



LEGAL SPECIALIST EXAMINATION

Preparation Packet

Examination Date: October 22, 2019

Area of Specialty:
ADMIRALTY & MARITIME LAW

This packet contains key information you will need to prepare for the Legal Specialist Examination:

- Examination Action Plan
- Exam specifications listing topics that may be tested
- Free sample essay questions (multiple-choice questions are not released)

For full details, please visit www.californiaspecialist.org.

2019 LEGAL SPECIALIST EXAMINATION ACTION PLAN

A. Start Today:

1. **Register** for the legal specialist examination today on the [Admissions Information Management System \(AIMS\) portal](#). Register by **September 1** to take advantage of reduced pricing. For an additional fee, you can add the option to take the essay portion of the exam using your laptop computer. Registration closes on **October 1**.
2. **Review** this packet for an overview and visit the [Becoming a Certified Specialist page](#) for eligibility requirements and current examination information.

B. Know the Examination:

1. **Format:** 4-hour morning session, 8 essays; approximate 90-minute lunch; 2.5-hour afternoon session, 75 multiple-choice questions.
2. **Examination topics:** See enclosed examination specifications.
3. **Examination practice:** See enclosed sample essays. No multiple-choice questions are released for practice.
4. **Optional preparation course(s):** The State Bar of California and the Department of Legal Specialization do not teach any examination preparation classes, nor are they affiliated with any commercial preparation classes.
5. **Other certification requirements:** Review the other task, education and experience requirements in the post-examination application. You may have already met many of the requirements, or you can continue to meet them through January 31, 2023.

C. Prepare for Examination Day

1. **Arrive by 7:00 a.m.** so that you have enough time to find your assigned seat and start your laptop (if you are using one) when the examination begins at 7:30 a.m.
2. **Items allowed in the examination room:**
You are only allowed to bring the items listed in the examination bulletin into the examination room. Please review the list before the examination.

THE STATE BAR OF CALIFORNIA BOARD OF LEGAL SPECIALIZATION
ADMIRALTY & MARITIME LAW
Examination Specifications

Purpose of the Examination: The Admiralty and Maritime Law Examination consists of a combination of essay and multiple-choice questions. It is designed to verify the applicant’s knowledge of and proficiency in the usual legal procedures and substantive law that should be common to specialists in the field as represented by the skills listed below. We recognize that these skills are interrelated, which may require that you apply several skills in responding to a single exam question. Also, the order of the skills does not reflect their relative importance, nor does the skill sequence represent an implied order of their application in practice.

Your answers to the exam questions should reflect your ability to identify and resolve issues, apply admiralty and maritime law to the facts given, and show knowledge and understanding of the pertinent principles and theories of law, their relationship to each other, and their qualifications and limitations. Of primary importance for the essay questions will be the quality of your analysis and explanation.

Knowledge of the following fundamental lawyering skills may be assessed:

<p>Subject Area 1: Professional Responsibility</p> <ul style="list-style-type: none"> 1.1 Duties to clients, counsel and the Court 1.2 Conflicts in joint representation 1.3 Avoiding conflicts of interest in other cases 1.4 Admission to practice before the Court 1.5 Fee agreements 1.6 Disclosure of fee arrangements and impact on timing of filing 	<p>Subject Area 2: Jurisdiction and Venue</p> <ul style="list-style-type: none"> 2.1 Concepts of admiralty jurisdiction 2.2 Exclusive admiralty jurisdiction 2.3 Concurrent State Court jurisdiction over admiralty actions 2.4 Removal 2.5 Consequences of admiralty jurisdiction 2.6 Significance of the Savings to Suitors Clause 2.7 Admiralty Extension Act 2.8 Forum non conveniens 2.9 Forum selection clause
<p>Subject Area 3: Practice and Procedure</p> <ul style="list-style-type: none"> 3.1 Applicable governing statutes of limitation 3.2 Concept/applicability of laches 3.3 Supplemental rules for certain admiralty and maritime claims 3.4 Local Admiralty rules California U.S. District Courts 3.5 Vessel arrests <i>in rem</i> proceedings 3.6 Procedural aspects of exoneration/limitation proceedings 3.7 Special rules concerning burdens of proof in certain admiralty proceedings 3.8 Concepts governing right to jury trial 3.9 Interlocutory appeals 3.10 Special rules governing contribution/settlement bar 	<p>Subject Area 4: General Maritime Law</p> <ul style="list-style-type: none"> 4.1 Role and importance of uniformity 4.2 Effect of state law 4.3 Choice of law principles 4.4 Essential concepts of substantive general maritime law 4.5 Preemption 4.6 Maritime product liability and warranty 4.7 Maritime liens <ul style="list-style-type: none"> 4.7.1 Enforcement of liens 4.7.2 Based on contracts 4.7.3 Based on tort 4.7.4 Priority 4.7.5 Extinction 4.7.6 Preferred ship mortgages 4.8 Charter Parties <ul style="list-style-type: none"> 4.8.1 Duties and obligations under charter parties 4.8.2 Demise/bareboat charters

	<ul style="list-style-type: none"> 4.8.3 Time charters 4.8.4 Voyage charters 4.8.5 Damages and remedies of breach of charter <p>4.9 Remedies under GML</p>
<p>Subject Area 5: Maritime Personal Injury and Wrongful Death</p> <ul style="list-style-type: none"> 5.1 Seaman’s claims <ul style="list-style-type: none"> 5.1.1 Jones Act 5.1.2 Unseaworthiness 5.1.3 Unearned wages 5.1.4 Maintenance and cure 5.2 Longshore and harbor workers’ claims <ul style="list-style-type: none"> 5.2.1 Situs/Status 5.2.2 905(b)/3rd Party 5.2.3 Settlement procedures 5.2.4 Notice/statute of limitations issues 5.3 Passengers 5.4 Wrongful death 5.5 Death On the High Seas Act 5.6 Contribution and indemnification 5.7 Recreational vessels 	<p>Subject Area 6: Marine Insurance</p> <ul style="list-style-type: none"> 6.1 Choice of law 6.2 Hull insurance 6.3 Warranties, disclosures, representations and the doctrine of utmost good faith 6.4 Protection and indemnity insurance <p>Subject Area 7: Limitation of Liability Act</p> <ul style="list-style-type: none"> 7.1 Shipowners’ Limitation of Liability Act 7.2 The limitation proceeding 7.3 Limitation practice 7.4 Flotilla rule
<p>Subject Area 8: Salvage</p> <ul style="list-style-type: none"> 8.1 General principles of salvage 8.2 The salvage award 	<p>Subject Area 9: Collision and Allision</p> <ul style="list-style-type: none"> 9.1 Basis of liability 9.2 Shifting burdens of proof
<p>Subject Area 10: General Average</p> <ul style="list-style-type: none"> 10.1 Basic principles 10.2 York-Antwerp Rules 10.3 General average claims 	<p>Subject Area 11: Carriage of Goods</p> <ul style="list-style-type: none"> 11.1 Carriage of Goods by Sea Act 11.2 Operation of statutory provisions 11.3 Tug, Tow & Pilotage 11.4 Carmack Amendment
<p>Skill 12: Statutory Provisions</p> <ul style="list-style-type: none"> 12.1 Jones Act 12.2 Suits in Admiralty Act 12.3 Public Vessels Act 12.4 Admiralty Extension Act 12.5 Hague Convention 12.6 Limitation of Liability Act 12.7 Commercial Instruments and Federal Maritime Lien Act 12.8 Longshoreman and Harbor Workers’ Compensation Act 12.9 Carriage of Goods by Sea Act 12.10 Harter Act 12.11 Death on the High Seas Act 12.12 Other federal statutes 12.13 Applicable California statutes 12.14 Applicable international conventions 	<p>Skill 13: Administration and Regulation</p> <ul style="list-style-type: none"> 13.1 Marine pollution and environmental law 13.2 Vessel documentation 13.3 Vessel inspection and regulation 13.4 Marine casualty reporting and investigation 13.5 Regulation of vessels of passengers for hire

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Sample Legal Specialist Examination Essay Questions

Below are actual questions from past examinations. These questions were designed to be read and answered within 45 minutes, though current examination questions are designed to be read and answered in 30 minutes.

Sample Legal Specialist Examination Question #1

Vessel was a large U. S. flagged ocean-going ferry with accommodations for vehicles as well as passengers and crew. It sank on the high seas during an international transit. Vessel Owner was the operator and the issuer of tickets to the passengers. The crew was employed by Crewing Agent.

Vessel was a roll-on, roll-off (or ro-ro) design which allowed drive-through access to the car deck through openings and ramps at the bow and stern. The forward ramp was enclosed by a hinged outer shell which formed the ship's bow. This bow section could be hydraulically raised to give access to the forward ramp.

On the night of the incident Vessel was moving at its normal cruise speed heading directly into heavy seas with deteriorating weather conditions. Crashing sounds coming from the area of the bow were reported to the bridge. Subsequent investigation revealed that the sounds were caused by a structural failure of the hinged bow which had been the subject complaints to Vessel Owner's management by the crew on prior voyages. Vessel did not reduce speed or alter heading to reduce the pounding. Subsequently there was a complete failure of the bow section and resultant catastrophic flooding into the car deck. Vessel then capsized and sank.

Half of the passengers survived as did a third of the crew. The survivors, some of whom lost family members, were in life boats and observed the sinking Vessel.

- A. Discuss the availability of a proceeding for exoneration from or limitation of liability by Vessel Owner and/or Crewing Agent including which, if either, is a proper party to the proceeding and what the benefits of such a proceeding might be.**
- B. Discuss the procedural steps required to be taken to initiate the proceeding including the time within which the action must be brought.**
- C. Discuss the nature of the limitation fund in the circumstances of this case.**
- D. Discuss possible defenses to limitation and/or exoneration.**

Sample Legal Specialist Examination Question #2

(Please note that Question #2 has the same fact pattern as Question #1.)

Vessel was a large U. S. flagged ocean-going ferry with accommodations for vehicles as well as passengers and crew. It sank on the high seas during an international transit. Vessel Owner was the operator and the issuer of tickets to the passengers. The crew was employed by Crewing Agent.

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Half of the passengers survived as did a third of the crew. The survivors, some of whom lost family members, were in life boats and observed the sinking Vessel.

- A. Discuss the remedies available to the survivors for emotional distress.**
- B. Discuss the claims and remedies available to the survivors of the deceased seamen including the appropriate parties, time limitations and governing law.**
- C. Discuss the claims and remedies available to the survivors of the deceased passengers including the appropriate parties, time limitations and governing law.**
- D. Discuss the claims and remedies available to the surviving seamen for personal injuries including the appropriate parties, time limitations and governing law.**

Sample Legal Specialist Examination Question #3

American Crewmember sailed on a lawful U.S. coastwise voyage from Los Angeles aboard a vessel carrying passengers to disembark in San Francisco. Crewmember was injured aboard the vessel while it was in San Francisco, due to the negligence of her employer.

Shipowner employed Crewmember pursuant to a collective bargaining agreement (“CBA”) that provided that all disputes between the union and Shipowner are to be resolved in Norway where the union is headquartered and where the CBA was signed.

Crewmember brought a Jones Act suit in California State Court and Ship owner removed the case to federal court.

A. Was removal off Crewmember’s suit proper? Discuss.

B. What law should be applied to Crewmember’s suit? Discuss.

Sample Legal Specialist Examination Question #4

Buyer, a California resident, consulted Seller about purchasing a sport-fishing boat for deep-sea fishing off the coast of California. Seller, who specializes in open-water sport-fishing boats, recommended a model that he said would be good for Buyer given her intention of using it on longer voyages off the coast of California and further told her that everything on the boat was in working order. Buyer took delivery of the boat at Seller's facility located on the coast of California and used it exclusively in territorial seas of the United States.

However, the boat's fuel gauge was not working. Buyer retained Attorney to sue Seller for a refund after she learned that the boat's fuel gauge did not function properly resulting in the boat running out of fuel without notice.

During Attorney's investigation, Buyer's ex-husband, now living outside the United States, called Attorney and reported that Buyer's new boyfriend had adjusted the sport-fishing boat's fuel gauge so that it would malfunction and Buyer could obtain a refund. Buyer's ex-husband told the Attorney he would not tell Seller and would stay outside the United States to avoid having to testify if Buyer paid him \$1,000.

- A. If Attorney filed a complaint asserting contractual claims against Seller on behalf of Buyer, can he do so in state court, in Federal District Court as an admiralty case, or either one?**
- B. What issues should Attorney consider in deciding in which court to file the complaint?**
- C. What ethical obligations, if any, does Attorney have in representing Buyer? Discuss.**