

SPECIALIZATION IN A NUTSHELL

(Questions and Answers about Attorney Specialty Certification)

1. What is attorney specialty certification?

In 1993, the Ohio Supreme Court adopted a rule establishing a process for identifying attorneys who have met minimum standards for certification as specialists in certain fields of legal practice.

2. Why is attorney specialty certification needed?

Since *Bates v. Arizona* in 1977, more and more lawyers advertise. Attorney specialty certification is an effort to balance the demands of the marketplace--advertising--against ethical and professionalism requirements set forth by the Supreme Court. Standards established under Gov. Bar R. XIV are intended to assist the public by enhancing access to quality legal services.

3. Does the Supreme Court certify attorneys as specialists?

No. The Supreme Court established the Commission on Certification of Attorneys as Specialists (CCAS) to identify specialty areas and to set minimum standards for certification as specialists. After a specialty area definition recommended by the CCAS has been approved by the Court, agencies that have programs of certification in the defined area apply to the CCAS for recognition that their program meets the minimum standards. By this process, the agency that applied is approved to certify Ohio attorneys as specialists in the field of law.

4. What fields of law has the Supreme Court approved as designated specialty areas to date?

The Court has approved Administrative Agency Law, Appellate Law, Business Bankruptcy Law; Business, Civil Trial Advocacy; Consumer Bankruptcy Law; Creditors' Rights/Debt Collection; Commercial and Industrial Real Property Law; Residential Real Property Law; Criminal Trial Advocacy; Elder Law; Estate Planning, Trust and Probate Law; Family Relations Law; Federal Taxation Law; Labor and Employment Law; and Workers' Compensation Law in Ohio.

5. What specialty programs have been accredited so far?

There currently are fourteen accredited specialty programs. The Ohio State Bar Association's programs of certification in Estate Planning, Trust and Probate Law, Family Relations Law, Federal Taxation Law, Ohio Workers' Compensation Law, Labor and Employment Law, Business, Commercial & Industrial Real Property Law and Residential Real Property Law. The National Board of Trial Advocacy's programs of certification in Civil Law Trial Advocacy, Criminal Law Trial Advocacy

and Family Law Trial Advocacy, National Elder Law Foundation's program of certification in Elder Law and the American Board of Certification programs in Business Bankruptcy Law, Consumer Bankruptcy Law and Creditor's Rights Law.

6. Are there prerequisites for becoming certified?

Yes. An attorney must: demonstrate substantial and continuing involvement in the specialty; provide references regarding competency; have earned a minimum of 36 CLE credits in the specialty during three years immediately preceding application; be in good standing with the Supreme Court; pass a written examination; and prove financial responsibility through specific minimum professional liability coverage.

7. Once an attorney is certified, can he or she advertise the specialty?

Yes, but please read Gov. Bar R. XIV, Section 5(A). You may not advertise that you are "certified by the Supreme Court or the Commission". You are certified by an independent agency. You may advertise certification by an accredited agency without a disclaimer.

8. Are there continuing requirements to remain certified?

Yes. An attorney must be recertified at least every seven years and must earn a minimum of 12 CLE credits in the specialty area every two years.

9. How can I get more information about the certification process?

Contact Susan Christoff, Secretary of the Commission at (888)308-2227, Robert Wade, Chair of the Commission at (614) 236-6549 or contact the agency directly regarding a specific specialty area.

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