RESOLVED, That the American Bar Association reaccredits for an additional five-year term the following designated specialty certification program for lawyers:

Child Welfare Law program of the National Association of Counsel for Children of Denver, Colorado;

Family Trial Law program of the National Board of Trial Advocacy of Wrentham, Massachusetts; and

Criminal Trial Law program of the National Board of Trial Advocacy of Wrentham, Massachusetts.
Background and Synopsis of the Resolutions

At the 1993 Midyear Meeting, the House adopted Standards for Accreditation of Specialty Certification Programs For Lawyers and delegated to the Standing Committee on Specialization the task of evaluating programs sponsored by organizations that apply to the ABA for accreditation, and making recommendations to the House of Delegates about the periodic renewal of accreditation.

The adoption of the Standards in February, 1993, followed an August, 1992, House resolution requesting that the Association develop standards for accrediting private organizations that certify lawyers as specialists, and that the Association establish and maintain a mechanism to accredit organizations that meet those standards. The 1992 resolution affirmed that a national accreditation mechanism administered by the Association according to uniform standards would be an efficient and effective means of dealing with a multiplicity of organizations that are offering, or planning to offer, certification programs. At the 1999 Annual Meeting, the House extended the initial period of accreditation approved in the Standards from three to five years. In addition, the House lengthened the period of reaccreditation from every third year to every fifth year.

The Standing Committee on Specialization currently has pending applications for reaccreditation under the Standards from three programs: (1) the Child Welfare Law program of the National Association of Counsel for Children (NACC); and the (2) Family Trial Law and (3) Criminal Trial Law programs of the National Board of Trial Advocacy (NBTA). In evaluating any program for reaccreditation, the Standing Committee follows the procedures it adopted on March 2, 1993, as amended thereafter from time to time.

In order to insure that each of the programs continues to comply with ABA Standards, the Standing Committee requires that the following documents accompany applications for reaccreditation:

i. Current versions of the applicant's governing documents, including articles of incorporation, bylaws, and resolutions of the governing bodies of the applicant or any parent organization, which resolutions relate to the standards, procedures, guidelines or practices of the applicant's certification programs;

ii. Biographical summaries of members of the governing board, senior staff and members of advisory panels, certification committees, examination boards and like entities involved with the certification process, including specific information concerning the degree of involvement in the specialty area of persons who review and pass upon applications for certification;

---

1 93M105
2 92A128
iii. All materials furnished to lawyers seeking certification, including application forms, booklets or pamphlets describing the certification program, peer reference forms, rules and procedures, evaluation guides and any other information furnished to the public or the media regarding the certification process;

iv. A copy of the last examination given to applicants for specialty certification, along with a description of how the exam was developed, conducted and reviewed; a description of the grading standards; and the names of persons responsible for determining pass/fail standards. The examinations were made available, on a confidential basis, for review by a person appointed by the Standing Committee an examination reviewer.

The Standing Committee has reviewed NACC’s and NBTA’s applications for these three programs, and hereby recommends reaccreditation of each for an additional five-year term.

The Accreditation Review Panel appointed by the Standing Committee consisted of a chair and two other members, as well as the appointed examination reviewer. Applicants were provided notice, in writing, of the names and affiliations of the members of the Accreditation Review Panel and the examination reviewer. The reaccreditation procedures provide certifying organizations the opportunity to object for cause to the appointment of examination reviewer.

The Accreditation Review Panel members and examination reviewers for these applications were:

1. **Applicant Organization:** National Association of Counsel for Children

   **Specialty Area:** Child Welfare Law

   A non-profit entity, the NACC is the nation's only charity dedicated specifically to enhancing legal representation in child welfare and juvenile justice cases. Among several programs that it administers is the Child Welfare Law specialist certification program. That is the only program accredited by the American Bar Association to certify attorneys as specialists in child welfare litigation. The Certification is available to attorneys serving in the role of attorney for the child, parent, or agency. NACC has certified over 800 Child Welfare Specialists since it was first accredited by the ABA in 2006.

   **Accreditation Review Panel**

   **Steven Lesser, Chair.** Mr. Lesser is a member of the Standing Committee on Specialization. He is a shareholder of Becker & Poliakoff in Fort Lauderdale, Florida, and Chair of its Construction Law and Litigation practice group. He is a certified specialist in Construction Law by the State Bar of Florida. Mr. Lesser is a member of the Standing Committee on Specialization.
**Almeta Cooper.** Ms. Cooper is a former senior vice president and general counsel of the Morehouse University School of Medicine. Ms. Cooper is a member of the Standing Committee on Specialization.

**Meg Hyatt.** Ms. Hyatt is the Executive Director of the National Elder Law Foundation, an organization administering the only Elder Law specialist certification program accredited by the ABA.

**Examination Reviewer**

**Prof. Bruce Boyer.** Prof. Boyer is a tenured professor of law and social justice at Loyola University Chicago’s School of Law. He is the Director of Loyola’s Civitas ChildLaw Clinic. He has also served as Chair of the American Bar Association's Steering Committee on the Unmet Legal Needs of Children.

In addition to reviewing the applicant’s reaccreditation application materials, members of the Accreditation Review Panel considered the information on the reaccreditation evaluation forms and comments provided by the examination reviewer who evaluated the written examinations on a confidential basis. Based upon this review, the Accreditation Review Panel concluded that the applicant’s program continues to comply with the ABA Standards.

By unanimous vote at an April 26, 2019, business meeting by teleconference, the Standing Committee on Specialization accepted the Panel’s recommendation, and the Committee recommends to the House of Delegates that it reaccredit NACC’s Child Welfare Law certification program for an additional five-year term.

2. **Applicant Organization:** National Board of Trial Advocacy

**Specialty Areas:** Criminal Trial Law

Family Trial Law

The NBTA was founded in 1977 to provide board certification for attorneys. It is dedicated to bettering the quality of trial advocacy in our nation’s courtrooms and helping consumers find experienced and highly qualified trial lawyers. The NBTA was originally housed, and fully supported by the Association of Trial Lawyers of America (now American Association of Justice) until 1987 when it became an independent non-profit corporation.

The NBTA has programs accredited by the American Bar Association to certify lawyers in the specialty areas of civil trial law, criminal trial law, family trial law, civil practice law and social security disability law, and truck accident law.

**Family Trial Law Accreditation Review Panel**
Barbara J. Howard, Chair. Ms. Howard is a family law practitioner in Cincinnati, Ohio, where she is the founding partner of her own firm. She is certified as a specialist in Family Relations Law by the Ohio State Bar Association. Ms. Howard is Chair of the Standing Committee on Specialization.

Almeta Cooper. Ms. Cooper is a former senior vice president and general counsel of the Morehouse University School of Medicine. Ms. Cooper is a member of the Standing Committee on Specialization.

Shannon Hartsfield. Ms. Hartsfield is partner in the Tallahassee office of Holland & Knight. She is board certified in Health Law by The Florida Bar Board of Legal Specialization and Education. She is past Chair of the ABA Health Law Section’s eHealth, Privacy & Security Interest Group, and is currently a member of the Standing Committee on Specialization.

Examination Reviewer
Prof. Linda Elrod. Prof. Elrod is the Richard S. Righter Distinguished Professor of Law and Director of the Washburn University School of Law Children and Family Law Center. She is past chair of the American Bar Association Family Law Section; has served on the ABA Family Law Section Council since 1988; served as co-chair of the ABA Child Custody and Adoption Pro Bono Advisory Board; and has been Editor of the Family Law Quarterly since 1992.

Criminal Trial Law Accreditation Review Panel

Shontrae Devaughn Irving, Chair. Mr. Irving is immediate past Chair of the Standing Committee on Specialization. He is a professor of business law at Purdue University Northwest in Hammond, Indiana, and is a former Deputy Prosecutor for Lake County, Indiana.

Kim Dvorchak. Ms. Dvorchak is the Executive Director of the NACC, and a practicing attorney. Ms. Dvorchak represented children and youth in delinquency court, criminal court, and on appeal. She has run her own law firm, and served as a public defender in two states.

Virginia Landry. Ms. Landry is criminal defense lawyer in Orange County, California, and certified as DUI Defense specialist by the National College for DUI Defense, for which she also serves as a College Regent

Examination Reviewer
Randall Hodgkinson. Mr. Hodgkinson is the appellate defender for the state of Kansas, and an assistant professor of law at Washburn University School of Law in Topeka. Mr. Hodgkinson is a former public defender for Sedgwick County, Kansas (Wichita).
In addition to reviewing the applicant's reaccreditation application materials, members of the Accreditation Review Panel considered the information on the reaccreditation evaluation forms and comments provided by the examination reviewer who evaluated the written examinations on a confidential basis. The Accreditation Review Panel communicated several suggested revisions to NBTA leadership regarding the rules and procedures it has in place for reviewing and processing applications for certification. Based upon this review and its having received satisfactory revisions to NBTA rules and procedures, the Accreditation Review Panel concluded that the applicant’s programs in Family Trial Law and Criminal Trial Law continue to comply with the ABA Standards.

By unanimous vote at an April 26, 2019, business meeting by teleconference, the Standing Committee on Specialization accepted the Panel’s recommendation, and the Committee recommends to the House of Delegates that it reaccredit NBTA’s Family Trial Law and Criminal Trial certification programs for an additional five-year term.

Respectfully submitted,

Barbara Howard
Chair, Standing Committee on Specialization
August 2019
APPENDIX

(Excerpted provisions of the Standards for Accreditation of Specialty Certification Programs For Lawyers)

AMERICAN BAR ASSOCIATION ACCREDITATION OF SPECIALTY CERTIFICATION PROGRAMS FOR LAWYERS

STANDARDS

* * *

SECTION 4: REQUIREMENTS FOR ACCREDITATION OF CERTIFYING ORGANIZATIONS

In order to obtain accreditation by the Association for a specialty certification program, an Applicant must demonstrate that the program operates in accordance with the following standards:

4.01 Purpose of Organization -- The Applicant shall demonstrate that the organization is dedicated to the identification of lawyers who possess an enhanced level of skill and expertise, and to the development and improvement of the professional competence of lawyers.

4.02 Organizational Capabilities -- The Applicant shall demonstrate that it possesses the organizational and financial resources to carry out its certification program on a continuing basis, and that key personnel have by experience, education and professional background the ability to direct and carry out such programs in a manner consistent with these Standards.

4.03 Decision Makers -- A majority of the body within an Applicant organization reviewing applications for certification of lawyers as specialists in a particular area of law shall consist of lawyers who have substantial involvement in the specialty area.

4.04 Uniform Applicability of Certification Requirements and Nondiscrimination

(A) The Applicant's requirements for certifying lawyers shall not be arbitrary and shall be clearly understood and easily applied. The organization may only certify those lawyers who have demonstrably met each standard. The requirements shall be uniform in all jurisdictions in which the Applicant certifies lawyers, except to the extent state or local law or regulation imposes a higher requirement.

(B) Membership in any organization or completion of educational programs offered by any specific organization shall not be required for certification, except that this paragraph shall not apply to requirements relating to the practice of law which are set out in statutes, rules and regulations promulgated by the government of
the United States, by the government of any state or political subdivision thereof, or by any agency or instrumentality of any of the foregoing.

(C) Applicants shall not discriminate against any lawyers seeking certification on the basis of race, religion, gender, sexual orientation, disability, or age. This paragraph does not prohibit an Applicant from imposing reasonable experience requirements on lawyers seeking certification or re-certification.

4.05 Definition and Number of Specialties -- An Applicant shall specifically define the specialty area or areas in which it proposes to certify lawyers as specialists.

(A) Each specialty area in which certification is offered must be an area in which significant numbers of lawyers regularly practice. Specialty areas shall be named and described in terms which are understandable to the potential users of such legal services, and in terms which will not lead to confusion with other specialty areas.

(B) An Applicant may seek accreditation to certify lawyers in more than one specialty area, but in such event, the organization shall be evaluated separately with respect to each specialty program.

(C) An Applicant shall propose to the Standing Committee a specific definition of each specialty area in which it seeks accreditation to certify lawyers as specialists. The Standing Committee shall approve, modify or reject any proposed definition and shall promptly notify the Applicant of its actions.

4.06 Certification Requirements -- An Applicant shall require for certification of lawyers as specialists, as a minimum, the following:

(A) Substantial Involvement -- Substantial involvement in the specialty area throughout the three-year period immediately preceding application to the certifying organization. Substantial involvement is measured by the type and number of cases or matters handled and the amount of time spent practicing in the specialty area, and require that the time spent in practicing the specialty be no less than twenty-five percent (25%) of the total practice of a lawyer engaged in a normal full-time practice.

(B) Peer Review -- A minimum of five references, a majority of which are from attorneys or judges who are knowledgeable regarding the practice area and are familiar with the competence of the lawyer, and none of which are from persons related to or engaged in legal practice with the lawyer.

(1) Type of References -- The certification requirements shall allow lawyers seeking certification to list persons to whom reference forms could be sent, but shall also provide that the Applicant organization send out all reference forms. In addition, the organization may seek and consider reference forms from persons of the organization's own choosing.
(2) **Content of Reference Forms** -- The reference forms shall inquire into the respondent's areas of practice, the respondent's familiarity with both the specialty area and with the lawyer seeking certification, and the length of time that the respondent has been practicing law and has known the applicant. The form shall inquire about the qualifications of the lawyer seeking certification in various aspects of the practice and, as appropriate, the lawyer's dealings with judges and opposing counsel.

(C) **Written Examination** -- An evaluation of the lawyer's knowledge of the substantive and procedural law in the specialty area, determined by written examination of suitable length and complexity. The examination shall include professional responsibility and ethics as it relates to the particular specialty.

(D) **Educational Experience** -- A minimum of 36 hours of participation in continuing legal education in the specialty area in the three-year period preceding the lawyer's application for certification. This requirement may be met through any of the following means:

1. Attending programs of continuing legal education or courses offered by Association accredited law schools in the specialty area;

2. Teaching courses or seminars in the specialty area;

3. Participating as panelist, speaker or workshop leader at educational or professional conferences covering the specialty area; or

4. Writing published books or articles concerning the specialty area.

(E) **Good Standing** -- A lawyer seeking certification is admitted to practice and is a member in good standing in one or more states or territories of the United States or the District of Columbia.

4.07 **Impartial Review** -- The Applicant shall maintain a formal policy providing lawyers who are denied certification an opportunity for review by an impartial decision maker.

4.08 **Requirements for Re-Certification** -- The period of certification shall be set by the Applicant, but shall be no longer than five years, after which time lawyers who have been certified must apply for re-certification. Re-certification shall require similar evidence of competence as that required for initial certification in substantial involvement, peer review, educational experience and evidence of good standing.

4.09 **Revocation of Certification** -- The Applicant shall maintain a procedure for revocation of certification. The procedures shall require a certified lawyer to report his or her disbarment or suspension from the practice of law in any jurisdiction to the certifying organization.
SECTION 5: ACCREDITATION PERIOD AND RE-ACCREDITATION

5.01 Initial accreditation by the Association of any Applicant shall be granted for five years.

5.02 To retain Association accreditation, a certifying organization shall be required to apply for re-accreditation prior to the end of the fifth year of its initial accreditation period and every five years thereafter. The organization shall be granted re-accreditation upon a showing of continued compliance with these Standards.

SECTION 6: REVOCATION OF ACCREDITATION

6.01 A certifying organization's accreditation by the Association may be revoked upon a determination that the organization has ceased to exist, or has ceased to operate its certification program in compliance with these Standards.

SECTION 7: AUTHORITY TO IMPLEMENT STANDARDS

7.01 Consistent with these Standards, the Standing Committee shall have the authority to:

(A) Interpret these Standards;

(B) Adopt rules and procedures for implementing these Standards, and amend such rules and procedures as necessary;

(C) Adopt an appropriate fee schedule to administer these Standards;

(D) Consider applications by any certifying organization for accreditation or re-accreditation under these Standards, evaluate those requests in accordance with the Standards and recommend approval by the Association of such requests when it deems the organization has met the requirements as set forth in these Standards; and

(E) Recommend the revocation of accreditation in accordance with the provisions of Section 6.01 of these Standards.

SECTION 8: ADOPTION AND AMENDMENT

8.01 These Standards become effective upon their adoption by the House of Delegates of the Association.

8.02 The power to approve an amendment to these Standards is vested in the House of Delegates; however, the House will not act on any amendment until it
has first received and considered the advice and recommendations of the Standing Committee.
GENERAL INFORMATION FORM

Submitting Entity: American Bar Association Standing Committee on Specialization

Submitted By: Barbara Howard, Chair

1. Summary of Resolutions

The resolution grants reaccreditation to the Child Welfare Law program of the National Association of Counsel for Children, and the Family Trial Law and Criminal Trial Law programs of the National Board of Trial Advocacy.

2. Approval by Submitting Entity

At its telephone meeting on April 26, 2019, the Standing Committee on Specialization voted unanimously that it submit this resolution to the House of Delegates for consideration at the 2019 Annual Meeting.

3. Has this or a similar recommendation been submitted to the House of Board previously?

Yes. The five-year anniversary of the last reaccreditation of NBTA’s Family Trial Law and Criminal Trial Law programs occurred at the 2019 Midyear Meeting, but the Specialization Committee had not yet received a recommendation from the application review panels about those programs’ compliance with the Standards. The Committee thus recommended a single extension of the programs’ accreditation so that the Application Review Panel could finish its work and make a final recommendation. (Resolution MY2019 102).

4. What existing Association policies are relevant to this recommendation and how would they be affected by its adoption?

The American Bar Association Standards for Accreditation of Specialty Certification Programs for Lawyers. They will not be affected by the adoption of this Resolution; rather, they are the policy under which any action to accredit or withhold accreditation are taken by the Association.

5. What urgency exists which requires action at this meeting of the House?

To comply timely and effectively with the House resolutions cited above, and the periodic requirements for reaccreditation set forth in the Standards themselves.
Prompt action is necessary in order to prevent ABA accreditation of the programs under consideration from lapsing and to continue to assist the states in regulating private certifying organizations.

6. **Status of Legislation**

Not applicable.

7. **Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates**

Implementation will be self-executing if the program is reaccredited by the House of Delegates.

8. **Cost to the Association**

There are no unreimbursed costs associated with the reaccreditation of specialty certification programs as proposed in the recommendation.

9. **Disclosure of Interest**

None.

10. **Referrals**

Commission on Youth at Risk
    Family Law Section
    Criminal Just Section

11. **Contact Person (Prior to the Meeting)**

Barbara Howard  
Chair, Standing Committee on Specialization  
960 Mercantile Center  
120 E. Fourth St.  
Cincinnati OH 45202  
Email: Lawoffice@barbarajhoward.com

Martin Whittaker  
Staff Counsel, Standing Committee on Specialization  
321 North Clark Street  
Chicago IL  60654  
Phone: 312-988-5309  
Email: Martin.Whittaker@Americanbar.org
12. **Contact Person (Who will present the Report to the House)**

Barbara Howard  
Chair, Standing Committee  
on Specialization  
960 Mercantile Center  
120 E. Fourth St.  
Cincinnati OH 45202  
Email: Lawoffice@barbarajhoward.com
EXECUTIVE SUMMARY

1. Summary of the Resolutions

The resolution grants reaccreditation to the Child Welfare Law program of the National Association of Counsel for Children, and the Family Trial Law and Criminal Trial Law programs of the National Board of Trial Advocacy.

2. Summary of the Issue the Resolution Addresses

To respond to a need to regulate certifying organizations, the House of Delegates adopted standards for accreditation of specialty certification programs for lawyers, and delegated to the Standing Committee the task of evaluating organizations that apply to the ABA for accreditation and reaccreditation. This Resolution satisfies the Standing Committee’s obligation to periodically review programs that the House of Delegates has accredited and recommend their further reaccreditation or revocation of accreditation.

3. Explanation of How Proposed Policy Position Will Address Issue

The recommendation addresses the issue by implementing previous House resolutions calling on the ABA to evaluate specialty certification organizations that apply for accreditation and reaccreditation.

4. Summary of Minority Views or Opposition

The Standing Committee on Specialization approved the proposed recommendation unanimously. No opposition has been identified.