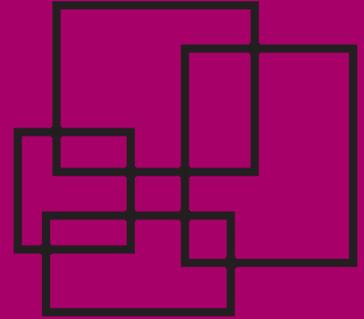


CERTIFICATION LINK

Your ABA Specialization Connection



SUMMER 2006



NEW JERSEY ADVERTISING OPINION

PAGE 1

NAPA VALLEY 2007

PAGE 1

AWARDS AND RECOGNITION

PAGE 2

NEW FACES IN NEW PLACES

PAGE 3

DATES TO REMEMBER

PAGE 3

IN THE NEWS

PAGE 4

NACC CONTRIBUTION TO COURT IMPROVEMENT PROJECT

PAGE 4

NEW DIRECTION FOR ABPLA

PAGE 5

New Jersey Supreme Court Committee Issues Opinion

The New Jersey Supreme Court Committee on Attorney Advertising issued Opinion 39 in late July. The opinion bars lawyers from advertising that they are in the "Best Lawyers" or "Super Lawyers" rankings. They are also unable to participate in the voting for such lists. The opinion holds that "best" and "super" are superlatives, are inherently comparative and thus do not comply with New Jersey Rule of Professional Conduct 7.1(a)(3). In addition, the Committee held that this type of communication is misleading because "When a potential client reads such advertising and considers hiring a 'super' attorney, or the 'best' attorney, the superlative designation may lead the client to feel that the results that can be achieved by this attorney are likely to surpass those that can be achieved by a mere "ordinary" attorney." However, the Martindale-Hubbell listings and ratings of AV, BV or CV are directed to attorneys and not widely understood by consumers and therefore not misleading, according to the opinion.

The publications in question, *Super Lawyers* and *The Best Lawyers in America* have secured counsel to appeal the ruling. Both publications

indicated that the opinion effectively puts them out of business in New Jersey, by banning participation in the surveys choosing the lawyers, publication of the results in the periodicals, as well as any advertising touting the lawyer's selection to either list.

Wendy Weiss, Staff Attorney for the New Jersey Supreme Court Board on Attorney Certification says that "it is not at all clear whether this type of advertising has a negative effect or any effect on the certification program. Certification provides objective criteria, whereas, the two publications in question seek the opinion of other attorneys in order to generate their 'best' list."

Ms. Weiss goes on to say, "While the opinions of other attorneys is equivalent to the peer reference aspect of the certification process, attorney certification also requires that the attorney meet objective standards concerning the type of practice he or she is certified in, so that an attorney's statement that he or she is certified in a specific area of law does not violate the prohibitions against misleading advertising. The primary issue in Opinion 39 asked just that - whether being listed in a publication

Continued on page 2

SAVE THE DATE!!!

The 2007 National Roundtable on Lawyer Specialty Certification will be held on Friday, March 9 and Saturday, March 10, 2007 at the Silverado Resort in Napa, California.



We will have much more information up on the website soon, but you can go on line to see the resort at <http://www.silveradoresort.com>

The planning committee is hard at work putting together a spectacular program for you. If you have any suggestions for topics of interest, please send them to me at WibleT@staff.abanet.org

AWARDS AND RECOGNITION

Artigliere Honored With Florida's 2006 William M. Hoeveler Judicial Award

Tenth Circuit Judge Ralph Artigliere received the William M. Hoeveler Judicial Award given annually by The Florida Bar Standing Committee on Professionalism. The award is named for U.S. District Court Judge William M. Hoeveler of Miami, and recognizes a judge who best exemplifies strength of character, service and competence as a jurist, lawyer and public servant. Artigliere formerly chaired the BLSE and served seven years on the board. He wrote "How to Write and Use

Jury Instructions," which now is in its third edition; he teaches at New Judges' College, and he is an instructor for The Bar's Advanced Trial Advocacy Course at the University of Florida. Artigliere is a West Point graduate and was a U.S. Army helicopter pilot in Vietnam where he received the Bronze Star. He graduated with high honors from the University of Florida with his Juris Doctor in 1977; Gov. Jeb Bush appointed him to the 10th Circuit Court bench in 2002.

Schickel is Florida Board Certified Lawyer of the Year

John J. "Jake" Schickel received the 2006 Justice Harry Lee Anstead Award for The Florida Bar Board Certified Lawyer of the Year. The Board of Legal Specialization and Education annually presents the award to recognize exemplary professionalism, excellence, character and commitment to the certification program and to the practice of law. Schickel is board certified in both civil trial and workers' compensation and practices with Coker, Schickel, Sorenson & Daniel in Jacksonville. He is a member of The Florida Bar

Board of Governors. He served on the Florida Bar Workers' Compensation and Civil Trial certification committees and was a two-term chair of the Board of Legal Specialization & Education. Other board certified lawyers nominated for the Anstead award are Joseph N. D'Achille Jr., Titusville; David L. Deehl, Coral Gables; Edward G. Guedes, Miami; Angela C. Flowers, Orlando; Sheri Lund Kerney, Orlando, and Thomas D. Masterson, Saint Petersburg.

North Carolina Board of Legal Specialization Recognizes Board Certified Specialists

ABA Standing Committee Member Christine L. Myatt is first ever winner of the Howard L. Gum Service Award. The new award is given to a specialty committee member who consistently excels in completing committee tasks. The recipient must be highly dedicated to legal specialization, donate his/her time to committee responsibilities and respond to the needs of the State Bar staff and the Board, in exemplary fashion. Ms. Myatt, in addition to her commitment to the ABA Standing Committee is a former chair of the North Carolina Board of Legal Specialization and has been a certified specialist in Business and Consumer Bankruptcy Law since 1990, she practices in Greensboro, NC.

The Sara H. Davis Excellence 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. The first ever winner of the Sara H. Davis Excellence Award was Maria M. Lynch, a board certified specialist in Estate Planning and Probate Law since 1997, she practices in Raleigh, NC.

The James E. Cross, Jr. Leadership 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. The first winner was Joseph B. Cheshire V., a board certified specialist in State and Federal Criminal Law since 1991, he also practices in Raleigh, NC.

New Jersey Opinion

Continued from page 1

stating the attorneys therein are the "best" or "super," violates the Rules of Professional Conduct. The question

for certification programs in jurisdictions that permit this type of advertising, a question that might very well be difficult to measure, is whether attorneys on these lists would forego applying for certification or recertifica-

tion once they "make the list" and whether there would be an impact on the public's perception or understanding of attorney certification versus "best" or "super" lawyers listed in a magazine."

NEW FACES IN NEW PLACES

New ABA Standing Committee Members



Janice P. Brown

Janice P. Brown received her J.D. with honors from Gonzaga Law School in 1983 and her BA with honors in journalism from the University of Montana in 1981. Ms. Brown is the founder of Brown Law Group, a six-lawyer law firm focused on business and employment litigation. Ms. Brown has received numerous awards, including, Department of Justice – Trial

Lawyer of the Year 1987; California Association of Black Lawyers – Lawyer of the Year 1995; Witkin Legal Professional of the year 2003 and Daily Transcript Top 25 Attorneys – Employment 2005. She is a member of the ABA House of Delegates and a member of the ABA Tort Trial and Insurance Practice Council and many local and national bar associations.



Twila B. Larkin

Twila B. Larkin received her J.D. from the University of New Mexico School of Law in 1996 and her B.S. from Texas Tech University in 1984. She is certified as a Family Law Specialist by the New Mexico Board of Legal Specialization. Ms. Larkin is currently the Region V

Representative on the Council of the American Bar Association Family Law Section and is a former Chair of the Family Law Section of the State Bar of New Mexico. She practices exclusively in family law/domestic relations.

Estate Law Specialist Board, Inc.

Two new members have been added to the Board of Directors. We are excited to welcome Harold I. Apolinsky, Atty, AEP, EPLS of Alabama and Christopher J. Moore, Atty, EPLS of Idaho to the group!

Dates to Remember

NCDD Board Certification Exam for DUI Defense:

January 18, 2007 Loew's Ventana Canyon Resort Tucson, AZ

ABC Exam dates and locations

			<i>Registration Deadline</i>
September 7	Las Vegas, NV	ABI Southwest Bankruptcy Workshop	8/22/06
November 1	Raleigh, NC	North Carolina State Bar Board of Legal Specialization	9/15/06
November 1	San Francisco, CA	NCBJ Annual Conference	9/15/06
November 10	New York, NY	CLLA Meeting	10/25/06
November 30	Scottsdale, AZ	ABI Winter Leadership Conference	11/15/06

August 31 and October 31 are Application Deadlines for Florida Certification

Applications for the following specialties are due Aug. 31: Admiralty & Maritime Law, Appellate Practice, Aviation Law, Civil Trial, Elder Law, Immigration & Nationality, International Law, Labor & Employment Law, Marital & Family Law, and Tax Law.

Applications for the following specialties are due Oct. 31: Antitrust & Trade Regulation Law; Business Litigation; City, County & Local Government Law; Construction Law; Criminal Appellate; Criminal Trial; Health Law; Real Estate; Wills, Trusts & Estates, and Workers' Compensation.

Applications and more information are available on The Florida Bar web site certification page.

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

In the News

Estate Law Specialist Board, Inc.

A new online testing option is being implemented for those interested in obtaining the Estate Law Specialist designation. Visit www.naepc.org for more information.

Court Approves Standards; Bar Seeks Member for Two New Certification Committees

The Florida Supreme Court approved standards effective Aug. 1, 2006, for new certification areas in **State and Federal Government and Administrative Practice** and **Intellectual Property Law**. Each new certification committee needs nine members. Applicants should be 10-year or longer Florida Bar members in good standing, who are eminent in the practice field. Appointment requests should include qualifications relative to the standards for each committee. Committee service expenses are not reimbursed. Applicants should send letters and resumes to President Henry M. Coxe, III, at The Florida Bar, 651 East Jefferson Street, Tallahassee, FL 32399-2300, no later than Sept. 1.

Minnesota announces 30 new certified specialists

Minnesota announces 30 new certified specialists in Real Property and Civil Trial specialty areas for 2006. "Legal Specialist Certification is an equalizer" says Richard Mahoney, Chair of the Minnesota State Bar Association (MSBA) Civil Trial Certification Board. "It allows every attorney who has gained the required knowledge and experience, no matter how small or large their practice setting, to demonstrate that expertise to their peers and to the public, and perhaps just as importantly, to themselves." Charles A. Andresen, Real Property Law Co-Chair suggests it is time for the profession to step up. "It's clear from the success of SuperLawyers™ and other voting based proficiency lists; the public wants help with choosing a lawyer to match their legal needs. I believe lawyers are best able

to adopt objective standards that accurately define expertise. One of the differences between Specialist certification and many of the commercial rankings: MSBA certification programs won't accept references from lawyers in the same firm as the applicant."

Ohio State Bar Association (OSBA) establishes paralegal credentialing program

The OSBA Board of Governors has established a credentialing program for paralegals. Individuals who meet the definition of "paralegal," meet the eligibility requirements and pass a written examination will be designated as an "OSBA Certified Paralegal." This credential, along with an appropriate logo, may be used by the paralegal to the extent permitted by the Rule for the Government of the Bar. The program is patterned after the legal specialization program the OSBA administers.

The certification period for an OSBA Certified Paralegal is four years. Biennial reporting is required to maintain certification. At the end of the certification period, a paralegal may be recertified if the CLE and reference requirements continue to be met. Ohio joins Texas and North Carolina with state bar sponsored paralegal certification programs.

Florida BLSE Considers Additional Certification Area Proposals

Legal practitioners in Subrogation Law, Education Law, and Information Security Law have suggested the development of standards for certification. The BLSE always is interested in expanding opportunities for Bar members to seek certification, but the Board also must consider practical implications such as sufficient member interest and public benefit. If you wish to offer support or comments about proposed certification areas, please e-mail Lisa Garcia, consultant to the BLSE, at lgarcia@flabar.org.

National Association of Counsel for Children to Assist with Court Improvement Project

The National Association of Counsel for Children (NACC) Child Welfare Attorney Certification is designed to improve the juvenile court process by raising the standard of attorney practice. As part of that effort, the NACC has also developed attorney training programs.

The NACC Child Welfare Attorney Certification and Training Program (ACT), which is a bundling of the NACC's Attorney Certification and Training programs for states that wish to provide broad systemic improvement in the practice of child welfare

law. ACT is designed to improve the delivery of legal services to children, families, and state agencies in abuse, neglect, and dependency cases by training and assessing the competence of participating attorneys. The program improves the practice of child welfare law by raising the foundation of attorney competence in a jurisdiction. Attorneys who successfully complete the ACT program are certified by the NACC as *Child Welfare Law Specialists*.

The Deficit Reduction Act of 2005 amended the Court Improvement section of Title IV-B to add new purposes

for which funds may be expended to ensure the safety, permanence, and well-being of children in a timely and complete manner. It provides \$20 million per year nationwide for two grants that focus on (1) improved data collection and analysis, and (2) training of judges, attorneys and other legal personnel, as well as cross training with child welfare agency staff. This means that state courts may include the NACC training as part of their grant applications.

Contact Camille Ventrell, Certification Director for additional information. www.NACCchildlaw.org.

A New Era for Board Certified Attorneys

ABPLA (American Board of Professional Liability Attorneys)

A new era...A new direction... At the recent ABPLA Conference in Palm Beach Florida, this 32 year old organization of Board Certified professional negligence attorneys made a decision to embark on a new vision. The Organization of both plaintiff and defense attorneys inducted a new president, Tommy Malone of Atlanta and a new executive Committee to lead the organization into the 21st century. The organization's precisely defined goal is to make the term "Board Certified Attorney" a household name. Through a well planned outreach program, the goal is to educate the general public and other attorneys on the criteria required to become a Board Certified Attorney. The Three E's, Examination, Experience, and Ethics, will be the basic message. Simply put, the ABPLA is embarking on a campaign to educate the public on the criteria to be considered when choosing an attorney for these serious matters. The public knows how to choose Medical Doctors for serious illness or injury. "Selecting a Board Certified Attorney through the ABPLA will be a choice left up to the individual. Our goal is to simply educate," says President Tommy Malone.

The new direction was inspired by the need to redefine the organization's relevance. "By aggressively promoting the value of qualified attorneys, the public image for attorney members should be bolstered," says Tommy Malone, the new President. "Board certification is a tough cut and those who achieve it should be rewarded," says Jack McGehee, the

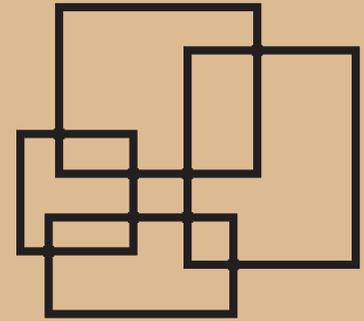
new Plaintiffs Vice President.

The organization's leadership speaks volumes about ABPLA. Tommy Malone of Atlanta, Georgia is a stalwart member of the Plaintiff's bar whose honors include The Tradition of Excellence Award from the State Bar of Georgia and The ABA Pursuit of Justice Award and whose service includes Past President of the Georgia Trial Lawyers Association and Past President of the Southern Trial Lawyers Association. Jack McGehee of Houston, the Plaintiffs Vice President has tried over 300 cases, was past president of numerous organizations including the Texas Trial Lawyers Association and has authored "The Plaintiffs Case from Voir Dire to Verdict". Bob Glynn, the Defense Vice President, defends doctors and lawyers, taught law at San Francisco Law School and was a founder of Western Physicians Insurance Company. Jack Olender, the new Secretary has been called the King of Personal Injury Suits by the *Washington Post* and is a veteran plaintiffs' malpractice lawyer in Washington, D.C. Ellis Kahn of Charleston, South Carolina, the new Treasurer is past President of the South Carolina Trial Lawyers Association. He is certified by the National Board of Trial Advocacy. He served as law clerk to a United States District Judge and is a permanent member of the 4th Circuit Judicial Conference.

To inquire about membership, visit www.abpla.org or email the organization's Executive Director, Gina Forgione at gina@abpla.org.

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



Editor:

Tori Jo Wible
wible@staff.abanet.org

Contributors:

Gina Forgione
Executive Director
American Board of Professional Liability Attorneys

Lisa McKnight Garcia
Florida Board of Legal Specialization and Education

Denise Mullen
North Carolina Board of Legal Specialization

Camille Ventrell
Certification Director
National Association of Counsel for Children

Wendy Weiss
Staff Attorney
New Jersey Supreme Court Board on Attorney Certification

ABA Standing Committee on Specialization

321 North Clark Street
Chicago, IL 60610
Tel: 312-988-5753
Fax: 312-988-5483
abaspecialization@abanet.org
www.LegalSpecialists.org

The views expressed in *Certification Link* are those of the authors and do not necessarily represent the policies of the American Bar Association. The contents of this publication have not been approved by the ABA House of Delegates and do not constitute ABA policy.