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The North Carolina State Bar Board of Legal Specialization

2009 Application for Certification as a Specialist

- **Criminal Law (State and Federal/State)**
- **Criminal Appellate Practice**
- **Social Security Disability**
- **Workers' Compensation**

208 Fayetteville Street, PO Box 25908
Raleigh, NC 27611
(919) 828-4620

www.nclawspecialists.gov

The North Carolina State Bar Board of Legal Specialization

Special Instructions and Information for Applicants

Please read and follow these instructions before completing this application.

1. **READ** the North Carolina Plan of Specialization and the standards for certification in criminal law. These materials are found at 27 N.C.A.C. 1D, Sect. 1700 *et seq.* and are published in the *North Carolina State Bar Lawyer's Handbook* and on our website.

2. **FILING FEE**—A filing fee of \$250.00 must accompany this application. All checks should be payable to the North Carolina State Bar Board of Legal Specialization. Rejection or withdrawal of an application will not entitle an applicant to a refund of the fee or any part of the fee. **Applications received by June 16, 2009, will qualify for a \$50 discount on the application fee.**

3. **FILING TIMELINESS**—The application shall be considered timely filed if the application is delivered to the office of the North Carolina State Bar before 5:00 p.m. on June 30, 2009, or is postmarked no later than June 30, 2009.

4. **EXAMINATION FEE**— An additional fee of \$150.00 will be due and payable upon notification that an applicant is eligible to take a specialty examination.

5. SPECIAL INSTRUCTIONS FOR COMPLETING APPLICATION FORM—

A. **PLEASE ANSWER EACH QUESTION.** Please print or type answers. If additional space is needed to answer a question, attach pages to the application.

B. **SUBSTANTIAL INVOLVEMENT**—On page 12, the applicant is asked to describe his or her practice during each of preceding five years. To qualify for certification, the applicant's practice in the area of law for which certification is sought must equal or exceed the substantial involvement requirements set forth in the standards for the applicable specialty. The substantial involvement requirements can be found on-line at www.nclawspecialists.gov.

C. **REFERENCES**—Each applicant for certification is asked to submit the names and addresses of references in support of his or her application. These individuals will be

contacted by the Board of Legal Specialization, or its representatives, and asked to complete written peer reference statements. A minimum of five (5) completed peer reference forms must be received for each applicant. The applicant is not responsible for asking the listed references to complete the forms. The Board, or its representatives, may contact, in person or by telephone, any reference listed by an applicant or any other attorney or judge qualified to evaluate the applicant's competence and qualification in the specialty area.

6. **PROCESSING OF APPLICATIONS**—A notice showing the date of filing will be sent to each applicant. Only completed applications will be reviewed by the Board of Legal Specialization. Each applicant will be notified by mail of the acceptance or rejection of his or her application.

7. **EXAMINATION**—Examinations are scheduled for November 4, 2009. Applicants seeking additional certification in criminal appellate practice will also be tested on November 5, 2009. A notice as to the time and location of the examination will be sent to you at a later date. Applicants may also choose to take the exam at an offsite location. See www.nclawspecialists.gov for options. Applicants will be notified of their examination results by mail.

8. **CONFIDENTIALITY**—All information contained in the application, supporting documents submitted for certification in a specialty area, peer reference information and statements, and examination results shall be confidential and shall be available for use only by the board, the appropriate specialty committee, or any appropriate body or tribunal in event of an appeal.

9. **SPECIAL TESTING ACCOMMODATIONS FOR DISABLED APPLICANTS**—A written request for special testing accommodations and supporting documentation must be submitted by September 8, 2009. Requests for appropriate forms should be addressed to the Board's Executive Director.

10. **COMPLETED APPLICATIONS**—All completed applications should be mailed to the Executive Director, The North Carolina State Bar Board of Legal Specialization, P. O. Box 25908, Raleigh, NC 27611.

**The North Carolina State Bar
Board of Legal Specialization
2009 Application for Certification of Specialist**

Filed: _____
(For Office Use Only)

File number: _____
(For Office Use Only)

Full name: _____ State Bar number: _____
(First) (Middle) (Last)

Name as you would like it to appear on your certificate: _____

Firm or employer: _____

Office address: _____

City: _____ State: _____ Zip: _____

Telephone number (Office): _____ (Fax): _____

E-mail: _____ Web Site: _____

Law School: _____ Graduation Date: _____

Date admitted to the North Carolina State Bar: _____

List any other state bars to which you have been admitted and dates of admission:

Have you previously been certified as a specialist by the Board of Legal Specialization? _____ If so, in what area? _____

Are you certified as a legal specialist by any organizations other than the Board of Legal Specialization? If so, list those certifications and identify the certifying organizations. _____

Please check the area in which you seek certification:

- State Criminal Law
- State/Federal Criminal Law
- Criminal Law Appellate Practice
- Social Security Disability Law
- Workers' Compensation Law

How did you hear about the certification program? _____

Since your admission to the North Carolina State Bar, have you been disbarred, suspended from practice, reprimanded, censured, or otherwise disciplined or disqualified (including the revocation of a pro hac vice admission, or a disability or administrative suspension) by a licensing agency, court or professional organization for conduct as an attorney or as a member of any profession or organization, or as a holder of any office, public or private? ___Yes ___No Are there any such actions pending (unresolved) against you? ___Yes ___No

For each such disciplinary action, state the following

(a) the disciplinary agency, court or professional organization: _____

(b) date of notice to you if unresolved or date of discipline if resolved: _____

(c) if discipline issued, the type of discipline received (attach copy of order or record of discipline): _____

(d) attach explanatory statement

List all malpractice actions filed against you since initial licensure regardless of whether the action is currently pending or resolved. With regard to each action, state or provide the following:

(a) name of action: _____

(b) date of filing and venue of action: _____

(c) if resolved, whether by judgment or settlement: _____

(d) attach an explanatory statement

(e) attach a copy of the complaint and the judgment or settlement agreement

ACKNOWLEDGMENT OF APPLICANT:

- I have read the rules of the board and the standards of the specialty. I agree to comply with the rules and regulations of the board and the standards of the specialty with respect to which I am seeking certification.
- I understand that certification is voluntary. I understand that I will be able to continue to practice in fields of law other than the one in which I am applying for certification, as well as in the specialty area, even if I am denied certification.
- I am currently licensed to practice law in North Carolina and I am in good standing.
- I understand that I may be certified as a specialist in no more than two fields of law.
- I have been substantially involved in the practice of criminal, social security disability, or workers' compensation law for the five years immediately preceding this application as defined in the standards for the specialty and as shown on the attached "Substantial Involvement Information" form.
- I have achieved the number of continuing legal education credits required by the standards of the specialty for which I seek certification in the past three (3) years as set forth in the attached Continuing Legal Education Form.
- I consent to a confidential inquiry by the board of references as listed on the Statement of References and others familiar with my competence for the purpose of determining whether I fulfill the requirements for certification. I further agree that all information received by the Board of Legal Specialization in conjunction with my application, including, but not limited to, peer reference information and statements, shall be confidential and shall be available for use only by the board, the appropriate specialty committee, or any appropriate body or

tribunal in event of an appeal to determine my qualifications for certification. I specifically waive the right to review the peer reference statements made to the board which become part of my official file.

- Names and addresses of lawyers or judges familiar with my competence and qualifications in the area of law for which certification as a specialist is sought and who are not presently partners or associates in my firm or related to me by blood or marriage or involved with me in continuing commercial relationships are being submitted as references. I consent to a confidential inquiry by the board of these references and others familiar with my competence for the purpose of determining whether I fulfill the requirements for certification. I further agree that all information received by the Board of Legal Specialization in conjunction with my application, including, but not limited to, peer reference information and statements, shall be confidential and shall be available for use only by the Board, the appropriate specialty committee, or any appropriate body in event of an appeal, to determine my qualifications for certification. I specifically waive the right to review the peer reference statements made to the board which become part of my official file.
- I agree to surrender any certificate of specialty granted to me by the Board of Legal Specialization if such certificate is revoked by the Board of Legal Specialization.
- I agree to pay all fees required by the Board when due.
- I understand that I must achieve a passing score on a written examination in the area of specialty prior to certification.
- I understand the period of certification is five (5) years. If I become a certified specialist and desire to continue my certification, I must comply with the standards regarding continued certification as a specialist.
- If I apply to the board for certification in another specialty area, I understand that this application may be taken into consideration by the board in determining my eligibility for certification in the other specialty area.
- I affirm the contents of this application and its attachments, and I affirm that the material representations of my experience and education set forth herein are true and correct.
- I am enclosing my check for \$250.00 as the application fee. I understand this fee is nonrefundable regardless of the disposition of my application. I agree to pay an additional fee of \$150.00 upon notice that I am eligible to take a specialty examination.

(***Please check***) Submission of this application constitutes the applicant's verification of the truth of all statements and representations contained herein.

This the _____ day of _____, 20_____

Print or type full name

Signature

Return to:
The Executive Director
The North Carolina State Bar Board of Legal Specialization
PO Box 25908
Raleigh, NC 27611

**The North Carolina State Bar
Board of Legal Specialization
2009 Application for Certification as a Specialist
Continuing Legal Education Form**

Name: _____ State Bar Number: _____

Date: _____ Area of Specialty: _____

This CLE credit form must be completed and submitted with your application (attach additional sheets if necessary).

You must meet the CLE requirements for the specialty. CLE activities must be completed between January 1, 2006, and the date of application. The activities must be approved by the Board of Legal Specialization and may include:

1. Attendance at a lecture-type course in the specialty field;
2. Preparation and presentation of written materials at an accredited CLE course;
3. Teaching a course in the specialty field at an academic institution;
4. Publication of a scholarly article in the specialty field;
5. Self-study; and
6. Advanced academic coursework (attendance at courses of instruction at a law school which could be credited toward an advanced degree in the specialty field).

1. Please list all CLE activities for the time periods noted below (or attach 2006-2009 NC State Bar CLE report)

Seminars attended January 1 - December 31, 2006

Title of Course	Name of Sponsor	Date	Location	# Hrs.	App. # (Office Use)

Seminars attended January 1 - December 31, 2007

Title of Course	Name of Sponsor	Date	Location	# Hrs.	App. # (Office Use)

Seminars attended January 1 - December 31, 2008

Title of Course	Name of Sponsor	Date	Location	# Hrs.	App. # (Office Use)

Seminars attended January 1 – June 30, 2009

Title of Course	Name of Sponsor	Date	Location	# Hrs.	App. # (Office Use)

2. Lectures Prepared and Presented at an Accredited CLE Course:

Course	Sponsor	Date	Location	# Hrs.	App. # (Office Use)

3. Teaching in the Specialty Field at an Academic Institution:

Course	School	Dates	Semester Hrs.	App. # (Office Use)

4. Publication of a Scholarly Article in the Specialty Field:
 (Please submit a copy of the article with your application)

Title	Publication	Date of Publication	# Pages	App. # (Office Use)

5. Self-Study Courses:

Course	Sponsor	Course Description	Dates of Use	Hours	App. # (Office Use)

6. Advanced Academic Coursework (attendance at courses of instruction at a law school which can be credited toward an advanced degree in the specialty field)

Course	School	Dates	Semester Hrs.	App. # (Office Use)

TOTAL HOURS

**The North Carolina State Bar
Board of Legal Specialization
2009 Statement of References:**

Applicant's Name: _____ Area of Specialty: _____

I. Peer References

Identify as references ten (10) lawyers or judges who are familiar with your competence and qualifications in the practice area. Insofar as possible, select persons who are board certified specialists in the practice area or are at least substantially involved in the area as that term is defined in the certification standards. Please note that all references must be licensed and in good standing to practice law in North Carolina. You may not use as a reference persons who are your partners, associates or relatives by blood or marriage, or who are involved with you in a continuing commercial relationship. You may notify your peer references that you have listed them. Members of the Board of Legal Specialization and members of the applicable specialty committee may not serve as references. A complete list of committee members is included on the following page.

1.	_____	_____
	name (type or print)	address
2.	_____	_____
	name	address
3.	_____	_____
	name	address
4.	_____	_____
	name	address
5.	_____	_____
	name	address
6.	_____	_____
	name	address
7.	_____	_____
	name	address
8.	_____	_____
	name	address
9.	_____	_____
	name	address
10.	_____	_____
	name	address

Please do not list current committee members as references.

NC State Bar Specialty Committees as of May 1, 2009:

Bankruptcy Committee

Joseph W. Grier III
Bruce F. Jobe
Christine L. Myatt
Robert M. Pitts
Robert E. Price Jr.
Kevin L. Sink
John H. Small

Criminal Law Committee

Janna D. Allison
Ames C. Chamberlin
Lisa S. Costner
J. Clark Fischer
Robert E. Hensley
Jan E. Pritchett
H. Monroe Whitesides

Elder Law Committee

Laurence S. Graham
A. Frank Johns
Diana A. Johnston
B. Bailey Liipfert III
Robert A. Mason
Kate Mewhinney
Dennis J. Toman

Estate Planning Committee

Charlie D. Brown
Sandra M. Clark
Stuart B. Dorsett
Debra L. Foster
Ann E. Hanks
Larry H. Rocamora
Elizabeth N. Sumner

Family Law

Charles W. Coltrane
Michael W. Drye
Jill S. Jackson
Jon B. Kurtz
Barbara R. Morgenstern
Robert A. Ponton
Tate K. Sterrett

Immigration Committee

Jorgelina E. Araneda
Lisa R. Brenman
Laura D. Burton
C. Lynn Calder
Elizabeth R. Edwards
Hans C. Linnartz
David J. Long

Real Property Committee

Barbara R. Christy
Kimberly R. Coward
David R. Dorton
Jeff Dunham
Nancy S. Ferguson
L. Holden Reaves
Terry M. Taylor

Social Security Disability Committee

Charles T. Hall
Mason Hogan
J. Michael Duncan
Deborah F. Maury
Susan O'Malley
Brian L. Peterson
George C. Piemonte

Workers' Compensation Committee

Shannon W. Beach
Buxton S. Copeland
Worth T. Haithcock
Jack S. Holmes
Valerie A. Johnson
Lousie C. Root
Leslie O. Wickham Jr.

II. Opposing Counsel and Judges (*Criminal and Workers' Compensation applicants only.*)

List opposing counsel and judges in eight (8) recent cases you tried to verdict or entry of order.

1.	_____	_____
	case description	date
	_____	_____
	opposing counsel	judge/deputy commissioner/ALJ
2.	_____	_____
	case description	date
	_____	_____
	opposing counsel	judge/deputy commissioner/ALJ
3.	_____	_____
	case description	date
	_____	_____
	opposing counsel	judge/deputy commissioner/ALJ
4.	_____	_____
	case description	date
	_____	_____
	opposing counsel	judge/deputy commissioner/ALJ
5.	_____	_____
	case description	date
	_____	_____
	opposing counsel	judge/deputy commissioner/ALJ
6.	_____	_____
	case description	date
	_____	_____
	opposing counsel	judge/deputy commissioner/ALJ
7.	_____	_____
	case description	date
	_____	_____
	opposing counsel	judge/deputy commissioner/ALJ
8.	_____	_____
	case description	date
	_____	_____
	opposing counsel	judge/deputy commissioner/ALJ

2009 Substantial Involvement Information

Applicant's Name: _____ Area of Specialty: _____

Note: The following information is used to assess your substantial involvement in the specialty practice area; however, there are no mandatory minimum requirements for any of the activities listed in section II. Please complete only the part of section II that is relevant to the specialty practice area for which you are applying.

I. Experience During Five Years Prior to Application:

Briefly describe your practice during each of the preceding five (5) years (years run from July 1 to June 30). Indicate the estimated number of hours devoted to the specialty practice area in each year.

2004-05: _____

2005-06: _____

2006-07: _____

2007-08: _____

2008-09: _____

II. Career Experience

For Criminal Law Applicants Only: Briefly summarize your experience, during your entire legal career, in the matters listed below. Applicants for certification in federal/state criminal law must include federal court experience in their responses. Applicants for certification in criminal appellate practice must complete part D. Attach additional sheets if necessary.

A. Criminal Trials Concluded by Verdict:

B. Representation as Principal Counsel of Record in Serious Felony (Class G or higher) Cases:

C. Court Appearances in Other Substantive Criminal Proceedings:

D. Representation in Appeals to the North Carolina or Federal Appellate Courts. Include a description of your experience during the last five years with the following: writing briefs, motions practice, oral argument, and the preparation and argument of extraordinary writs:

For Social Security Disability Applicants Only:

A. Approximately how many OHA hearings have you averaged per year over the preceding five calendar years? (Give only one average for the entire five-year period. Give only an approximate number. You do not have to search your records for an exact number*.) _____

Briefly summarize your experience with OHA hearings.

B. Approximately how many total US District Court civil actions have you brought in Social Security cases in the preceding five calendar years? (Give only an approximate total for the entire five-year period rather than an average per year. You do not have to search your records for an exact total.*) _____

Briefly summarize your experience with US District Court civil actions.

*Estimates should be substantially accurate and capable of verification.

For Workers' Compensation Applicants Only:

A. Briefly summarize your experience as principal counsel of record, in cases tried to an opinion and award of the NC Industrial Commission. Dependency and disfigurement cases should not be included unless a case involved complicated factual and/or legal issues. An occupational disease case may be listed here if it is not also listed in Section B. below.

B. Occupational Diseases Cases. Briefly summarize your experience with occupational disease cases that you tried to opinion and award including a description of factual and legal issues.

C. Mediations. Briefly summarize your experience in mediations of workers' compensation cases in which you participated either as a representative of a party or as a mediator.

D. Appeals. Briefly summarize your experience in handling appeals of workers' compensation cases to the North Carolina Court of Appeals or North Carolina Supreme Court. For each appeal discussed, indicate whether you made the oral argument and/or wrote the brief.

Confidentiality Pledge

I understand that the questions on the specialization examinations are confidential and that maintaining the confidentiality of the examination questions is my professional responsibility. Therefore, I understand and agree to the following:

- I will not divulge the contents of any examination question to anyone; provided, however, I may describe the contents of the examination generally (e.g., subject matter covered, types of questions, etc.) to any interested person; and, during the 48 hours following the administration of the examination, I may discuss the examination questions and answers with other applicants who took the examination with me.
- I will not memorize any examination question while taking the examination.
- I will not write down any examination question recalled from memory following the administration of the examination.
- If I pass a specialization examination, I will not be permitted to review the graded examination.
- If I divulge the contents of any examination question in violation of this pledge, my specialty certification may be revoked or suspended, I may be prohibited from taking any further specialization examinations, and I may be reported to the State Bar for disciplinary investigation.

Date: _____

Signature: _____