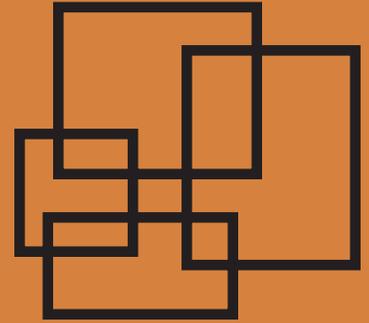


# CERTIFICATION LINK

*Your Quarterly ABA Specialization Connection*



FALL 2005

## NewsLink

What's new from programs across the country



### ◆ State Bar of Louisiana Board of Legal Specialization - Program Director

Catherine Zulli, escaped New Orleans safely, armed with her laptop and the LSBA database, she is operating the program from Phoenix. Thank you to all the members of the ListServ who offered assistance. Cathy will be calling on you when the needs arise.

◆ The American Board of Certification and the North Carolina Board of Legal Specialization are working out the details to form a partnership in offering certification in bankruptcy law. The agreement will allow applicants to complete a streamlined application process and sit for one exam, written and administered by ABC.

If successful, the applicant will become certified by both ABC and North Carolina. The final

Continued on page 2

## Roundtable 2006 in San Antonio

Save the date!

**March 23-25, 2006**

The 2006 Roundtable will be at the Hyatt Regency San Antonio, 123 Losoya, San Antonio, Texas. For Reservations, call 210/222-1234. Room rate is \$200 single/double.

Highlights of the 2006 Roundtable:

- Special Guest Speaker, **Robert Pirrie**, Executive Director, The Society of Writers to Her Majesty's Signet, based in Edinburgh, Scotland
- Welcome Reception sponsored by the Texas Board of Legal Specialization
- Certification 101 Returns!
- The Specialization Players
- Value-Added Services
- How to Conduct Effective Appeals and Hearings
- Information Sharing - Planning for Disaster
- Current Developments

And of course, plenty of opportunities to meet with your colleagues and exchange information.

Email [abaspecialization@abanet.org](mailto:abaspecialization@abanet.org) with any questions or comments. Hope to see you in San Antonio!





Continued from page 1

details of the agreement are being determined and both agencies anticipate certifying the first class of applicants in 2006. For more information, please contact Michelle Anderson at [manderson@abcworld.org](mailto:manderson@abcworld.org) or Alice Neece Mine at [amine@ncbar.com](mailto:amine@ncbar.com).

◆ In May, 2005, the Alabama State Bar Board of Legal Specialization approved the National College for DUI Defense, Inc., as an agency to certify

Alabama lawyers as specialists in the area of DUI defense.

◆ Effective December 1, 2005, communications to the Arizona Board of Legal Specialization and its Advisory Commissions relating to an applicant's qualifications for specialty certification are absolutely privileged. See the changes to Supreme Court Rule 42, ER 7.4.

◆ The Minnesota State Bar Association Specialty Certification Program has released the results of their survey of Board Certified Lawyers in Minnesota. To see the survey results, which are published as part of their on-line newsletter, go to <http://>

[www2.mnbar.org/certify/certification\\_intro.htm](http://www2.mnbar.org/certify/certification_intro.htm)

◆ Effective September 1, 2005, Lawyers who are certified by ABA Accredited Specialty Certification Programs may communicate that certification to the public. See the new Nebraska Rules of Professional Conduct at <http://court.nol.org/rules/RulesProfConduct34.htm>

◆ The National Association of Counsel for Children linked with the ABA Katrina Relief efforts, as well as the US Department of HHS Children's Bureau to provide pro bono services with three federal child welfare resource centers.

## Specialty Program Adapts Educational Programming and Exams to Changing Law

By Rhea Kirk, Executive Director, National College for DUI Defense

As all of us know, the law evolves on a daily basis. No other area of professional education is subject to such rapid and continual change. The burden this places on groups whose function is to educate lawyers in specialty areas, is the burden of keeping their lawyers abreast of changes directly pertaining to the specialty area.

At the National College for DUI Defense, our specialty area is DUI Defense Law. A recent Virginia case drew national attention when the judge applied the 1985 U.S. Supreme Court decision in *Francis v. Franklin*, 471 U.S. 307 (1985), a murder case, to a DUI prosecution, holding the State could not presume from a breath test hours after driving that a driver was over the legal limit at the time of driving. Many states have similar statutes. As a result of the publicity surrounding this decision, Tori Jo Wible, ABA staff counsel for the Standing Committee on Specialization, asked if I would write a short article about how such changes in the law affect our program.

Our first order of business is to put information into the hands of our lawyers. Increasingly, a decision like this one is likely to be used to argue a similar position in the State of Washington, or Massachusetts, or Indiana, and could be used that very day in trials throughout the country. But rulings cannot be used if lawyers are not aware of them.

We have found that our listserver is the most effective tool available to DUI lawyers to pass along and discuss breaking decisions, novel legal applications, and new legislation. It may also be our greatest selling point for new members. The listserver virtually expands one's "office" of lawyers with whom to exchange ideas, and from whom one may learn. It also provides nearly instantaneous feedback on practice questions. It is perhaps our most popular feature.

We also sponsor or co-sponsor four seminars per year. Case law is a part of each of those seminars. The *Drinking and Driving Law Letter*, a West publication, is written by former Dean Flem Whited of Florida. Mr. Whited is one of our most popular speakers, and he brings the case law from around the nation to our seminar attendees. We also publish a journal for our members which contains articles about, and case summaries of, decisions the DUI practitioner should be aware of.

Finally, we administer one examination annually for Board Certification. New case law of national application plays an important part in our examination process. Questions encompassing new decisions ensure that our applicants for specialty certification keep abreast of case law which may be used in defense of the driver accused of DUI.

The NCDD takes great pride in ensuring our members have the resources available to them to use the most recent legal (and scientific) developments to their clients' advantage. While the listserver and seminars presently meet our membership needs, we continually look for ways to improve the dissemination of information and method of educating our members.

## ABA President appoints two new members to Standing Committee

At the end of the ABA Annual Meeting, two new lawyers were appointed to the Standing Committee on Specialization.

### Jorge C. Rangel

Mr. Rangel is a trial lawyer and a former Texas district judge. He has taught constitutional law at the college and law school levels. He is a graduate of Harvard Law School and the University of Houston.



**Practice Areas:** Civil Practice; Personal Injury; Trial Practice; Antitrust; Business Litigation; Oil and Gas Litigation; Media Law; Intellectual Property Law; Labor and Employment Law; Civil Appeals

**Admitted:** 1973, Texas, U.S. Supreme Court, U.S. Court of Appeals, Fifth Circuit and U.S. District Court, Southern, Eastern and Western Districts of Texas

**Law School:** Harvard University, J.D., 1973

**College:** University of Houston, B.A., 1970; American University

**Member:** State Bar of Texas (Chair, Anti-Trust and Business Litigation Section, 1996-1997); Corpus Christi and American (Former Member, Committee on Federal Judiciary) Bar Associations; Bar Association of the Fifth Circuit (Member, Board of Governors); American Board of Trial Advocates; Texas Board of Legal Specialization (Chairman, 1994-1996); Texas-Mexico Bar Foundation (Member, Board of Directors, 1994-1997). Life Fellow: American Bar Foundation; Texas Bar Foundation.

**Biography:** Phi Kappa Phi; Phi Eta Sigma; Omicron Delta Kappa. Recipient, Outstanding Young Lawyer, Nueces County Bar Association, 1982. Listed, Best Lawyers in America, Business Litigation, 2005-2006. Author: "De Jure Segregation of Chicanos in Texas Schools," 7 Harvard Civil Rights-Civil Liberties Law Review 307, 1972. Assistant Professor of Law, University of Houston, School of Law, 1975-1976. District Judge, 347th Judicial District, Nueces County, Texas, 1983-1985. Member, Texas Board of Law Examiners, 2001—. Fellow, American College of Trial Lawyers; International Association of Defense Counsel. (Board Certified, Personal Injury Trial Law and Civil Trial Law, Texas Board of Legal Specialization)

**Born:** Alice, Texas

### Timothy W. Bouch

**Leath Bouch & Crawford, LLP**, Charleston, SC

**Practice Areas:** Environmental Law; Commercial Law; Corporate Litigation; Construction Litigation; Toxic and Hazardous Substance Litigation

**Admitted:** 1979, South Carolina; 1999, North Carolina; 2000, Texas

**Law School:** University of South Carolina, J.D., 1979

**College:** Marquette University, B.S., 1972

**Member:** American Law Institute; American Bar Association (Life Fellow, ABF; House of Delegates, 2001—; ALI-ABA Committees on Continuing Education, 2004-2007; Chairman, Environmental Law Committee, Young Lawyers Division, 1985-1986; Member, Standing Committee, Environmental Law, 1986-1988, 1989-1992; Vice-Chair, Litigation Section, Young Lawyers Division, 1986-1988; Vice Chair, TIPS Toxic and Hazardous Substance Committee, 1990-1997; Chair Elect, 1997-1998; Chair, 1998-1999; Tips Annual Meeting Programs Committee, 1995-1998; Chair, TIPS General Committee Board, 1999-2000; Vice-Chair, Litigation Section, Environmental Litigation Committee, 1995-1997; Co-Chair, Environmental Litigation Committee, 1997-2000; Chair, Tips Standing Committee on Professionalism, 2001-2001; Tips Council, 2002-2005; Chair, Tips Annual Meeting Programs 2004; Chair, Tips Spring Meeting Programs; ABA/BNA Editorial Board Chair, 1993-1995; Member: ABA Standing Committee on Professional Discipline, 1995-1999, 2000-2002; Center for Professional Responsibility Publications Board, 1996-2000, 2002—. Fellow, Young Lawyers Division); South Carolina Bar (Practice and Procedure Committee, 1980-1992, 1997; Ethics Advisory Committee, 1985-1989, 1993—; House of Delegates, 1997-1999; 2001—); South Carolina Defense Trial Attorneys Association (Member, Executive Committee, 1985-1988, 1989-1992; Chair, CLE Program Committee, 1986-1988; Chair, Defense Trial Academy, 1991); North Carolina State Bar; ALI.

**Biography:** Phi Delta Phi.

**Military:** U.S. Navy Reserves (Ret.)

**Born:** Kittanning, Pennsylvania

Log on to [www.LegalSpecialists.org](http://www.LegalSpecialists.org)  
for the latest certification news

## North Carolina Establishes Specialist Awards

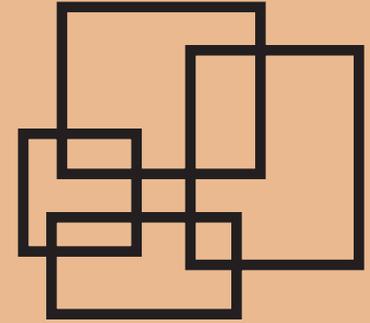
For the first time, the North Carolina Board of Legal Specialization is recognizing excellence among the NC specialists.

*Committee Service Award:* This award is given to a specialty committee member who consistently excels in completing committee tasks. The recipient is highly dedicated to legal specialization, donates his/her time to committee responsibilities, and responds to the needs of the staff and the Board, in exemplary fashion. The board members and staff determine the recipient of this award.

*Excellence in Specialization Award:* The award is presented to a certified specialist who exemplifies excellence in his/her daily work as an attorney and serves as a model for other lawyers. Special consideration is given for a long and consistent record of handling challenging matters successfully, for sharing knowledge and experience with other lawyers, for earning the respect and admiration of all others with whom the lawyer comes into contact in his/her daily work, and for high ethical standards. Nominations for this award are accepted from North Carolina certified specialists.

*Leadership Award:* The award is presented to a certified specialist who has taken an active leadership role in his/her practice area through presentations at CLE seminars, scholarly writings, participation in groundbreaking cases, or service to an established professional organization. Nominations for this award are accepted from members of the North Carolina State Bar who have worked closely with the nominee.

The awards will be presented at the annual specialists luncheon and each award will be named in honor of a specialist who played an integral part in the establishment of the program, historically. The Board is excited about these new awards and the opportunity to recognize those the awards are named for, as well as the specialists who receive them. For more information please contact Denise Mullen at 919-828-4620 x255 or [dmullen@ncbar.com](mailto:dmullen@ncbar.com).



Editor & Designer:

Tori Jo Wible  
[wiblelet@staff.abanet.org](mailto:wiblelet@staff.abanet.org)

Contributors:

Denise Mullen  
North Carolina Board  
of Legal Specialization

Rhea Kirk  
National College for DUI  
Defense

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### ABA Standing Committee on Specialization

321 North Clark Street  
Chicago, IL 60610  
Tel: 312-988-5753  
Fax: 312-988-5483

[abaspecialization@abanet.org](mailto:abaspecialization@abanet.org)  
[www.LegalSpecialists.org](http://www.LegalSpecialists.org)

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ListServ? It's free and open to anyone  
interested in specialization. Email Tori Wible  
at [wiblelet@staff.abanet.org](mailto:wiblelet@staff.abanet.org) to join.

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