



APPELLATE
PRACTICE

APPELLATE PRACTICE CERTIFICATION EXAMINATION SPECIFICATIONS



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1. Purpose of Examination

The Appellate Practice Certification exam consists of a combination of essay and multiple choice questions. The exam is intended to test whether an applicant possesses the knowledge, skills, abilities, ethics, and judgments that are common to specialists in appellate practice and is also intended to be a valid and reliable measurement to justify the representation of special competence and professionalism that distinguishes a “Florida Bar Board Certified Lawyer.”

2. Examination Content

The examination will cover the jurisdiction of, and rules applicable to, the Supreme Court of the United States, the United States Court of Appeals for the Eleventh Circuit, and Florida courts acting in their appellate capacity; the procedures and time periods involved in discretionary and non-discretionary review; extraordinary writs, including their standards and uses; jurisdictional briefs; cross-appeals; preparation of the record on appeal and appendices; organization of briefs and their contents; motion practice, including attorney’s fees, costs, and rehearing; the meaning of finality and appealable non-final orders; preservation of error and fundamental error; standards of review, including harmless error; jurisdiction of the lower tribunal pending review; stays; and ethical and professional issues in appellate practice.

Civil appeals in the state court system will be allocated approximately 70 percent of the total points available in the examination.

Civil appeals in the Supreme Court of the United States and the United States Court of Appeals for the Eleventh Circuit will be allocated approximately 20 percent of the total points available in the examination.

State and federal criminal appeals (excluding issues unique to death penalty appeals), state and federal administrative appeals, family law appeals, probate appeals, and workers’ compensation appeals will be allocated approximately 10 percent of the total points available in the examination.

Applicants will be tested on the law effective as of January 1 of the year in which the examination is administered.

The exam will consist of sixty multiple-choice questions worth 1 point each, fifteen short essay questions worth 12 points each and four long essays worth 30 points each.