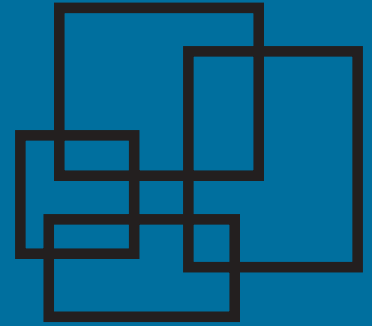


CERTIFICATION LINK

Your Quarterly ABA Specialization Connection



FALL 2003

NewsLink

What's new from programs across the country



◆ On Oct 6, 2003, a member of the **State Bar of Arizona** filed a proposed Rule change to our Ethical Rule 7.4. In addition, he has requested our Supreme Court to amend the Rules and Regulations of the Board of Legal Specialization to allow an applicant facing denial the ability to review all confidential peer review. The petition states that denial based on confidential peer review is a violation of the applicant's due process rights and is unconstitutional. The highlights: The procedure for certification and re-certification as prescribed in the Rules and Regulations of the BLS violates due process. Specialization Certification is both a property interest and a liberty interest. Actions take by the BLS and the Commissions must comport with Due Process. Con-

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Roundtable 2004 in New Orleans

Why is Certification Important?

By Justice Anne McClure
Texas Court of Appeals, El Paso

I suppose it would be fair to say that I have been a proponent of legal specialization since I first began practicing law. I knew that I wanted to become board certified in family law as soon as possible; I even applied a year before I was technically eligible in hopes that I could rely upon experience I had gained while clerking during law school. I received my certification in family law in 1984 and became specialized in civil appellate law the first year the specialty was offered: 1987. Dual certification allowed me to develop quite a niche in the market place, and I engaged in a statewide appellate/family law practice for many years.

Why is it important? Certification serves as a readily observable measure of an attorney's experience and expertise in a particularized area of the law. For the practitioner, it is a successful marketing tool that speaks volumes to academic excellence, client confidence and professional integrity. It also highlights the importance of continuing legal education, as specialists must participate to a greater extent in order to remain on the cutting

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Save the date!
March 26-27, 2004

The 2004 Roundtable will be at the Chateau Sonesta Hotel New Orleans, in the French Quarter, 800 Iberville Street. For reservations call: 504/586-0800. Room rate is \$139 single/double.

Highlights of the 2004 Roundtable:

- ◆ Welcome Reception sponsored by the Louisiana State Bar Association Board of Legal Specialization
- ◆ Certification 101
- ◆ Professionalism and the Certified Specialist – Presented by Professor Clark Cunningham
- ◆ Featured Luncheon Speaker U.S. District Court Judge from the Western District of Texas, the Honorable Royal Furgeson
- ◆ The Specialization Players
- ◆ Marketing Roundtable
- ◆ Technology Update with David Whelan of the ABA
- ◆ Current Developments

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

Email specialization@abanet.org with any questions or comments. Hope to see you in New Orleans! ◆

Log on to
www.LegalSpecialists.org
for the latest
certification news

View from the Chair

by Myron M. "Mickey" Sheinfeld
Chair, Standing Committee on Specialization



Tech Tip

In the Palm of Your Hand...

Many busy legal professionals make use of handheld devices to organize their lives, their practices and their offices. These electronic organizers range in cost and capabilities, and are becoming increasingly prevalent as more and more lawyers find them indispensable.

If you want more information, start at the American Bar Association's **Legal Technology Resource Center**, for a comprehensive article on PDAs and Handheld Computing, including links to reviews and manufacturers:

www.lawtechnology.org/fyidocs/pdafyi.html

Manufacturer's web sites (also cited in the LTRC article):

Palm

www.palmgear.com/

Handango

www.handango.com

Windows Mobile

www.microsoft.com/windowsmobile/products/pocketpc/default.msp

Blackberry

www.blackberry.net

Source:

www.lawtechnology.org

Welcome to the Fall issue of the Certification Link and my platform for the Standing Committee on Specialization. I have many ideas and projects for the Committee. I am pleased to follow in the footsteps of Jack Brumbaugh, our previous Chair. He was diligent and creative. With help from all the committee members and everyone involved in certification programs, we can continue to be a positive example to the legal profession and fulfill our mission to ensure that the best legal services are available to the public.

There are a few issues that I would like to deal with while I am chair. Two of these issues are certified specialists and the practice of law. Both are significant and of vital importance to the Committee.

I want the Standing Committee to emphasize the importance of certification as a vehicle for the benefit of the public and an opportunity for the public to have a source from which each person seeking legal help can select competent, knowledgeable, respected and ethical lawyers. Each lawyer who is certified and re-certified has been evaluated by their peers with respect to their character, fair dealing and ethics and has demonstrated their legal expertise in their specialized field of practice by passing an exam. The character of all lawyers certified and re-certified is important to the process and important for the public and the communities and states in which the lawyers practice.

The Standing Committee's process of accrediting lawyer specialty certification programs ensures that the lawyers certified and re-certified have been evaluated and have demonstrated their substantial involvement in the subject area, received adequate peer review, passed a written examination and are currently in good standing within their state bar.

Professionalism and ethical practice are cornerstones of effective legal services. Both subjects generate much interest in the media, and are constantly discussed within legal circles. Ethics and professional conduct are subjects taught in law school. Beyond civility and collegiality, specialty certification brings information about standards and credentials to the public. The public needs unimpeded and ready

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fidential information is not evidence. He also asks that the Court to "order" the BLS to remove the waiver contained in our application agreement. The petition is asking that immunity from civil suit be added to ER 7.4 and throughout the Rules. The petition also includes a new "investigation fee" to be paid by the applicant in the event a commission needs to do further review. It is anticipated that Arizona Supreme Court will be taking comments on the Rule change shortly. For further information, please contact Marnie. Leinberger@staff.azbar.org or 602-340-7327.

◆ **ABC Creditors Rights Program Accredited in Indiana**
On August 21, 2003, the Supreme Court of Indiana announced that the **American Board of Certification's (ABC)**

creditors' rights program is now accredited for a period of five years. The accreditation means that Indiana attorneys certified by ABC may now cite their ABC certification in advertisements and other communications under Rules 7.1 - 7.4 of the Indiana Rules of Professional Responsibility.

Arkansas Recognizes Certification Through Supreme Court Rule Change
The Arkansas Supreme Court recently changed the state's Rule 7.4 to recognize certification programs accredited by the American Bar Association (ABA). All three ABC programs are ABA-accredited. The rule change means that Arkansas attorneys certified by the American Board of Certification may communicate their certification via advertisements, on letterhead, business cards, promotions and other communications.

Connecticut Bar Announces New Workers' Comp Specialists

The **Connecticut Bar Association's** Standing Committee on Workers' Compensation Certification recently announced the second group of Connecticut attorneys who have earned the title of Board Certified Workers' Compensation Specialist by meeting rigorous requirements in the area of workers' compensation law.

All applicants were required to: Show that no less than 25 percent of their total practice is in the workers' compensation area; Have been admitted to practice for five years and be a member in good standing of each bar in which the applicant is admitted; Have a malpractice insurance policy with minimum limits of \$300,000 per occurrence; Have a satisfactory professional ethics and disciplinary history; Participate in a minimum of thirty-six hours of continuing legal education activities in the area of workers' compensation law in the three years prior to filing the application; Have a minimum of five references from lawyers knowledgeable regarding the applicant's practice and experience; and Have passed a one-day written examination in workers' compensation law.

The CBA is pleased to recognize the following individuals who have met all the above criteria and who are now Board Certified Workers' Compensation Specialists: Richard L. Aiken, Jr., Michael M. Buonopane, Randy L. Cohen, Frank V. Costello, Jason M. Dodge, Christine L. Engel, Gregory F. Lisowski, Margaret E. McGrail, Brian E. Prindle, Howard B. Schiller, Daniel B. Scott, Lucas D. Strunk, Timothy E. Welsh.

The first group of thirty-one Board Certified Workers' Compensation Specialists was announced in 2001. ♦

North Carolina State Bar Reports Record High Number of Applicants

The **North Carolina State Bar** received a record number of applicants this year for its' specialization programs. In a typical year, where no new specialty area is launched, the Bar receives about 50 applications. This year, the number is up 50 percent with 73 lawyers seeking specialization status. North Carolina officials would like to see the program grow and have compiled statistics to get a better handle on who is signing up and where they come from.

Years of Practice – Half of this year's applicant class has between five and ten years of experience, but the program also pulls in more seasoned practitioners. One in every six, or 16%, has more than 21 years of experience.

Firm Size – Applicants come from the very smallest and very largest firms. About one in four applicants are sole practitioners, while slightly more, or 27%, are at firms with more than 21 attorneys. The largest percentage, 41%, comes from firms with two to nine attorneys.

Location of applicants – Four out of every five applicants come from the state's larger metropolitan areas, with about 16% representing smaller towns and outlying areas.

Specialization areas – Most applicants practice in family law, estate planning and probate law and workers' compensation law.

For the first time this year, the North Carolina State Bar will offer its specializations exams in multiple locations. Previously, all applicants had to travel to Raleigh on the exam date. "We hope this will make it easier for attorneys outside of the triangle area to pursue specialization," said **Denise E. Mullen**, assistant director of the Bar program.

Among those sitting for this year's exam is David Gantt, a workers' compensation practitioner from Asheville with 22 years of experience. "The law has become so complex and highly complicated that no one can truly claim expertise in all areas of the law," he said. "I think certification can help the entire community recognize lawyers with special interests, training and experience in a given field." ♦

Important-Continued from page 1

edge. It is readily apparent to judges when a board certified attorney represents a litigant. Knowledge of both substantive and procedural law is routinely demonstrated.

Certification offered a strong foundation when I decided to run for the court of appeals. A firm background in appellate law is critical for an appellate jurist. Of the 89 current appellate justices in Texas with civil jurisdiction, nine are board certified in civil

appellate law. Of the 89 justices with criminal jurisdiction, eight are board certified in criminal law. Still others maintain their specialization in particularized areas of practice, including family law, probate law, civil trial law and personal injury.

For the jurist, specialization emphasizes a dedication and commitment to excellence in a chosen field. As a result, lawyers and litigants alike reap the benefits. ♦

State Bar of Nevada Petitions Supreme Court to Amend Rules on Conduct

The board of governors of the **State Bar of Nevada** petitioned the Supreme Court to amend two of their Supreme Court Rules governing attorney conduct: SCR 196 (Advertising) and SCR 198 (Communication of fields of practice) to create policies and procedures establishing attorney specialization and communication thereof to the public.

The committee on specialization was created in response to requests from the membership over the years, that attorneys be allowed to communicate specialties as is allowed in several other states, such as California and Arizona, and as is encouraged by the American Bar Association.

In conjunction with state bar counsel, the committee modeled its review on the American Bar Association Accreditation Rules [of attorney specialization]. The committee, bar counsel, and the board of governors dedicated a great deal of time spanning several meetings and re-drafts to produce the final recommendations that were presented to the Court.

The committee developed a two-pronged plan that allows sufficient Court control over specialization without detracting from the public protections inherent in the rules of advertising and communication. The first prong involves establishing the basic tenets of specialization and delegation of authority by the Court to the board of governors, and the second prong involves the board of governors' administrative authority over the process and the approval of certifying agencies.

Last September, the Court approved the concept of lawyer specialty certification from the bench, but reserved the right to rework the wording and format of the rules. We will let everyone know via the Specialization ListServ when the rules become final and where to find them. ♦

View from the Chair-Continued from page 2

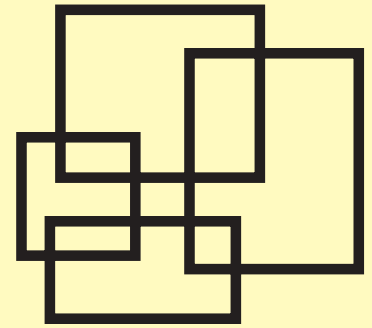
access to as much information available about lawyers as possible so they, as consumers, can make an informed decision on legal services and which lawyer can effectively represent their interests.

One of our goals is to bring the best practices, maximum competence and full disclosure to the public, who seek to employ lawyers to represent their interests. This is the challenge that faces the legal profession and the Standing Committee on Specialization.

Please feel free to join us in our discussions, planning and projects. To join the ListServ, contact Tori Wible at wible@staff.abanet.org and ask to be added. To attend the meetings of the Standing Committee, watch the web site at www.LegalSpecialists.org or the ListServ for details. To learn more, attend the National Roundtable in New Orleans March 26-27. ♦

**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 wible@staff.abanet.org to join.



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