

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: NEW CERTIFICATIONS FOR)
ATTORNEY SPECIALISTS) No. _____)
)

Petition to Approve Certifications

The Tennessee Commission on Continuing Legal Education and Specialization (the "Commission") hereby petitions the Supreme Court of Tennessee to approve the following certification programs:

- Social Security Disability Law
- Juvenile Law – Child Welfare
- DUI Defense

In support of this Petition, the Commission would show as follows:

1. Rule 21, §10.04 provides as follows:

10.04 Prior to implementation of any certification program, the Commission shall file with the Supreme Court and publish to the attorneys of Tennessee the complete certification standards proposed for that program. For 90 days after such publication, any person or entity desiring to do so may file comments on the proposed certification program with the Supreme Court and a copy with the Commission. The proposed certification program shall be effective upon entry by the Supreme Court of an Order approving the program either as submitted by the Commission or with any modifications set forth in the Order.

2. The Commission is required to implement this program in a manner which will minimize the administrative costs associated with the program while insuring that all such costs are covered by funds generated by applicants for certification and certified specialists (§10.02)
3. To date, the Commission has proposed to the Court and the Court has approved only those certification program accredited by the American Bar Association Standing Committee on Specialization. All programs accredited by the ABA have also been approved in Tennessee with the exception of the three programs

proposed in this Petition. The 11 programs already approved (with the number of certified Tennessee specialists in parentheses) are Business Bankruptcy (17), Consumer Bankruptcy (35), Creditors Rights (7), Accounting Malpractice (1), Legal Malpractice (0), Medical Malpractice (10), Estate Planning (22), Civil Trial (186), Criminal Trial (23), Family Law (8), and Elder Law (13).

4. The standards approved by the ABA House of Delegates and applied by the ABA Standing Committee require the Committee, among other things, to ascertain that the certifying organization's purpose, organizational capabilities, and decision makers are appropriate and sufficient for the certification of attorney's as specialists in the proposed area. The Committee must also ascertain that the certification standards will be applied without discrimination on the basis of race, religion, gender, sexual orientation, disability or age. The defined specialty area must be generally understandable by potential users of legal services in that area and there must be a significant number of attorneys practicing in the defined area. The certification must require a substantial portion of the attorney's practice to be in the defined area, and must include a written examination of the attorney's knowledge of that field of law. The attorney must pass peer review, and have at least 36 hours of Continuing Legal Education (CLE) in the defined area over the preceding three years. The full set of standards applied by the ABA Standing Committee are available at:

<http://www.abanet.org/legalservices/specialization/standard.html#43>

5. When a certifying organization applies for accreditation from the ABA, the Standing Committee appoints a Review Panel and an Exam Reviewer to ascertain compliance with all aspects of the ABA standards. David N. Shearon, Executive Director of the Commission, currently serves on the ABA Standing Committee and has served on several such review panels. The panels and the Standing Committee are thorough and rigorous in their review of applications under the standards.
6. The standards for certification as approved by the American Bar Association Standing Committee on Specialization and the House of Delegates for each of these certifications may be found at:

Social Security

Not currently available online.

(Copy attached as Exhibit 1, p. 4.)

Juvenile Law – Child Welfare

<http://www.naccchildlaw.org/training/certification.html>

(Copy attached as Exhibit 2, p. 7.)

DUI Defense

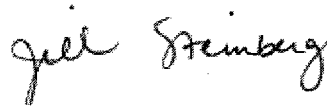
http://www.ncdd.com/dsp_certification.cfm

(Copy attached as Exhibit 3, p. 12.)

7. Rule 21, §10, requires some things from certified specialists in Tennessee which are rarely, if ever, required by the national programs. These include malpractice insurance in a minimum amount of \$500,000, an additional and sometimes more thorough ethics background check, client referral letters, and completion of a law practice management checklist. Therefore, as it has done for the other certifications it administers, the Commission has developed Certification Standards for each of these certifications. These standards take as their base the standards established by each national certifying organization and add those components required in Tennessee but not included in the national program. The Certification Standards adopted by the Commission for Social Security are attached as Exhibit 4, p. 25, those for Juvenile Law – Child Welfare as Exhibit 5, p. 28, and those for DUI Defense as Exhibit 6 p. 31.

Wherefore, the Commission petitions this Court for an Order approving certification programs in Tennessee as set forth in the attached Certification Standards.

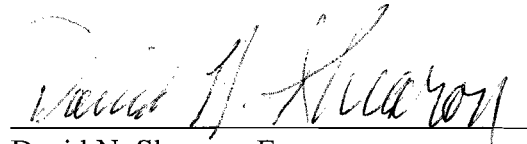
Respectfully submitted,



Jill Steinberg, Esq.
Chairperson

Certificate of Service

I certify that a photocopy of this Petition and Attachments was mailed, first class postage paid, to the bar representatives listed on pages 34, 35, and 36 on June 3, 2005, and will be posted on the Commission's web site, www.cletn.com, on or before June 6, 2005.



David N. Shearon, Esq.
Executive Director

EXHIBIT 1

Materials from National Board of Trial Advocacy

Social Security Disability

Social Security Disability Certification Standards

GENERAL PRINCIPLES

- A. Standards shall not in any way limit the right of a social security disability attorney to practice law in all fields.
- B. Certification is individual and voluntary.
- C. Certification is open to all who qualify.
- D. Application for certification will be made to the National Board of Trial Advocacy (NBTA), on the application forms supplied by the NBTA, and accompanied by the appropriate fee.
- E. Applicants must complete all requirements, including the examination within two years from the date the application is received. If the certification process is not satisfactorily completed within the two year period, the applicant will need to reapply and submit all required fees.
- F. A certificate will be issued upon a showing by the applicant, and by the NBTA's own investigation, that the applicant complies with the standards and regulations for certification.
- G. All applications and other information submitted to the NBTA shall be privileged and confidential, except as compelled by law and, except that the NBTA may reveal the fact of an application for the purpose of verifying information submitted by the applicant, and for the purpose of making such inquiries with respect to the character and professional reputation of the applicant as may be authorized by law.
- H. The NBTA does not discriminate against any lawyers seeking certification on the basis of race, religion, gender, sexual orientation, disability, or age, except as the natural consequence of reasonable experience requirements.

STANDARDS FOR CERTIFICATION

A. Good Standing and Period of Practice

- 1. The applicant shall furnish evidence of his or her good standing in the state of his or her admission, or if admitted in more than one state, in the state of his or her principal practice.
- 2. Immediately preceding application, the applicant must have spent five (5) years in the actual practice of Social Security Disability law.

B. Substantial Involvement

- 1. The applicant must make a satisfactory showing of substantial involvement relevant to Social Security Disability law. Specifically, at least thirty (30) percent of the applicant's practice must be spent on social security disability law three (3) years prior to the date of submission of the application.
- 2. The applicant must further demonstrate substantial involvement in specialized practice, by showing that he or she has performed the following within the applicant's career:
 - a. Appeared in no fewer than one hundred (100) Social Security Disability Hearings;
 - b. Filed no less than twenty (20) appeals council briefs;
 - c. Filed no less than ten (10) briefs in United States District Court, OR
 - d. A combination of hearings, appeals council brief filings and district court brief filings which demonstrates substantial involvement in social security disability practice equivalent to requirements (a) through (c) above as approved by the Standards Committee.

C. Education Experience

- 1. The applicant must demonstrate substantial participation in continuing legal education and the development of social security disability practice and law in the three year period immediately preceding the application either:
 - a. By attendance and / or electronic participation in not less than thirty-six (36) hours in programs in continuing legal education in social security disability law approved by the Standards Committee within the three year period preceding application for certification.
 - b. By equivalent participation through, but not limited to, the following as approved by the Standards Committee:
 - i. Teaching courses or seminars in social security disability law or ethics;
 - ii. Participation as a panelist, speaker, workshop leader or the equivalent at educational or professional conferences and meetings;
 - iii. Authorship of books or articles published in professional journals on social security disability law; OR
 - iv. By a combination of (i) through (iii) above.

D. Peer Review

- 1. The applicant shall submit with application the names of ten to twelve references, not present partners, associates, or relatives of the applicant. These references shall be substantially involved in the relevant field of trial law, and familiar with the applicant's practice in that field. References satisfactory to the NBTA must be received from at least three (3) administrative law judges before whom the applicant has appeared as a social security disability advocate not more than three (3) years before the date of application. The remaining three (3) references may be from peer practitioners, opposing counsel at the federal court level, district court judges or additional administrative law judges familiar with the applicant's practice.
- 2. NBTA will solicit confidential statements from all persons listed as references and may solicit confidential statements of reference from other persons, familiar with the applicant's practice, not specifically named by the applicant. All reference statements received will be reviewed by the NBTA to assess whether the applicant has demonstrated an enhanced level of skill and expertise in the practice area, integrity and consideration for the interests of clients.

E. Examination

- 1. The applicant must pass a written exam which will test his or her enhanced level of skill, expertise, knowledge and experience in social security disability law.

F. Legal Writing Document

The applicant shall submit 6 copies of legal writing which he or she has prepared & filed no more than three (3) years before the date of application. These will be substantial documents in the area for which the applicant seeks certification, containing concise and accurate writing, stating facts (either actual or hypothetical), stating applicable law, analysis of how the law applies to the facts, written in an appropriately argumentative manner and well constructed (i.e. organized, grammatical, demonstrative of good syntax and usage). The quality of the legal document will be evaluated on those criteria and will determine whether the applicant is qualified for certification. Applicant will submit the following:

Administrative

- 1. The applicant shall submit two memoranda or detailed letters which s/he has prepared and filed with an administrative law judge in anticipation of conducting a hearing in a Social Security Disability (SSD) case (including requests for decisions on the record) or after conducting a hearing but before the judge has decided the claim. As part of the submission, the applicant must obtain a waiver from the claimant so as to prevent a violation of Social Security Act 42 USC 130(a) and the Privacy Act, 5 USC 552(A)

Council Briefs

- 2. The applicant shall submit two appeals council briefs which s/he has prepared and filed. These will be substantial memoranda or briefs stating facts, arguing law, submitted no more than three (3) years prior to the date of application. As part of the submission, the applicant must obtain a waiver from the claimant so as to prevent a violation of Social Security Act 42 USC 130(a) and the Privacy Act, 5 USC 552(A).

Federal Appeals

- 3. The applicant shall submit two briefs prepared and filed by the applicant in US District Court within three (3) years prior to the date of application.

G. Disclosure of Misconduct

- 1. In order to assist the evaluation of whether the applicant possesses an enhanced level of skill and expertise in trial advocacy and has demonstrated integrity and dedication to the interest of clients, the applicant shall, to the extent known, disclose to the National Board of Trial Advocacy as soon as permitted by law:
 - (a) The filing of any criminal charges against the applicant together with all details called for by the Disclosure of Conduct Form;
 - (b) The filing or submission of any allegation of unethical or inappropriate professional conduct with any court, grievance committee or disciplinary board or body together with all details called for by the Disclosure of Conduct Form.

- (c) The assertion of any claim of professional negligence or professional liability, whether or not suit has been filed, which is based in any part on alleged acts or omissions of the applicant or member or on the acts or omissions of any other attorney over whom the applicant or member had any responsibility together with all details called for by the Disclosure of Conduct Form.
2. The National Board of Trial Advocacy shall determine, in accordance with its standards and procedures whether the conduct is such that certification should be granted, denied, suspended or revoked, or whether action should be deferred pending receipt of additional information. The NBTA will take into consideration any findings made by other bodies concerning such conduct, but is not bound by any such findings and will make its own independent assessment concerning how such conduct bears on whether an attorney is qualified to obtain or maintain certification.
 3. The failure of an applicant to disclose such conduct is a material misrepresentation and may be cause for rejecting an application or refusing to grant certification, or for suspending or revoking a certificate. The applicant shall have a continuing duty to disclose such matters to the board.

Recertification Standards

A. Good Standing and Period of Practice

1. The applicant shall furnish evidence of his or her good standing in the state of his or her admission, or if admitted in more than one state, in the state of his or her principal practice.
2. Immediately preceding application, the applicant must have spent five (5) years in the actual practice of Social Security Disability law.

B. Substantial Involvement

1. The applicant must make a satisfactory showing of substantial involvement relevant to Social Security Disability law. Specifically, at least thirty (30) percent of the applicant's practice must be spent on social security disability law five (5) years prior to filing the application.
2. The applicant must further demonstrate substantial involvement in specialized practice, by showing that he or she has performed the following within the applicant's career:
 - a. Appeared in no fewer than fifty (50) Social Security Disability Hearings;
 - b. Filed no less than ten (10) appeals council briefs;
 - c. Filed no less than five (5) briefs in United States District Court, OR
 - d. A combination of hearings, appeals council brief filings and district court brief filings which demonstrates substantial involvement in social security disability practice equivalent to requirements (a) through (c) above as approved by the Standards Committee.

C. Education Experience

The applicant must demonstrate that he or she participated in and completed at least thirty-six (36) hours of educational activity, as set forth in Part C of the Certification Standards, during the five (5) years preceding recertification.

D. Peer Review

1. The applicant shall submit with application the names of six references, not present partners, associates, or relatives of the applicant. These references shall be substantially involved in the relevant field of trial law, and familiar with the applicant's practice in that field. References satisfactory to the NBTA must be received from at least one administrative law judge and from at least two peer practitioners, opposing counsel at the federal court level, district court judges or additional administrative law judges.
2. NBTA will solicit confidential statements from all persons listed as references and may solicit confidential statements of reference from other persons, familiar with the applicant's practice, not specifically named by the applicant. All reference statements received will be reviewed by the NBTA to assess whether the applicant has demonstrated an enhanced level of skill and expertise in the practice area, integrity and consideration for the interests of clients.

E. Disclosure of Misconduct

The applicant shall comply with Part G of the certification Standards in the same manner as an applicant for certification.

Annual Reporting

Annually, members will be required to submit a Disclosure of conduct form and annual dues. The member's annual dues and Disclosure of Conduct must be current before an application for recertification will be granted. Disclosures of Conduct/Liability shall be submitted to the Standards Committee to determine if certification should be continued.

Denial of Revocation or Certification

- A. An application for certification may be denied for failure to comply with any of the requirements relating to good standing, substantial involvement, educational experience, peer review, examination, advocacy materials, disclosure of conduct, financial responsibility or any other failure to demonstrate possession of an enhanced level of skill and expertise in social security disability advocacy and demonstrated integrity and dedication to the interests of clients.
- B. An application for recertification may be denied for failure to comply with any of the requirements relating to good standing, substantial involvement, educational experience, peer review, disclosure of conduct, financial responsibility or any other failure to demonstrate possession of an enhanced level of skill and knowledge in social security disability advocacy and integrity and dedication to the interests of clients.
- C. An existing certification may be revoked for failure to demonstrate maintenance of an enhanced level of skill and experience in social security disability advocacy and integrity and dedication to the interests of clients as required for certification or for failure to maintain compliance with the financial responsibility requirements.
- D. Decisions of the Examination Committee and the Advocacy Materials Committee are final and not subject to further review or appeal. An Attorney who is refused certification for any other reason, or who is refused recertification or whose certification is revoked may pursue review under the Appeal Procedures of the NBTA. Exhaustion of this right shall be a condition precedent to judicial review.
- E. A lawyer who is refused certification or recertification, or whose certification is revoked, may not apply for certification until one year after the date of such refusal, denial or revocation.
- F. Suspension of the license to practice law shall operate as an automatic revocation of certification.
- G. A lawyer who publicizes certification or application for certification prior to its being granted, or continues to publish a certification after it has been revoked or suspended, may be barred from certification.

EXHIBIT 2

Materials from National Association of Counsel for Children

Juvenile Law – Child Welfare



About the NACC

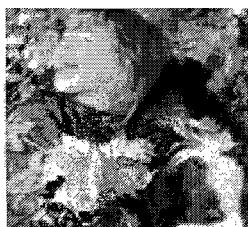
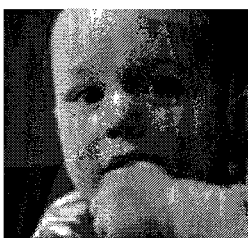
Training and Technical Assistance

Children and the Law

Policy Advocacy

Training and Technical Assistance

- Training & Certification
- National Conference
- Trial Skills Training
- Speakers Bureau
- Certification
- Publications
- Resource Center
- Standards of Practice
- Youth Empowerment
- Amicus Curiae
- Homepage



Certification

What is the National Association of Counsel for Children?

The NACC is a national membership organization of juvenile / children's court attorneys. Founded in 1977, the mission of the NACC is to improve the delivery of legal services to children, families, and agencies and to develop the practice of law for children and families into a high functioning legal specialty. The NACC is headquartered at the Kempe Children's Center at The Children's Hospital in Denver. The NACC has approximately 2000 members representing all 50 states and DC. The NACC is a recipient of the Meritorious Service to the Children of America Award given by the National Council of Juvenile and Family Court Judges. For more information on the NACC and juvenile attorney certification, visit the NACC website at www.NACCchildlaw.org, email to advocate@NACCchildlaw.org, or call toll-free at 888-828-NACC.

What is Board Certification?

Board certification is a process whereby professionals are designated specialists in a particular area. Board certification brands attorneys as specialists thereby identifying them to clients and peers as highly qualified practitioners. At the same time, certification elevates the quality of the practice of law by encouraging more and more attorneys to be among the best in their communities. The NACC certification program is modeled after physician board certification where doctors are board certified in such fields as family practice and pediatrics. Attorneys have been board certified for years in areas such as real estate, bankruptcy, criminal law, and estate planning.

By What Authority Will I be Board Certified?

Certification may be awarded by state or national organizations as provided by states' versions of ABA Model Rule of Professional Conduct 7.4. Under Model Rule 7.4, attorneys may designate themselves as board certified specialists once certified by the state certification regulatory authority or an authorized national certification program. The NACC certification program is sponsored by the U.S. Department of Health and Human Services and has been accredited by the American Bar Association as an authorized certification authority (approval anticipated February 2004). As of November, 2004, the NACC certification program is authorized in New Mexico and application is pending in California. Please contact the NACC to determine the precise status of NACC certification in your jurisdiction.

What Kinds of Law Practices are Included in Juvenile Law (Child

Welfare) Certification?

NACC Juvenile Attorney (Child Welfare) Certification is available to attorneys who serve in the role of Child's Attorney (including Guardian ad Litem, Law Guardian, Attorney ad Litem), Parent's Attorney, and Agency / Department / Government Attorney. The specialization area as approved by the ABA is specifically defined as "the practice of law representing children, parents or the government in all child protection proceedings including emergency, temporary custody, adjudication, disposition, foster care, permanency planning, termination, guardianship, and adoption. Child Welfare Law does not include representation in private child custody and adoption disputes where the state is not a party."

Why Should I Get Certified?

Because you are an expert and should be recognized as such. Board Certification brands attorneys as specialists in the field. Child Welfare Law is an increasingly complex and sophisticated field requiring special training and expertise. Whether you have already reached this level or plan to by preparing for NACC certification, you will be able to identify yourself to the court and your community as a board certified child welfare law specialist. NACC board certification offers you an edge and you can advertise you have met the standards approved by the U.S. Supreme Court, the American Bar Association and the National Association of Counsel for Children. Specialty certification is a highly recognized, prestigious credential.

What Are the Criteria or Standards for Juvenile Attorney (Child Welfare) Certification?

Lawyers certified in child welfare law must be knowledgeable in the state and federal laws applicable to child protection and foster care. A specialist must also understand relevant principles from child development and psychology regarding individual and family dynamics and appropriate treatment modalities for child abuse and neglect and be capable of recognizing the professional responsibility and ethical issues that arise out of the children's status. Lawyers certified as specialists in child welfare law should also be proficient in the skills of interviewing and counseling child clients. In order to be certified, attorneys must meet the following standards:

Good Standing. The applicant shall furnish evidence of his or her good standing in the state of his or her admission, or if admitted in more than one state, in the state of his or her principal practice.

Substantial Involvement. The applicant must make a satisfactory showing of substantial involvement relevant to juvenile law (child welfare), with at least thirty (30) percent of his or her time involved in juvenile law (child welfare), during the three (3) years preceding the filing of the application.

Educational Experience. The applicant must demonstrate substantial participation in continuing legal education relevant to juvenile law (child welfare) in the three-year period immediately preceding application. Topics deemed relevant to juvenile law (child welfare) include but are not limited to substantive and procedural law, trial practice, alternative dispute resolution, child abuse and neglect, child development, and family dynamics and relationships.

Peer Review. The applicant shall submit with application the names of no less than five (5) references. These references shall be substantially involved in juvenile law (child welfare), and familiar with the applicant's work. References satisfactory to the NACC must be received from at least one judge who can attest to the applicant's competence in juvenile law (child welfare). A reference from an individual who has served as opposing counsel is encouraged.

Writing Sample. The applicant shall submit a copy of a trial court memorandum, appellate brief, article, or a writing sample demonstrating legal analysis in the field of juvenile law (child welfare). This should be a substantial writing sample, stating facts and arguing law, submitted or drafted no more than three years before the date of application.

Examination. The applicant must pass the NACC Juvenile Law (Child Welfare) written competency examination. The examination may be taken only after the applicant has satisfied all other certification standards.

How Do I Get Certified?

The process begins by contacting the NACC and requesting the General Information Brochure and Initial Application. Following receipt of the Initial Application and fee, the NACC will provide you with a certification packet containing an Application for Certification, the *NACC Child Welfare Law and Practice Manual*, and instructions for completing the certification requirements. Once you have completed all of the requirements, including peer review, proof of good standing and substantial involvement, and writing sample, you will be eligible to sit for the certification exam.

How Much Does it Cost to Become Board Certified in Child Welfare Law?

Board legal certification typically costs in excess of \$1,000. In recognition of the average salaries of child welfare lawyers, the NACC has reduced that fee and arranged for further subsidized payment in some cases. The cost of certification is \$500 (\$250 due with initial application and \$250 due to sit for the exam). If you will require subsidized fees, contact the NACC for more information.

How Do I Prepare for the Certification Exam?

Your legal education, practice experience, and continuing legal education in juvenile and family law all help prepare you for the certification exam. In addition, applicants should have a command of the following areas of child welfare law and practice:

1. Federal Statutory Law
2. Multi-State Statutes
3. Federal Constitutional Case Law
4. International Law

5. Standards for Legal Representation of Children, Parents, and the Child Welfare Agency
6. Child Welfare Law and Procedure Generally
7. Trial Practice in Child Protection
8. Criminal Laws Applicable to Child Protection
9. Interdisciplinary Non-Law Issues (child, family, divorce and custody)

The *NACC Child Welfare Law and Practice Manual* (anticipated to be available Spring 2005) is designed to assist applicants in preparing for the exam. It is available for purchase from the NACC and will be provided to each certification applicant as part as the application fee.

For more information on attorney certification, contact the NACC by clicking [here](#).

Protecting children and promoting their well-being through excellence in legal advocacy.

phone: 1-888-828-NACC | e-mail: advocate@NACCchildlaw.org
address: 1825 Marion Street, Suite 242 Denver, CO 80218 | [Site Map](#)

EXHIBIT 3

Materials from National College for DUI Defense

DUI Defense



- HOME
- MESSAGE
- REGENTS / FELLOWS
- FINDING AN ATTORNEY
- SESSIONS/SEMINARS
- CURRICULUM ARCHIVES
- BOOKSTORE / APPAREL
- GENERAL MEMBERSHIP
- SUSTAINING MEMBERSHIP
- RE-APPLICATION
- CERTIFICATION
- RE-CERTIFICATION
- ARTICLES
- TRIAL GRAPHICS
- STATE DELEGATE PROGRAM
- FEEDBACK

Tuesday, May 03, 2005



RE: CERTIFICATION PROGRAM

Dear DUI/DWI Defense Attorney:

On behalf of the Board of Regents, we are please to announce the continuation of the College's certification program. In an effort to assist the public in recognizing lawyers who concentrate on DUI defense and who have demonstrated their competence to do so, the Board of Regents certified its first lawyers in 1999. In order to be certified an applicant must satisfy certain minimum practice requirements and pass both written and oral examinations testing his or her knowledge of substantive and procedural law in this area. We are now accepting applications for our next "graduating class".

If you would like to become Board Certified by the National College for DUI Defense, Inc., please click next or contact our Executive Director, Rhea Kirk, 334-264-1950, and request an application. You will be sent a copy of the Rules and Regulations along with the application itself. Completed applications received by September 30, 2004, will be considered for testing during the next Winter Program.

Applications received after September 30, 2004, will be considered for testing during the following Winter Session. Once the location and date are finalized, all eligible attorneys will be notified.

The ability to use the certification in any advertising would be subject to your state's rules. Please refer to the following certification rules for additional details.

Sincerely,

Steven Oberman, Committee Chairman
National College for DUI Defense, Inc.

Next

National College for DUI Defense (NCDD)
445 S Decatur St.
Montgomery AL 36104
Tel: 334-264-1950 Fax: 334-264-1920
E-mail: rhea@ncdd.com

[[Home](#) | [Contact Us](#) | [Regents](#)]

[[Sessions](#) | [Articles](#) | [Feedback](#) | [Members](#) | [Archives](#)]

© Copyrights 1996-2005 National College for DUI Defense, Inc.

Hosted By
LAW INFO



- HOME
- MESSAGE
- REGENTS / FELLOWS
- FINDING AN ATTORNEY
- SESSIONS/SEMINARS
- CURRICULUM ARCHIVES
- BOOKSTORE / APPAREL
- GENERAL MEMBERSHIP
- SUSTAINING MEMBERSHIP
- RE-APPLICATION
- CERTIFICATION
- RE-CERTIFICATION
- ARTICLES
- TRIAL GRAPHICS
- STATE DELEGATE PROGRAM
- FEEDBACK

Tuesday, May 03, 2005



PREPARING FOR THE NCDD BOARD CERTIFICATION EXAMINATION

The exam shall cover the issues and the complexity of DUI defense, including a demonstration of knowledge in substantive, procedural and scientific areas, as well as evidentiary issues, which impact and affect the defense of a DUI defendant.

In addition to the written examination, the applicant must pass an oral examination, as prepared and administered by the College which will be held in conjunction with the written examination every year during the midwinter seminar. The oral examination will be fashioned as an appellate oral argument, not to exceed 10 minutes, on an evidentiary, procedural or scientific issue which impacts and affects the defense of a DUI as presented in applicant's submitted written memorandum of law.

The examination, both written and oral, will attempt to proportionately reflect the knowledge and skills needed for an enhanced level of advocacy in the field of DUI defense.

The examination does not address state-specific laws and/or chemical testing programs. There are many excellent texts that are state-specific, however, for purposes of certification, applicants are encouraged to review materials that are common to the defense of DUI cases throughout the United States. Below is a list of recommended materials that will help the certification applicant prepare for the examination. Where possible, a website or contact number is listed for applicants who do not already have these materials in their library.

Texts

- Drunk Driving Defense, 5th Edition (2000), Lawrence Taylor, Aspen Law & Business (1-800-638-8437) (www.aspenpublishers.com) (supplemented annually) \$160
- Drinking/Driving Litigation: Criminal and Civil, Nichols & Whited, West Group (1-800-328-4880) (www.west.thomson.com) (5 Volume Set) (supplemented annually) \$550
- Handling Drunk Driving Cases, 2d (1995), Edward L. Fiandach, West Publishing Co. (supplemented annually) \$275
- 4th Medicolegal Aspects of Alcohol, 4th Ed. (2003), James C. Garriott, Lawyers & Judges Publishing Co. (1-800-209-7109) (www.lawyersandjudges.com) \$99
- Intoxication Test Evidence, 2d Ed. (1999), Edward F. Fitzgerald, West Group, (1-800-328-4880) (www.west.thomson.com) (supplemented annually) \$275

Publications/Manuals/Studies

- DWI Detection and Standardized Field Sobriety Testing*, National Highway Traffic Safety Administration (2002). (www.ntis.gov)
- Arend, R., Dioquino, T., Burns, M., Fiorentino, D., Brown, T., Gguyen, S., and Seymour, C. (1999). A

Florida Validation Study of the Standardized Field Sobriety Test (SFST) Battery. Department of Transportation, State of Florida. (www.ntis.gov)

Burns, M. and Anderson, E.W. (1995). *A Colorado Validation Study of the Standardized Field Sobriety Test (SFST) Battery.* Colorado Department of Transportation. (www.ntis.gov)

Stuster, J. and Burns, M. (1998). *Validation of the Standardized Field Sobriety Test Battery at BACs Below 0.10.* US Department of Transportation, National Highway Traffic Safety Administration, DOT-HS-808-839, Washington, D.C. (www.ntis.gov)

Stuster, J.W. (1993). *The Detection of DWI Motorcyclists.* U.S. Department of Transportation, National Highway Traffic Safety Administration, DOT-HS-807-839, Washington, D.C. (www.ntis.gov)

Tharp, V., Burns, M., and Moskowitz, H. (1981). *Development and Field Test of Psychophysical Tests for DWI Arrest.* U.S. Department of Transportation, National Highway Traffic Safety Administration, DOT-HS-805-864, Washington, D.C. (www.ntis.gov)

Periodicals

Drinking/Driving Law Letter, Nichols & Whited, 26 times a year, West Group (1-800-328-4880) (www.west.thomson.com) \$400 Annually

NACDL's The Champion Magazine, DUI column (202-872-8600 x231) Regular Membership \$265 (publication included in membership) (www.nacdl.org)

DWI Journal: Law & Science, Whitaker Newsletters, Inc., 313 South Avenue, P.O. Box 192, Fanwood, NJ 07023 or call 908-889-6336.

Seminars & Seminar Materials

National College for DUI Defense, Annual Summer Session in Boston, Massachusetts & Winter Sessions all over the country (www.ncdd.com)

NACDL & NCDD "DWI Means Defend With Ingenuity Seminar" Annual Fall Seminar, Las Vegas, Nevada (202-872-8600 x236) (www.nacdl.org)

Next

National College for DUI Defense (NCDD)
445 S Decatur St.
Montgomery AL 36104
Tel: 334-264-1950 Fax: 334-264-1920
E-mail: rhea@ncdd.com

[[Home](#) | [Contact Us](#) | [Regents](#)]

[[Sessions](#) | [Articles](#) | [Feedback](#) | [Members](#) | [Archives](#)]

© Copyrights 1996-2005 National College for DUI Defense, Inc.

Hosted By

 | **LAW.INFO** | 



- HOME
- MESSAGE
- REGENTS / FELLOWS
- FINDING AN ATTORNEY
- SESSIONS/SEMINARS
- CURRICULUM ARCHIVES
- BOOKSTORE / APPAREL
- GENERAL MEMBERSHIP
- SUSTAINING MEMBERSHIP
- RE-APPLICATION
- CERTIFICATION
- RE-CERTIFICATION
- ARTICLES
- TRIAL GRAPHICS
- STATE DELEGATE PROGRAM
- FEEDBACK

Tuesday, May 03, 2005

REGENTS CERTIFICATION

Posted is the application for Board Certification by the National College for DUI Defense, Inc. You must submit this completed application together with seven hundred and fifty dollars (\$750.00) to the College in order to open your file. The filing fee for this application is a non-refundable two hundred and fifty dollars (\$250.00). The examination/certification fee is five hundred dollars (\$500.00). If your application is not approved, the examination fee of five hundred dollars (\$500.00) will be refunded.

Upon receipt the College will assign you an application number. Upon a determination that your application is complete and that you meet the application requirements, you will be notified of your eligibility to take the written and oral examinations.

Please read the [Rules Governing Board Certification](#) carefully so that you fully comply with all of these requirements.

Please note that because of the need for current information, you must complete the certification process and upon approval take the next available written and oral examination following your initial application. Failure to do so will require reapplication

The examination will consist of essay questions, multiple choice questions, applicant's written memorandum, and an oral examination upon the written memorandum. All parts of the examination will focus on scientific issues; the NHTSA guidelines on field sobriety tests and drug recognition tests; and legal and ethical issues applicable to the defense of drunk driving cases. A passing score is seventy-five percent (75%) or higher.

After the Board of Regents accepts your completed application, and you pass the written and oral exam, you will become Board Certified by the National College for DUI Defense, Inc. for five (5) years. Your Certification is renewable, provided you maintain an active DUI defense practice and meet the standards for re-certification. You are required to take the written and oral examinations only once. No written or oral examination is required for re-certification.

There is an Annual College Certification fee of two hundred and fifty dollars (\$250.00) assessed for each year of Certification following the first full year of Certification. This fee is not due at this time.

The National College for DUI Defense, Inc. does not discriminate against any lawyer seeking certification on the basis of race, religion, gender, sexual orientation, disability, or age.

Thank you for your interest in the Certification Program.

Rhea Kirk
Executive Director

Application Form Reference Form

National College for DUI Defense (NCDD)
445 S Decatur St.
Montgomery AL 36104
Tel: 334-264-1950 Fax: 334-264-1920
E-mail: rhea@ncdd.com

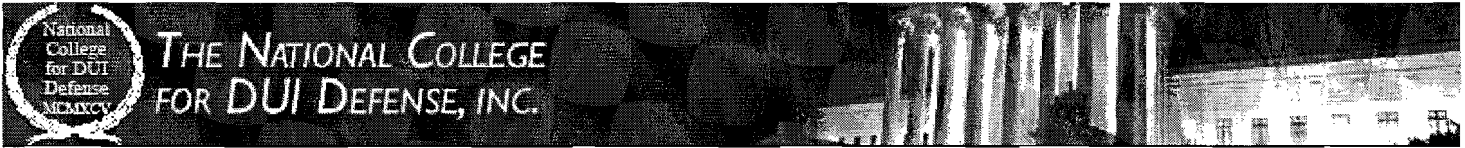
[\[Home | Contact Us | Regents\]](#)

[\[Sessions | Articles | Feedback | Members | Archives\]](#)

© Copyrights 1996-2005 National College for DUI Defense, Inc.

Hosted By





- HOME
- MESSAGE
- REGENTS / FELLOWS
- FINDING AN ATTORNEY
- SESSIONS/SEMINARS
- CURRICULUM ARCHIVES
- BOOKSTORE / APPAREL
- GENERAL MEMBERSHIP
- SUSTAINING MEMBERSHIP
- RE-APPLICATION
- CERTIFICATION
- RE-CERTIFICATION
- ARTICLES
- TRIAL GRAPHICS
- STATE DELEGATE PROGRAM
- FEEDBACK

Tuesday, May 03, 2005

RULES GOVERNING BOARD CERTIFICATION BY THE NATIONAL COLLEGE FOR DUI DEFENSE, INC.

(From this page you may download .pdf forms to apply for certification and submit references.)

(As amended September 22, 2004)

1.0 PURPOSE

The National College for DUI Defense, Inc. represents a rapidly emerging practice area within the criminal defense bar. In order to advance the public's interest in securing knowledgeable and effective trial counsel, the National College has established its Board Certification program. The purpose of the program is to identify and acknowledge lawyers who possess an enhanced level of skill and expertise in this field, and to develop and improve the profession's competence in this specialty area.

1.1 THE CERTIFICATION COMMITTEE

The Certification Committee shall be appointed by the Dean of the National College for DUI Defense, Inc., and shall consist of up to six members. The committee shall serve at the pleasure of the Dean. The Certification Committee is responsible for reviewing all applications for certification and reporting to the Board of Regents whether the application is complete and whether the applicant is qualified for the examination. The Certification Committee shall oversee and administer the operational and ministerial functions of the written and oral examinations for certification. The Certification Committee shall act by majority vote.

1.2 DURATION OF CERTIFICATION

A Board Certification by the National College for DUI Defense, Inc. will be for a term of five (5) years, and is subject to re-certification.

1.3 APPLICATION FOR CERTIFICATION OR RE-CERTIFICATION

Upon request, the applicant shall receive an application form for Board Certification or Re-certification, which shall be prepared by the College, as directed by the Board of Regents. The applicant shall also receive a copy of the Rules Governing Board Certification. The application form shall be sent to the applicant together with the appropriate number of reference forms. The filing fee for this application is \$250.00, which is non-refundable. (This fee does not apply to re-certification applicants). This filing fee is in addition to the examination fee discussed in Section 3.0. All applications must be received no later than September 1st of each calendar year. This application is valid only for the scheduled examination immediately following the submission of the application.

2.0 CERTIFICATION STANDARDS

An attorney shall be required to satisfy the minimum standards set forth below to become Board Certified by the National College for DUI Defense.

2.1 SUBSTANTIAL INVOLVEMENT

An applicant for Board Certification must demonstrate substantial involvement in the practice area of DUI defense. In order to satisfy this requirement:

- A. The applicant must have practiced in the area of DUI defense for a minimum period of three (3) years preceding the application;

- B. The applicant must demonstrate the performance of a minimum number of designated tasks in the field, as detailed in Section 2.1.1; and
- C. At least fifty percent (50%) of the total practice of the applicant at the time of application must be devoted to DUI defense.

2.1.1 TASK REQUIREMENTS

An applicant for certification must have fulfilled the following minimum task requirements for Board Certification within three (3) years preceding the application:

- A. Applicant must have been lead counsel in at least 20 DUI trials to verdict or judgment;
- B. Applicant must have been lead counsel in 40 contested matters involving the taking of evidence (i.e. hearings or motions) not included within the trials referred to above;
- C. Applicant must submit a memorandum of law limited to five pages, prepared by the applicant, which addresses a DUI issue as directed by the Certification Committee. This memorandum will serve as the applicant's issue for oral examination; and
- D. If applicant is unable to satisfy task requirements A and B, applicant may submit a written statement of explanation, together with proposed alternative task performances which applicant believes equally satisfy requirements A and B.

2.2 INDEPENDENT INQUIRY AND REVIEW

The applicant shall be required to submit a minimum of: a) three (3) references from judges who acknowledge the competency of the applicant in the area of DUI defense, and b) a minimum of three (3) references from attorneys who are knowledgeable regarding the area of DUI defense, are familiar with the applicant and can attest to his or her competency in the area of DUI defense. None of the references may be related to, or engaged in the legal practice of law with, the applicant. The references will be sent to the College and initially reviewed by the Certification Committee and reported to the Board of Regents.

2.2.1 REFERENCE FORMS

The reference forms shall be prepared by the College and may be downloaded from the NCDD Web Site to be given to his or her references. The reference forms will be returned directly to the College by the named reference and not by the applicant.

2.3 EDUCATIONAL EXPERIENCE

Within three years immediately preceding an application, the applicant must have completed a minimum of thirty-six (36) hours of College approved education in the field of DUI defense. State approved specialty continuing legal education program, in the area of DUI defense, and those provided and sanctioned by the College will be deemed to satisfy this requirement. This requirement may also be met through any of the following means:

- (1) Attending programs of continuing legal education or courses offered by ABA accredited law schools in the area of DUI defense;
- (2) Teaching courses or seminars related to DUI defense;
- (3) Participating as a panelist, speaker or workshop leader at educational or professional conferences relating to DUI defense; or,
- (4) Writing published books or articles concerning DUI defense.

2.4 CURRENT ELIGIBILITY TO PRACTICE LAW FOR CERTIFICATION

In order to be certified or re-certified, the applicant must be admitted, be a member in good standing, and currently eligible to practice law in one or more states or territories of the United States or the District of Columbia, or in any of the United States Courts.

3.0 EXAMINATION

Satisfactory passage of a written examination is required for Board Certification. The written examination shall be prepared by the College and administered in conjunction with the College's midwinter seminar, or as otherwise directed by the Board of Regents. The exam shall require a demonstration of knowledge in substantive, procedural and scientific areas, as well as evidentiary issues, which affect the defense of a DUI case.

In addition to the written examination, the applicant must pass an oral examination administered by the College, which will occur in conjunction with the written examination, or as otherwise directed by the Board of Regents. The oral examination will be fashioned as an oral argument, not to exceed 10 minutes, on the issue presented in applicant's submitted written memorandum of law.

The written and oral portions of the examination will reflect the knowledge and skills needed for an enhanced level of DUI trial advocacy.

The fee for the combined written and oral examination is five hundred dollars (\$500.00). The examination fee must accompany the application. If the applicant's application is rejected, the examination fee of five hundred dollars (\$500.00) will be returned to applicant, and the applicant will be ineligible to sit for the examination.

4.0 PETITIONS FOR RECONSIDERATION

After written notice has been sent by the Board of Regents or the Certification Committee that an application for certification or re-certification has been denied, or a certificate has been revoked or suspended, the applicant seeking review must petition the Board of Regents for reconsideration. Such petition must be received by the Board of Regents within 30 days of the date that the notice was sent. The petition may be informal, but shall be in writing and adequately identify the issue(s) for which reconsideration is requested, the date of mailing of such adverse notice, the reasons the adverse notice should be altered, and the relief requested.

4.1 RECONSIDERATION RELATING TO THE CERTIFICATION EXAMINATION

If a petition for reconsideration questions the applicant's performance on the certification examination, the petition shall be forwarded by the Board of Regents to the Certification Committee. The Certification Committee shall decide whether to recommend that the Board of Regents grant the requested relief after considering the applicant's petition, the applicant's examination, and any additional information obtained by the committee. The applicant shall be advised of the Board of Regents' decision by written notice mailed within 15 days after the decision has been made.

4.2 RECONSIDERATION RELATING TO THE CERTIFICATION APPLICATION OR STANDARDS

If a petition for reconsideration questions an aspect of the certification program other than the applicant's performance on the certification examination, the petition shall also be forwarded by the Board of Regents to the Certification Committee. The Certification Committee shall decide whether to recommend that the Board of Regents grant the requested relief after considering the applicant's petition and any additional information obtained by the committee. The applicant shall be advised of the Board of Regents' decision by written notice mailed within 15 days after the decision has been made.

4.3 HEARINGS

Although there is no right to a hearing on a petition for reconsideration, the appropriate committee, or the Board of Regents in its discretion, may grant the petitioner a hearing in person or by alternate means as designated by the Board.

5.0 APPEAL OF RECONSIDERATION DENIAL

An appeal of an adverse decision of a reconsideration petition by the Certification Committee may be taken to the Board of Regents. The Board of Regents will appoint an impartial reviewing body (excluding members of the Certification Committee who made the adverse decision). The impartial reviewing body will make a recommendation to the Board of Regents upon the appeal.

Two-thirds of the Board of Regents, excluding members of the Certification Committee who made the adverse ruling, shall decide the issue upon appeal. The appeal shall be in writing, sent by certified mail (return receipt requested), and shall be sent to the Dean of the National College for DUI Defense within 30 days after written notice of the adverse decision has been sent to the applicant. The applicant shall be advised of the decision on appeal by written notice mailed within 15 days after such decision has been made.

6.0 CERTIFICATE HOLDER REPORTING RESPONSIBILITIES

- A. The certificate holders are required to report to the Dean of the College any fact or circumstance described in Section 9.1.
- B. Within 30 days of any change of address listed with the College, the certificate holder shall provide the Executive Director with written notice of the new address.

6.1 CONTINUING CERTIFICATION FEE

A certificate holder shall be required to pay an annual certification fee following the first full year of certification unless waived by the College.

7.0 RE-CERTIFICATION STANDARDS

The following subsections detail the minimum standards which an applicant must meet for re-certification.

7.1 SUBSTANTIAL INVOLVEMENT FOR RE-CERTIFICATION

An applicant for re-certification must demonstrate substantial involvement in the certified field throughout the current certification period. Substantial involvement requires that the task requirements below be met, and that DUI defense comprises at least fifty percent (50%) of the total practice of the applicant.

7.1.1 RE-CERTIFICATION TASK REQUIREMENTS

An applicant for re-certification must have fulfilled the following minimum task requirements for Board Certification within the applicant's existing certification period:

- A. Applicant must have been lead counsel in at least 20 DUI trials to verdict or judgment; and
- B. Applicant must have been lead counsel in 40 contested matters involving the taking of evidence (i.e., hearings or motions) not included within the trials referred to above.
- C. If applicant is unable to satisfy task requirements A and B, applicant may submit a written statement of explanation, together with proposed alternative task performances which applicant believes equally satisfy requirements A and B.

7.2 RE-CERTIFICATION INDEPENDENT INQUIRY AND REVIEW

Independent inquiry and review, if required by the Board of Regents, may be performed in the manner set forth in Section 2.2, *et seq.*, or as otherwise directed by the Board.

7.3 RE-CERTIFICATION EDUCATIONAL EXPERIENCE

An applicant for re-certification must have completed within the preceding three (3) years, thirty-six (36)

hours of approved education in the field of DUI defense as described in Section 2.4.

8.0 RECOMMENDATION FOR CERTIFICATION OR RE-CERTIFICATION

The recommendation to the Board of Regents for or against Board Certification or Re-certification shall be approved by majority vote of the Certification Committee. Approval or disapproval of an applicant for certification or re-certification shall be decided by a two-thirds majority vote of the Board of Regents, subject to the appellate procedures contained herein.

9.0 REVOCATION AND SUSPENSION OF CERTIFICATION

The following subsections establish the criteria and process by which the Board of Regents may revoke or suspend certification.

9.1 REVOCATION AND SUSPENSION CRITERIA

The Board of Regents may revoke or suspend a certification, if:

- A. The certificate was granted contrary to the Rules Governing Board Certification;
- B. The certificate was granted to an attorney who is not eligible to acquire a certificate or who made any false representation or misstatement of material fact to the Certification Committee or the Board;
- C. The certificate holder has failed to abide by the Rules Governing Board Certification;
- D. The certificate holder has failed to pay any applicable fee;
- E. The certificate holder no longer meets the established qualifications;
- F. The certificate holder has been disciplined, disbarred, or suspended from practice by any body authorized to impose professional discipline;
- G. The certificate holder has been convicted of a crime; or
- H. The certificate holder has admitted malpractice, or a final malpractice judgment has been entered against the certificate holder.

9.2 REVOCATION AND SUSPENSION PROCESS

Prior to revocation or suspension of board certification, the Board of Regents shall advise the certificate holder of the proposed action, the reasons for the action, and the certificate holder's right to file a written response. Said notice shall be in writing and sent by certified mail (return receipt requested) to the certificate holder's last known address on file with the College. The certificate holder's written response shall be sent by certified mail (return receipt requested) to the Dean of the National College for DUI Defense within 30 days after the mailing date of said notice. After the 30-day response period has passed, the Board of Regents shall meet and decide by a two-thirds majority vote whether to revoke or suspend the certification. The certificate holder shall be advised of the Board of Regents' decision by written notice mailed within 15 days after the decision has been made. There shall be no further appeal from the decision of the Board of Regents.

9.2.1 REVOCATION AND SUSPENSION HEARING

Although there is no right to a hearing in the revocation or suspension process, the Board of Regents, in its sole discretion, may grant the certificate holder a hearing in person, or by alternate means designated by the Board.

10.0 USE OF BOARD CERTIFICATION NOMENCLATURE

An applicant who has been successfully granted Board Certification by the National College for DUI Defense, Inc. shall be permitted to use the designation "Board Certified in DUI Defense Law, National College for DUI Defense" only in accordance with the rules and regulations which both legally and ethically bind such applicant in their respective state(s). Any other such suggestion, implication or statement of certification, specialization, or approval is specifically prohibited. Any other wording or designation must be approved by the Certification Committee and the Board of Regents for the National College for DUI Defense.

Any individual who has not applied for Board Certification as well as any applicant for Board Certification who might be awaiting the results of such application through the National College for DUI Defense may not make any suggestion, implication or statement of certification, specialization or approval by or through the National College for DUI Defense.

Next

National College for DUI Defense (NCDD)
445 S Decatur St.
Montgomery AL 36104
Tel: 334-264-1950 Fax: 334-264-1920
E-mail: rhea@ncdd.com

[\[Home\]](#) [\[Contact Us\]](#) [\[Regents\]](#)

[\[Sessions\]](#) [\[Articles\]](#) [\[Feedback\]](#) [\[Members\]](#) [\[Archives\]](#)

© Copyrights 1996-2005 National College for DUI Defense, Inc.

Hosted By

! LAW.INFOSM !

EXHIBIT 4

Tennessee Standards for Certification

Social Security Disability Specialist

TENNESSEE COMMISSION ON CONTINUING LEGAL EDUCATION
AND SPECIALIZATION

Certification Standards

for

Social Security Disability Law Specialists

Dated: April 18, 2005

The following standards for certification of Tennessee attorneys as Social Security Disability Law Specialists are hereby adopted by the Tennessee Commission on Continuing Legal Education and Specialization.

Initial Certification

To obtain certification by the Tennessee Commission on Continuing Legal Education and Specialization as a Social Security Disability Law Specialist, a Tennessee attorney must:

- (1) Become Board certified by the National Board of Trial Advocacy as a Social Security Disability Law Trial Specialist.
- (2) Provide the names and current mailing addresses of five (5) clients whom the attorney has represented in social security disability law matters within the last three (3) years for the Commission's use in soliciting client evaluations. This requirement shall not apply to an attorney exclusively employed for the preceding three years by a government agency or agencies, or as in-house counsel for a single corporation. The Commission may reduce or waive this requirement, in its discretion, for attorneys who have left employment by a government agency or agencies, or as in-house counsel for a single corporation, during the three years preceding application for certification.
- (3) Complete and file with the Commission a Practice Management Checklist in a form acceptable to the Commission.
- (4) Provide a release for the Board of Professional Responsibility, and the disciplinary agencies of all other states in which the attorney may be licensed, to advise the Commission of any past or pending disciplinary complaints against the attorney, and the action taken thereon, and for the Commission and the National Board of Trial Advocacy to disclose and discuss any information obtained as part of the attorney's application to either the commission or National Board of Trial Advocacy.
- (5) Provide the Commission with evidence of professional liability insurance of not less than Five Hundred Thousand (\$500,000) Dollars and with policy provisions acceptable to the Commission unless the attorney is practicing exclusively as an employee of a government agency or agencies.

Continuing Certification

To continue to be certified, the attorney must:

- (1) Maintain Board certified status with the National Board of Trial Advocacy.
- (2) File annually with the Commission a Practice Management Checklist (see (3) above) and evidence of professional liability insurance (see (5) above) and a fee of One Hundred (\$100.00) Dollars.

- (3) Provide a release for the Board of Professional Responsibility to advise the Commission of any ethics complaints filed against the attorney, and any action taken thereon, so long as the attorney remains a certified specialist.

EXHIBIT 5

**Tennessee Standards for Certification
Juvenile Law – Child Welfare Specialist**

TENNESSEE COMMISSION ON CONTINUING LEGAL EDUCATION
AND SPECIALIZATION

Certification Standards

for

Juvenile Law – Child Welfare Specialists

Dated: April 18, 2005

The following standards for certification of Tennessee attorneys as Juvenile Law – Child Welfare Specialists are hereby adopted by the Tennessee Commission on Continuing Legal Education and Specialization.

Initial Certification

To obtain certification by the Tennessee Commission on Continuing Legal Education and Specialization as a Juvenile Law – Child Welfare Specialist, a Tennessee attorney must:

- (1) Become Board certified by the National Association of Counsel for Children as a Juvenile Law – Child Welfare Specialist.
- (2) Provide the names and current mailing addresses of five (5) clients whom the attorney has represented in Juvenile Law – Child Welfare matters within the last three (3) years for the Commission's use in soliciting client evaluations. This requirement shall not apply to an attorney exclusively employed for the preceding three years by a government agency or agencies, or as in-house counsel for a single corporation. The Commission may reduce or waive this requirement, in its discretion, for attorneys who have left employment by a government agency or agencies, or as in-house counsel for a single corporation, during the three years preceding application for certification.
- (3) Complete and file with the Commission a Practice Management Checklist in a form acceptable to the Commission.
- (4) Provide a release for the Board of Professional Responsibility, and the disciplinary agencies of all other states in which the attorney may be licensed, to advise the Commission of any past or pending disciplinary complaints against the attorney, and the action taken thereon, and for the Commission and the National Association of Counsel for Children to disclose and discuss any information obtained as part of the attorney's application to either the commission or National Association of Counsel for Children.
- (5) Provide the Commission with evidence of professional liability insurance of not less than Five Hundred Thousand (\$500,000) Dollars and with policy provisions acceptable to the Commission unless the attorney is practicing exclusively as an employee of a government agency or agencies.

Continuing Certification

To continue to be certified, the attorney must:

- (1) Maintain Board certified status with the National Association of Counsel for Children.
- (2) File annually with the Commission a Practice Management Checklist (see (3) above) and evidence of professional liability insurance (see (5) above) and a fee of One Hundred (\$100.00) Dollars.

- (3) Provide a release for the Board of Professional Responsibility to advise the Commission of any ethics complaints filed against the attorney, and any action taken thereon, so long as the attorney remains a certified specialist.

EXHIBIT 6

Tennessee Standards for Certification

DUI Defense Specialist

TENNESSEE COMMISSION ON CONTINUING LEGAL EDUCATION
AND SPECIALIZATION

Certification Standards

for

DUI Defense Specialists

Dated: April 18, 2005

The following standards for certification of Tennessee attorneys as DUI Defense Specialists are hereby adopted by the Tennessee Commission on Continuing Legal Education and Specialization.

Initial Certification

To obtain certification by the Tennessee Commission on Continuing Legal Education and Specialization as a DUI Defense Specialist, a Tennessee attorney must:

- (1) Become Board certified by the National College of DUI Defense as a DUI Defense Specialist.
- (2) Provide the names and current mailing addresses of five (5) clients whom the attorney has represented in DUI defense matters within the last three (3) years for the Commission's use in soliciting client evaluations. This requirement shall not apply to an attorney exclusively employed for the preceding three years by a government agency or agencies, or as in-house counsel for a single corporation. The Commission may reduce or waive this requirement, in its discretion, for attorneys who have left employment by a government agency or agencies, or as in-house counsel for a single corporation, during the three years preceding application for certification.
- (3) Complete and file with the Commission a Practice Management Checklist in a form acceptable to the Commission.
- (4) Provide a release for the Board of Professional Responsibility, and the disciplinary agencies of all other states in which the attorney may be licensed, to advise the Commission of any past or pending disciplinary complaints against the attorney, and the action taken thereon, and for the Commission and the National College of DUI Defense to disclose and discuss any information obtained as part of the attorney's application to either the commission or National College of DUI Defense.
- (5) Provide the Commission with evidence of professional liability insurance of not less than Five Hundred Thousand (\$500,000) Dollars and with policy provisions acceptable to the Commission unless the attorney is practicing exclusively as an employee of a government agency or agencies.

Continuing Certification

To continue to be certified, the attorney must:

- (1) Maintain Board certified status with the National College of DUI Defense.
- (2) File annually with the Commission a Practice Management Checklist (see (3) above) and evidence of professional liability insurance (see (5) above) and a fee of One Hundred (\$100.00) Dollars.

- (3) Provide a release for the Board of Professional Responsibility to advise the Commission of any ethics complaints filed against the attorney, and any action taken thereon, so long as the attorney remains a certified specialist.

| | | |
|--|--|--|
| Carmon Thomas Hooper III Haywood County Bar Association 10 S Court Square PO Box 55 Brownsville TN 38012 | John Lee Williams Humphreys County Bar Association 102 S Court Sq Waverly TN 37185 | Jason Shane Randolph Jefferson County Bar Association P. O. Box 828 Dandridge TN 37725 |
| William Thomas Wray Jr Kingsport Bar Association 1212 N Eastman Rd PO Box 3740 Kingsport TN 37664 | Timothy Clark Naifeh Lake County Bar Association 102 S Court St Tiptonville TN 38079 | William Dan Douglas Jr Lauderdale County Bar Association 109 N Main St PO Box 489 Ripley TN 38063 |
| Donald Bryson Roe Anderson County Bar Association 14 Kentucky Ave Ste 100 Oak Ridge TN 37830 | Robert Maynard Cohen Blount County Bar Association 303 High St Maryville TN 37804 | Marcia Mallory McMurray Bradley County Bar Association PO Box 610 Cleveland TN 37364 |
| Andrew M. Hanson Bristol Bar Association P.O. Box 2009 Bristol VA 24203 | Robert William Scott Campbell County Bar Association P. O. Box 436 Jacksboro TN 37757 | William Denton Mitchell White County Bar Association 112 S Main St Sparta TN 38583 |
| James Timothy Street Williamson County Bar Association 238 Public Square FRANKLIN TN 37064 | Christopher Joel Pittman Montgomery County Bar Association 324 Franklin Street Clarksville TN 37040 | Michael A Davis Morgan County Bar Association PO Box 925 Wartburg TN 37887 |
| John Morris Miles Obion County Bar Association 511 S Third St PO Box 2041 Union City TN 38281 | Paul David Hessing Paris-Henry County Bar Association 216 W Wood St Paris TN 38242 | William Fred Roberson Jr. Putnam County Bar Association 320 E Broad St Ste D Cookeville TN 38501 |
| Billy Wayne Townsend Decatur,Hickman,Lewis Bar Association 26 West Linden PO Box 340 | George Benson Boston Lawrence County Bar Association 235 Waterloo St PO Box 357 Lawrenceburg TN 38464 | Randall Edward Self Lincoln County Bar Association 131a E Market St PO Box 501 Fayetteville TN 37334 |
| Micah Shannon Littleton Loudon County Bar Association PO Box 449 Lenoir City TN 37771 | Michelle Greenway Sellers Jackson-Madison-Henderson County Bar Association P. O. Box 1147 Jackson TN 38302 | Russell Anne Swafford Twelfth Judicial District Bar Association PO Box 758 Dunlap TN 37327 |
| Thomas Andre Davidson Marshall County Bar Association 107 W Commerce St Ste C Lewisburg TN 37091 | Charles T. Timothy Tisher Maury County Bar Association 33 Public Square PO Box 1952 Columbia TN 38402 | Paul Leland Smith McMinn-Meigs County Bar Association 114 1/2 E Washington Ave Ste 3 Athens TN 37303 |

John Raymond LaBar
Coffee County Bar Association
300 N Jackson St
Tullahoma TN 37388

Jason L Hudson
Dyer County Bar Association
116 W Court St
Dyersburg TN 38024

John Dana Agee
Roane County Bar Association
P. O. Box 730
Kingston TN 37763

Mark E Blakley
Scott County Bar Association
PO Box 240
Huntsville TN 37756

Kimberly Elam Linville
Tipton County Bar Association
PO Box 846
114 W Liberty Ave Ste 300
Covington TN 38019

Kyle Carter Atkins
Gibson County Bar Association
1302 Main St
PO Box 160
Humboldt TN 38343

Renfro Blackburn Baird III
Hawkins County Bar Association
211 S Depot St
Rogersville TN 37857

M Kevin Heffelman
Cheatham County Bar Association
112 S Main St
Ashland City TN 37015

John Richardson White
Bedford County Bar Association
Union Planters Bank Bldg Ste 202
PO Box 169
Shelbyville TN 37162

Randal Roy Boston
Cumberland County Bar Association
386 Thurman Avenue
P.O. Box 2721
Crossville TN 38557

David Blair Foutch
Fifteenth Judicial District Bar
Association
109 Castle Heights Ave N
Lebanon TN 37087

Joe Rogers Johnson II
Robertson County Bar Association
120 6th Ave W
Springfield TN 37172

Richard Thomas Wallace
Sevier County Bar Association
111 Commerce St
Sevierville TN 37862

Christy McInturff Huret
Washington County Bar Association
801 Sunset Dr E-2
Johnson City TN 37604

Cynthia Bibb Pectol
Greene County Bar Association
223 N. Main St.
Greeneville TN 37745

Matthew Marshall Maddox
Carroll County Bar Association
19695 E Main St
PO Box 827
Huntingdon TN 38344

William Ritchie Stanifer
Claiborne County Bar Association
1735 Main St
PO Box 203
Tazewell TN 37879

Andrew Bradley Frazier
Benton County Bar Association
116 E Main
PO Box 208
Camden TN 38320

Lawrence Eugene Ramsey
Dickson County Bar Association
320 E College St # D
Dickson TN 37055

James Michael Taylor
Rhea County Bar Association
375 Church St Ste 300
Dayton TN 37321

John Herbert Baker III
Rutherford-Cannon County Bar
Association
302 N Spring St
P. O. Box 398

Zoe L. Doyle
Sumner County Bar Association
119 Public Sq
Gallatin TN 37066

Langdon S Unger Jr
Weakley County Bar Association
PO Box 1022
306 Broadway
Martin TN 38237

Jeffrey Clyde Taylor
Hamblen County Bar Association
P. O. Box 1223
Morristown TN 37816

Regina LeeAnn Shepherd
Carter County Bar Association
116 South Main Street
Elizabethton TN 37643

James Bruce Dunn
Cocke County Bar Association
243 E Broadway
Newport TN 37821

Bratton Hale Cook
DeKalb County Bar Association
104 N 3rd St
Smithville TN 37166

Joseph Eugene Ford
Franklin County Bar Association
17 S College St
Winchester TN 37398

William John Cockett
Johnson County Bar Association
PO Box 108
247 W Main
Mountain City TN 37683

Barry Keith Maxwell
Monroe County Bar Association
P. O. Box 425
Madisonville TN 37354

Creed Allen Daniel
Grainger County Bar Association
Cthse Square Marshall Ave
PO Box 6
Rutledge TN 37861

Barbara N. Short
TN Assoc. of Criminal Defense
Lawyers
810 Broadway
Ste. 501

Anne Fritz
Memphis Bar Association
ONE COMMERCE SQUARE
SUITE 1050
MEMPHIS TN 38103

Rose Cox
TENNESSEE DEFENSE
LAWYERS ASSOCIATION
P. O. Box 190564
Nashville TN 372190564

Lance Bracy
Board of Professional Responsibility
1101 Kermit Drive #730
Nashville TN 37217

Harriet Sue Thompson
Hardeman County Bar Association
106 E Market St
PO Box 600
Bolivar TN 38008

Lois Bunton Davis
Unicoi County Bar Association
PO Box 129
111 Gay St
Erwin TN 37650

Dan Thomas Bryant
Warren County Bar Association
118 College St
Mc Minnville TN 37110

Alan Ramsaur
Tennessee Bar Association
221 4th Ave N Ste. 400
Nashville TN 37219

Susan W. Sowards
Nashville Bar Association
315 Union Street
Suite 800
Nashville TN 37201

Lynda Hood
Chattanooga Bar Association
The Pioneer Building
801 Broad ST - STE 420
Chattanooga TN 37402

Sarah Appleby
Tennessee Judicial Conference
Nashville City Center, Ste 600
511 Union Street
Nashville TN 37219

Sarah Appleby
Tennessee General Sessions Judges
Conference
Nash. City Center, Suite 600
511 Union Street

James A. Hopper
Hardin County Bar Association
40 W Main St
PO Box 220
Savannah TN 38372

Kenneth David Myers
Union County Bar Association
105 Monroe St
PO Box 13
Maynardville TN 37807

Daryl Anthony Colson
Overton County Bar Association
211 N Church St
Livingston TN 38570

Suzanne Keith
Tennessee Trial Lawyers
Association
1903 Division Street
Nashville TN 37203

Marsha Pace
Knoxville Bar Association
505 Main Street, Suite 50
PO Box 2027
Knoxville TN 37901

Pamela Roller
Tennessee Lawyers' Association for
Women
P.O. Box 331214
Nashville TN 37203

ALICE FERGUSON
TENNESSEE DISTRICT
ATTORNEYS GENERAL
CONFERENCE
226 CAPITOL BLVD STE 800

Jesse Farr
CHATTANOOGA TRIAL
LAWYERS ASSOCIATION
Suite 401, Flatiron Building
707 Georgia Avenue
