

## EXAMINEE INFORMATION DOCUMENT

This document is designed to assist eligible applicants prepare for an examination administered by the National Board of Trial Advocacy (NBTA). For the requirements of each specialty area, please visit [www.nbtalawyers.org](http://www.nbtalawyers.org) and click “For Attorneys” and scroll down to “Standards” and “Exam Information”.

The Examination Specifications provide a list of practice related information/skills that relate to the purpose of certification in the specialty area that may be assessed. **To view “Specifications” please refer to Page 3 of the Examination Information Packet in your area of law here: [Exam Information](#)**

### PROCESS:

**Step 1** Complete NBTA’s online application in its entirety to become eligible for one of the next NBTA examinations. If you would like to take the Examination first, please contact Gwen Arcangelo: [garcangelo@nbtalawyers.org](mailto:garcangelo@nbtalawyers.org) for further instructions. The following is a list of the application requirements: CLE, Legal Writing, Disclosure of Conduct, Substantial Involvement, Contested Matters, History of Professional Conduct, Application Agreement, and References.

**Step 2** Applicant registers and sits for a Spring or Fall NBTA examination administration. The entire application process must be successfully completed within two years from the online application submission date OR two years from signing up to sit for the Examination (whichever date comes first). E.g., If the application is received 10/20/2023, it must be completed by 10/20/2025.

**Step 3** Once all requirements are satisfied (completion of continuing education in the area of specialty greater than required by general members of the bar, demonstration of a broad-based experience in the specialty area, favorable evaluation by other attorneys and judges familiar with your work in the specialty area and review of your written work) and fees are paid then the Applicant is certified. Please click [here](#) for the entire NBTA Fee Schedule.

### REGISTRATION PROCEDURES:

- If you are eligible to sit for an upcoming examination, you will be sent an examination registration form two months prior to each examination administration date.
- You **MUST** use an Apple Mac Computer or Windows Computer that is not older than 3-4 years. Your computer **MUST** have a functioning webcam. Please **CLICK** on the [FAQ's](#) for further details or contact Gwen Arcangelo ([garcangelo@nbtalawyers.org](mailto:garcangelo@nbtalawyers.org)) at the NBTA for additional information.

- Testing Accommodations are available to qualified individuals. Please contact Gwen Arcangelo (garcangelo@nbtalawyers.org) at the NBTA for the form or for additional information.
- You may take the examination from your home or office. The Examinees are monitored remotely through your webcam. Artificial Intelligence and NBTA Staff will review your examination sessions for any violations in examination rules. Please CLICK on NBTA's Online Examination [FAQ's](#).

### **COSTS/FEEES:**

- Your registration form must be received by NBTA by the deadline on the form along with payment of the \$400 examination fee. All registration forms MUST be accompanied by the \$400 fee.
- Registration form and fee are NOT accepted after the deadline. You must re-register for the next examination administration and pay the \$400 examination fee.
- If you cancel less than 24 hours prior to the examination day, you will be charged a \$150.00 "No Show" fee. This fee is due before any certification is granted.

### **EXAMINATION ADMINISTRATION:**

- The purpose of the examination is to verify your basic knowledge of the usual legal procedures, core substantive law and ability that is common to specialists in the area of law tested. The areas examined are listed in the individual Examination Specifications for each area of law. **To view "Specifications" please refer to Page 3 of the Examination Information Packet in your area of law here: [Exam Information](#)**
- The examination is a total of 6 hours: A Morning Section (8:30 a.m. – 11:30 a.m.) and an Afternoon Section (12:30 p.m. -3:30 p.m.). The Morning Section consists of a maximum of 75 multiple choice questions. The Afternoon Section consists of 3 hours of essay questions. **To view "Examination Information" please refer to Page 1 of the Exam Information Packet in your area of law here: [Exam Information](#)**
- Two weeks prior to the date of the examination, you will be required to take a mandatory 2-part mock examination. Mock Examination 1 is an administrative process that teaches you how to use various features of software for the examination and it will have you take a baseline photo of yourself. Mock Examination 2 will compare your baseline photo and verify that your computer meets the minimum system requirements for taking the examination **[Minimum system requirements](#)**

- Examination questions are geared toward generally applicable legal principles. NBTA's examination is nationally administered. Questions are to be answered by applying the Model Rules of Evidence and Model Rules of Professional Responsibility. The Multiple-Choice questions test an applicant's knowledge of federal law. It is open-book and allows an applicant to use the federal rules during the administration of the examination as a reference if needed. Individual state law is not tested on the Multiple-Choice section of the examination.
- The examination's essay questions are also designed to be answered under federal law. However, if an applicant's state laws differ from federal law an applicant may indicate the state and the applicable state law but is to respond using federal law as it applies to a given set of facts in the outcome of the issues presented.
- You are permitted to use designated reference materials during the examination, e.g. **The Federal Rules of Evidence, Federal Rules of Civil Procedure, and either the ABA Model Code of Professional Responsibility, Model Rules of Professional Conduct, or the ethics rules in effect in my state, and, if applicable, the Social Security Act, Regulations and West's Federal Social Security Laws (Social Security Disability), the Federal Motor Carrier Safety Regulations (Truck Accident Law), Title 35 of the U.S. Code (Patent Litigation), Title 21 and 28 of the U.S. Code (Patent Litigation), and the following statutes: 28 U.S.C. §§ 1331, 1332, 1367, 1391, 1404, 1406, 1407, 1441, 1446, 1453, 1713, 1714, and 2283 (Complex Litigation).**
- You must not write your name on any part of the examination.
- You must supply your own computer that meets the minimum system requirements for the Examssoft Software.
- Multiple choice questions must be answered by selecting the correct choice within the testing software application (Exemplify).
- You must keep track of time. Remain alert to the passage of time. Timing devices can be activated as part of Exemplify.
- You **MUST** type answers within Examssoft which operates much like Microsoft Word.
- You will **NOT** be granted extra time. If you run out of time you will not be able to complete that portion of the examination.
- All examination answers should be uploaded at the end of the individual session.

## **GRADING AND REVIEW:**

- A passing score is 75%.
- Multiple Choice questions are 40% of the score and Essays are 60%. A combined score of 75% must be achieved in order to pass the examination. There are a maximum of 75 multiple choice questions. A failing score in the Multiple-Choice ETHICS portion of the examination results in a failure of the entire examination. However, only the ETHICS portion of the Examination must be retaken and passed.
- Approximately eight weeks after the administration of that examination's date, you will be notified of the result.
- Prior to the release of your results, all failing examinations have already been granted an automatic appeal to the members of the Specialty Program Commission. Members of this commission review the failing examinations and make a final determination. Results are released only after all reviews have been completed.
- Results are sent "Confidentially" to your address of record. However, if you wish the results to be sent to an alternate address, notify Gwen Arcangelo (garcangelo@nbtalawyers.org) at the NBTA in writing to provide this information.
- The decision of the Specialty Program Commission is final.
- You may retake the examination one time (contingent upon file eligibility). Upon a second failure you are procedurally denied and must wait a calendar year prior to re-applying to NBTA to sit for the examination.
- Re-applications require that a new application be opened, and all standards met and documented. The examination must be re-taken in its entirety.

## **AFTER CERTIFICATION:**

- Each year certified attorneys must return a Disclosure Statement and pay a fee of \$450 (and \$200 for each additional specialty). By signing the statement, you are verifying that you continue to meet the requirements for certification. Every 5 years a Recertified attorney must again show that he or she has satisfied the Continuing Education, the Substantial Involvement in the specialty area experience and receive favorable references. **NO EXAMINATION IS REQUIRED.**

**Please direct any questions about the examination to the following:**

**Gwen Arcangelo, Director of Examinations and State Accreditations**

**NBTA**

**850 Franklin Street, Suite 8,**

**Wrentham, MA 02093**

**508.384.6565 (Phone) / 508.384.8223 (Fax) / [garcangelo@nbtalawyers.org](mailto:garcangelo@nbtalawyers.org) (Email)**

## **Examination Waiver Information**

One important requirement of the National Board of Trial Advocacy certification process is passing a written examination in the area of certification. The purpose of the examination is to test your proficiency, knowledge, and experience in trial law.

However, there may be some situations in which you qualify for an examination waiver. If your state/applicable organization tests those same attributes, NBTA may recognize the examinations in lieu of taking its examination. See below for those states/organizations that qualify:

### **AAML Fellows**

**Arizona - Civil & Criminal Applicants,**

**Florida - Civil, Criminal and Family Applicants,**

**Minnesota - Civil Applicants,**

**New Jersey – Civil\*, Criminal\* and Family\* Applicants,**

**New Mexico - Civil Applicants**

**North Carolina – Criminal\*\*, Family\*\* and SSD\*\* Applicants and**

**Texas – Civil\*\*\* & Criminal Applicants**

**\*In addition to taking New Jersey’s Examination, NBTA’s New Jersey Applicants must also take the Ethics section of the NBTA Examination.**

**\*\*In addition to taking North Carolina’s Examination, NBTA’s North Carolina Criminal and Family applicants must also take the Evidence and Ethics sections of the NBTA Examination and NBTA’s North Carolina SSD applicants must also take the Ethics section of the NBTA Examination.**

**\*\*\*NBTA currently recognizes ONLY the TBLS Civil Trial Law Examination toward our Civil Certification.**

To obtain a waiver from the NBTA examination requirement, please contact the Executive Director from the state agency or organization by which you are certified and provide a letter on official stationery that confirms the following:

- 1) that you have taken and passed the state or organization certification examination.
- 2) that you are currently certified, have continuously maintained your certification, and are in good standing with that agency.

Please feel free to call **Gwen Arcangelo** at **508-384-6565** with any questions you may have or email her at [garcangelo@nbtalawyers.org](mailto:garcangelo@nbtalawyers.org).

## **CERTIFICATION EXAMINATION FACTS NATIONAL BOARD OF TRIAL ADVOCACY**

### **WHAT**

Examination in all specialty areas of law is designed to verify an applicant's knowledge in the usual procedures, ethical considerations and substantive law that should be common to specialists in the area of law.

### **ELIGIBILITY**

An applicant must satisfy the requirements for eligibility in the specialty area and must complete the initial examination registration 30 days prior to the examination dates for the Spring or Fall Examination administration. (I.e. for an April 16<sup>th</sup> examination the examination registration must be received and processed by March 16<sup>th</sup>)

### **REGISTRATION PROCEDURES**

You will receive an email invitation from [exambot@examsoft.io](mailto:exambot@examsoft.io) to activate an ExamSoft Account. Within the email you will be prompted to create a personal account password. Once you create your password you will follow the prompts to the ExamSoft Student (Examinee) portal. Within that portal you can download Examplify. Once the download is complete you will want to install and then launch Examplify. **Your institution ID is National Board of Trial Advocacy. NOTE: By only entering the letters NBTA, the National Board of Trial Advocacy will come up for you to select.** Once entered in the text field, select your institution from the dropdown menu, then click the gray next button. Next enter your ID and password and sign in. You should now be able to use Examplify for your examination!

### **EXAMINATION FORMAT**

The examination is six hours long, from 8:30 a.m. - 11:30 a.m. and 12:30 p.m. – 3:30 p.m. The morning section is all multiple choice and the afternoon section is all essay. There are no optional questions.

### **FEE**

There is a \$400.00 Examination Fee in addition to the \$400.00 application fee for a total of \$800.00 to obtain your initial certification. Cancellations 24 hours or less are assessed a \$150.00 "No show" fee.

### **REFERENCE MATERIALS**

The Federal Rules of Evidence, Federal Rules of Civil Procedure, and either the ABA Model Code of Professional Responsibility, Model Rules of Professional Conduct, or the ethics rules in effect in my state, and, if applicable, the Social Security Act, Regulations and West's Federal Social Security Laws (Social Security Disability), the Federal Motor Carrier Safety Regulations (Truck Accident Law), Title 35 of the U.S. Code (Patent Litigation), Title 21 and 28 of the U.S. Code (Patent Litigation), and the following statutes: 28 U.S.C. §§ 1331, 1332, 1367, 1391, 1404, 1406, 1407, 1441, 1446, 1453, 1713, 1714, and 2283 (Complex Litigation).

## **SCORING**

75% is a passing score. Multiple Choice questions are 40% of the score and Essays are 60%. A combined score of 75% must be achieved in order to pass the examination. There are a maximum of 75 multiple choice questions. A failing score in the Multiple-Choice ETHICS portion of the examination results in a failure of the entire examination. However, only the ETHICS portion of the examination must be retaken and passed.

Examination results (pass or fail) will be released 8 weeks after the administration of the examination.

## **QUESTIONS**

**Contact Gwen Arcangelo, E-mail – [garcangelo@nbtalawyers.org](mailto:garcangelo@nbtalawyers.org), Phone 508-384-6565 or NBTA, 850 Franklin Street, Suite 8, Wrentham, MA 02093**



**NBTA POLICY DOCUMENT: Inspection of Examination/Retention**  
*(Board Approved– November 4, 2014)*

Within 60 days after the announcement of the results of an NBTA examination, an applicant who has failed to pass a specialization certification examination may inspect his or her examination in such manner and place as the NBTA designates.

**PROCEDURE:**

**1. Failure of Examination:**

- Following the failure by an applicant of the Spring or Fall examination he or she will be notified in writing of his or her failure and informed of the examination inspection policy.
- An applicant must timely notify NBTA in writing that he or she wishes to review that examination.

**2. Inspection of Examination**

- NBTA upon request by an applicant will set up an inspection site at the NBTA Office or at a location geographically located as close as possible to the requesting applicant.
- Upon completion of the proctored location arrangement, NBTA will send a filled in copy of the Multiple-Choice Examination, a copy of the Essay portion of the Examination and a copy of the applicant's answers.
- Only the Applicant will be permitted to review his or her examination at a proctored site for an hour's time.
- The applicant is not permitted to copy or make notes of the examination in any way.
- At the end of the hour all examination materials must be returned to the proctor for transmission to the NBTA Offices.
- Upon the date marking the 60th day after the announcement for that examination, all an applicant's examination materials shall be destroyed.

**3. Passage of Examination:**

- Following the passage by an applicant of the Spring or Fall examination he or she shall be notified in writing of his or her passage.
- At the date of the announcement of his or her passage of the examination all his or her examination materials shall be destroyed.

**4. Examination:**

- NBTA shall retain a copy of each administered examination in a secure location and in a secure medium that is accessible only to authorized personnel. All confidential information as to each applicant's examination score will be deleted after 60 days and no information concerning the applicant's file will be provided to a third party.

**NBTA POLICY DOCUMENT: Testing Accommodations**  
***(Board Approved– February 16, 2013)***

**It is the Policy of the NBTA to administer a specialization certification examination in a manner that does not discriminate, on the basis of a disability, against a qualified applicant with a disability in accordance with the Americans with Disabilities Act, as amended (ADA). A qualified applicant with a disability who is otherwise eligible to take the specialization certification examination may file a request for special testing accommodation if by virtue of a disability the applicant cannot demonstrate, under standard testing conditions, that the applicant possesses the essential skills and aptitudes that the NBTA has determined to be the basis for issuance of certification as a legal specialist.**

**PROCEDURE:**

**1. Requests:**

- **A request for an accommodation for the Spring or Fall examination shall be made in writing and must be received 21 days prior to the date of the general examination's administration.**
- **The Request shall include the following minimum information: Contact information of the requestor (name, address etc.), the date scheduled for the general administration of the examination, and a description of the applicant's disability and the special accommodation requested. The specific reason for the request with any additional documentation in support of the request must be submitted on a Form prescribed by NBTA.**

**2. Decisions on the Requests:**

- **NBTA shall take steps reasonable and necessary for it to reach a fair determination before the general examination.**
- **The Request shall be reviewed by the Staff in consultation with the Dean of Faculty.**
- **A decision on a request shall be completed within 14 days of the receipt of the request.**
- **A denial of a Request may be appealed to the full Specialty Program Commission and shall be filed within 7 days of the applicant's receipt of the denial. The appeal shall be conducted on the basis of the record compiled and the applicant shall be limited to a written argument in support of the appeal.**

**3. Availability of Request Forms**

**All forms necessary to complete a request shall be available at no charge from the NBTA Office.**

## **NBTA POLICY DOCUMENT:**

### **Alternate Examination Administration Day for Religious Reasons (Board Approved– February 16, 2013)**

It is the Policy of the NBTA to permit an applicant to take a specialization certification examination on an alternate date if the applicant for religious reasons is unable to take the examination on the date selected for general administration. This alternate examination day administration must not compromise the validity and reliability of the specialization certification examination for which it is requested.

## **PROCEDURE:**

### **1. Requests:**

- A request for change of date of the Spring or Fall examination shall be made in writing and must be received 21 days prior to the date of the general examination's administration.
- The Request shall include the following minimum information: Contact information of the requestor (name, address etc.) the date scheduled for the general administration of the examination and the alternate administration date requested. The specific reason for the request with any additional documentation in support of the request (on a Form prescribed by NBTA).

### **2. Decisions on the Requests**

- NBTA shall take steps reasonable and necessary for it to reach a fair determination before the examination.
- The Request shall be reviewed by the Staff in consultation with the Dean of Faculty.
- A decision on a request shall be completed within 14 days of the receipt of the request.
- A denial of a Request may be appealed to the full Specialty Program Commission and shall be filed within 7 days of the applicant's receipt of the denial. The appeal shall be conducted on the basis of the record compiled and the applicant shall be limited to a written argument in support of the appeal.

### **3. Availability of Request Forms**

All forms necessary to complete a request shall be available at no charge from the NBTA Office.

**NBTA POLICY DOCUMENT: Completion of Examination  
(Board Approved– February 16, 2013)**

**It is the Policy of the NBTA to permit an applicant to sit for a specialization certification examination twice (contingent upon file eligibility). If an applicant fails the second administration of the examination (any part or the entire examination) an applicant's file will be procedurally denied. Thereafter, an applicant must wait a calendar year from the date of last unsuccessful examination before re-applying to sit for a specialization certification examination, so that an applicant can demonstrate that the applicant possesses the essential skills and aptitudes that the NBTA has determined to be the basis for issuance of certification as a legal specialist.**

**PROCEDURE:**

**1. Failure of Examination:**

- **Following first failure by an applicant of the Spring or Fall examination he or she shall be notified in writing of his or her failure and informed of the examination completion policy.**
- **Following the second failure by an applicant of the Spring or Fall examination he or she shall be notified in writing that; he or she failed; and that his or her application has been procedurally denied; and the date of the next general examination's administration that he or she will be eligible to attend.**
- **Procedural closure of an applicant's file for failing the examination twice is final and not appealable.**