

## APPLICATION FOR RECERTIFICATION

### GENERAL INSTRUCTIONS

#### Read the enclosed Standards

Please refer to the enclosed Standards as you complete the application and attachments.

#### Can I handwrite my application?

Please type or print neatly. Illegible applications will be returned.

#### When is my application due?

The application is due on or before the end of your current certification term. If we do not receive an application by that date, your file will be closed. Applications may be submitted in advance but no earlier than six months prior to the end of your term.

#### Where do I mail my application?

Legal Specialization Department  
State Bar of California  
180 Howard Street  
San Francisco, CA 94105-1639

#### Have I included the correct fee?

A \$250 processing fee, payable to the State Bar of California, is due with the application. If you are applying for recertification and wish to fulfill the education requirement by written examination, please register to take the examination (next offered in October 2011) at [www.californiaspecialist.org](http://www.californiaspecialist.org). Standard examination fees will be due when you register.

#### What if I want to take a written examination in lieu of satisfying the educational requirements?

Complete and submit Attachment B. You must sit for the last examination administered prior to expiration of your certification or the first examination administered after your certification expires. If your certificate expires during a year in which the examination is not given, it will be extended for sufficient time to permit you to take the next examination.

#### What happens if I don't fill out my application correctly?

If your application is incomplete or insufficient on its face, you will receive notice to correct the deficiency. If you fail to correct the deficiency within 60 days from the date of the notice, the application shall be deemed withdrawn without a refund of the fee.

*We may request additional or supplemental non-confidential information in order to show compliance with recertification requirements.*

### INSTRUCTIONS FOR SELECTED QUESTIONS AND ATTACHMENTS

#### Application Form

**Box 1.** Enter your official State Bar name and address of record. This is the information that appears in State Bar Membership Records. To verify that the information is current, go to [www.calbar.ca.gov](http://www.calbar.ca.gov), *Attorney Search*. If the information is not current, you must notify Membership Records of the change pursuant to section 6002.1 of the B&P Code. Notification must be in writing. For your convenience, you will find an address change form on the website under *Attorney Resources>Bar Member Billing and Records*.

**Please be aware that all correspondence will be sent to you at your official address of record registered with the State Bar Office of Membership Records.**

**Box 9.** Section 9.3 of the Rules provides that the Advisory Commission may take the following into account in considering your application:

**Final disciplinary actions** imposed for professional misconduct by any court or body before whom you appear. Include: (1) title of disciplinary action; (2) action number; (3) nature of charge; (4) nature of sanction; (5) date sanction was imposed; and (6) date sanction was terminated. For non-attorney professional discipline (e.g., accountancy), provide information similar to the above.

**Felony convictions.** Provide the case number, title, date of conviction, and where it was filed.

**Resignation** from any bar, court, or body before whom you appear. Provide the name of the entity, the effective resignation date, and the reason.

**Judgments of professional negligence.** Include only if there were three or more judgments against you during the certification term. Provide the case number, title, date judgment was rendered, and where it was filed.

**Sanctions.** Include only sanctions, other than discovery sanctions, of \$1,000 or more. Provide a copy of the order.

**Findings of contempt.** Provide a copy of the findings.

## **Attachments**

### **A. Task and Experience Requirement**

Refer to the Standards for your specialty area for the specific requirements.

### **B. Education Requirement**

Check the first box only if you have complied fully with the requirement. Do not submit any documentation at this time. Keep in mind, however, that you are subject to an audit of your compliance. If audited, you will be required to provide your records, so be sure to keep them for at least one year from the date you are recertified by the Board of Legal Specialization (the date will appear in the letter notifying you of your recertification).

Check the second box if you wish to take the exam in lieu of completing the education requirement. Indicate which location you prefer and whether you wish to type the exam. You must sit for either the last exam administered prior to, or the first exam after, the end of your current certification term. If you fail the exam, your application for recertification will be denied automatically.

### **C. References**

When listing references, please include the person's bar number whenever possible. To find an attorney's or judge's bar number, go to [www.calbar.ca.gov](http://www.calbar.ca.gov), Attorney Search.

## **CHECKLIST**

Have you:

- Read the affirmation?
- Provided all information requested on the application and attachments?
- Signed and dated the application?
- Attached additional sheets if you needed more space?
- Put your name on the top of all attachments?
- Made copies for your records?
- Enclosed a check for the appropriate recertification fee?

## **RESOURCES**

The Rules, Standards and a list of approved legal specialization education providers are available online at [www.californiaspecialist.org](http://www.californiaspecialist.org).

To request a list of approved education activities for the past five years, email [legalspec@calbar.ca.gov](mailto:legalspec@calbar.ca.gov).

If you do not have Internet access, you can request any of the above items by calling (415) 538-2120.

THE CALIFORNIA BOARD OF LEGAL SPECIALIZATION  
 The State Bar of California  
 180 Howard Street  
 San Francisco, CA 94105-1639  
 (415) 538-2120

State Bar of California Program for Certifying  
 Legal Specialists

**CONFIDENTIAL**

**APPLICATION FOR RECERTIFICATION  
 Estate Planning, Trust and  
 Probate Law Specialist**

**06**

For Office Use Only  
 Legal Specialization

- \$250 Recert Fee
- \_\_\_\_\_
- \_\_\_\_\_

**PLEASE PRINT OR TYPE. CHECK ALL BOXES THAT APPLY.**

1. Name & Address (exactly as they appear on State Bar membership records)	2. Bar number
	3. Daytime Phone Number (       )
	4. E-mail address

5. I hereby apply for recertification as an estate planning, trust and probate law specialist under the State Bar of California Program for Certifying Legal Specialists.

Date Certified: \_\_\_\_\_

Date Most Recently Recertified: \_\_\_\_\_

6. I have been engaged in the practice of estate planning, trust and probate law for at least 25% of the time spent in my occupational endeavors during the previous five (5) years. <input type="checkbox"/> Yes <input type="checkbox"/> No  <b>IF NO, PLEASE EXPLAIN ON A SEPARATE SHEET AND ATTACH TO THIS APPLICATION.</b>	7. At the time of application for recertification, I am an active member of the State Bar of California. <input type="checkbox"/> Yes <input type="checkbox"/> No  <b>IF NO, STOP HERE.</b> You are not eligible to apply.
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8. The following is a complete statement of my employment since my most recent application. List most recent employment first. **ATTACH SEPARATE SHEET IF NECESSARY. CHECK HERE IF ADDITIONAL SHEETS ARE ATTACHED.**

Dates of Employment	Employer	Employer's Address	Nature of Employment (summarize nature of work performed)

<p>9. During the current certification term:</p> <p>a. Were you 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, or do you have any discipline pending?</p> <p>b. Did you have any felony convictions?</p> <p>c. Did you resign from any bar, court or body before whom you appear?</p> <p>d. Were there three or more judgments of professional negligence against you? <i>(If yes, please attach the relevant documents.)</i></p> <p>e. Were any sanctions, other than discovery sanctions, entered against you by any court or body before whom you appear?</p> <p>f. Were any findings of contempt made against you by any court or body before whom you appear?</p> <p><b>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.</b></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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**AFFIRMATION**

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 California Board of Legal Specialization and the Estate Planning, Trust and Probate Law Advisory Commission any nonprivileged 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 Estate planning, trust and probate Law Advisory Commission to conduct independent inquiry and review as provided in section 9.0 of the Rules.

I agree to pay all fees required by the California Board of Legal Specialization when due.

I agree to abide by all rules and regulations of the California Board of Legal Specialization as amended from time to time and to furnish to the Board and the Estate Planning, Trust and Probate Law Advisory Commission such information as they may require to determine my entitlement to certification.

I am the applicant herein for certification as a estate planning, trust and probate law 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

\_\_\_\_\_  
TYPE OR PRINT NAME

\_\_\_\_\_  
SIGNATURE

**TASK AND EXPERIENCE**

**ATTACHMENT A**

Applicant Name: \_\_\_\_\_

**In lieu of completing Attachment A, you may submit a sworn statement that you have engaged in the practice of estate planning, trust and probate law substantially to the same extent as described in your application for original certification.**

***The Estate Planning, Trust and Probate Law Advisory Commission may require additional evidence of completion of tasks and experience shown in this Attachment A.***

**1. PRACTICE EXPERIENCE**

Within the current five-year certification period, I have substantially participated in the performance of the following number of tasks in two of the following five categories. *(A task may be counted in only one category.)* **REFER TO SECTION 2.0 OF THE STANDARDS FOR ADDITIONAL INFORMATION.**

**CHECK THE BOXES THAT APPLY.**

- a. 30 tax planning matters, tax procedures, or tax returns, for at least 20 separate clients. These may include, but not be limited to: tax opinions, memoranda, advice letters; tax-sensitive wills, trusts, or other dispositive instruments; audits or other administrative tax examinations, ruling requests; and estate, gift, fiduciary, or personal income tax returns.
- b. 50 estate and incapacity plans, at least 20 of which must include tax issues. Portions of a plan may comprise the following: wills, trusts, custodianship, documents of title, beneficiary clauses, property agreements, powers of attorney, advanced health care directives, gifts, powers of appointment, disclaimers, public benefit plans. *A single document may not be sufficient to comprise an entire plan. Multiple documents for a client, or for a husband and wife together, comprise a single plan.*
- c. 40 administration procedures, for at least 20 separate clients, for estates, trusts (court or non-court), powers of attorney, advanced health care directives, custodianship, conservatorship, guardianships, spousal management procedures, or other procedures under the Probate Code or predecessor provisions.
- d. Completed transfers, by administration or otherwise, of a decedent's assets upon deaths of 40 persons, including tax issues, tax returns or tax basis problems in at least 10 of the completed transfers. These may include, but not be limited to: trust terminations, terminations of joint tenancy, and summary probate procedures, including spousal property petitions.
- e. 20 litigated matters or contested hearings, relating to any of the above categories, for at least 10 separate clients. These may include, but not be limited to: will/trust contests, determinations of heirship, objections to accountings, fiduciary appointment/removal, creditors' claims, constructive trusts, family protection proceedings, asset ownership disputes, tax matters, elder abuse.

**2. PRACTICE DESCRIPTION.**

- a. Provide a description of your estate planning, trust and probate law practice, noting especially:
  - (1) the nature of the tasks you routinely perform that you have relied on in seeking qualification as an estate planning, trust and probate law specialist; and
  - (2) any unusual and/or special situations you typically handle (e.g., planning for, and administration of, closely held farms, business interests or ranches; planning substantial charitable gifts; planning for unmarried couples and remarried individuals).
- b. Describe briefly the kinds of tax tasks you routinely perform in connection with your estate planning, trust and probate law practice (e.g., preparation of Forms 706, 709, 1040 [Final] and/or 1041; Q-Tip, 303, 2032A and/or 6166 elections; Requests for Extension of Time; Disclaimers, etc.).

**CONTINUED ON NEXT PAGE**

**3. PRACTICE PROFILE. COMPLETE THE FOLLOWING:**

a. What portion of your practice is devoted to:				
(1) Estate Planning	<input type="checkbox"/> 0-25%	<input type="checkbox"/> 26-50%	<input type="checkbox"/> 51-75%	<input type="checkbox"/> 76-100%
(2) Estate Administration	<input type="checkbox"/> 0-25%	<input type="checkbox"/> 26-50%	<input type="checkbox"/> 51-75%	<input type="checkbox"/> 76-100%
(3) Estate Related Litigation	<input type="checkbox"/> 0-25%	<input type="checkbox"/> 26-50%	<input type="checkbox"/> 51-75%	<input type="checkbox"/> 76-100%
b. Of the estate planning you do, what portion of your clients are:				
(1) 18-35 years old	<input type="checkbox"/> 0-25%	<input type="checkbox"/> 26-50%	<input type="checkbox"/> 51-75%	<input type="checkbox"/> 76-100%
(2) 36-65 years old	<input type="checkbox"/> 0-25%	<input type="checkbox"/> 26-50%	<input type="checkbox"/> 51-75%	<input type="checkbox"/> 76-100%
(3) Over 65 years old	<input type="checkbox"/> 0-25%	<input type="checkbox"/> 26-50%	<input type="checkbox"/> 51-75%	<input type="checkbox"/> 76-100%
c. What percentage of your <u>primary</u> estate planning documents are (the aggregate may exceed 100%):				
(1) Non-trust wills (ignore pour-over wills)	<input type="checkbox"/> 0-25%	<input type="checkbox"/> 26-50%	<input type="checkbox"/> 51-75%	<input type="checkbox"/> 76-100%
(2) Wills dealing with children (including guardianship and/or CUTMA provisions)	<input type="checkbox"/> 0-25%	<input type="checkbox"/> 26-50%	<input type="checkbox"/> 51-75%	<input type="checkbox"/> 76-100%
(3) Tax-sensitive wills (involving marital deductions, charitable bequests, GSTT problems, etc.)	<input type="checkbox"/> 0-25%	<input type="checkbox"/> 26-50%	<input type="checkbox"/> 51-75%	<input type="checkbox"/> 76-100%
d. What percentage of your <u>primary</u> estate planning documents are (the aggregate may exceed 100%):				
(1) Non tax-sensitive trusts (for the benefit of children and/or parents, "special needs" trusts, etc.)	<input type="checkbox"/> 0-25%	<input type="checkbox"/> 26-50%	<input type="checkbox"/> 51-75%	<input type="checkbox"/> 76-100%
(2) Tax-sensitive trusts (exemptions equivalent bypass trusts, Q-TIP trusts, complex charitable trusts, generation skipping trusts, life insurance trusts, etc.)	<input type="checkbox"/> 0-25%	<input type="checkbox"/> 26-50%	<input type="checkbox"/> 51-75%	<input type="checkbox"/> 76-100%
(3) Revocable living trusts	<input type="checkbox"/> 0-25%	<input type="checkbox"/> 26-50%	<input type="checkbox"/> 51-75%	<input type="checkbox"/> 76-100%
(4) Testamentary trusts	<input type="checkbox"/> 0-25%	<input type="checkbox"/> 26-50%	<input type="checkbox"/> 51-75%	<input type="checkbox"/> 76-100%
e. What percentage of your <u>primary</u> estate planning documents are (the aggregate may exceed 100%):				
(1) To effectuate gift programs	<input type="checkbox"/> 0-25%	<input type="checkbox"/> 26-50%	<input type="checkbox"/> 51-75%	<input type="checkbox"/> 76-100%
(2) To effectuate living trusts	<input type="checkbox"/> 0-25%	<input type="checkbox"/> 26-50%	<input type="checkbox"/> 51-75%	<input type="checkbox"/> 76-100%
(3) To effectuate charitable transfers	<input type="checkbox"/> 0-25%	<input type="checkbox"/> 26-50%	<input type="checkbox"/> 51-75%	<input type="checkbox"/> 76-100%
(4) In support of MediCal planning	<input type="checkbox"/> 0-25%	<input type="checkbox"/> 26-50%	<input type="checkbox"/> 51-75%	<input type="checkbox"/> 76-100%
f. What percentage of your <u>primary</u> estate planning documents are (the aggregate may exceed 100%):				
(1) MediCal/Medicaid planning	<input type="checkbox"/> 0-25%	<input type="checkbox"/> 26-50%	<input type="checkbox"/> 51-75%	<input type="checkbox"/> 76-100%
(2) Durable powers of attorney	<input type="checkbox"/> 0-25%	<input type="checkbox"/> 26-50%	<input type="checkbox"/> 51-75%	<input type="checkbox"/> 76-100%
re: assets	<input type="checkbox"/> 0-25%	<input type="checkbox"/> 26-50%	<input type="checkbox"/> 51-75%	<input type="checkbox"/> 76-100%
re: health	<input type="checkbox"/> 0-25%	<input type="checkbox"/> 26-50%	<input type="checkbox"/> 51-75%	<input type="checkbox"/> 76-100%
d. Of the estate administration you handle (this section should total 100%), what portion is:				
(1) Court supervised inter vivos administration (e.g., guardianships, conservatorships, etc.)?	<input type="checkbox"/> 0-25%	<input type="checkbox"/> 26-50%	<input type="checkbox"/> 51-75%	<input type="checkbox"/> 76-100%
(2) Court supervised post mortem administration (e.g., probates, spousal property set asides, etc.)?	<input type="checkbox"/> 0-25%	<input type="checkbox"/> 26-50%	<input type="checkbox"/> 51-75%	<input type="checkbox"/> 76-100%
(3) Non-court supervised inter vivos administration (e.g, powers of attorneys, trust administration, etc.)?	<input type="checkbox"/> 0-25%	<input type="checkbox"/> 26-50%	<input type="checkbox"/> 51-75%	<input type="checkbox"/> 76-100%
(4) Non-court supervised post mortem administration (e.g., joint tenancy termination, living trust termination, collection of insurance/retirement benefits, etc.)?	<input type="checkbox"/> 0-25%	<input type="checkbox"/> 26-50%	<input type="checkbox"/> 51-75%	<input type="checkbox"/> 76-100%

EDUCATION REQUIREMENT

ATTACHMENT B

Applicant Name: \_\_\_\_\_

**CHECK THE APPROPRIATE BOXES**

- During the current certification period, I have complied with the educational requirements for recertification set forth in section 12.3 of the Rules and section 5.0 of the Standards by completing a minimum of 60 hours of educational activities. At least one education hour was completed in each of at least three of the five years of my current certification period.
- In lieu of satisfying the education requirement, I wish to recertify by successfully completing a written examination in the specialty field in which I am certified as permitted under section 12.4 of the Rules.

I intend to take the examination at the location indicated below. Please check one:

- Southern California       Northern California

- I understand that I need to register for the examination when the registration is available and pay the appropriate examination fee.

**You must sit for the last examination administered prior to expiration of your certification or the first examination administered after your certification expires.**

**PLEASE NOTE THE FOLLOWING:**

1. **You have complied with the education requirement if:**
  - a. **You have completed a minimum of 60 hours** of educational activities in the field of law in which recertification is sought that meet the criteria for education activities set forth in section 7.3 of the Rules or the alternative methods set forth in section 6.2.
  - b. **Where applicable, you have completed the specific education requirements** set forth in section 5.0 of the Standards.
2. **At least one education hour** has been completed in each of at least three of the five years of your recertification period.
3. **No more than 30 hours** have been completed using the alternative methods set forth in section 6.2.
4. **Your compliance with the education requirement is subject to audit by the Board.** Under section 12.3.2 of the Rules, you must maintain records sufficient to prove compliance with the education requirements for recertification for at least one year from the date the Board acts to recertify you, and you must provide any such records to the Board as the Board may require.
5. **If the education activity was sponsored by an approved Legal Specialization provider, or was individually approved** for Legal Specialization credit, the certificate of attendance required to be provided to you by the sponsor of the activity shall be a sufficient record of compliance as long as it states the specialty area, including sub-areas, if applicable, for which credit is approved. If it does not, further documentation may be required.
6. **If the activity was not approved for Legal Specialization credit**, but you believe that it would meet the criteria for

education activities set forth in section 7.3 of the Rules, your documentation should include sufficient information for the Board to make that determination in the event that you are audited. Examples: program agendas, course outlines, lists of instructors.

7. **If the activity is one of the alternative methods** set forth in section 6.2 of the Rules, you should be prepared to furnish the Board with the following documentation:

***Writing or editing published articles or books relating to your specialty field*** -- A copy of the materials for which you are claiming credit.

***Teaching a course in your specialty field at an accredited institution of higher education*** -- The name of each course, a brief description of the course and to whom it was taught, or a letter or other documentation from the institution confirming the courses taught and the dates.

***Self-verified listening to and/or viewing of a complete audio or audio/visual reproduction of an approved program or program segment*** -- A "self-study" log listing the name of the approved program, the number of credit hours, and the date on which the tape was listened to or viewed. Such tapes must be approved for legal specialization credit and listened to or viewed within the time period for which they were approved.

***Self-verified participation in other approved audiovisual activities, including interactive video instruction and activities electronically transmitted from another location, such as online education*** -- A "self-study" log listing the name of the approved activity, the number of credit hours, and the date on which you participated.

***Completion of an advanced postgraduate course at an accredited law school that includes education in your specialty field*** -- The name of the law school and a transcript indicating the courses completed.

The Board may require additional information regarding alternative endeavors in order to determine compliance with the education requirements.

8. **Commissions may accept equivalent educational experience offered by the applicant to fulfill the requirements of this section.**
9. Educational units completed **within the last six months** of a certification period in excess of the required 60 hours may be applied to the next certification period.

**INDEPENDENT INQUIRY AND REVIEW**  
**ATTACHMENT C**

Applicant Name: \_\_\_\_\_

I submit the names and addresses of the following three attorneys or judges who have had an opportunity to observe my work and who can attest to my proficiency in the practice of estate planning, trust and probate law.

**The references do not include any attorney who is my relative or who currently is my client, partner, associate, employer or employee.**

**All references, communications, reference forms, and information gathered pertaining to the applicant shall be the property of the State Bar and are confidential and no information concerning them and the matter to which they relate shall be given to any person except upon prior order of the Board of Governors of the State Bar or as provided in the Rules and Regulations.**

*Include each reference's California bar membership number to insure that reference forms are sent promptly and to the right individual. Bar membership numbers can be found online at [www.calbar.ca.gov](http://www.calbar.ca.gov) under Attorney Search.*

NAME	BAR NUMBER (REQUIRED)	ADDRESS