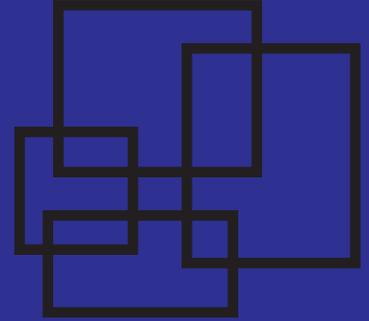


CERTIFICATION LINK

Your *ABA Specialization Connection*



WINTER 2005

NewsLink

What's new from programs across the country



The NACC is pleased to announce that the manuscript for its new publication, *Child Welfare Law and Practice: Representing Children, Parents, and State Agencies in Abuse, Neglect, and Dependency Cases* has been submitted for publication. The book, to be published by Bradford Publishing will be approximately 500 pages and will be available in April 2005. It will serve as a study guide for the NACC Child Welfare Law Specialization exam as well as a general practice guide for child welfare lawyers. The book represents the first publication of a national child welfare law model.

The National Board of Trial Advocacy (NBTA), a nonprofit organization accredited by the ABA to certify attorneys at specialists in the areas of civil, criminal, and family law trial advocacy, will conduct the spring administration of the national trial certification exam on April 16, 2005, in various locations throughout the United States.

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19th Annual National Roundtable

Sand, Sun and Specialty Certification

The 19th Annual National Roundtable on Lawyer Specialty Certification will be in sunny Ft. Lauderdale, Florida. Plan now to attend! The dates for this fabulous networking and learning opportunity are Thursday, March 10 - Saturday, March 12 in sunny Ft. Lauderdale, Florida.

A block of rooms has been reserved at the beautiful Westin Ft. Lauderdale, just minutes from beaches, downtown restaurants, shopping and entertainment.

This year's planning committee has come up with a fabulous program that is sure to have a little something for everyone. More details and the brochure will be coming, but here's a sneak preview.

◆ Appeals and Due Process – Notice and opportunity to be heard, how much is enough?

◆ Public Private Partnerships – There are Ph.D. candidates at the University down the street who know what psychometrics are. How do you persuade them to help you?

◆ Florida Circuit Judge and Board of Legal Specialization Chair, Ralph Artigliere will be a featured speaker.

◆ Branding, what Florida, California

and Minnesota have in common, and how they are gathering information and making marketing decisions.

◆ Board Duties – What should your board members know about? What makes for successful Board/Staff relationships? Come hear from the former chair of Florida's Board of Legal Specialization and Education.

◆ Everyone's favorites, the Administrators' Workshop and the Certification Players are back by popular demand.

◆ We are working on a great social event for Friday evening where you will have the opportunity to meet old friends and new at a great Florida venue!

◆ We're also lining up deals on other activities like Baseball Spring Training games, scuba classes, deep sea fishing, safari trips and historical house tours. Of course, there will be some for lounging at the outdoor swimming pool with waterfall and hot tub.

Don't miss this important program -- go to www.LegalSpecialists.org and click on the Roundtable to make your hotel reservations today!

Your Concerns - Expert Speakers

Thursday, March 10 - Saturday, March 12, 2005
Westin Ft. Lauderdale

Reserve your room now at:
www.LegalSpecialists.org or call (954) 772-1331

MSN Money Article Lists Certification as Criteria in Selecting an Attorney

An article in MSN Money, "13 Ways to Avoid a Bad Bankruptcy Attorney," lists certification by the American Board of Certification (ABC) as a means of finding "the best attorney to handle your bankruptcy filing." The article lists several tips for selecting an attorney. Tip #4 says:

4. Investigate certifications. Attorneys who are certified by the American Bankruptcy Institute have had to meet additional standards. See if your prospective attorney has this added training.

The article incorrectly refers to ABC as the American Bankruptcy Institute (ABI). Although ABI is a

sponsor of ABC and the organizations are closely affiliated, ABC & ABI are completely separate organizations. Given ABC's prominent placement on the ABI Website homepage, readers should have no difficulty locating the ABC Directory.

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The day-long written exam, part of NBTA's certifications application, tests and applicant's comprehensive practical knowledge of trial practice, ethics and evidence relevant to their chosen specialty area. Applicants will be tested on their knowledge of the substantive law, and their ability to evaluate, handle and resolve model controversies prior to the institution of suit and through post judgment proceedings. Attorneys interested in achieving national trial certification in the specialties of civil, criminal or family law trial advocacy should open an NBTA application prior to March 1, 2005 to be eligible to sit for the April 16 exam.

Please contact NBTA staff office or visit www.nbtanet.org to find a testing site near you, or for more information on how to apply for certification.

The Florida Supreme Court recently established construction law as the 20th practice field now available to attorneys for board certification. Attorneys interested in construction law board certification will soon be able to apply at The Florida Bar Web site at www.flabar.org.

The Florida Supreme Court in May 2004 amended Florida Bar rules to add construction law to the existing Certification Program which it described in its opinion "as a resource for the public to identify lawyers who have met established standards in particular practice areas and who are committed to excellence and professionalism in the practice of law."

A lawyer who is a member in good standing of The Florida Bar and who meets the standards prescribed by the state's Supreme Court may be issued an appropriate certificate identifying the lawyer as a "Board Certified Construction Lawyer."

Lawyers certified in construction law deal with matters relating to the design and construction of improvements on private and public projects including construction dispute resolution, contract negotiation, preparation, award and administration, lobbying in governmental hearings, oversight and document review, construction lending and insurance, construction licensing, and the analysis and litigation of problems arising out of the Florida Construction Lien Law and the federal Miller Act.

The American Board of Certification (ABC) announced that new officers and directors were elected at the organization's Board of Directors Meeting on December 4, 2004 in Scottsdale, AZ. The organization is proud to have two highly regarded law professors, an assistant U.S. Trustee and 5 prominent certified attorneys join the ABC Board.

Elected ABC Officers

Elected Chair is Rudy J. Cerone, a partner in the New Orleans, LA office of McGlinchey Stafford, PLLC. He has been certified in business bankruptcy law by the ABC for over 10 years and by the Louisiana State Bar Association since 1997. William L Norton, III has been elected President. He is an equity member of the Litigation Team at Boulton Cummings in Nashville, TN. He is certified in business bankruptcy law by ABC. Robert S. Bernstein named President Elect. Mr. Bernstein is Managing Partner of Bernstein Law Firm, P.C. in Pittsburgh, PA. He is certified in business bankruptcy and creditors' rights law by ABC.

ABC also announces that twenty-three new certifications were granted

The Next ABC Exam Dates are:

April 7, 2005 (In conjunction with the CLLA Chicago Conference)
Chicago, IL

April 28, 2005 (In conjunction with the ABI Annual Spring Meeting)
Washington, D.C.

April 29, 2005 (In conjunction with the Nat'l Assn. of Consumer Bankruptcy Attorneys)
San Diego, CA

The next meeting of the Standing Committee on Specialization will be held just prior to the Annual Roundtable, at 2:00 pm on March 10th at the Westin Hotel in Ft. Lauderdale, FL. To book your reservations, go on-line at www.LegalSpecialists.org and click on "Book a Room at this Event" on the Roundtable page or call 954/772-1331. All are welcome to attend.



Have a question for "Ask an Expert"?

Write to [Tori Wible at WibleT@staff.abanet.org](mailto:Tori.Wible@staff.abanet.org)

Virginia Advertising Suit Settled

The Richmond, VA firm of Allen, Allen, Allen & Allen had been involved in on-going litigation with the Virginia State Bar Association over the way the firm had advertised its inclusion in the publication, *The Best Lawyers in America*. The firm had asserted a first amendment right of the public to receive accurate information describing a lawyer's credentials. The VSB Standing Committee on Lawyer Advertising, which had issued Legal Advertising Opinion 0114 (LAO-0114), asserted that it is not unethical to advertise that an attorney is listed in such publications, but it is unethical to extrapolate from the listing or in any way characterize its meaning.

The firm had revised their ad to remove any characterization of the inclusion in *The Best Lawyers in America*, but asked the US District Court to issue a preliminary injunction

prohibiting the bar from initiating disciplinary proceedings over the ad.

According to an article appearing in the October 11, 2004 *Virginia Lawyers Weekly*, the parties stipulated to the removal of the preliminary injunction and agreed that the advertisements, which were the subject of the injunction, comply with Virginia Disciplinary Rule 7.1(a)(3). Both sides have submitted versions of LAO-0114 to the Supreme Court, but are still awaiting a ruling.

Virginia Rule of Professional Conduct 7.4 permits lawyers to communicate information regarding certification, provided that such communications include the name of the certifying organization and state that "there is no procedure in the Commonwealth of Virginia for approving certifying organizations" [Rule 7.4(d)].

"After the JD" Research Project Issues First Report on New Lawyers

The American Bar Foundation (ABF) has released the first round of results on their groundbreaking study: "After the JD: First Results of a National Study of Legal Careers". This joint publication of the NALP Foundation for Law Career Research and Education and ABF is available on the ABF website at www.aff-sociolegal.org/NewPublications/.

The "After the JD" project will track more than 5,000 lawyers during the first ten years after law school. The first set of data is based on questionnaires sent two to three years into their careers. One of the most interesting findings is the evidence that suggests that new lawyers specialize early in their careers. This finding is based both on responses indicating that the lawyers consider themselves specialists and a separate response showing the amount of time they spend in each of 20 different practice areas.

Over two-thirds of the respondents report that over half of their work is in a single area. Only 40%, however, describe themselves as specialists. The study found that most lawyers self-reporting specialization as measured by the amount of time in any practice area were in the public sector, such as legal services or public defenders' offices and in medium and large firms.

The other finding regarding specialization, indicates that in terms of gender, there is still evidence of traditional gender divisions in specialty areas. For example, more women reported practicing in family law and more men reported practicing in intellectual property.

The Standing Committee will continue to follow the "After the JD" study and report on relevant findings.

Florida Board of Legal Specialization & Education Launches Strategic Communication Plan

Tallahassee, Fla. – The Florida Bar’s Board of Legal Specialization & Education using certification program funds recently hired a public relations consultant to implement a one-year, statewide strategic communication plan to raise public and lawyer awareness of the Bar’s board-certification program.

Key elements of the plan include statewide outreach to consumer reporters, media-relations and marketing tools for certified lawyers and internal Bar communications to dispel myths about the certification process and to encourage applications. The Bar’s Public Information Department oversees the public- and media-relations outreach campaign. All implementation tactics are coordinated with the Bar’s Director of Public Information to complement the Bar’s overall communication strategies approved by the Communications Committee of the Bar’s Board of Governors.

The BLSE created the strategic communication plan to meet the following goals:

- 1) Encourage the growth of specialist certification by demonstrating its value to consumers, lawyers, employers, and referral sources,
- 2) Educate consumers of legal services about lawyer specialization so they can make informed choices in selecting a lawyer, and
- 3) Clarify the value of standards for certification of lawyer specialists so that the Bar and Supreme Court consider them in implementing certification programs.

The campaign is based on research about attitudes and opinions related to certification. For example, one national survey shows that 50 percent of consumers get their lawyers from the Yellow Pages and that four out of five consider specialization in a particular field of law to be important when selecting a lawyer.

An internal survey of the Florida Bar’s certification leadership shows they believe the main reasons Florida lawyers undergo certification are prestige/peer recognition (44 percent) and professional development (32 percent) and not for economic benefit.

Florida’s ratio of certified lawyers to eligible attorneys is one of the nation’s highest. Raising awareness about the program can result in greater numbers of certification applicants and can give consumers more information to assist in their selection of attorneys.

For more information about the Florida BLSE’s strategic communication plan, please contact Lisa Garcia at (850) 561-5769 or lgarcia@flabar.org.

Have an idea for a future Certification Link article?

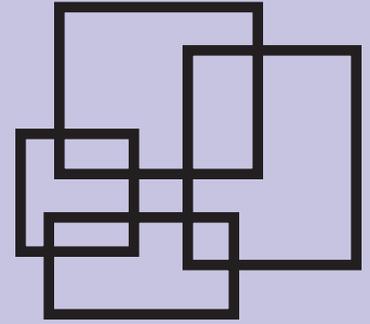
Does your program have news you want to share?

**Send any submissions to: specialization@abanet.org
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email to Specialization@mail.abanet.org**

Not on the ListServ?

It's free and open to anyone interested in specialization.

Email Tori Wible at WibleT@staff.abanet.org to join.



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