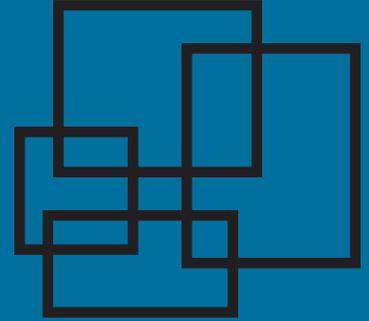


CERTIFICATION LINK

Your ABA Specialization Connection



SUMMER 2004

NewsLink

What's new from programs across the country



NBTA

The fall administration of the national trial certification examinations will be October 16, 2004, in various locations throughout the United States.

Nevada

Nevada attorneys will now be able to advertise themselves as specialists in certain legal areas, the state Supreme Court says.

The court approved a petition by the board of governors of the State Bar of Nevada to amend the rule so lawyers can say they're specialists if they have been certified by an organization in a certain field.

The State Bar will approve which organizations may provide certification, all ABA Accredited organizations are presumptively approved. Any advertising by an attorney must contain the name of the certifying body.

Lawyers must devote at least one-third of their practice to the particular field for each of the preceding two calendar years, and complete 10 hours of accredited continuing legal education in each designated field of specialization during the

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Two New Programs Join National Ranks

At the 2004 midyear meeting of the American Bar Association, the House of Delegates granted accreditation to the first new program in 5 years. The National Association of Counsel for Children (NACC) will be able to grant specialty certifications to lawyers who meet their standards. A second new national program, the National College for DUI Defense, Inc. (NCDD), gained accreditation at the 2004 Annual ABA meeting.

As with all programs on initial accreditation and reaccreditation, the Standing Committee on Specialization appoints an Accreditation Review Panel, which reviews the program and its standards for certifying attorneys. In addition, the program must show that it meets ABA Standards for organizational purpose and capabilities. The majority of the decision makers within the organization must be lawyers with substantial involvement in the specialty area. The certification requirements must be nondiscriminatory. The certification requirements must meet various standards on substantial involvement, peer review, and CLE. A separate examination reviewer evaluates the written examinations. Finally, the organization must maintain formal review policies and requirements for recertification of attorneys.

Marvin Ventrell, executive director of the NACC said of the experience:

"The practice of child welfare law is relatively young, having grown out of the 1970's child advocacy movement. It is complex and emotionally taxing. It also suffers from the view that it is not real law and that the lawyers who practice it are not the best. It is, therefore, a challenge to raise the standard of practice to the highest quality and obtain the recognition such important work deserves. Specialization is a means to that end and ABA accreditation of the NACC is a critical step in the process.

"ABA accreditation means that the nation's foremost legal association recognizes juvenile law as a legitimate and important area of practice, worthy of specialization. ABA accreditation also means that the NACC has been vetted as the organization best suited to deliver specialization credentials. As a practical matter, ABA accreditation also provides NACC with the necessary persuasive authority to set up specialization programs in the jurisdictions not recognizing ABA accreditation.

"The NACC is pleased to have joined the select group of ABA approved credentialing programs dedicated to promoting the highest levels of the practice of law."

Jess Paul, with the NCDD had these thoughts on the process and why the NCDD sought ABA Accreditation:

"When the National College for DUI Defense was founded ten years ago, Board Certification was envisioned as the culmination of a program of education imparting scientific expertise, legal analysis, and trial skills to lawyers engaged in defending DUI cases. The NCDD Board Certification program began initially as a means of recognizing lawyers within the

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New Appointments Announced to the Standing Committee



Myron M. (Mickey) Sheinfeld, Houston, TX, has been reappointed as Chair of the Standing Committee. Mr. Sheinfeld has been an outspoken proponent of lawyer specialty certification. He is the co-editor of *Collier on Bankruptcy* and the co-author of *Collier on Bankruptcy Taxation*, and has taught during his legal career at the law schools of the Universities of Texas, Michigan and Houston. He has authored articles in *The Corporate Board*.

Mr. Sheinfeld received his B.A. from Tulane University of Louisiana in 1951 and his J.D. from the University of Michigan Law School in 1954. He is a member of the State Bars of Texas and Michigan, the Texas Board of Legal Specialization, the National Bankruptcy Conference and is director and board member of the American College of Bankruptcy.



Christine Myatt, Greensboro, NC, has been appointed for a three-year term. Ms. Myatt received her B.A. degree from Wake Forest University in 1979 and J.D. from Wake Forest Law School in 1982.

Ms. Myatt is a member of the Greensboro Bar Association, the North Carolina Bar Association, the American Bar Association, the American Bankruptcy Institute, the Middle District Bankruptcy Court Rules Committee, the Middle District of North Carolina Bankruptcy Institute the Commercial Law League of America and the Turnaround Management Association.

Ms. Myatt is a former Chair of the Bar's Board of Legal Specialization and former Chair of the Business Law Curriculum Committee. Ms. Myatt has lectured at various state and regional seminars, and published numerous articles in state, regional and national publications.

Farewell

The Standing Committee bids farewell to Lizbeth Moody, St. Petersburg, FL. Professor Moody served as Dean of Stetson College of Law from 1994 until 1999. She received her A.B. from Columbia University (Barnard College) and her J.D. from Yale University.

She is a member of the Florida Supreme Court's Commission on Professionalism. In 1997 the Section of Business Law bestowed the "Glass Cutter" Award for her extraordinary efforts in assisting women achieve new heights in the profession. Professor Moody is the Immediate Past Chair of the ABA Senior Lawyers Division. While on the Committee Prof. Moody sat on numerous Accreditation Review Panels sharing her skills and insights.



NewsLink - Continued from page 1

preceding year. They also must carry a minimum of \$500,000 in professional liability insurance.

OHIO

April 23, 2004, the Supreme Court of Ohio Commission on Certification of Attorneys as Specialists granted accreditation of the American Board of Certification's (ABC) creditors' rights program. The ABC business bankruptcy and consumer bankruptcy programs were accredited in January 2003. The accreditation of the programs means that Ohio attorneys certified by ABC may cite their ABC certification in advertisements and other communications under Rule DR 2-105 of the Ohio Rules of Court - Code of Professional Responsibility.

ABPLA Exams

ABPLA's upcoming annual seminar will be held at the La Valencia Hotel in La Jolla, California. Dates are: Thursday, October 21 through Saturday, October 23, 2004. The exam will be given Friday, October 22nd at 8:00 AM in the same location.

ABC

Alexandria, Virginia - The American Board of Certification (ABC) announced that new officers and directors were elected at the organization's Board of Directors Meeting on December 6, 2003. The organization is proud to have two highly regarded law professors and seven prominent certified attorneys join the ABC Board. ABC is a national attorney certification board that administers programs in bankruptcy and creditors rights law.

The new officers are:

- **Chair: John D. Penn** - is partner at Haynes and Boone, in Fort Worth, Texas.
- **President: Rudy J. Cerone** - is a partner in the New Orleans, Louisiana office of McGlinchey Stafford, PLLC.
- **President Elect: William L Norton, III** - is an equity member of the Litigation Team at Boulton Cummings in Nashville, Tennessee.
- **Secretary: Joseph A. Peiffer** - is partner in Cedar Rapids, Iowa with Day Rettig Peiffer, P.C.
- **Treasurer: Robert S. Bernstein** - is Managing Partner of Bernstein Law Firm, P.C. in Pittsburgh, Pennsylvania.

The next meeting of the Standing Committee on Specialization will be held on November 5th and 6th in Sedona, AZ. Stay tuned for more information.

All are welcome to attend.



Ask an Expert

Have a question for "Ask an Expert"? Did you see a question on the Specialization ListServ and want to know what the responses were? Write to Tori Wible at WibleT@staff.abanet.org



Ask an Expert

This is a question for those of you without computerized testing. Does anyone have a procedure for allowing applicants to bring in their own laptops to complete the exam, rather than handwriting? We are considering the adoption of such a policy and would appreciate the sample wording. Thank you.

Denise E. Mullen
Assistant Director of Specialization
The North Carolina State Bar

We have had people use computers. We also had one gentleman who requested to use voice recognition software on his computer since he doesn't type. He hasn't taken the exam yet but we just plan on putting him in a separate office when he does. For security, we ask folks who use laptops to run a search for all documents modified that day and make them permanently delete them and if they have a little antennae sticking out of their laptop, I break it off. (Just kidding.)

Meaghan Harper
MSBA Certification Manager

Our applicants are given the option to bring laptops with them. They also must bring their own printers as well. I have had applicants typing the exam in a separate room, or in the same room.

Gwen Coutu
NBTA

We contract with ExamSoft to provide laptop testing. They have a system of "registering" the user's laptop so that on exam day when they log on they are locked on to the ExamSoft website. They also provide a technical support person on exam day which is great. I think the minimum cost is \$2000 and then the expenses for the tech support person are added on.

Gary McNeil
Executive Director, Texas Bar Legal Specialization

[editor's note: for more on ExamSoft, see article on page 4.]

New Programs Cont. from Page 1

college who exemplified the program's standards, and who met the criteria established by the Board of Regents: extensive experience trying DUI cases, litigating pre-trial issues, a broad knowledge of the science involved in testing for intoxicants, and a command of the legal process on which DUI cases are framed. Because the program was patterned after the ABA specialty certification model from the beginning, our seeking ABA accreditation was a natural progression of the original vision. We at the college appreciate the kindness and assistance of the Standing Committee on Specialization, and of staff counsel, Tori Jo Wible, in helping us to achieve that vision."

In addition to these two new programs, the House of Delegates approved the reaccreditation of 7 existing lawyer specialty certification programs, sponsored by 4 different organizations. For more information on the national programs accredited by the ABA, visit www.LegalSpecialists.org.

A New Way to Survive the Certification Exam!

-Debbie Barnett, NELF

Taking the National Elder Law Foundation's all-day certification examination just got easier. In November, the Foundation offered its first exam via laptop computer. Partnering with Florida based ExamSoft Worldwide, Inc., NELF built an electronic version of its exam. Candidates for certification had the option of handwriting the exam, or subscribing to the software service for an additional fee of \$53.00 and typing their exam.

ExamSoft developed the software technology which blocks access to any files on a laptop other than its own word processing function, and prevents access to information being stored on an examinee's laptop. Those who opt for the laptop version register with ExamSoft, take a practice exam prior to their test date, and then downloaded the exam to their laptop computer.

Test takers use the word-processing based system, including all of the standard Word based tools such as spell-check and cut/paste, to type their answers. The software keeps track of the remaining time available to complete the exam and warns the test taker as time is running out.

Comments from the first group of ExamSoft users include:

"I am totally supportive of the use of laptops. It is much easier to type on the keyboard rather than write longhand....The program was very easy to work with. I give it two thumbs up."

"The ExamSoft was a God-send for me. Regardless of whether I pass or not, I would not have done as well if I had to hand write the test."

The ExamSoft software is safe and reliable. A considerable number of safety features have been built in to ensure that answers typed into the program cannot be lost, including an AutoSave feature that automatically saves two separate encrypted copies of the exam answer file on a rotating basis every sixty seconds during the exam.

At the conclusion of the exam, test takers back their exam up to a floppy disk that is turned in to the staff. Once they arrive home, examinees also upload their exam to the ExamSoft site.

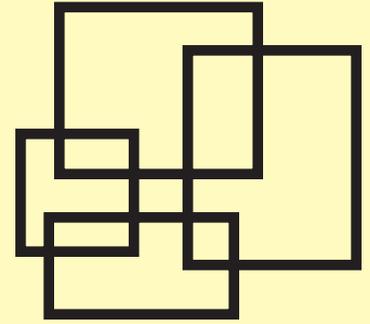
There are advantages to those who grade the certification exams as well. No longer do graders have to decipher hard-to-read handwriting, often having to forego allotting points when the answer cannot be read.

The process of building the exam and online registration was made manageable by the staff at ExamSoft, who were there every step of the way to answer questions and assist. There is a time commitment to enter the exam question bank, but it was definitely time well spent. The final consensus of test takers, graders, and staff alike is that ExamSoft is the only way to test.

Have an idea for a future CertLink article?
Does your program have news
you want to share?

Send any submissions to
specialization@abanet.org or contribute to
the Specialization ListServ.

Not on the ListServ? It's free and open to
anyone interested in specialization.
Email Tori at WibleT@staff.abanet.org to
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