



The State Bar of California

2023 LEGAL SPECIALIST EXAMINATION Preparation Packet

Examination Date: October 24, 2023

Legal Specialization Area:
FAMILY LAW

This packet contains key information you will need to prepare for the 2023 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 [Exam Information](#).

2023 LEGAL SPECIALIST EXAMINATION ACTION PLAN

A. Start Today:

1. **Register** for the Legal Specialist Examination today in the [Admissions Applicant Portal \(Applicant Portal\)](#). Registration closes on **September 15**.
2. **Review** this packet for an overview and visit [Becoming a Certified Specialist](#) for eligibility requirements, current exam information, and other important dates and deadlines.

B. Know the Exam:

1. **Format:** The Legal Specialist Examination is a single-day exam that consists of eight short essay questions and 75 multiple-choice questions and tests whether an attorney has a proficient understanding of the key laws, rules, and procedures applicable to that area of law.
2. **Exam topics:** See enclosed exam specifications.
3. **Exam practice:** See enclosed sample essay questions. No sample answers are available for the essay questions, and no multiple-choice questions are released for practice.
4. **Ensure that your laptop is ready before exam day:** Applicants should take the two mock exams on the laptop that they will use on exam day **prior** to exam day.
5. **Other certification requirements:** Review the other task, education, and experience requirements in the post-exam application for initial certification. You may have already met many of the requirements, or you can continue to meet them through January 31, 2027.

C. Prepare for Exam Day

1. **Applicants must login into the exam by the posted password release time of 8:00 a.m.** so that you have enough time to verify your identification and start your laptop.
2. **Items allowed in the exam room:**
Please review the [exam bulletin](#) for a list of items that are allowed in the exam room before the exam.

While most applicants will not be allowed to bring reference books into the exam room, those taking the exams in the following four specialty areas have the option to bring in one of the following code books if they wish to do so (annotated or unannotated version):

- **Bankruptcy Law:** Bankruptcy Code and Rules
- **Estate Planning, Trust & Probate Law:** California Probate Code

- **Immigration & Nationality Law:** Immigration & Nationality Act only (NOT regulations)
- **Taxation Law:** Internal Revenue Code only (NOT regulations)

FAMILY LAW

Examination Specifications

Purpose of the Exam: The Family Law Legal Specialist 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 family 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:

Subject Area 1: Professional Responsibility 1.1 Duties to clients, opposing counsel, and the Court 1.2 Attorney fees 1.3 Sanctions 1.4 Duties of appointed counsel for minors 1.5 Arbitration/mediation and dual representation 1.6 Conduct resulting in malpractice/discipline	Subject Area 2: Family Law Jurisdiction 2.1 Personal jurisdiction/subject matter jurisdiction 2.2 Federal jurisdiction/Hague Convention 2.3 UCCJEA and 28 USC (FPKPA) 2.4 Venue
Subject Area 3: Marital and Non-Marital Property 3.1 Characterization of property/allocation 3.2 Presumptions affecting property 3.3 Assets acquired with loan proceeds 3.4 Debts and obligations 3.5 Reimbursements and credits 3.6 Valuation of property 3.7 Fiduciary duties 3.8 Family residence 3.9 Deferred compensation and employment benefits 3.10 Business interests/goodwill 3.11 Stock, stock options, royalties, and intellectual property 3.12 Putative spouse property rights 3.13 Pre-marital and post marital agreements	Subject Area 4: Tax Issues Relating to Family Law 4.1 Support/recapture rules 4.2 Division and allocation of assets and liabilities
Subject Area 5: Children 5.1 Parentage issues 5.2 Jurisdiction and venue	Subject Area 6: Support Factors 6.1 Income 6.2 Amount and duration

5.3 Factors to determine parenting rights 5.4 Use of mediation 5.5 Use of experts 5.6 Counsel for children 5.7 Modification proceedings 5.8 Termination of parental rights	6.3 Jurisdiction 6.4 Modification 6.5 Enforcement 6.6 Security 6.7 DCSS and state disbursement unit
Subject Area 7: Non-Marital Relationships/Issues 7.1 "Marvin" lawsuits 7.2 Domestic Partnerships 7.3 Cohabitation	Subject Area 8: Procedure 8.1 Validity of marriage 8.2 Nullity/legal separation 8.3 Restraining orders 8.4 Service of process 8.5 Joinder/consolidation 8.6 Bifurcation 8.7 Summary dissolution 8.8 Effect of death of one party on proceedings 8.9 Date of separation/reconciliation 8.10 Interspousal torts 8.11 Use of evidence/privileges 8.12 Preservation of record/appeals and writs 8.13 Ethics/bounds of advocacy 8.14 Motions for reconsideration/to set aside judgments/new trial 8.15 Omitted assets and debts 8.16 Discovery rights and disclosure duties/confidentiality issues 8.17 Enforcement proceedings, security, and contempt 8.18 Bankruptcy 8.19 Offers of proof/testimony
Subject Area 9: Dispute Resolution 9.1 Negotiation 9.2 Arbitration/private judging 9.3 Mediation 9.4 Collaborative Practice	Subject Area 10: Psychological Aspects of Marital and Non-Marital Discord 10.1 Substance abuse 10.2 Domestic violence 10.3 Personality disorders/mental health issues 10.4 Consulting w/psychological experts

FAMILY LAW
Sample 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

While on separate vacations in a foreign country, Husband and Wife met. On the 11th day of their relationship, they pledged their love in front of a self-proclaimed high priestess, who blessed them both and pronounced them man and wife. Soon after, they returned to the U.S. because Husband was scheduled to start Spring Training, as he was recently drafted to play professional baseball. Wife returned to her job as an airline pilot, based in California and New York.

After 11 years of marriage and the birth of two children, Husband and Wife kept the same careers. During the baseball season, Husband, Wife, and their two children lived in a co-op they owned in New York. During the off-season, they often went to their ranch in California. Husband and Wife voted and filed state taxes in California.

During their 11th year of marriage, Wife retained Attorney in California to file a dissolution action. Immediately after signing the petition, Wife went to the bank and withdrew \$100,000 from their joint account to buy a luxury sports utility vehicle, as the lease on her vehicle had expired. She also severed the joint tenancy on the ranch.

Attorney was having difficulty serving Husband with the papers, so while Husband was in the dugout in Baseball Park in Massachusetts, Wife personally delivered an envelope to him. He opened the envelope and found a conformed copy of a Summons, Petition, Form Interrogatories, Notice to Produce, and Order to Show Cause for support, as well as a completed Income and Expense Declaration. The Order to Show Cause was calendared for 18 days from the date he was served. When Husband returned to New York, he went to see an attorney about the papers he had received from Wife.

Identify and discuss the jurisdictional and procedural issues for each party.

END OF QUESTION

Sample Legal Specialist Examination Essay Question #2

Partner 1 and Partner 2 both worked for Employer, a Silicon Valley Internet company. Partner 1 was the new CFO and Partner 2 was Employer's CEO.

After a whirlwind romance, the parties planned an immediate wedding at a local chapel. The Monday before the Saturday wedding, Partner 2 and Partner 1 "dropped by" the office Partner 2's family law attorney, where Partner 1 was presented with a 27-page premarital agreement. With Partner 2's six attorneys standing around her, Partner 1 attempted to read the document.

Partner 1 went through the premarital agreement quickly and made the following comment: "This is pretty standard stuff, right?" To which Partner 2's six attorneys nodded in unison. Then she came to the signature line and noticed a signature line for "Partner 1's counsel." When she inquired, one of the attorneys said that she might like to have her own attorney take a look at it.

On Friday, as the couple was about to drive up for the wedding, Partner 2 asked Partner 1 where the signed agreement was. She replied that she hadn't seen an attorney, so the document was not signed. Partner 2 asked her if she read it, and she admitted that she had. He told her that if she didn't sign it, the wedding was off.

Partner 2 and Partner 1 then went back to Partner 2's attorney's office and signed the agreement in front of the notary public there. They then dashed away to Tahoe for their Chapel of Love ceremony. The premarital agreement provided for a mutual waiver of spousal support and further provided that each party's earnings during the marriage would remain their separate property.

- A. What potential issues could attorney raise if Partner 1 sought consultation prior to signing the premarital agreement? Discuss.**
- B. What issues could arise regarding the validity of the premarital agreement if Partner 2 filed for dissolution? Discuss.**

END OF QUESTION

Sample Legal Specialist Examination Essay Question #3

Husband and Wife were married for 20 years at the time of dissolution, and their two children (ages 10 and 15) resided 80% with their mother. At the time of dissolution, Husband was earning over \$1 million per year and Wife earned \$25,000 annually as a part-time secretary. Wife inherited \$2 million from her family (non-producing income) near the time of dissolution.

Husband filed to modify the child and spousal support award. Among the issues to be decided was whether the children should continue in private school. Wife preferred this, but Husband opposed, saying "Public schools in the area are top-notch, college preparatory schools."

Husband pleaded he can pay any reasonable spousal and child support, and refused to answer the pre-hearing discovery requests of Wife.

Husband stated that because Wife has a B.A. and Ph.D. in psychology, she should be earning much more than \$25,000. He also stated that because of her recent inheritance, she can meet the marital standard of living. He asked spousal support to be terminated or reserved. At a minimum, he asked for a Richmond order.

Wife disagreed, but added that Husband should put money into a fund to secure the children's college educations.

- A. What impact does Wife's \$2 million inheritance have on the decision? Discuss.**
- B. How will the court rule on the private vs. public school issue? Discuss.**
- C. What impact does Wife's potential employability have on the support issue? Discuss.**
- D. How will the court rule regarding Wife's request for securing the children's college education? Discuss.**

END OF QUESTION

Sample Legal Specialist Examination Essay Question #4

Husband and Wife were married legally in Minnesota and had two children. Husband was transferred by his employer, and he and Wife moved with the children to California.

In contemplation of their daughter's move to California, Wife's parents sold a home they owned in California to Husband and Wife on an installment note. The installment note was unsecured, and title was placed in Husband and Wife's names as community property with the right of survivorship.

Within three months of their move, Wife was overtaken by homesickness for Minnesota and decided to leave Husband and end their marriage. When Wife announced her decision, Husband stopped paying on the installment note, but he continued to reside in the home that had been purchased from Wife's parents.

Husband's employer, a Minnesota corporation, had a pension plan for its employees and Husband had a substantial entitlement in that plan that was earned entirely during his marriage to Wife. The Plan Administrator for Husband's pension plan was located in Minnesota.

After Wife commenced a family law case in the appropriate court, attorney propounded discovery consisting of interrogatories and, later, requests for admissions. Husband and his attorney entered into a stipulation with Wife and her attorney in which they all agreed to case management. Husband did not respond in any way to the discovery Wife's attorney had propounded.

The case dragged on for a very long time and Wife wanted to end her marital status. She instructed her attorney to seek a status only judgment dissolving her marriage and declaring that she had the right to remarry. Wife then left California and returned to Minnesota with their two children without objection from Husband. More than six months passed before the case was scheduled for trial, although the trial date was calendared before Wife left California.

The case went to trial, which was completed in less than eight hours. Neither attorney requested a Statement of Decision prior to submitting the matter to the court for a decision.

- A. What procedural steps should be taken on Wife's behalf to protect her interest in Husband's pension plan? Discuss.**
- B. What action(s) should be taken on Wife's behalf regarding Husband's failure to respond to Wife's discovery requests, including her requests for admissions? Discuss.**
- C. What action(s) should be taken on Wife's parent's behalf to recover their real property? Discuss.**
- D. How will case management affect the discovery process under the facts of this case? Discuss.**

END OF QUESTION