

**SUPREME COURT OF OHIO  
COMMISSION ON CERTIFICATION OF ATTORNEYS AS SPECIALISTS**

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**PART I: STANDARDS FOR ACCREDITATION OF SPECIALTY  
CERTIFICATION PROGRAMS FOR LAWYERS**

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**SECTION 1: POLICY STATEMENT**

**1.01** This document establishes standards by which the Supreme Court of Ohio Commission on Certification of Attorneys as Specialists will accredit specialty certification programs for lawyers in particular fields of law. The Standards require that an accredited organization demonstrate that lawyers certified by it possess an enhanced level of skill and expertise as well as substantial involvement in the specialty area of certification and that accredited organizations foster professional development. The Standards are designed to enable the Commission to evaluate thoroughly the objectives, standards, and procedures of Applicants and to facilitate public access to appropriate legal services.

**SECTION 2: DEFINITIONS**

**2.01** As used in these Standards:

(A) "Accredited Organization" means an entity that is accredited by the Supreme Court of Ohio Commission on Certification of Attorneys as Specialists to certify lawyers as specialists.

(B) "Applicant" means a certifying organization that applies to the Supreme Court of Ohio Commission on Certification of Attorneys as Specialists for accreditation or re-accreditation under these Standards.

(C) "Certifying Organization" means an entity that certifies or intends to certify lawyers as specialists.

(D) "Commission" means the Supreme Court Commission on Certification of Attorneys as Specialists.

(E) "Review Panel" means three or more members of the Supreme Court of Ohio Commission on Certification of Attorneys as Specialists designated by the Chair of the Commission, taking into consideration the expertise of the Commission members, to review the application of a Certifying Organization and make a recommendation to the full Commission as to whether that application should be approved or denied, or to review and make recommendation to the full Commission on whether a Certifying Organization should have its accreditation revoked.

(F) "Standards" means the Supreme Court Commission on Certification of Attorneys as Specialists Standards for Accreditation of Specialty Certification Programs for Lawyers.

### **SECTION 3: AUTHORITY**

**3.01** Consistent with Gov. Bar R. XIV and these Standards, the Commission, by majority vote, may do any or all of the following:

(A) Interpret these Standards;

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

(C) Grant and withdraw accreditation and grant re-accreditation to Certifying Organizations.

**3.02** Consistent with Gov. Bar R. XIV and these Standards, the Review Panel by majority vote may do any or all of the following:

(A) Consider applications by any Certifying Organization for accreditation or re-accreditation under these Standards;

(B) Evaluate applications by any Certifying Organization for accreditation or re-accreditation under these Standards;

(C) Recommend approval by the Commission of applications by any Certifying Organization for accreditation or re-accreditation under these Standards when the Review Panel determines that the organization has met the requirements of these Standards;

(D) Recommend disapproval by the Commission of applications by any Certifying Organization for accreditation or re-accreditation under these Standards when the Review Panel determines that the organization has not met the requirements of these Standards;

(E) Recommend revocation of accreditation of any Certifying Organization that ceases to meet the requirements of these Standards.

### **SECTION 4: ACCREDITATION OF CERTIFYING ORGANIZATIONS**

**4.01** The accreditation process is designed to compare an Applicant's organizational features, operational methods, and certification standards against the requirements of the Standards. In conducting this comparison, the Commission and Review Panel utilizes the criteria specified below to make the examination of the Applicant as objective and fair as possible.

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

**(A) Purpose of Organization:** The Applicant shall demonstrate that its primary purpose includes the identification of lawyers who possess an enhanced level of skill and expertise in the area of law or practice for which specialists certification is being issued. The Applicant also shall show that its certification program has a goal of developing and improving the professional competence of lawyers. The Applicant shall be a not-for-profit organization.

**(B) Organizational Capabilities:** Any program designed to certify lawyers as specialists must have a continuing responsibility to those it certifies to maintain the integrity and the value of the specialty designation. An Applicant seeking accreditation shall establish that it possesses and will continue to maintain the governance and organizational structures, a reliable source of adequate financial resources, and the established administrative processes needed to carry out a certification program in an unbiased, professional, and ethically responsible manner. The primary criteria that will be used in determining organizational capabilities are:

1. A history of adequate financing during the three years preceding the filing of the application. If the Applicant is newly formed, this criteria will be applied to a parent or sponsoring organization or to the individual founders, if no founding organization is involved;

2. The existence of a budget and financial plan for three years following a grant of accreditation should it be made;

3. The presence of persons retained by or on the governing board, evaluation committees, or staff of the organization who are qualified by experience, education, and background to carry out the program of certification operated by the Applicant, including persons with a background in evaluating the validity and reliability of examinations and experienced practitioners in the areas of law in which the organization conducts certification programs;

4. The existence of management, administrative, and business practices that allow the Applicant to operate its certification program effectively and provide efficient service to lawyers who submit applications for certification. The processes and procedures used in the certification process should include safeguards to ensure unbiased consideration of lawyers seeking certification;

5. The existence of a handbook, guide, or manual that outlines the standards, policies, procedures, guides for self-study, and application procedures.

**(C) Decision Makers:** The Standards require that a majority of any Applicant's governing board be composed of lawyers who, in the judgment of the Commission, are experts in the field of law covered by the specialty and have extensive practice or involvement in the specialty. For the purpose of this criterion, a person meets the

"extensive practice or involvement" requirement if he or she meets the qualifications set out in the Standards.

**(D) Uniform Applicability of Certification Requirements and Non-Discrimination:**

The Applicant's documents and records submitted in conjunction with its application for accreditation will be examined to ensure that the requirements for granting certification are clearly stated and that any applying lawyer who meets the requirements is granted certification.

1. The materials published by the Applicant shall not state or imply that membership in, or the completion of education programs offered by, any specific organization are required for certification. This paragraph does not apply to requirements relating to the practice of law that 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.

2. The description of the program shall indicate that the Applicant does not discriminate against lawyers seeking certification on the basis of race, color, national origin, religion, gender, sexual orientation, disability, or age. Experience requirements for lawyers seeking certification or recertification that may indirectly have an effect on a particular age group shall be reasonable.

3. Every Certifying Agency shall develop and administer a full certification program that includes its measurement of extensive practice or involvement, its own peer review, its own written examination, and its requirements regarding education experience, as those criteria are described in the Standards.

**(E) Definition and Number of Specialty Areas:** An Applicant specifically shall define the specialty area or areas in which it proposes to certify lawyers as specialists.

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

2. An Applicant may seek accreditation to certify lawyers in more than one specialty area. The organization shall be evaluated separately with respect to each specialty program.

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

4. The Commission shall recommend to and secure the approval of the Supreme Court of Ohio for the fields of law subject to specialization designation.

**(F) Substantial Involvement:** The Applicant shall require that a lawyer seeking certification make a satisfactory showing of experience through substantial involvement in the specialty area during the three-year period immediately preceding application to the Certifying Organization. Substantial involvement includes, but is not limited to, the type and number of cases or matters handled and the amount of time spent practicing in the specialty area. In order to meet this Standard, the Applicant's certification criteria shall require that the time spent practicing the specialty be at least twenty-five percent of the total practice of a lawyer engaged in a normal full-time practice throughout the three-year period immediately preceding the lawyer's application.

**(G) Peer Review:** The Applicant shall require that a lawyer seeking certification submit the names of at least five references from attorneys or judges who are knowledgeable regarding the practice area and are familiar with the competence of the lawyer.

1. The Applicant's procedures shall provide that the Applicant, not the lawyer seeking certification, sends the reference forms to potential references.

2. 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 lawyer seeking certification. The form also shall inquire about the qualifications of the lawyer seeking certification in various aspects of the practice and, as appropriate, that lawyer's dealings with judges and opposing counsel.

3. The materials provided to a lawyer seeking certification shall specify that the lawyer may not submit as a reference the name of any lawyer or judge who is related to the lawyer seeking certification or currently engaged in legal practice with that lawyer.

4. The Applicant shall reserve the right to seek and consider references from persons of the applicant's own choosing.

**(H) Written Examination:** The Applicant shall require that a lawyer seeking certification pass a written examination of suitable length and complexity. The examination shall test the knowledge and skills of the substantive and procedural law in the specialty area, substantially consist of questions not previously used on other examinations used by the Applicant for certification of lawyers, and include professional responsibility and ethics as it relates to the particular specialty. The following factors shall be used to judge the suitability of the examination used by the Applicant:

1. Evidence that the method by which pass/fail levels are established is reasonable;

2. Evidence of both reliability and validity for each form of the examination. Reliability is the consistency or replicability of test results. Validity requires that the content and emphasis of the examination proportionately reflect the knowledge and skills needed for an enhanced level of skill and expertise in the specialty area;

3. Evidence of periodic review of the examination to ensure relevance to knowledge and skills needed in the specialty area as the law and practice methods develop over time;

4. Evidence that the law of Ohio, when different from the general law, is a part of the examination;

5. Evidence that effective measures are taken to protect the security of all examinations.

**(I) Educational Experience:** The Applicant shall require that a lawyer seeking certification has completed a minimum of thirty-six hours of participation in continuing legal education in the specialty area in the three-year period preceding the lawyer's application for certification. The Applicant shall impose requirements that are satisfactory to the Commission and permit the continuing legal education requirement to be met through the following means:

1. Attending programs of continuing legal education, which are approved by the Certifying Organization as appropriate for credit toward the continuing legal education requirement in the specialty area. The Certifying Organization shall not refuse to approve a program solely because it is offered by an organization other than the Certifying Organization.

2. Teaching or participating as a panelist, speaker, or workshop leader in a continuing legal education course approved by the Certifying Organization. In cases considered appropriate by the Certifying Organization, three hours credit may be awarded for each hour of actual teaching or presentation time under this subparagraph. Additional credit shall not be awarded for subsequent presentations of substantially the same material.

3. Teaching at a law school that is approved by the American Bar Association. Up to eight hours of credit per year may be awarded for the teaching of a course or seminar in the specialty area as a faculty or adjunct faculty member in a law school approved by the American Bar Association.

4. Writing a book or [substantial] law review article. Up to eight hours credit may be awarded for writing a book or a [substantial] law review article in the specialty area. Credit shall be awarded for the year in which the book or article actually appears in print.

5. Taking courses at a law school that is approved by the American Bar Association. Credit hours may be awarded for courses taken at a law school approved by

the American Bar Association consistent with Gov. Bar R. X and Regulation 402 adopted by the Supreme Court Commission on Continuing Legal Education. The Applicant shall require a lawyer seeking certification to provide evidence that the programs, courses, seminars, conferences, and publications listed above contain sufficient intellectual and practical content so to increase a lawyer's knowledge and ability in the specialty area.

**(J) Good Standing:** The applicant shall require that a lawyer seeking certification furnish satisfactory evidence of:

1. The lawyer is active and in good standing pursuant to Gov. Bar R. VI of the Supreme Court of Ohio, and the lawyer's fitness to practice is not in question by virtue of disciplinary action in another state;

2. Coverage by professional liability insurance continually maintained through a reputable company in an amount not less than Five Hundred Thousand Dollars per loss;

3. The lawyer has demonstrated the ability to pay all claims that fall within the deductible amount selected by the attorney under the insurance policy;

4. Professional liability insurance in an amount of not less than Five Hundred Thousand Dollars (\$500,000.00 US), shall be required for all lawyers seeking certification, with the exception of the following lawyers who can demonstrate to the Applicant's (Certifying Organization) satisfaction that their employment relationship as a lawyer will fully cover any professional liability claim or provide immunity there from:

- (a) Counsel employed by an entity, other than a law firm, whose sole professional practice is for that entity;
- (b) Counsel employed by a governmental entity which would be immune from liability claims.

5. The lawyer shall notify the Applicant immediately of any cancellation or change in the coverage.

6. The Applicant and Certifying Organization shall require each attorney who is or makes application to become certified by the organization to sign and submit an Attorney Certification and Acknowledgment, on a form promulgated by the Commission. This form and all documents required to be submitted by the attorney therewith (a) shall be collected by the organization from each attorney not less frequently than annually, and (b) shall be stored and maintained by the organization for not less than seven years. Any Applicant or Certifying Organization which complies with this Standard, shall be presumed by the Commission to be in compliance with Sec. 4.02(J)(1) through (5).

**(K) Impartial Review:** The Applicant shall provide evidence that it maintains and publishes a policy providing an appeal procedure for a lawyer seeking certification to challenge the decision of the persons who review and pass upon the applications of

lawyers seeking certification. The policy shall provide a lawyer seeking certification with the opportunity to present his or her case to an impartial decision-maker in the event of denial of eligibility or denial of certification. Impartial decision-makers may include person associated with the Applicant.

**(L) Requirements for Recertification:** The period of certification shall be set by the Applicant but shall be not less than three or more than seven years, after which time lawyers who have been certified must apply for recertification. Recertification shall satisfy the minimum standards set forth in Gov. Bar R. XIV Section 6 and shall require similar evidence of competence as that required for initial certification in the areas of substantial involvement, peer review, education experience, and evidence of good standing. The Applicant shall have in existence or be in the process of developing a plan for periodic recertification at the time of application for accreditation.

1. The plan for periodic recertification shall be designed to measure continued competence and enhance the continued competence of certified lawyers.

2. Application for and approval of continued certification as specialists shall be required prior to the end of each certification period. To qualify for continued certification as a specialist, an attorney seeking recertification shall pay the required fee and satisfy the requirements for certification renewal established by the Commission and the Certifying Organization.

3. In addition to the requirements of Gov. R. X, a specialist shall complete twelve hours of continuing legal education every two years in each specialty area for which he or she is certified. Proof of completion shall be submitted in the manner required by Gov. Bar R. X.

**(M) Revocation of Certification:** The Applicant shall maintain a procedure for revocation of certification, including a requirement that a certified lawyer report his or her disbarment or suspension from the practice of law in any jurisdiction to the Applicant.

**4.03** The Commission will consider an Applicant's prior approval for accreditation by the American Bar Association consistent with the following:

**(A) Applicants:** If the specialty certification program of an applicant has been previously accredited by the American Bar Association (ABA) and if the requirements of the ABA are substantially identical to the requirements of the Commission, the Commission shall consider the accreditation in determining whether the applicant satisfies these Standards. In those areas where the requirements are not substantially identical, the Applicant shall meet those requirements of the Commission in the same manner as any other Applicant not having received ABA accreditation. The determination of the Commission with respect to "substantially identical" shall be final and binding.



**(B) Ohio Law Requirements:** Certain specialty areas require substantial expertise in Ohio law as opposed to general national law. The Commission shall provide for additional or separate requirements for Applicants in those specialty areas.

**(C) Time Periods for Accreditation and Re-accreditation:** If an Applicant has been granted approval of certain requirements of the Standards of the Commission based on prior accreditation by the ABA, the period of initial accreditation of the Certifying Organization by the Commission shall be the time remaining in the time period of current accreditation by the ABA. Thereafter, the Certifying Organization shall be required to seek re-accreditation by the Commission at the same time as that organization seeks re-accreditation by the ABA.

**(D) Fees:** If prior accreditation by the ABA reduces the requirements of the Applicant to be reviewed, the Commission may impose a reduced fee for the Applicant.

## **SECTION 5: ACCREDITATION AND REACCREDITATION PERIODS**

**5.01** Initial accreditation by the Commission of any Applicant will be granted for not less than three or more than seven years.

**5.02** To retain Commission accreditation, an Accredited Organization shall be required to apply for re-accreditation prior to the end of its initial accreditation period and at the end of the re-accreditation period. The Accredited Organization shall be granted re-accreditation upon a showing of continued compliance with these Standards.

## **SECTION 6: REVOCATION OF ACCREDITATION**

**6.01 Grounds for Revocation of Accreditation:** The Commission may revoke an Accredited Organization's accreditation upon a determination that the organization has ceased to exist, has failed to operate its certification program in compliance with these Standards, or has materially changed its structure, operating standards, guidelines, or criteria for certification or recertification without giving prior notice to the Commission as required by these Standards.

**6.02 Hearing:** The Commission, on its own or acting upon a complaint from a third party, may determine that reasonable grounds exist for considering the revocation of accreditation of an Accredited Organization. The Commission shall schedule the matter for deliberation at one of the Commission's regularly scheduled meetings and promptly shall provide the Accredited Organization with written notice of the meeting and an opportunity to be heard at that meeting.

**6.03 New Application for Accreditation:** A Certifying Organization whose accreditation has been revoked may reapply, for accreditation.

**6.04 Voluntary Withdrawal from Accredited Status:** An Accredited Organization may request that its accreditation by the Commission be withdrawn by providing written notice to the Secretary of the Commission.

## **SECTION 7: ACCREDITATION PROGRAM COMPONENTS**

**7 .01 Commission:** The Commission grants, denies, and revokes accreditation and re-accreditation.

**7 .02 Review Panel:** The Review Panel appointed by the Chair of the Commission for each Applicant shall submit its recommendation to the Commission to grant or deny accreditation or re-accreditation to the Certifying or Accredited Organization. Upon a finding that an Accredited Organization has ceased to exist or has failed to operate its certification program in compliance with the Standards; the Review Panel may recommend to the Commission that the accreditation of the Accredited Organization be revoked. The Review Panel also is responsible for conducting an independent evaluation of the qualifications of Applicants for accreditation and re-accreditation in accordance with Gov. Bar R. XIV and these Standards and recommending any action to be taken by the Commission on applications for accreditation.

**7 .03 Pre-Application Advisory Services:** An entity considering filing an application for accreditation of a program to certify lawyers as specialists may obtain information [and advice] from the Commission prior to filing a formal application. Inquiries shall be addressed to the Secretary of the Commission, who shall supply a copy of these Standards, fee schedules, and other pertinent data, and may respond to questions regarding the establishment of a lawyer specialty certification program and accreditation by the Commission.

**7 .04 Notice of Intent to Apply for Accreditation:** Prior to making a formal application for accreditation, an Applicant shall file with the Commission a notice of intent to apply for accreditation form and, pay a non-refundable pre-application fee. The notice shall specify each definition of specialty for which accreditation is sought. Upon receipt of the form and fee by the Commission, and upon preliminary approval of the definition of the specialty, the Secretary shall send the Applicant an official application packet containing the forms and instructions to be used in filing the application. This requirement serves the purpose of providing basic information about the Applicant to the Commission in advance to expedite processing of the formal application when it is submitted.

**7 .05 Application for Accreditation:** Subject to the notice of intent to file requirement described above, an Applicant may file a formal application for accreditation with the Commission at any time on forms provided by the Commission, together with payment of a basic application fee and a certificate fee for each specialty certificate issued by the Applicant.

**(A) Time Guidelines:** The Commission is not bound to any specific schedule in processing, evaluating, or deciding on the application of an Applicant for accreditation. Applications and the evaluation process will be handled as expeditiously as possible.

**(B) Supporting Documents:** The application for accreditation shall be accompanied by all of the following supporting documents:

1. The Applicant's governing documents, including articles of incorporation, bylaws, and resolutions of the governing bodies of the Applicant or any parent organization that relate to the standards, procedures, guidelines, or practices of the Applicant's certification program;

2. Financial information about the Applicant and any supporting parent organization as specified on forms provided by the Commission;

3. Biographical summaries of members of the governing board, senior staff, and members of advisory panels, including specific information concerning the degree of involvement in the specialty area of persons who review and pass upon applications for certification;

4. Materials furnished to lawyers seeking certification, application forms, booklets or pamphlets describing the certification program, peer reference forms, rules and procedures, and evaluation guides;

5. Copies of examinations given in the past two years, or in the case of a new organization, copies of proposed examinations, or in those cases in which an agency accepts examination by another entity, copies of such examinations, with evidence of their validity and reliability, such as written examination procedures, including a description of how examinations are developed, conducted, and reviewed; a description of the grading standards used; and the names of persons responsible for determining pass/fail standards. Actual or proposed written examinations shall be made available on a confidential basis for review by a person designated by the Commission, with the understanding that the Applicant may rule the person who reviews the examination ineligible for certification by the Applicant for a period of three years from the time of the designation;

6. The definition of the specialty or specialties in which the Applicant certifies specialists;

7. Other materials or information considered necessary by the Review Panel or the Commission.

**7.06 Preliminary Review by Staff Designee:** Upon receipt of a notice of intent to apply or an application for accreditation, the Commission staff shall review all materials submitted by the Applicant for completeness and conformance with the basic requirements of these Standards.

(A) If omissions are noted or clarification of responses is needed, the staff designee shall contact the Applicant and request additional information. The staff designee's request will be followed up by written confirmation. The staff designee shall notify the Applicant once the materials are considered complete.

(B) Applications that are not accompanied by all of the supporting documents specified in these Standards shall not be processed. The staff designee promptly shall notify the Applicant of the omissions. The Applicant shall have sixty days from the receipt of the notice to submit the required materials or request an extension. If the required materials are not submitted within this period and a request for extension has not been granted, the application shall be considered lapsed and ineligible for consideration. The Applicant will receive a refund in the amount of fifty percent of the basic application fee.

(C) If the staff designee notes any obvious deficiencies in the Applicant's program or capabilities as compared with these Standards, the staff designee shall notify the Applicant and discuss possible modifications in the Applicant's program that may remedy the noted deficiencies.

(D) An Applicant who is notified during preliminary review about apparent deficiencies in its program may do either of the following:

1. Request that its application, without modification, be given full review;

2. Withdraw the application without prejudice either permanently or for the purpose of making suggested modifications in its program.

(E) An Applicant's request that consideration of its application be suspended pending modification of its program may cause presentation of a recommendation for accreditation to the Commission to be deferred until a later meeting.

(F) An application shall be considered lapsed and ineligible for consideration, and the Applicant will receive a refund of fifty percent of the application fee if the applicant does either of the following:

1. Withdraws its application permanently;

2. Withdraws its application for the purpose of making modifications and does not file an amended application form with one hundred twenty days of the filing of the original application.

(G) Withdrawal of an application does not preclude a subsequent application.

**7 .07 Evaluation by Review Panel:** After the receipt of a completed application for accreditation, the Chair of the Commission shall designate a Review Panel for that application and forward the application to that Review Panel. The completed application

form and supporting materials shall be divided among Review Panel members and provided to them for their independent review. The Review Panel Chair shall assign areas of review among Review Panel members so as to best utilize each Review Panel member's background and expertise. The Review Panel may seek expertise from other lawyers admitted to practice in Ohio who practice in or are knowledgeable about the specialty. The materials shall be accompanied by evaluation guidelines and checklists to aid in the analysis and provide consistency to the process of reviewing the application. Each Review Panel member shall receive a copy of a complete set of the Applicant's materials for reference.

**(A)** Each Review Panel member shall complete his or her review of the Applicant's materials and make a finding as to whether the Applicant meets the Standards within the scope of his or her assigned area.

**(B)** Members of the Review Panel shall submit the evaluation forms and supporting materials to the Commission staff. The staff shall compile these materials for distribution to all Review Panel members.

1. At the call of the Chair of the Review Panel, the Review Panel shall hold a meeting in person or via telephone conference call at which time each Review Panel member shall present his or her findings. If the Chair of the Review Panel is satisfied that the Review Panel has sufficient information to make an overall judgment concerning the extent to which the Applicant has met the Standards, the Review Panel shall develop a recommendation as to granting or denying of accreditation by the Commission.

2. If the Review Panel concludes that more information is necessary to make a recommendation concerning an application, the Chair of the Review Panel shall notify the Applicant and provide a reasonable time for the Applicant to respond. Once the response is received, the Review Panel shall meet and develop a recommendation. If the Review Panel does not receive a satisfactory response within the specified time, it may make its recommendation to the Commission at that time or grant additional time for the Applicant to respond.

3. The Review Panel Chair may authorize a site visit to the place of business of the Applicant to gather additional information. All costs associated with any site visits shall be borne by the Applicant.

**(C)** The Review Panel Chair, with assistance of the staff, shall prepare the draft and report to the Review Panel. The Review Panel Chair, shall circulate a draft report to other members of the Review Panel for comment.

1. The final report shall be prepared by the Chair of Review Panel, incorporating comments and recommendations received from other Review Panel members.

2. A copy of the final report will be sent to the Applicant for factual verification and comment. The final report, with any Applicant comment attached, shall be sent to all members of the Review Panel.

3. Consideration of the final report of the Review Panel shall be placed on the agenda of the next meeting of the Commission, consistent with the time periods for Commission action specified below.

**7 .08 Commission Action on Applications:** The Commission shall act on applications for accreditation and hear any appeals from Applicants regarding any proposed adverse action regarding accreditation.

**(A) Receipt of Report Required:** In order for the Commission to consider an application at a meeting, the Commission shall have received a final report containing the recommendation from the Review Panel at least three weeks prior to the date of that meeting.

**(B) Materials:** In making a final recommendation regarding the accreditation of an Applicant, the Commission shall consider all materials relating to an application. These materials include the final report of the Review Panel, copies of the application and supporting documents originally submitted by the Applicant, and any further materials that the Applicant submits for consideration.

**(C) Decision:** The Commission shall rule on applications for accreditation as follows:

1. If the Commission determines that the Applicant complies with the requirements of these Standards, the Applicant shall be granted accreditation.

2. If the Commission determines that the Applicant does not meet the requirements of these Standards, the application will be considered closed within thirty days after the decision of the Commission, unless the Applicant files a petition for reconsideration. The Applicant may reapply for accreditation without prejudice.

**(D) Notice of Decision:** The Applicant shall be notified in writing of the decision of the Commission regarding an application for accreditation.

**(E)** Factual determinations shall be based solely upon the record presented consistent with these Standards, and not on any information extrinsic to the process specified in these Standards.

**7 .09 Reconsideration of Decision by Commission:** An Applicant that is adversely affected by a decision of the Commission as specified below may petition the Commission for reconsideration of its action.

**(A) Decisions Subject to Reconsideration:** Only the following decisions of the Commission are subject to a petition for reconsideration:

1. In the case of a program applying for accreditation, a decision not to accredit the Certifying Organization;

2. In the case of a program applying for re-accreditation, a decision not to reaccredit the Accredited Organization;

3. In the case of a program accredited a decision to revoke the accreditation of an Accredited Organization.

**(B) Petition and Procedure:** An Applicant or Accredited Organization shall file with the Commission a petition for reconsideration within thirty days after the decision of the Commission. The petition shall demonstrate that, on reconsideration, the petitioner would submit information or undertakings that have not been communicated adequately to the Commission. In his or her discretion, the Chair of the Commission shall determine whether the showing has been made, and if so, grant the petition for reconsideration.

**(C) Lapse of Application:** Upon a denial of a petition for reconsideration, the application shall be considered closed. The Applicant may reapply for accreditation without prejudice.

## **SECTION 8: REPORTING**

**8.01** An Accredited Organization shall be responsible for reporting both of the following in writing to the Commission:

**(A)** By April 1 of each calendar year, on a form promulgated by the Commission, a report describing the current status of each accredited program, including the names and current addresses of Ohio lawyers certified or recertified as specialists;

**(B)** Any proposed material changes in the Accredited Organization's structure, operating standards, guidelines, or criteria for certification or recertification, at least sixty days before those changes are to become effective.

## **SECTION 9: COMMUNICATION OF ACCREDITATION**

**9.01** An Accredited Organization may state that it is "Accredited by the Supreme Court of Ohio Commission on Certification of Attorneys as Specialists to certify lawyers in the specialty area(s) of \_\_\_\_\_" under the following conditions:

**(A)** An Accredited Organization using this announcement or otherwise referring to its accreditation by the Commission shall provide notice to lawyers applying for certification that accreditation by the Commission indicates solely that the Accredited Organization's certification program has met the Standards.

**(B)** This announcement shall indicate the specialty areas in which accreditation has been granted by the Commission.

(C) An Accredited Organization shall not permit certified lawyers to state or imply that they are certified or accredited by the Commission or by the Supreme Court of Ohio. The certified lawyers may represent that the Accredited Organization is approved by the Commission but not the Supreme Court of Ohio. Accredited Organizations shall actively enforce this prohibition.

## **SECTION 10: DISCLOSURE OF INFORMATION**

**10.01** Except as provided below, the files, records, and documents submitted by an Applicant as part of the accreditation process shall be public information.

**10.02** An Applicant may request that distribution of its materials by the Commission or by any person acting as a Review Panel member or advisor at the request of the Commission be limited to those persons who need the information to fulfill obligations specified in these rules. In such cases, the Commission shall take reasonable steps to honor such a request, but the Commission shall not be responsible for disclosure due to circumstances beyond its immediate control.

**10.03** Notwithstanding other provisions of these Standards, actual or proposed written examinations submitted shall be kept confidential and handled in accordance with Section 7.05 (B) of these Standards.

## **SECTION 11: NON-COMPLIANCE WITH STANDARDS**

**11.01** An Applicant or an Accredited Organization that does not comply with these standards may be denied accreditation or re-accreditation or may have its accreditation revoked. Non-compliance with these Standards and Rules or deadlines set out in the Standards may delay the disposition of an application for accreditation or re-accreditation.

## **SECTION 12: INDEMNIFICATION AND HOLD HARMLESS**

**12.01** Accredited Organizations and Applicants shall agree to hold and save the Commission and the Supreme Court of Ohio, its member volunteers, officers, agents, and employees harmless from liability of any kind, including costs, expenses and attorney fees, for any suit or damages sustained by any person or property arising out of an Accredited Organization's or Applicant's application for accreditation by the Commission or arising out of any actions of the Accredited Organization or lawyers to whom specialization is granted or denied.

## **SECTION 13: ADOPTION AND AMENDMENT OF STANDARDS**

**13.01** These Standards and any subsequent amendments become effective upon their adoption by the Commission and approval by the Supreme Court of Ohio.