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STATE OF CONNECTICUT
JUDICIAL BRANCH

COURT OPERATIONS DIVISION

LEGAL SERVICES

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December, 13 2018

MEMO TO: Rules Committee of the Superior Court

SUBJECT: Recommendation for revisions to *Application for Authority to Certify Lawyers as Specialists*, form JD-ES-63

Below, for your consideration, is a report from the Legal Specialization Screening Committee (LSSC) informing you of its recommendation on a matter that was acted upon by the LSSC on April 24, 2018 and November 28, 2018, pursuant to its authority under Rules 7.4A through 7.4C of the Rules of Professional Conduct. The LSSC recommends that the Rules Committee approve, pursuant to Rule 7.4B (c) (4) of the Rules of Professional Conduct, the attached revised *Application for Authority to Certify Lawyers as Specialists*, form JD-ES-63. The following changes to the application form were approved by the LSSC.

On April 24, 2018, the LSSC approved the addition of check boxes to indicate whether the application being submitted to the LSSC is a new application for authority to certify lawyers as specialists or a renewal application. The LSSC also approved adding the language "for new or renewal applications" to #1 of the instructions, and making the

language regarding sending an electronic copy of applications to LSSC@jud.ct.gov in #5 of the instructions bold, for emphasis.

On April 24, 2018, the LSSC also approved the removal of questions #17 and #18 in the Applicant – Qualification Information section of the application. These questions relate to the administration of an *oral* examination. The *Regulations of the Legal Specialization Screening Committee* do not, however, require applicants to administer oral examinations, nor do the *Regulations* provide criteria for the LSSC to apply when evaluating the suitability of any oral examination used by the applicant. The *Regulations* only require, and provide criteria to apply when evaluating the suitability of, *written* examinations. See *Regulations*, Section 7.G.

Additionally, on November 28, 2018, the LSSC approved the addition of the following questions to #16 in the Applicant – Qualification Information section:

- (k) how the pass/fail levels for each examination administration are established;
- (l) how each form of the examination is determined to be reliable, that is, that the test results of each form of the examination are consistent or replicable; and
- (m) how each form of the examination is determined to be valid, that is, that the content and emphasis of the examination proportionately reflects the knowledge and skills needed for an enhanced level of skill and expertise in the specialty area.

These questions are drafted to elicit information that Section 7.G. of the *Regulations* requires the LSSC to evaluate when judging the suitability of the written examinations used by applicants.

The LSSC seeks to ensure that the application for authority to certify lawyers as specialists elicits the appropriate information from applicants and to improve the usability of the application form for both applicants and the LSSC.

Attached is a copy of the current version of the application form with the changes approved by the LSSC marked up, a draft of the revised form with these changes incorporated, and the *Regulations* for ease of reference.

Thank you for your consideration of this matter.



Katharine E. Casaubon
Counsel, Legal Specialization Screening Committee

Attachments



for new or renewal applications.

ADA NOTICE

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

***Make the highlighted text bold.**

Instructions

1. Complete the form as applicable.
2. Include a copy of the application form that lawyers seeking to be certified as specialists are required to complete to become so certified;
3. Include a copy of each examination that lawyers seeking to be certified as specialists are required to take to become so certified;
4. Include a copy of the written or published standards or qualifications that lawyers seeking to be certified as specialists are required to meet to become so certified; and
5. Send one completed application and accompanying materials to: Chair of the Legal Specialization Screening Committee, c/o Director of Legal Services, Judicial Branch, State of Connecticut, P.O. Box 150474, Hartford, Connecticut 06115-0474, and one electronic copy of the same to LSSC@jud.ct.gov.

Applicant — General Information (Select one): New Application Renewal Application

Full legal name of applicant		Date
Mailing address of applicant		
E-mail address of applicant		Website address of applicant
Telephone number of applicant	Name of person to contact regarding application	Telephone number of contact
Mailing address of contact		
E-mail address of contact		
State whether the applicant is a (choose one and complete the applicable information section set out below)		
<input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Voluntary Association		

Sole Proprietorship Information

Date proprietorship was formed	City or town and state in which it is registered as doing business
Name of proprietor	Telephone number of proprietor
Address of proprietor	

1. State the name and address of each bar to which the sole proprietor and all persons directly involved in the process of certifying applicants, including, but not limited to, accepting and evaluating applications, devising, administering and grading examinations, and certifying and recertifying, is or has been admitted to practice law.
2. State whether the sole proprietor or anyone identified in 1 above has been disciplined by the authority that admitted such person to practice law and, if so, the name and address of such authority, the docket number or other means of identifying the case, and the details thereof as to each person so disciplined.
3. State whether a judgment of a court of competent jurisdiction has entered against the sole proprietor or anyone identified in 1 above for negligence or other misconduct in the practice of law and, if so, the name and address of such court, the docket number or other means of identifying the case, and the details thereof as to each person so adjudged.

4. State whether as to the sole proprietor or anyone identified in 1 above there is now pending: (a) any disciplinary matter before the authority that admitted such person to practice law and, if so, the name and address of such authority, the docket number or other means of identifying the case, and the details thereof as to each person subject to such pending disciplinary action; and (b) any lawsuit in a court of competent jurisdiction for negligence or other misconduct in the practice of law and, if so, the name and address of such court, the docket number or other means of identifying the case and the details thereof as to each person subject to such pending legal action.

Partnership Information

Date partnership was formed	City or town and state in which it is registered as doing business or carrying on its activities
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1. State the name and address of each partner.
2. State the name and address of each bar to which each partner and all persons directly involved in the process of certifying applicants, including, but not limited to, accepting and evaluating applications, devising, administering and grading examinations, and certifying and recertifying, is or has been admitted to practice law.
3. State whether any partner or anyone identified in 2 above has been disciplined by the authority that admitted such person to practice law and, if so, the name and address of such authority, the docket number or other means of identifying the case, and the details thereof as to each person so disciplined.
4. State whether a judgment of a court of competent jurisdiction has entered against any partner or anyone identified in 2 above for negligence or other misconduct in the practice of law and, if so, the name and address of such court, the docket number or other means of identifying the case, and the details thereof as to each person so adjudged.
5. State whether as to any partner or anyone identified in 2 above there is now pending: (a) any disciplinary matter before the authority that admitted such person to practice law and, if so, the name and address of such authority, the docket number or other means of identifying the case, and the details thereof as to each person subject to such pending disciplinary action; and (b) any lawsuit in a court of competent jurisdiction for negligence or other misconduct in the practice of law and if so, the name and address of such court, the docket number or other means of identifying the case, and the details thereof as to each person subject to such pending legal action.

Corporation Information

Date corporation was formed	State in which the corporation was incorporated	Each state in which the corporation is licensed or registered to do business
Corporation is a (choose one)		Is the corporation a nonprofit corporation
<input type="checkbox"/> Stock Corporation <input type="checkbox"/> Nonstock Corporation		<input type="checkbox"/> Yes <input type="checkbox"/> No

1. State the name and address of each officer of the corporation.
2. State the name and address of each director of the corporation.

3. State the name and address of each shareholder of the corporation.

4. State the name and address of each member of the corporation.

5. State the name and address of each bar to which officers and directors of the corporation, and all persons involved in the process of certifying applicants, including, but not limited to, accepting and evaluating applications, devising, administering and grading examinations, and certifying and recertifying, is or has been admitted to practice law.

6. State whether any officer, director, or anyone identified in 5 above has been disciplined by the authority that admitted such person to practice law and, if so, the name and address of such authority, the docket number or other means of identifying the case, and the details thereof as to each person so disciplined.

7. State whether a judgment of a court of competent jurisdiction has entered against any officer, director, or anyone identified in 5 above for negligence or other misconduct in the practice of law and, if so, the name and address of such court, the docket number or other means of identifying the case, and the details thereof as to each person so adjudged.

8. State whether as to any officer, director, or anyone identified in 5 above there is now pending: (a) any disciplinary matter before the authority that admitted such person to practice law and, if so, the name and address of such authority, the docket number or other means of identifying the case, and the details thereof as to each person subject to such pending disciplinary action; and (b) any lawsuit in a court of competent jurisdiction for negligence or other misconduct in the practice of law and, if so, the name and address of such court, the docket number or other means of identifying the case, and the details thereof as to each person subject to such pending legal action.

Voluntary Association Information

Date association was formed	City or town and state in which it is registered as doing business or carrying on its activities
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1. State the name and address of each officer of the association.

2. State the name and address of each director of the association.

3. State the name and address of each bar to which officers and directors of the association and all persons directly involved in the process of certifying applicants, including, but not limited to, accepting and evaluating applications, devising, administering and grading examinations, and certifying and recertifying, is or has been admitted to practice law.

4. State whether any officer or director of the association or anyone identified in 3 above has been disciplined by the authority that admitted such person to practice law and, if so, the name and address of such authority, the docket number or other means of identifying the case, and the details thereof as to each person so disciplined.

5. State whether a judgment of a court of competent jurisdiction has entered against any officer or director of the association or anyone identified in 3 above for negligence or other misconduct in the practice of law and, if so, the name and address of such court, the docket number or other means of identifying the case, and the details thereof as to each person so adjudged.
6. State whether as to any officer or director of the association or anyone identified in 3 above there is now pending: (a) any disciplinary matter before the authority that admitted such person to practice law and, if so, the name and address of such authority, the docket number or other means of identifying the case, and the details thereof as to each person subject to such pending disciplinary action; and (b) any lawsuit in a court of competent jurisdiction for negligence or other misconduct in the practice of law and, if so, the name and address of such court, the docket number or other means of identifying the case, and the details thereof as to each person subject to such pending legal action.

Applicant — Qualification Information

1. State the nature of the business transacted or the purposes promoted or carried out by the applicant.
2. State the date on which the applicant commenced to be engaged as set forth in 1 above.
3. State whether the applicant a profit-making enterprise. Yes No
4. State the name and address of each organization or entity sponsoring the applicant.
5. State whether the applicant maintains a staff of employees to process lawyers seeking to be certified as specialists.
 Yes No
6. If the answer to 5 above is in the affirmative, state:
- (a) the total number of employees on the staff;
 - (b) the total number of employees on the staff who are full-time employees;
 - (c) the total number of employees on the staff who are so employed exclusively;
 - (d) the address at which the staff of employees is employed;

 - (e) the functional composition of the staff of employees; and

 - (f) the educational and professional qualifications of the employees of the staff who determine whether a lawyer seeking to be certified as a specialist shall be so certified.
7. If the answer to 5 above is in the negative, describe the means that the applicant employs to process lawyers seeking to be certified as specialists.

8. State each field of law in which the applicant is seeking authority to certify lawyers as specialists.
9. State whether the applicant has standards or qualifications that must be met by lawyers seeking to be certified as specialists in each field of law in which the applicant is seeking authority to certify lawyers as specialists.
- Yes No
10. If the answer to 9 above is in the affirmative, state:
- (a) whether information concerning such standards or qualifications is provided to the lawyers seeking to be certified as specialists;
- (b) whether information concerning such standards or qualifications is available to the public; and
- (c) whether such standards or qualifications are verifiable.
11. If the answer to 9 above is in the affirmative, state such standards or qualifications.
12. If the answer to 10 (c) above is in the affirmative, state the measures or procedures that the applicant employs to verify that lawyers seeking to be certified as specialists meet such standards or qualifications.
13. State the procedure that the applicant requires lawyers seeking to be certified as specialists to follow to become certified as specialists.
14. State what fees or costs or expenses the applicant requires lawyers seeking to be certified as specialists to pay to become certified as specialists.
15. State whether the applicant requires lawyers seeking to be certified as specialists to take a written examination.
- Yes No
16. If the answer to 15 above is in the affirmative, state:
- (a) the duration of the examination;
- (b) whether the examination is monitored;
- (c) when and where the examination is given;
- (d) how the examination is administered;

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amination is evaluated;

(f) the educational and professional qualifications of the persons who evaluate the examination;

(g) the educational and professional qualifications of the persons who devise the examination;

(h) how the examination questions are selected;

(i) who selects the examination questions; and ~~D~~

(j) how frequently the examination questions are changed;

17. State whether the applicant requires lawyers seeking to be certified as specialists to take an oral examination.

Yes No

18. If the answer to 17 above is in the affirmative, state:

(a) the duration of the examination;

(b) whether the examination is monitored;

(c) when and where the examination is given;

(d) how the examination is administered;

(e) how the examination is evaluated;

(f) the educational and professional qualifications of the persons who evaluate the examination;

(g) the educational and professional qualifications of the persons who devise the examination;

(h) how the examination questions are selected;

(i) who selects the examination questions; and

(j) how frequently the examination questions are changed;

19. State the measures or procedures that the applicant employs to determine whether the lawyers that the applicant certifies as specialists continue to meet the applicant's standards or qualifications to be so certified.

20. State the name and address of the applicant's financial references.

21. State the name and address of the applicant's professional references.

22. State all states in which the applicant is currently authorized to certify lawyers as specialists.

23. State whether the applicant has had any application for authority to certify lawyers as specialists rejected in any other state or has had such authority revoked or suspended in any other state and, if so, the reason for such rejection, revocation, or suspension.

Certification

I hereby certify that the information disclosed and the items provided pursuant to the foregoing application for authority to certify lawyers as specialists are true and complete to the best of my knowledge and belief.

(Signature and title of applicant or authorized representative of applicant)

STATE OF
COUNTY OF

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ss.

_____, 20____

Subscribed and sworn to before me.

(Notary Public)

Revised Draft

**APPLICATION FOR AUTHORITY TO CERTIFY
LAWYERS AS SPECIALISTS**

JD-ES-63 Rev. 12-18

STATE OF CONNECTICUT
JUDICIAL BRANCH
www.jud.ct.gov



ADA NOTICE

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Instructions

1. Complete the form for new or renewal applications.
2. Include a copy of the application form that lawyers seeking to be certified as specialists are required to complete to become so certified;
3. Include a copy of each examination that lawyers seeking to be certified as specialists are required to take to become so certified;
4. Include a copy of the written or published standards or qualifications that lawyers seeking to be certified as specialists are required to meet to become so certified; and
5. Send one completed application and accompanying materials to: Chair of the Legal Specialization Screening Committee, c/o Director of Legal Services, Judicial Branch, State of Connecticut, P.O. Box 150474, Hartford, Connecticut 06115-0474, and one electronic copy of the same to LSSC@jud.ct.gov.

Applicant — General Information (Select one): New Application Renewal Application

Full legal name of applicant		Date
Mailing address of applicant		
E-mail address of applicant		Website address of applicant
Telephone number of applicant	Name of person to contact regarding application	Telephone number of contact
Mailing address of contact		
E-mail address of contact		
State whether the applicant is a (choose one and complete the applicable information section set out below)		
<input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Voluntary Association		

Sole Proprietorship Information

Date proprietorship was formed	City or town and state in which it is registered as doing business	
Name of proprietor		Telephone number of proprietor
Address of proprietor		

1. State the name and address of each bar to which the sole proprietor and all persons directly involved in the process of certifying applicants, including, but not limited to, accepting and evaluating applications, devising, administering and grading examinations, and certifying and recertifying, is or has been admitted to practice law.
2. State whether the sole proprietor or anyone identified in 1 above has been disciplined by the authority that admitted such person to practice law and, if so, the name and address of such authority, the docket number or other means of identifying the case, and the details thereof as to each person so disciplined.
3. State whether a judgment of a court of competent jurisdiction has entered against the sole proprietor or anyone identified in 1 above for negligence or other misconduct in the practice of law and, if so, the name and address of such court, the docket number or other means of identifying the case, and the details thereof as to each person so adjudged.

4. State whether as to the sole proprietor or anyone identified in 1 above there is now pending: (a) any disciplinary matter before the authority that admitted such person to practice law and, if so, the name and address of such authority, the docket number or other means of identifying the case, and the details thereof as to each person subject to such pending disciplinary action; and (b) any lawsuit in a court of competent jurisdiction for negligence or other misconduct in the practice of law and, if so, the name and address of such court, the docket number or other means of identifying the case and the details thereof as to each person subject to such pending legal action.

Partnership Information

Date partnership was formed	City or town and state in which it is registered as doing business or carrying on its activities
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1. State the name and address of each partner.
2. State the name and address of each bar to which each partner and all persons directly involved in the process of certifying applicants, including, but not limited to, accepting and evaluating applications, devising, administering and grading examinations, and certifying and recertifying, is or has been admitted to practice law.
3. State whether any partner or anyone identified in 2 above has been disciplined by the authority that admitted such person to practice law and, if so, the name and address of such authority, the docket number or other means of identifying the case, and the details thereof as to each person so disciplined.
4. State whether a judgment of a court of competent jurisdiction has entered against any partner or anyone identified in 2 above for negligence or other misconduct in the practice of law and, if so, the name and address of such court, the docket number or other means of identifying the case, and the details thereof as to each person so adjudged.
5. State whether as to any partner or anyone identified in 2 above there is now pending: (a) any disciplinary matter before the authority that admitted such person to practice law and, if so, the name and address of such authority, the docket number or other means of identifying the case, and the details thereof as to each person subject to such pending disciplinary action; and (b) any lawsuit in a court of competent jurisdiction for negligence or other misconduct in the practice of law and if so, the name and address of such court, the docket number or other means of identifying the case, and the details thereof as to each person subject to such pending legal action.

Corporation Information

Date corporation was formed	State in which the corporation was incorporated	Each state in which the corporation is licensed or registered to do business
Corporation is a (choose one) <input type="checkbox"/> Stock Corporation <input type="checkbox"/> Nonstock Corporation		Is the corporation a nonprofit corporation <input type="checkbox"/> Yes <input type="checkbox"/> No

1. State the name and address of each officer of the corporation.
2. State the name and address of each director of the corporation.

3. State the name and address of each shareholder of the corporation.

4. State the name and address of each member of the corporation.

5. State the name and address of each bar to which officers and directors of the corporation, and all persons involved in the process of certifying applicants, including, but not limited to, accepting and evaluating applications, devising, administering and grading examinations, and certifying and recertifying, is or has been admitted to practice law.

6. State whether any officer, director, or anyone identified in 5 above has been disciplined by the authority that admitted such person to practice law and, if so, the name and address of such authority, the docket number or other means of identifying the case, and the details thereof as to each person so disciplined.

7. State whether a judgment of a court of competent jurisdiction has entered against any officer, director, or anyone identified in 5 above for negligence or other misconduct in the practice of law and, if so, the name and address of such court, the docket number or other means of identifying the case, and the details thereof as to each person so adjudged.

8. State whether as to any officer, director, or anyone identified in 5 above there is now pending: (a) any disciplinary matter before the authority that admitted such person to practice law and, if so, the name and address of such authority, the docket number or other means of identifying the case, and the details thereof as to each person subject to such pending disciplinary action; and (b) any lawsuit in a court of competent jurisdiction for negligence or other misconduct in the practice of law and, if so, the name and address of such court, the docket number or other means of identifying the case, and the details thereof as to each person subject to such pending legal action.

Voluntary Association Information

Date association was formed	City or town and state in which it is registered as doing business or carrying on its activities
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1. State the name and address of each officer of the association.

2. State the name and address of each director of the association.

3. State the name and address of each bar to which officers and directors of the association and all persons directly involved in the process of certifying applicants, including, but not limited to, accepting and evaluating applications, devising, administering and grading examinations, and certifying and recertifying, is or has been admitted to practice law.

4. State whether any officer or director of the association or anyone identified in 3 above has been disciplined by the authority that admitted such person to practice law and, if so, the name and address of such authority, the docket number or other means of identifying the case, and the details thereof as to each person so disciplined.

5. State whether a judgment of a court of competent jurisdiction has entered against any officer or director of the association or anyone identified in 3 above for negligence or other misconduct in the practice of law and, if so, the name and address of such court, the docket number or other means of identifying the case, and the details thereof as to each person so adjudged.
6. State whether as to any officer or director of the association or anyone identified in 3 above there is now pending: (a) any disciplinary matter before the authority that admitted such person to practice law and, if so, the name and address of such authority, the docket number or other means of identifying the case, and the the details thereof as to each person subject to such pending disciplinary action; and (b) any lawsuit in a court of competent jurisdiction for negligence or other misconduct in the practice of law and, if so, the name and address of such court, the docket number or other means of identifying the case, and the details thereof as to each person subject to such pending legal action.

Applicant — Qualification Information

1. State the nature of the business transacted or the purposes promoted or carried out by the applicant.
2. State the date on which the applicant commenced to be engaged as set forth in 1 above.
3. State whether the applicant a profit-making enterprise. Yes No
4. State the name and address of each organization or entity sponsoring the applicant.
5. State whether the applicant maintains a staff of employees to process lawyers seeking to be certified as specialists.
 Yes No
6. If the answer to 5 above is in the affirmative, state:
- (a) the total number of employees on the staff;
 - (b) the total number of employees on the staff who are full-time employees;
 - (c) the total number of employees on the staff who are so employed exclusively;
 - (d) the address at which the staff of employees is employed;

 - (e) the functional composition of the staff of employees; and

 - (f) the educational and professional qualifications of the employees of the staff who determine whether a lawyer seeking to be certified as a specialist shall be so certified.
7. If the answer to 5 above is in the negative, describe the means that the applicant employs to process lawyers seeking to be certified as specialists.

8. State each field of law in which the applicant is seeking authority to certify lawyers as specialists.

9. State whether the applicant has standards or qualifications that must be met by lawyers seeking to be certified as specialists in each field of law in which the applicant is seeking authority to certify lawyers as specialists.

Yes No

10. If the answer to 9 above is in the affirmative, state:

(a) whether information concerning such standards or qualifications is provided to the lawyers seeking to be certified as specialists;

(b) whether information concerning such standards or qualifications is available to the public; and

(c) whether such standards or qualifications are verifiable.

11. If the answer to 9 above is in the affirmative, state such standards or qualifications.

12. If the answer to 10 (c) above is in the affirmative, state the measures or procedures that the applicant employs to verify that lawyers seeking to be certified as specialists meet such standards or qualifications.

13. State the procedure that the applicant requires lawyers seeking to be certified as specialists to follow to become certified as specialists.

14. State what fees or costs or expenses the applicant requires lawyers seeking to be certified as specialists to pay to become certified as specialists.

15. State whether the applicant requires lawyers seeking to be certified as specialists to take a written examination.

Yes No

16. If the answer to 15 above is in the affirmative, state:

(a) the duration of the examination;

(b) whether the examination is monitored;

(c) when and where the examination is given;

(d) how the examination is administered;

(e) how the examination is evaluated;

(f) the educational and professional qualifications of the persons who evaluate the examination;

(g) the educational and professional qualifications of the persons who devise the examination;

(h) how the examination questions are selected;

(i) who selects the examination questions;

(j) how frequently the examination questions are changed;

(k) how the pass/fail levels for each examination administration are established;

(l) how each form of the examination is determined to be reliable, that is, that the test results of each form of the examination are consistent or replicable; and

(m) how each form of the examination is determined to be valid, that is, that the content and emphasis of the examination proportionately reflects the knowledge and skills needed for an enhanced level of skill and expertise in the specialty area.

17. State the measures or procedures that the applicant employs to determine whether the lawyers that the applicant certifies as specialists continue to meet the applicant's standards or qualifications to be so certified.

18. State the name and address of the applicant's financial references.

19. State the name and address of the applicant's professional references.

20. State all states in which the applicant is currently authorized to certify lawyers as specialists.

21. State whether the applicant has had any application for authority to certify lawyers as specialists rejected in any other state or has had such authority revoked or suspended in any other state and, if so, the reason for such rejection, revocation, or suspension.

Certification

I hereby certify that the information disclosed and the items provided pursuant to the foregoing application for authority to certify lawyers as specialists are true and complete to the best of my knowledge and belief.

(Signature and title of applicant or authorized representative of applicant)

STATE OF
COUNTY OF

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ss. _____

, 20 _____

Subscribed and sworn to before me.

(Notary Public)

Regulations of the Legal Specialization Screening Committee

1. Applications for authority to certify lawyers as specialists in a certain field or fields of law shall be made on the JD-ES-63 application form. Applicants shall file one (1) hard-copy and one (1) electronic copy of all application materials. The electronic copy of all application materials shall be sent as a PDF via email to the LSSC email account.
2. Such application forms shall be on file in the office of the Judicial Branch, Legal Services Unit, and shall be available on written request addressed to the Chair of such Committee c/o Director of Legal Services, Judicial Branch, State of Connecticut, P.O. Box 150474, Hartford, Connecticut 06115-0474.
3. Completed application forms shall be submitted to the Chair of the Legal Specialization Screening Committee, c/o Director of Legal Services, Judicial Branch, State of Connecticut, P.O. Box 150474, Hartford, Connecticut 06115-0474.
4. In addition to the information required in such application forms, the Legal Specialization Screening Committee may require such additional information and undertake such investigation of the applicant as it deems necessary to carry out its duties.
5. The Legal Specialization Screening Committee shall submit to the Rules Committee of the Superior Court a written recommendation, with reasons therefore, for approval or disapproval of each application or for the termination of any prior approval granted by the Rules Committee.
6. In discharging its responsibilities the Legal Specialization Screening Committee shall apply the following standards:
 1. Definitions

As used in these Regulations:

 - (A) "Applicant" means a certifying organization which applies to the Legal Specialization Screening Committee for approval under these Standards.
 - (B) "Committee" means the Legal Specialization Screening Committee.
 - (C) "Certifying Organization" means an organization, bar association, group, or other entity which certifies or intends to certify lawyers as specialists.
 - (D) "Standards" means these Standards.

Regulations of the Legal Specialization Screening Committee

II. Requirements for Approval of Certifying Organizations

- A. 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.
- B. 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 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 Reference – 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 both with 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

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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 American Bar 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.

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

D. 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.

E. 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.

7. Evaluation Criteria

The accreditation process is designed to compare an Applicant's organization features, operational methods and certification standards against

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requirements of the Standards. In conducting this comparison, the Committee shall utilize the criteria specified below to make the examination of the Applicant as objective and fair as possible. Criteria written with the word “must” are based directly on the Standards and are therefore mandatory. Criteria written with the word “should” are interpretive and intended to guide the Committee in applying the Standards.

- A. Purpose of Organization – The Applicant must 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 specialist certification is being issued. The Applicant must also show that its certification program has as a goal the development and improvement of the professional competence of lawyers.
- B. Organization Capabilities – Any program designed to certify lawyers as specialists is expected to have a continuing responsibility to those it certifies to maintain the integrity and the value of the specialty designation. An Applicant seeking approval must 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 on a continuing basis. The primary criteria which will be used in determining organizational capabilities are:
1. a history of adequate financing during the three (3) 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 individual founders, if no founding organization is involved;
 2. the existence of a budget and financial plan for three (3) years following a grant of accreditation should it be made;
 3. the presence of persons retained by or on the governing board, evaluation committees and 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, as well as experienced practitioners in the areas of law in which the organization conducts certification programs;
 4. management, administrative and business practices which 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

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- certification process should include safeguards to ensure unbiased consideration of lawyers seeking certification; and
5. existence of a handbook, guide or manual which outlines the standards, policies, procedures, guides for self-study, and application procedures.
- C. Decision Makers – A majority of any Applicant's governing board, evaluation committee or advisory panel which reviews and passes upon applications for certification must be composed of lawyers who have substantial involvement in the specialty area. For the purpose of this criterion, a person is deemed to meet the "substantial involvement" requirement if he or she:
1. is a specialist certified in the area of law by an organization accredited under these Regulations or approved to certify lawyers in one or more states or territories of the United States of the District of Columbia; or
 2. meets the qualifications set out in Section 6-IIB(A) of these Regulations.
- D. Uniform Applicability of Certification Requirements and Non-Discrimination – The Applicant's documents and records submitted in conjunction with its application for approval will be examined to ensure that the requirements for granting certification are clearly stated and that any lawyer who applies who meets such requirements is granted certification.
1. The materials published by the Applicant must not state or imply that membership in, or the completion of educational programs offered by, any specific organization are required for certification, except that this paragraph does 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.
 2. The description of the program must indicate that the Applicant does not discriminate against lawyers seeking certification on the basis of race, religion, gender, sexual orientation, disability or age. Experience requirements for lawyers seeking certification or re-certification which may indirectly have an effect on a particular age group must be reasonable.

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3. The Applicant's requirements for certification are examined to assure that they are uniform in all jurisdictions in which the Applicant certifies lawyers.

This provision does not prohibit an Applicant from incorporating the requirements for certification, in whole or in part, of a state specialization or certification program, provided that such program's requirements are substantially similar to those of the Applicant.

Where requirements differ because of state or local law regulation, such differences should be explicitly stated in the materials which describe the certification program.

- E. Substantial Involvement – The Applicant must require that a lawyer seeking certification make a satisfactory showing of experience through substantial involvement in the specialty area. Substantial involvement generally includes the type and number of cases or matters handled and the amount of time spent practicing in the specialty area.

1. In order to meet this standard, the Applicant's certification criteria must require that the time spent practicing the specialty be at least twenty-five percent (25%) 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.

- F. Peer Review – The Applicant must require that a lawyer seeking certification submit the names of at least five (5) references, a majority of whom are attorneys or judges who are knowledgeable regarding the practice area and are familiar with the competence of the lawyer.

1. The Applicant's procedures must provide that the Applicant, not the lawyer seeking certification, sends the reference forms to potential references.
2. The reference forms should 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 should also 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 must specify that the lawyer may not submit as a reference the name of

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any lawyer or judge who is related to the lawyer seeking certification or currently engaged in legal practice with that lawyer.

4. The Applicant should reserve the right to seek and consider reference forms from persons of the organization's own choosing.

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

1. evidence that the examination's pass/fail levels are established in a manner that is generally accepted as being valid;
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; and
4. evidence that appropriate measures are taken to protect the security of all examinations.

H. Educational Experience – The Applicant must require that a lawyer seeking certification has completed a minimum of thirty-six (36) hours of participation in continuing legal education in the specialty area in the three (3) year period preceding the lawyer's application for certification.

1. The Applicant may allow a lawyer seeking certification to meet this requirement through any of the following means, including a combination of them:
 - a. attending programs of continuing legal education or courses offered by American Bar Association-accredited law schools in the specialty area, including attendance of programs by videotape;

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- b. teaching courses or seminars in the specialty area;
 - c. participating as panelist, speaker or workshop leader at educational or professional conferences covering the specialty area; or
 - d. writing published books or articles concerning the specialty area.
 2. The Applicant should require a lawyer seeking certification to provide evidence showing that the programs, courses, seminars, conferences and publications listed above contain sufficient intellectual and practical content so as to increase a lawyer's knowledge and ability in the specialty area. Continuing legal education programs approved by the Judges of the Superior Court in the specialty area will be deemed to have met this criterion.
- I. Good Standing – The Applicant must require that a lawyer seeking certification furnish satisfactory evidence of his or her license to practice law and good standing in one or more states or territories of the United States or the District of Columbia. The application form should request the lawyer to list all current admissions to the bar, along with registration numbers where applicable.
- J. Impartial Review – The Applicant must 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 applications for certification. The policy must provide a lawyer seeking certification the opportunity to present his or her case to an impartial decision maker in the event of denial of eligibility or denial of certification.
- K. Requirements for Re-Certification
 1. The Applicant must have in existence a plan for periodic re-certification.
 2. The period of certification or re-certification may not exceed five years.
 3. The plan for periodic re-certification must be designed to measure continued competence and enhance the continued competence of certified lawyers. Re-certification requirements must be at least as stringent as those for initial certification in the areas of substantial

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involvement, peer review, educational experience and good standing.

- L. Revocation of Certification – The Applicant must 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.