ DATE COMPLETED: _____	
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.** NAME OF INSTITUTION: _____ NAME OF COURSE: _____ BRIEF DESCRIPTION: _____ AUDIENCE (LAW STUDENTS, ATTORNEYS, ETC): _____ DATE COMPLETED: _____	

REFERENCE REQUIREMENT FOR CERTIFICATION
Attachment C – Independent Inquiry and Review

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 electronic 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 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.	
7.	