



**THE STATE BAR OF CALIFORNIA
BOARD OF LEGAL SPECIALIZATION**

Area of Specialty:
LEGAL MALPRACTICE LAW



LEGAL SPECIALIST EXAMINATION

Registration & Preparation Packet

Examination Date: October 27, 2015

INTRODUCTION

This packet contains key information you will need to prepare for the legal specialist examination to be given on October 27, 2015.

For full detail, please be sure to visit the examination page as well as your legal specialty page on www.california-specialist.org.

This packet contains:

- An Action List for Examination Preparation
- Examination Specification listing topics that may be tested on the examination
- A fillable examination registration form

2015 EXAMINATION ACTION LIST

Start Today:

1. Registration is in this packet and also at www.californiaspecialist.org.
 - a. Early Bird Pricing Ends **September 1, 2015**.
 - b. Registration closes **October 1, 2015**.
 - c. Choose Oakland Convention Center or Pasadena Convention Center.
2. Review this packet for an overview, and visit the examination and specific specialty pages at www.californiaspecialist.org for more details about the examination and the application you will file afterward.

Know the Examination:

1. Format: Four Hour Morning Session, 8 essays; Approximate 90-minute lunch; Two and One Half Hour Afternoon Session, 75 Multiple-Choice Questions.
2. Examination Topics: See attached Examination Specification for Examination Topics.
3. At this time, practice questions are not released for this legal specialty, and no commercial provider is offering a preparation class.

Prepare for Examination Day:

Arrive with enough time to arrive by 7:00 a.m. so that you have registered, found your seat, and started your laptop your laptop computer will be on if you are using one, by the time the examination begins at 7:30 a.m.

Bring only those items allowed on the examination bulletin that will be sent to you when you register.

THE STATE BAR OF CALIFORNIA BOARD OF LEGAL SPECIALIZATION LEGAL MALPRACTICE LAW Examination Specifications

Purpose of the Examination: The Legal Malpractice 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 legal malpractice 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, opposing counsel and the court 1.2 Bases for attorney’s fees/costs in litigation matters 1.3 Bases for enforcement of ethics/standards 1.4 Conflicts of interest 1.5 Process for recognizing and resolving ethical dilemmas 1.6 Rules of Professional Conduct/B&P Code sections dealing with Attorneys 1.7 Ethical issues involving fee claims 1.8 Fee agreements | <p>Subject Area 2: Legal Analysis and Reasoning</p> <ul style="list-style-type: none"> 2.1 Wrongful Acts 2.2 Omissions 2.3 Statute of Limitations 2.4 Breach of attorney-client privilege 2.5 Abandonment of a client’s matter 2.6 Lack of due diligence 2.7 Exerting undue influence adverse to the client’s interest 2.8 Improper legal advice 2.9 Malicious or frivolous litigation 2.10 Obstruction of justice 2.11 Gathering information relevant to the decision to be made 2.12 Malfeasance or dishonesty 2.13 Breach of Fiduciary Duty 2.14 Analyzing the decision to be made 2.15 Predecessor counsel conduct 2.16 Successor counsel conduct |
| <p>Skill 3: Damages</p> <ul style="list-style-type: none"> 3.1 Billing fraud 3.2 Excessive litigation at the client’s expense 3.3 Collectability 3.4 Recoverable damages 3.5 Causation 3.6 Disgorgement of fees 3.7 Cross-complaints for fees | <p>Skill 4: Motions</p> <ul style="list-style-type: none"> 4.1 Dispositive 4.2 Summary judgment 4.3 Anti-SLAAP 4.4 Pre-trial/trial motions 4.5 Disqualification motions 4.6 Discovery motions regarding punitive damages |

Skill 5: Litigation and Alternative Dispute Resolution Proceedings

- 5.1 Tactics/strategies/advocacy/parties
- 5.2 Trial court practice and procedures
- 5.3 Preliminary hearings
- 5.4 Jury selection/instruction
- 5.5 Gathering information relevant to the decision to be made
- 5.6 Counseling client about the decision to be made
- 5.7 Ethics in mediation
- 5.8 Civil procedure
- 5.9 Arbitration with clients

Skill 6: Insurance

- 6.1 Errors and omissions
- 6.2 Coverage policy limits
- 6.3 Reservations of rights
- 6.4 Coverage exclusions
- 6.5 Ethical issues regarding insurance policies



Application to take the Certified Legal Specialist Examination

Examination Date: October 27, 2015

Registration Deadline: October 1, 2015

You are eligible to take the examination if you have been practicing in the specialty area since January 2014. Registration with payment will guarantee your space in the test center. Registration fees are non-refundable, non-transferable, and applicable only to the October 2015 administration of the legal specialist examination.

State Bar Number: _____

We will communicate with you via your address, phone, and e-mail as provided in your "My State Bar Profile" under private contact information. To update your profile, visit www.calbar.ca.gov and log on with your State Bar username and password. For assistance with updating your profile, contact Member Services at (888)800-3400.

Examination Registrant's Name: _____

1. Subject Matter

Examination for which you are registering (Please check one box):

- | | |
|----------------------------------|---------------------------|
| Admiralty & Maritime | Family |
| Appellate – Civil | Franchise & Distribution |
| Appellate – Criminal | Immigration & Nationality |
| Bankruptcy | Legal Malpractice |
| Criminal – State | Taxation |
| Criminal – Federal | Workers' Compensation |
| Estate Planning, Trust & Probate | |

2. Test Center

Southern California (Pasadena Convention Center)

Northern California (Oakland Convention Center)

3. Choose Handwriting or Laptop/Netbook

Please read the laptop/netbook bulletin available at www.californiaspecialist.org which sets forth the requirements for using a laptop/netbook to take the examination.

I wish to take the essay portion of the examination using the following method (check one):

Handwriting

Typing on Laptop/Netbook. (Please review and sign the Release of Liability Form on page 3).

4. Payment Options

The following payment is enclosed (check one):

Enclosed Check made payable to The State Bar of California

Enclosed Money Order made payable to The State Bar of California

MasterCard or Visa (complete and sign the credit card authorization form on the last page)

5. Source

How did you learn about the legal specialization program? (check all that apply)

A colleague

State Bar Website

Information booth at conference:

Mailing or e-mail to State Bar of California

section members

California Bar Journal

Other: _____

The undersigned states:

- I am an active member of The State Bar of California.
- I understand that the examination is the first step in the certification process and that if I am successful on the examination, I will be required to file an application for certification with the appropriate fee demonstrating compliance with all other requirements of the legal specialization program, including education, tasks and experience, and recommendations, on or before April 27, 2017 before my application can be considered by the California Board of Legal Specialization.
- I am aware that the requirements for becoming a certified specialist are set forth in the Rules and Standards available at www.californiaspecialist.org and that the California Board of Legal Specialization recommends that I review these rules prior to applying to be sure that I can meet the requirements by January 31, 2019, if I have not fulfilled these requirements prior to taking the examination. After that date, the examination results will no longer be valid and I will need to take the examination again to continue with the recertification process.
- I understand that the program is self-funded, and, if certified, I will be required to pay an annual fee and to recertify every five years, though I will not need to take the examination again.
- I understand that any and all fees related to this examination are non-refundable, non-transferrable, and applicable only to the 2015 Legal Specialization examination and not any future examination.
- I understand that failure to make a truthful disclosure of any fact or item of information required may result in denial of my registration, revocation of my certificate of specialization, if granted, or referral to disciplinary investigation by The State Bar of California.

I have carefully read the foregoing and declare, under penalty of perjury under the laws of The State of California, that the information I have provided is true and correct.

Executed on _____ at _____, California
(Date) (City and/or County)

Signature _____

(Please print and manually sign this document or use Adobe's e-signature function.)

Before mailing, please check to see if you have:

- 1) Answered all questions.
- 2) Signed this registration application and if you plan to use a laptop, the Release of Liability.
- 3) Enclosed payment or filled in the attached credit card authorization form.

Mail or fax application and payment to:

Mail: Department of Legal Specialization
The State Bar of California
180 Howard Street
San Francisco, CA 94105

-or-

Fax (with Credit Card Payment Page):
415-538-2180.

You will receive an e-mail confirmation and receipt when your application has been processed.

THANK YOU!

CALIFORNIA BOARD OF LEGAL SPECIALIZATION

OF THE STATE BAR OF CALIFORNIA

180 HOWARD STREET
SAN FRANCISCO, CALIFORNIA 94105-2120
TELEPHONE: (415) 538-2120
FAX: (415) 538-2180
E-MAIL: legalspec@calbar.ca.gov
WEBSITE: www.californiaspecialist.org



RELEASE OF LIABILITY – LAPTOP COMPUTER PROGRAM

I, _____, acknowledge that the California Board of Legal Specialization of the State Bar of California (Board) is allowing examination applicants to use personal laptop computers with pre-installed SofTest software from ExamSoft (Software) to take examinations administered by the Board. I understand that the use of personal laptop computers is offered by the State Bar of California (State Bar) as a convenience to me and that the State Bar does not warrant or guarantee said Software. I agree to bear sole responsibility for the use of said Software and I hereby release the State Bar (its Board of Trustees, officers, agents, representatives and employees, as the same may be constituted now and from time to time hereafter), including the Board, from all liability, claims, damages, or demands for personal injury or property damage, arising from or related to my use of a personal laptop computer during the examination. I further acknowledge that the State Bar does not warrant or guarantee the Software nor does it accept any liability in the event there is a technical or mechanical failure of the personal laptop computer and all associated equipment, Software and/or associated materials during administration of an examination, the uploading of my examination answers, or in the printing of my examination answers.

I will accept the use of SofTest under the provisions of the ExamSoft click license at the ExamSoft website and agree to be bound by its terms and conditions. By my election to use a personal laptop computer to take an examination administered by the Board, I also agree to begin or continue the examination by handwriting in the event there is any malfunction, or issue with access to, the computer, Software, electrical system or such other items associated with administration of the examination; and, understand I will not receive a refund of the fees I paid to use my laptop computer if any of these events should occur. I agree: 1) that I will exit the exam file upon the conclusion of each examination session; 2) that I will not attempt to access my exam file(s) following the examination for the purpose of altering my answers; 3) that I will upload the exam file(s) that contain the examination answers, which I completed during the examination, by the published deadline; 4) that a deduction of ten scaled points will be taken from my total written scaled score if I fail to upload my answer file(s) by the published deadline and, 5) that I will receive a grade of zero (0) for each answer not uploaded timely if I fail to upload my answer file(s) within two (2) weeks of the published deadline.

Date of Examination Administration: October 2015 Legal Specialist Examination

Bar Number: _____

Applicant Name (please print): _____

Applicant Signature: _____

(Please print and manually sign this document)

Date: _____

**The State Bar of California
Board of Legal Specialization
Legal Specialist Examination
Payment Page**

Bar Number: _____

Name: _____

**Legal Specialization Examination Fees if valid payment is received between
September 2, 2015 and October 1, 2015: (please select one)**

\$600 - Examination registration without laptop fee

\$750 - Examination registration with laptop fee (applies to Registrants who wish to type the essay portion of the exam on their laptop/notebook rather than handwrite answers)

Payment Options:

Check made payable to The State Bar of California

Credit Card – Complete and return Credit Card Authorization below

Credit Card Authorization:

Visa

MasterCard

Only Visa and MasterCard credit cards are accepted.

Credit Card Number: _____

Expiration Date (Month/Year): _____

Name on Card: _____

Billing Address: _____

City: _____ State: _____ Zip: _____

Signature: _____ Date: _____

(Please print and manually sign this document)

By my signature on this document, I hereby authorize The State Bar of California to charge my Visa or MasterCard account for the amount that I have entered in the "total" box above. Registration fees are non-refundable, non-transferable, and applicable only to the Legal Specialist Examination to be administered in October 2015.