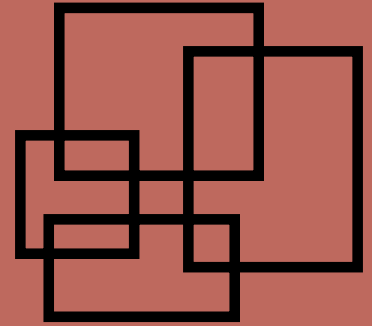


CERTIFICATION LINK



Your ABA Quarterly Specialization Connection

NOVEMBER 2001

Newslink

What's new from programs across the country



◆ The Arizona State Bar Board of Governors, which oversees the **Board of Legal Specialization**, approved the BLS plan to recognize national certifying agencies. Bankruptcy certification is discussing bifurcating into consumer and commercial bankruptcy specialties.

◆ The **National Board of Trial Advocacy's** web site, www.nbtanet.org, has undergone a complete overhaul in an effort to make it both more accessible and appealing. The re-vamped site will have both new features and information found on the previous site. NBTA will be publishing an updated copy of the membership directory to compliment NBTA's online directory of board certified trial attorneys. Regarding NBTA's revised standards for certification of civil and criminal trial advocates, NBTA's Membership Director has found the new substantial involvement requirements to

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Welcome to the new and improved Certification newsletter. In a former life, this publication was called Specialization Update, but a new scope and new focus naturally led to a new name. We need your input! Email elym@staff.abanet.org with Newslink items, updates and story ideas. ◆

Firms Increasingly Require Certification

By Michelle L. Anderson
American Board of Certification

Large firms are increasingly requiring their attorneys to gain certification in their specialties. This trend will continue to enhance the benefits of certification by gaining recognition for certified attorneys from employers and prospective employers.

Many firms have specifically required attorneys in their bankruptcy and creditors' rights departments to seek certification by the American Board of Certification (ABC). One such firm is Barnes & Thornburg, with offices in Indianapolis, South Bend, Fort Wayne, and Elkhart, IN, as well as Chicago and Washington, D.C. Barnes and Thornburg has four attorneys certified as business bankruptcy specialists by ABC and recently made it a requirement for all primary Creditors' Rights Department attorneys to become certified.

"We believe that it is not better only for our attorneys but also for those with whom we practice in the bankruptcy arena to become certified. Certification serves to improve the quality not only of our firm's creditors' rights attorneys but of the bankruptcy bar as a whole, and it further enhances the collegiality of

those who devote a substantial portion of their practice to bankruptcy matters," says Mike Watkins of Barnes & Thornburg and an ABC certified business bankruptcy specialist. "We think the courts also appreciate the expression of the level of commitment a lawyer has to the practice demonstrated by this extra effort."

Large firms also recognize that certification leads to referrals and increased business. The Raleigh, NC-based firm of Smith Debnam Narron Wyche Story & Myers, LLP has five attorneys certified by ABC, more than any other firm. Terri Gardner, a Smith Debnam attorney certified by ABC in business bankruptcy law says, "I have received many referrals from attorneys who are ABC certified, the most recent from an attorney in California who needed local counsel. Being certified is very important to me because it affirms to other attorneys and potential clients that I have the expertise they need when seeking a

Certification demonstrates a commitment to excellence and to providing the best possible legal services

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**Certification Link wants to know what's new.
Email updates to elym@staff.abanet.org.**

Newslink (continued)

be both more effective in documenting relevant trial time, and easier for the applicant to complete, than were NBTA's previous requirements, thereby proving a success all around. In light of the State Bar of Arizona's recent adoption of a plan to recognize national certification entities, NBTA has submitted an application for accreditation in the specialty areas of civil, criminal and family law trial advocacy. As well, an application is in the works for ABA accreditation of the developing social security law specialty. NBTA continues to monitor developments in a number of states considering changes to their rules regulating the disclosure of specialty certifications with an ambition to insure recognition of national trial certification.

◆ **American Board of Certification** President Harry W. Greenfield (Buckley, King & Bluso; Cleveland, OH), ABC Vice President James T Markus (Black Markus and Williams; Denver, CO) and ABC Executive Director **Michelle Anderson** recently represented ABC at the National Conference of Bankruptcy Judges, where they distributed the newest edition of the ABC Directory of Certified Attorneys. A copy of the Directory can be obtained free of charge by calling 703/739-1023 or on the web site at www.abcworld.org. The ABC Board of Directors has approved a licensing agreement that allows ABC Certified Attorneys to use the ABC logo on letterhead, business cards, brochures, web sites and other communications. In order to access the ABC logo, available on the web site, the licensing agreement must be reviewed and accepted

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From Registrar to Executive Director: Growth of a Career

By **Roberta Hugus**
National Board of Trial Advocacy

In 1987, I answered a small ad in the *Boston Globe* that merely stated: "small legal org needs admin." I called the number given and, within one month, I was on a plane to Washington, DC to pack up the entire National Board of Trial Advocacy (NBTA) office and relocate it to downtown Boston. The organization consisted of 400 members, 35 applicants and 80 boxes of files and stuff. Since the movers neglected to see the "inside delivery" order, the boxes were dumped on the sidewalk

outside of our one-room office, located in a brownstone in Beacon Hill with no elevator. I was given the title Registrar and was the only full time employee except for a part-time Executive Director who just so happened to be on an eight-week sabbatical in France while I was standing outside with all those boxes.

After settling in, I realized quickly that I needed help. I called upon a former colleague and friend. Fortunately, she was up for the challenge and joined me in that one room office that has since grown into a

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Historical Perspective

How Specialization got its start in Ohio

Frank E. Bazler, member of ABA Standing Committee on Specialization, formerly first chair of the Ohio Supreme Court CCAS and former chair of OSBA Specialization Committee, reflects on the history of specialization in Ohio.

The organizational inception of specialization of attorneys in Ohio started in 1974 when the Ohio State Bar Association (OSBA) appointed a Special Study Committee on Specialization. From that beginning, a two-tiered plan of specialization containing both self-designation and specialization certification was presented to the OSBA Council of Delegates in 1979. The Council sent the plan back for further study. At the same time it became apparent that the Ohio Supreme Court had no interest in specialization. At the request of the OSBA president in 1982, the Committee turned its attention to mandatory continuing legal education and successfully obtained approval of the Ohio Supreme Court for mandatory CLE in 1988.

With the advent of *Peel v. Attorney Registration and Disciplinary Commission of Illinois* in 1990 and a personnel change on the Ohio Supreme Court, the Committee again directed its attention to specialization. Using *Peel* as a basis, the Committee proposed a plan for accrediting agencies to handle specialization in Ohio. After approval by the OSBA Council of Delegates, the plan was submitted to the Ohio Supreme Court, which approved it with minor modifications.

In 1993 the Ohio Supreme Court appointed a 17-member Commission on Certification of Attorneys as Specialists (CCAS). Using the accreditation standards of the ABA Standing Committee as a guide, the CCAS adopted its own standards for accreditation of agencies and the certification by those agencies of specialists, which were approved by the Ohio Supreme Court. The next step was obtaining Ohio Supreme Court approval of the definitions of designated specialty areas. The approved areas are: Business Bankruptcy Law, Business, Commercial and Industrial Real Property Law, Residential Real Property Law, Civil Trial Advocacy, Consumer Bankruptcy Law, Creditors' Rights/Debt Collection, Criminal Trial Advocacy, Elder Law, Estate Planning, Trust and Probate Law, Family Relations Law, Federal Taxation Law, Labor and Employment Law and Workers'

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suite of six offices containing a seven-person staff. In 1991, I became Executive Director and my steadfast colleague, Melissa Sternbach, became the Membership Director. The former Executive Director left NBTA and Melissa and I hired people to round out the office.

One of the pivotal events in NBTA's history, and indeed the history of attorney certification, was our victory in the U.S. Supreme Court in the *Peel* case. One of our members in Illinois, namely Gary Peel, placed the certification designation on his

When we were little girls, we didn't tell people that we wanted to be legal certification plan administrators when we grow up.

letterhead and was censured by the Illinois Disciplinary Commission. NBTA saw this as a wonderful opportunity to fight for all lawyers' rights to fully and openly disclose their hard-earned certification. Having little funds for such a campaign, we called upon our members to pay the legal fees. I still marvel at how generous everyone was and we funded the fight entirely through the generosity of our members—and we won! Melissa and I flew down to Washington, DC and had the pleasure of seeing our case argued in front of the Supreme Court Justices, which was such a thrill.

I can tell you that 15 years go by

quickly. In that time, our membership has grown to over 2500 members. In addition to civil and criminal trial lawyers, we now certify family law trial lawyers and we are considering expanding into social security disability law. We have a steady pool of 350-500 applicants. Since our membership consists of enough people to make up a small town, we have had our share of illnesses, deaths, even murders and other tragedies within our ranks. We have also shared many joys with our members such as promotions to the bench, elections to offices, appointments to official positions and other professional and personal accomplishments.

Also, Melissa and I have undergone many changes and transitions. Melissa got married, and she and I now each have two children. We have hired good people, lost a few employees to other adventures and essentially have had a great time watching a wonderful organization grow into a respected and well-known credential.

One of my peers in the legal association business said: "Roberta, when we were little girls, we didn't tell people that we wanted to be legal certification plan administrators when we grow up." Well, that may be true but little did I know that when I answered the ad in the *Boston Globe* that I would begin an amazingly wonderful odyssey that has changed my personal and professional life in ways I couldn't have even imagined. I hope that when my children grow up they can feel as lucky as I do to have found a career where you really do feel that you make a difference. ♦

Ohio-Continued from page 2

Compensation Law in Ohio.

Several agencies have been approved and have acted to certify specialists. The OSBA has continued to be a leader in specialization in Ohio. It is accredited as an agency to certify specialists in Family Relations Law, Federal Taxation Law, Labor and Employment Law, and Workers' Compensation Law in Ohio. Specialty Boards created by the OSBA, along with

the appropriate OSBA Sections or Committees, provide the leadership for the agency certification. Currently the OSBA has applied for accreditation as an agency in Estate Planning, Trust and Probate Law, and is working on an application in Real Property Law. For information on the OSBA Specialization Program contact Melissa Quick at (800) 282-6556 or email mquick@ohioabar.org. ♦

Newslink (continued)

and the logo may be used under the terms. ABC recently gained a new staff member. Kristina Ingram, a student in George Washington University's MBA program, is working for ABC as Certification Coordinator part-time. ♦

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**2002 National
Roundtable on
Lawyer
Specialty
Certification**

March 21-23, 2002

**Westin Francis
Marion Hotel
Charleston, SC**

**For more information
and registration, go
to [www.abanet.org/
specialization](http://www.abanet.org/specialization).**

New Survey Tracks Public Attitudes Toward Lawyer Specialization

Lawyers.com, a subsidiary of Martindale-Hubbell, commissioned a study to explore Americans' behaviors and attitudes towards choosing and using lawyers.

The purpose of this study was to confirm several observations that have been made about how Americans choose and use lawyers. The results are based on telephone interviews with 1001 Americans 25 years of age or older interviewed between November 8 and November 22, 2000. Here are excerpts of findings relevant to lawyer specialization:

- Figuring out where to find a lawyer and how to compare them to others limits the ability of many Americans to research their choices.
- Approximately three out of ten say their inability to compare information about different attorneys (28%) and being intimidated or confused by the whole process (27%) would limit their ability to research their options for representation. One out of five (20%) would be limited by a lack of resources and information.
- Over two in five people agree that it is hard to find a good lawyer (44%) and one-quarter (26%) agrees that they do not know how to find a good lawyer.
- Another two in five Americans (38%) agree that finding a lawyer is an intimidating process, and over one in five (23%) agree that they are

embarrassed by their lack of knowledge about what to ask when hiring a lawyer.

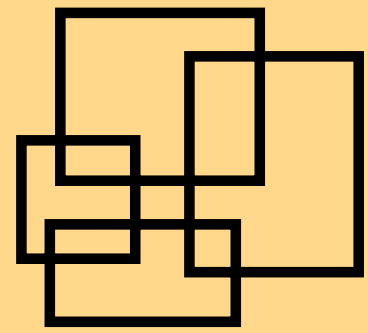
- Americans rely on their assessment of a lawyer's personal skills when making their choice in legal representation.
- Nearly nine out of ten Americans (88%) report that feeling like they can trust a lawyer is important and over one-half (57%) report that they inherently trust their lawyer.
- But three-quarters of Americans (72%) agree that it is hard to know who to trust when choosing a lawyer, and one-quarter (25%) reports that not trusting their lawyer would be enough grounds to fire them.
- Four out of five Americans consider specialization in a particular field of law (83%) to be important when selecting a lawyer. Approximately seven in ten consider years of experience (77%) and other cases and clients handled (70%) when making their decision.
- Women are more concerned with a lawyer's specialization in a particular field than men (62% vs. 54%, respectively).
- Almost three out of five (59%) prospective clients consider how much a lawyer charges to be criteria important to their decision. The majority of Americans who have retained a lawyer (69%) were aware of their lawyer's field of expertise. Nearly three out of five (56%) hired a lawyer with specialized practice focus. ♦

Firms-Continued from page 1

qualified business bankruptcy attorney." The attorneys at Smith Debnam believe certification helps solidify both their individual reputations and the law firm's reputation for superior work in the debtor-creditor field.

Firms also view certification as a commitment to the profession and adherence to standards. The Overland Park, KS and Kansas City, MO, law firm of Lentz & Clark, P.A. has all four of its attorneys dual certified by ABC in business and consumer bankruptcy law. "ABC certification demonstrates a commitment to excellence and to providing the best possible legal services," says F. Stannard Lentz.

Weltman, Weinberg & Reis Co., L.P.A. (WWR), a nationally recognized, full-service collections/creditors' rights law firm, has four attorneys ABC certified as creditors' rights specialists. Alan Weinberg, a WWR partner and ABC certified creditors' rights specialist, is proud that WWR has taken initiative in certifying creditors' rights specialists. "Being board certified shows clients that we are willing to go the extra mile in achieving the highest level of professional development, education, and dedication to the industry," says Weinberg. ♦



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