

THE SPECIALIST

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Did you know?

- 85% of criminal defendants in 2001 pleaded guilty and waived trial, up from a low of 62% in the 1970's.
- The federal court workload is up 18% since 1990 and 146% since 1970
- Civil and Criminal Cases Filed

127,280 in 1970

265,048 in 1990

313,615 in 2001

Source: Administrative Office of the US Courts



FAIR TRIAL INITIATIVE

Certain topics head the list of “off limits” for quiet conversation, including religion, politics, Duke/UNC basketball, and the death penalty. David Neal, one of the founders of the Fair Trial Initiative seems to have overcome the challenge of discussing the death penalty. In just two years, he secured enough funding to successfully launch a program designed to tackle some of the problems lawyers face in accepting capital cases. FTI has found a way to bring both supporters and opponents of the death penalty together under one goal, improving the representation of capital defendants.

Criminal Law Specialists Tommy Manning of Raleigh and Kirk Osborn of Chapel Hill have been among the first to benefit from this new initiative. Working with recent law school graduates employed by FTI, each has accessed resources previously unavailable to capital defenders providing their clients with a larger, stronger, dedicated legal team.

FTI, founded in 2001, provides two-year fellowships to outstanding recent law graduates to work on capital trials with appointed attorneys. The program is based in Durham. The Fellows function as a link between client and attorney and

provide resources for attorneys who take indigent capital cases. They also become an integral part of the defense team and gain immeasurable experience which will help them provide good representation of their own clients in the future.

FTI's founders, Neal and fellow recent law graduates Matt Stiegler, Johathan Soros and Zephyr Teachout, had differing views on the death penalty, but all believed that most people on death row had not been treated fairly, and that their trials did not live up to the constitutional promises of adequate representation. They were brought together by shared determination to improve trial-level representation, and to engage more young lawyers in fighting the societal indifference to the quality of criminal defense.

FTI has three main program goals:

To Improve the Representation of Individuals Facing the Death Penalty: Three critical areas are consistently neglected by death penalty defense lawyers: factual investigations, motions practice, and the penalty phase. Trained Fellows and externs ensure quality lawyering in these vital areas.



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ATTORNEY ADVERTISING

One of the benefits of specialization, indeed one of its purposes, is to allow you to convey to the public that you are an attorney who specializes in a certain practice area. The rules governing advertising are fairly strict, enabling only those attorneys who are certified as specialists by the North Carolina State Bar or an ABA accredited program to advertise their specialty to potential clients.

Attorney advertising is the subject of much debate and certainly some laughter as well. But the straightforward communication of an achievement—becoming a board certified specialist—is a legitimate way to educate the pub-

lic about your practice.

You may have seen print advertising for Brady, Nordgren, Klym & Morton, PLLC, that contains a prominent notice that all three of the firm's estate planning attorneys are board certified specialists. Dan Brady, managing partner and certified specialist, feels strongly that communicating his specialty to potential clients identifies his firm as a group of practitioners who are committed to estate planning, and that specialization is a good way to convey that the lawyers in the firm have education and experience in their practice area.

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"Specialization benefits both the public and the profession by encouraging the development of a cadre of lawyers with in-depth knowledge of a particular practice area"

Stuart B. Dorsett, certified specialist in estate planning and probate law since 1995



Elder Law— Fastest Growing Certification Area

As our population ages, our need for qualified elder law attorneys grows. The National Elder Law Foundation offers a certification program to qualified attorneys throughout the US. Elder Law Attorneys represent senior citizens with legal needs including the following:

- Health and Personal Care Planning
- Pre-Mortem Legal Planning
- Fiduciary Representation
- Legal Capacity Counseling
- Public Benefits Advice
- Advice on Insurance Matters
- Resident Rights Advocacy
- Housing Counseling
- Employment/Retirement Advice
- Income, Estate and Gift Tax Advice
- Nursing Home Torts
- Age/Disability Discrimination
- Litigation & Administrative Advocacy

For more information on this certification program, please call (520) 881-1076 or log on to <http://www.nelf.org>

To learn more about elder law, visit www.law.wfu.edu/eclinic

FTI—CONTINUED

To Recruit and Train a Corps of Outstanding Death Penalty Trial Lawyers: There is a grave shortage of capable attorneys willing to handle death penalty cases. At the same time, there are hundreds of recent law graduates eager to do death penalty work, but unable to find a position. The Fair Trial Initiative provides Fellows with top quality training and the opportunity to learn directly from experienced advocates while doing death penalty work.

To Educate the Public about the Death Penalty in America: Fair Trial Fellows also have opportunities to speak at local and regional schools, civic organizations, and churches to educate the public about their experience with the death penalty and indigent defense. The Fair Trial Initiative itself is a low-cost model for states without adequate capital indi-

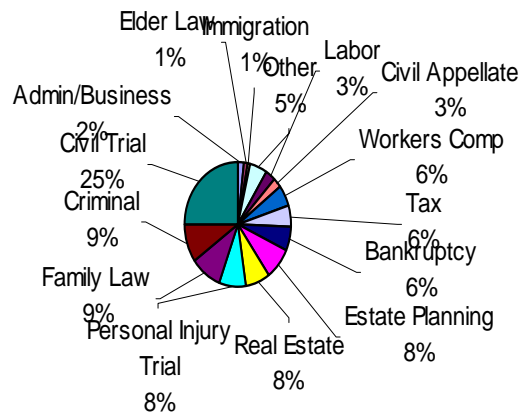
gent defense systems.

FTI has been quite successful since its inception, growing from 2 Fellows to an incoming class of 6 this fall. The competition was stiff, with applications coming in from UVA, Duke, Rutgers, Texas Southern, Yale, NYU and other top law schools. The fellows have provided critical support on 25-30 capital cases over the past two years, working with some of our top Criminal Law Specialists.

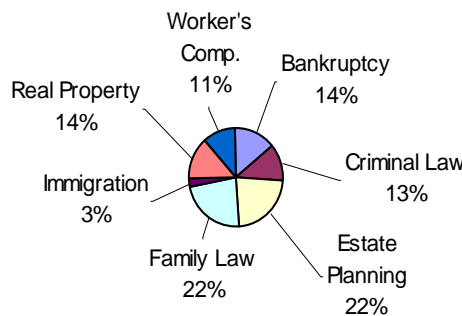
FTI will accept applications for 2004 Fellows beginning in September. If you work with third year law students who might have an interest in this program, please refer them to David Neal, Executive Director, at 919-680-2986

For more information on how you can become involved or to make a donation, please visit www.fairtrial.org or email david@fairtrial.org.

National Certified Specialists



North Carolina Certified Specialists



National Total of Certified Specialists: 28,840

Elder Law, Health Law and Worker's Compensation have the highest growth

North Carolina Certified Specialists: 515

Worker's Compensation, Family Law and Estate Planning received the most applications this year in NC

FLORIDA CELEBRATES 20 YEARS OF CERTIFICATION

Dear Colleagues:

In 1998, when The Florida Bar's certification program was celebrating its 15th birthday, I was privileged to speak to the Bar's certification leaders. I believed then as I do today, that board certification is one of the crown jewels of the Florida justice system. As the first chair of the Supreme Court Commission on Professionalism, I was particularly interested in the interplay between board certification and the Court's efforts to promote professionalism.

Since 1998, there has been marked progress in the number of lawyers certified and the number of specialty areas available for certification. However, a key factor in maintaining and improving the quality of the board certification process is extending the program to a greater percentage of the Bar. We have now reached 20 years of board certification, and we still have much work to do, both on certification and professionalism.

The Court originally sanctioned board certification because the program serves the public by promoting excellence and professionalism among Florida lawyers and providing a benchmark for informed decisions for clients, referring attorneys, and hiring attorneys. While the public good was and is the most important component of the Court's objectives, the benefits to lawyers and the effective administration of justice in Florida cannot be overstated.

The public's perception of lawyers, the climate of our adversary and other legal processes, and the administration of justice all benefit from enhanced professionalism and certification. In fact, in its own attempts to improve the administration of justice, the Court has identified its initiative on professionalism as the most effective means for consistently striving to improve the system. What better way to improve the system than to improve the conduct of those responsible for its administration.

Certification should be the capstone for a lawyer's professionalism goals. The character, competence, and commitment that define professionalism also constitute the essential formula for certification. A lawyer who specializes should aspire to become certified as a visible way to demonstrate that lawyer's commitment to professionalism and excellence. Board certification is reliable proof of the character and commitment that sets a lawyer apart. Your oath as an attorney and your commitment to your clients and your profession require that you be the best lawyer you can be and that you assist others to do so. An effective way to do that is to participate in and promote the board certification program. I sincerely encourage you to do so.

Judges, lawyers, leaders of the Bar, mentors, and law firms must be committed to the standards and ideals of professionalism, excellence, and service that we cherish for our profession and our justice system. Let us keep the jewels of certification and professionalism brightly polished so they shine for all to see.

Respectfully,

Harry Lee Anstead

*Chief Justice,
Supreme Court of Florida*

Florida offers certification in the following areas: Admiralty & Maritime; Appellate Practice; Aviation; Business Litigation; City, County and Local Government; Civil Trial; Criminal Appellate; Criminal Trial; Elder Law; Family Law; Health Law; Immigration & Naturalization; International Law; Real Estate; Tax; Wills, Trusts & Estates; and Workers' Compensation

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your password via
email
4. Follow the link
provided in the email
and use your
password to access
member information
5. Update your profile
as necessary

Your updated profile can
enhance your personal
client development plan!



**The North
Carolina State Bar**

ADVERTISING CONTINUED...

“Without question,” Brady says, “communicating our certification has increased our practice volume in estate planning both through public recognition of the specialty and through referral sources.”

Chris Brantley, a certified specialist in workers’ compensation law adds “We certainly saw an increase in our call volume after we ran a television ad that included information about my specialization.”

Alice Mine, the State Bar’s Assistant

Director, reviews proposed lawyer advertising, primarily television and radio commercials. She cautions against including information about past results which may cause clients to assume they can attain similar results. She notes that advertisements must be truthful and not misleading and encourages certified specialists to publicize their certification because it provides objective information to prospective clients. Ms. Mine can be reached for more information on advertising at 919-828-4620

ATTENTION FAMILY LAW SPECIALISTS

In February, 2003 the North Carolina Supreme Court approved a rule change that could affect your continuing legal education (CLE) choices. As you are aware, CLE courses are required for continued certification. Rule .2406(b) states that “Since last certified, a specialist must have earned no less than 60 hours of accredited continuing legal education credits in family law or related fields. Not less than 9 credits may be earned in any one year, and no more than twelve credits may be in related fields.”

The change is as follows: **“Only 9 hours of CLE credit will be recognized for attendance at an extended negotiation or mediation training course although designated as a family law course.”**

This rule will affect courses taken after February, 2003. Mediation/negotiation training completed before February will be given full credit. This rule change also affects applicants for certification in 2003. Questions may be directed to the Specialization program at the North Carolina State Bar at 919-828-4620.