

O'Donnell, Shanna

From: Poncini, Denise
Sent: Tuesday, August 17, 2021 2:03 PM
To: Del Ciampo, Joseph
Subject: Materials for Rules Committee - Legal Specialization Screening Committee (LSSC)
Attachments: 0560_001.pdf; ES063.pdf; Minutes - 81121Draftdocx.pdf; Minutes Approved42721.pdf

Good Morning,

The LSSC met on August 11, 2021 and made two recommendations for consideration by the Rules Committee at its upcoming meeting. I have attached a letter from Attorney Rosemarie Paine advising you of the LSSC's recommendation to approve the recertification of the American Board of Certification's (ABC) authority as a certifier in the specialty areas of Consumer Bankruptcy law and Business Bankruptcy law for a five year period. The ABC's current authority to certify expires on September 25, 2021.

Additionally, as Attorney Paine's letter advises, the LSSC also recommends the approval of a revision to the form, JD-ES-63, Application for Authority to Certify Lawyers as Specialists, adding new Instruction #4. I have attached this form as revised. The committee sought this revision at its April 27, 2021 meeting after discussing that the LSSC would find it helpful to have specifications of differences between prior and current applications.

I have also attached a copy of the draft minutes of the August 11, 2021 meeting and the approved minutes of the April 27, 2021 meeting.

Please let me know if you require any additional information.

Thank you,

Denise

Denise K. Poncini
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Legal Specialization Screening Committee

August 11, 2021

Joseph Del Ciampo
Director of Legal Services
State of Connecticut Judicial Branch
100 Washington Street
Hartford, Connecticut 06115

Dear Attorney Del Ciampo:

On August 11, 2021, the Legal Specialization Screening Committee met and considered the American Board of Certification's renewal application to certify lawyers as specialists in Consumer Bankruptcy law and Business Bankruptcy law. At the meeting, the Committee recommended the following:

The Legal Specialization Screening Committee recommends that the American Board of Certification be approved for recertification as a certifier in the specialty areas of Consumer Bankruptcy law and Business Bankruptcy law, for a five year period, pursuant to its application dated May 4, 2021, because in the opinion of the Committee, it meets all of the criteria in the rules and as developed by the Committee to evaluate whether entities should be approved as certifiers, subject to the condition that, if approved, the applicant shall be required to notify promptly the Legal Specialization Screening Committee of any material changes in its methodology for certifying lawyers as specialists during the term of its approval.

The subject application is on file with your office. Please forward this recommendation to the Rules Committee.

Additionally, the Committee recommends that the Rules Committee approve the addition of Instruction #4 to form JD-ES-63, Application for Authority to Certify Lawyers as Specialists. A copy of this form, as revised, is attached.

Very truly yours,



Rosemarie Paine
Chair,
Legal Specialization Screening Committee

cc: Jeffrey N. Low
Robert F. Dwyer, Jr.
Patrick J. Kennedy
Brian T. Henebry
Denise K. Poncini

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

JD-ES-63 Rev. 5-21

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



For information on ADA accommodations, contact a court clerk or go to: www.jud.ct.gov/ADA.

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. Any changes, deletions or additions to the prior application should be itemized in a separate document.
5. 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
6. 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
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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 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)

Legal Specialization Screening Committee Minutes

April 27, 2021 Meeting
Judicial Branch, Legal Services Unit
2:00pm

VIRTUAL MEETING VIA TEAMS

Members Participating: Attorney Rosemarie Paine (Chair), Attorney Jeffrey Low (Vice Chair), Attorney Patrick Kennedy, Attorney Brian Henebry

Legal Specialization Screening Committee (LSSC) Staff participating: Attorney Denise Poncini

1. The Committee considered the minutes of the meeting held on November 28, 2018. The Committee unanimously voted to approve the minutes. Attorney Henebry abstained from this vote.
2. The Committee considered the Connecticut Bar Association's renewal application to certify lawyers as specialists in Worker's Compensation law. After brief discussion, the Committee unanimously approved that the following resolution be forwarded to the Rules Committee:

The Legal Specialization Screening Committee recommends that the Connecticut Bar Association be approved for recertification as a certifier in the specialty area of Workers' Compensation law, for a five year period, pursuant to its application dated February 19, 2021, because in the opinion of the Committee, it meets all of the criteria in the rules and as developed by the Committee to evaluate whether entities should be approved as certifiers, subject to the condition that, if approved, the applicant shall be required to notify promptly the Legal Specialization Screening Committee of any material changes in its methodology for certifying lawyers as specialists during the term of its approval.

3. The Committee considered Attorney Paine's suggestion that entities filing renewal applications be asked to flag any changes, deletions or additions from the prior application. Attorney Poncini noted that the Regulations of the LSSC did not cover this subject. After discussing appropriate terminology, it was determined to recommend to the Rules Committee that the instructions of the Application For Authority to Certify Lawyers as Specialist, JD-ES-63, be revised to add a new Instruction #4 as follows:
 4. Any changes, deletions or additions to the prior application should be itemized in a separate document.

The Committee requested that the form be so revised for the approval of the Committee before its transmission to the Rules Committee for approval.

4. The meeting adjourned at 2:14.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Denise Poncini".

Denise Poncini

Counsel, Legal Services

Legal Specialization Screening Committee Minutes

August 11, 2021 Meeting
Judicial Branch, Legal Services Unit
2:00pm

VIRTUAL MEETING VIA TEAMS

Members Participating: Attorney Rosemarie Paine (Chair), Attorney Jeffrey Low (Vice Chair), Attorney Robert Dwyer, Attorney Patrick Kennedy, Attorney Brian Henebry

Legal Specialization Screening Committee (LSSC) Staff participating: Attorney Denise Poncini

1. The Committee considered the minutes of the meeting held on April 27, 2021. The Committee unanimously voted to approve the minutes. Attorney Dwyer did not participate in this vote.
2. The Committee considered the American Board of Certification's renewal application to certify lawyers as specialists in Business Bankruptcy and Consumer Bankruptcy law. After brief discussion, the Committee unanimously approved that the following resolution be forwarded to the Rules Committee:

The Legal Specialization Screening Committee recommends that the Connecticut Bar Association be approved for recertification as a certifier in the specialty area of Workers' Compensation law, for a five year period, pursuant to its application dated February 19, 2021, because in the opinion of the Committee, it meets all of the criteria in the rules and as developed by the Committee to evaluate whether entities should be approved as certifiers, subject to the condition that, if approved, the applicant shall be required to notify promptly the Legal Specialization Screening Committee of any material changes in its methodology for certifying lawyers as specialists during the term of its approval.

3. The Committee considered the proposed revision of JD-ES-63, Application for Authority to Certify Lawyers as Specialists to add new Instruction #4 as follows:
 4. Any changes, deletions or additions to the prior application should be itemized in a separate document.

The Committee unanimously approved that the proposed revision be forwarded to the Rules Committee with the recommendation of the LSSC that the revision be approved by the Rules Committee.

4. The meeting adjourned at 2:14.

Respectfully Submitted,

Denise Poncini
Counsel, Legal Services