

BOARD OF LEGAL SPECIALIZATION

BENEFITS OF BOARD CERTIFICATION

Board Certified Legal Specialists are the only ones who may advertise their certified specialty status in press releases, business cards, stationery, etc., in accordance with California Rules of Professional Conduct 1-400(D)(6).

Board certified legal specialist status is listed in your State Bar Profile, and searchable by geography for potential clients and referring attorneys.

Qualify for membership on lawyer referral service subject matter panels.

Some courts consider Board certification when approving fees or require Board certification before making appointments.

Demonstrates your commitment to continuous improvement.

Benefit from public awareness

- California's Board Certified Legal Specialist Program was the nation's first.
- Program advertisements and articles in the *California Bar e-Journal*.
- Appear on the monthly KALW Chuck Finney public radio program call in panel, "Your Legal Rights," also available in podcast.
- Consumer pamphlets are available for each specialty area.
- *Legal Specialization Digest*, reporting local and national news and issues regarding specialization.

WHY CERTIFY?

"I recognized that going through the educational process would likely increase both my knowledge and my ability to do my best for clients."

"It tells the judiciary I'm an authority in my field."

"It's what sets me apart from the crowd."

TO BECOME A BOARD CERTIFIED LEGAL SPECIALIST

- Pass a written examination (eligible in year 3 or later – **Next exam October 25, 2011**)
- Be an active member of the State Bar of California
- Practice at least 25% of the time, in each of the past five years, in the area of law in which you are seeking certification (during year 3 you may take the exam as applications are not due until 18 months after the exam is administered)
- Demonstrate a high level of experience in the specialty field
- Complete specialized continuing education
- Be favorably evaluated by attorneys and judges familiar with the quality and level of your work

Recertification after five years requires active practice and education, but no additional exam.

Next exam: Tuesday, October 25, 2011

In Oakland and Pasadena

Register today at www.californiaspecialist.org

**Contact our office at 415-538-2120, or
legalspec@calbar.ca.gov for questions or more info.**

Become a Board Certified Legal Specialist in Appellate Law



The State Bar of California Board of Legal Specialization

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California Rule of Professional Conduct I-400(D)(6) prohibits a member from advertising as a "certified specialist" unless the member is certified either by the California Board of Legal Specialization or another entity accredited by the State Bar to designate specialists pursuant to standards adopted by the board of Governors.

THE STANDARDS FOR CERTIFICATION AND RECERTIFICATION IN APPELLATE LAW

(last revised effective 5/16/08)

(The Standards must be read in conjunction with the Rules Governing the State Bar of California Program for Certifying Legal Specialists, which govern the Program requirements.)

1.0 DEFINITION

Appellate law is the practice of law dealing with procedural and substantive aspects of matters before state and federal appellate courts. "State and federal appellate courts" are: The United States Supreme Court, the California Supreme Court, the Federal Courts of Appeal, the California Court of Appeal or comparable appellate court.

2.0 TASK REQUIREMENT FOR CERTIFICATION

An applicant must demonstrate that, within five years immediately preceding submission of the written application, he or she has been substantially involved in the practice of appellate law. Substantial involvement includes, but is not limited to, advising clients with regards to appeals, identifying appealable orders, designating, reviewing and evaluating the record, preparing briefs, appellate motions, petitions for extraordinary writ, petitions for review, habeas corpus petitions and presenting oral arguments. With respect to each task, the applicant must have performed the task personally.

2.1 An applicant must submit a total of 125 points, at least 75 of which must be accumulated during the five years immediately preceding submission of the written application.

2.1.1 **Briefing** -- Each attorney who is substantially involved in a matter in an appellate court and has substantial responsibility for most or all of the following activities can claim credit: reviewing the record; researching the law; analyzing the issues; writing a procedural history, a statement of facts, and writing legal arguments.

2.1.1.1 Handling an appeal or cross-appeal on behalf of an appellant, which must include preparing the opening brief -- 5 points. No more than three briefs under People v. Wende (1979) 25 Cal.3d 436 or Anders v. California (1976) 386 U.S. 738; 18 L.Ed.2d 493; 87 S.Ct. 1396 may be used in this category.

2.1.1.2 Handling an appeal or cross-appeal on behalf of a respondent or cross-respondent, which must include preparing the respondent's brief -- 4 points.

2.1.1.3 Handling a petition for extraordinary writ or a petition for writ of habeas corpus filed in an appellate court -- 3 points. If heard on the merits after issuance of an order to show cause or an alternative writ -- an additional 2 points.

2.1.1.4 Preparing preliminary opposition to petition for writ -- 1 point. If court issues alternative writ or order to show cause requiring answer and additional briefing -- an additional 3 points.

2.1.1.5 Supervisory handling of an appeal or writ -- 3 points. This requires supervision over issue selection, strategy decisions, organization and revision of drafts. Only one attorney may claim supervisory credit for each appeal or writ.

2.1.1.6 Handling a matter in the California Supreme Court or the United States Supreme Court.

2.1.1.6.1 Preparing a petition for review or certiorari -- 2 points. If the attorney's initial substantial involvement in the appeal occurred after decision in the Court of Appeal -- an additional 2 points.

2.1.1.6.2 Preparing an answer to petition for review or certiorari -- 1 point. If the attorney's initial substantial involvement in the appeal occurred after decision in the Court of Appeal -- an additional 2 points.

2.1.1.6.3 Preparing briefs on the merits after review or certiorari granted -- 5 points.

2.1.1.6.4 Preparing opposing brief on the merits - 4 points.

2.1.1.7 Preparing substantive amicus curiae brief - 2 points. Reply to amicus curiae brief - 1 point.

2.1.2. Conducted or participated in a court supervised appellate settlement conference on an appeal - 1 point.

2.1.3. Oral argument in the California Supreme Court or the U.S. Supreme Court - 2 points. If the attorney's initial substantial involvement in the appeal occurred after the decision in the Court of Appeal - 2 additional points.

2.1.4 **Judicial Service/Research Attorney**

2.1.4.1 If the applicant was previously employed as an appellate justice in any of the courts listed in section 1.0, 40 points per year shall be awarded for each year of service.

2.1.4.2 If the applicant has been employed as a research attorney or judicial law clerk in any of the courts listed in section 1.0, 25 points per year shall be awarded for each year of service up to a three year maximum.

2.2 **Oral Argument** -- Attorney must have presented seven oral arguments, during a career, in any of the courts listed in section 1.0.

2.2.1 Oral argument must involve some discussion of the case other than a mere inquiry as to whether the court has questions.

2.2.1 Service of at least one full year as an appellate justice may be substituted for this requirement.

2.3 Alternative or additional forms of appellate practice may be called to the attention of the Advisory Commission for consideration in fulfilling the requirements of substantial involvement.

3.0 EDUCATIONAL REQUIREMENT FOR CERTIFICATION

An applicant must show that, within the three years immediately preceding application, he or she has completed not less than 45 hours of approved educational activities as follows:

3.1 Not less than 20 of the required hours must be in appeals and writs;

3.2 The remaining hours may be in any combination of pre-trial, trial, or post-trial practice and procedure, or substantive law topics.

For purposes of this section, approved educational activities may include educational activities approved for either MCLE or legal specialist credit.

4.0 TASK REQUIREMENT FOR RECERTIFICATION

An applicant for recertification must show that during the current five-year certification period he or she has had direct and substantial participation in the practice of appellate law. That showing shall be made by compliance with the requirements as set forth in sections 2.1 and 2.3 by accumulating at least 63 points during the current certification period. At the discretion of the Commission, the task requirement may be deemed fulfilled by a showing that the applicant has engaged in the practice of appellate law substantially to the same extent as described in the application for original certification.

5.0 EDUCATIONAL REQUIREMENT FOR RECERTIFICATION

An applicant for recertification must show that, during the current five-year certification period, he or she has completed not less than 60 hours of approved educational activities as follows:

5.1 Not less than 25 of the required hours must be in appeals and writs;

5.2 The remaining hours may be in any combination of pre-trial, trial, or post-trial practice and procedure, or substantive law topics.

For purposes of this section, approved educational activities may include educational activities approved for either MCLE or legal specialist credit.