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Assistant Director
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Board of Legal Specialization
PO Box 25908
Raleigh, NC 27611
(919) 828-4620

The North Carolina State Bar
Board of Legal Specialization

2009 Application for Certification as a Specialist

- Elder Law

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

www.nclawspecialists.gov

The North Carolina State Bar Board of Legal Specialization Elder Law

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 your specialty area. 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 15, 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**— The examination is written and administered by the National Elder Law Foundation (NELF). Their examination fee is \$300, 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.** If additional space is needed to answer a question, attach pages to the application.

B. **SUBSTANTIAL INVOLVEMENT**—Beginning on page 9 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 online at www.nclawspecialists.gov.

C. **REFERENCES**—Each applicant for certification is asked to submit the names and addresses of ten (10)

references in support of his or her application. All of 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 statements 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 may also choose to take the exam at an offsite location or directly through the National Elder Law Foundation (see www.nelf.org) 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 the 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, PO Box 25908, Raleigh, NC 27611.

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

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? _____

Have you been 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.

Certification from the National Elder Law Foundation and the NC State Bar

The North Carolina State Bar Board of Legal Specialization (NC Board) has partnered with The National Elder Law Foundation (NELF) to allow qualifying lawyers to take one examination in seeking certification from both organizations. Applicants have the option to obtain certification from NELF in addition to the North Carolina certification.

The NC Board uses the exam written and administered by the NELF. Grading and appeals will be administered according to the rules and standards of NELF. Each organization maintains its own application procedures as well as experience, education, and peer review standards which must be met to be certified as a specialist by each organization.

Although a passing score on the NELF examination will satisfy the testing requirement for both organizations, a candidate for certification must complete separate applications for each organization, and must meet the individual requirements for certification, of each organization. Apart from the exam, the application requirements may differ between the two organizations; therefore, application approval by one entity does not guarantee approval by the other entity.

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 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 area of law for which certification as a specialist is sought 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 list of courses attended and credits earned.

- I consent to a confidential inquiry by the board of the 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.
- 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 \$300.00 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 of 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 course work (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)

Name of Article	Publication	Date of Publication	# Pages	App. # (Office Use)

5. Self-Study Courses:

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

6. Advanced Academic Course Work (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

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**The North Carolina State Bar
Board of Legal Specialization
2009 Application for Certification of Specialist
Substantial Involvement in Elder Law**

By completing this section, I certify that I have practiced elder law an average of at least 700 hours per year (with no less than 400 hours in any one year) **in each of the five years immediately preceding the date of application**, and that **during that same time period**, I have provided legal services in at least sixty (60) elder law matters as defined in Rule .2905(c) of the Plan of Legal Specialization. An itemization of sixty elder law matters in which I have provided legal services in the last five (5) years, and that I am using to satisfy these requirements follows.

Instructions:

- The required format for itemizing the elder law matters appears on the page captioned “Itemization of Individual Elder Law Matters.” **Make copies of this page and itemize all sixty matters on these copied pages (a minimum of 30 pages will be required)**. Number each page at the top where indicated.
 - Of the 60 elder law matters, 40 must be in the experience categories listed in Rule .2905(c)(3)(A) through (E), with at least five matters in each category.
 - In addition, ten matters must be in the experience categories listed Rule .2905(c)(3)(F) through (M), with no more than five matters in each category.
 - The remaining ten matters may be in any experience category of your choosing.
 - Representation of one client may include multiple “legal services” or “matters” as defined in Rule .2905(c). Each “matter” must be listed separately on the Itemization Sheet.
- The experience categories found in Rule .2905(c)(3) are listed on the next page.
- You must complete the page entitled “Itemization Master Grid” to assure that you have listed and described all 60 matters. A check mark for each “itemized matter” in the appropriate column will identify that “matter” in one of the areas specified in Rule .2905(c)(3)(A) through (M).
- To maintain client confidentiality, **do not identify individual clients**. Keep for yourself a separate “reference list” of client matters that you have included. This is necessary in the event the Board contacts you for further information. Do not include this “reference list” with your application.

2009 Application for Certification of Specialist Substantial Involvement in Elder Law

Instructions Continued:

Experience Categories in Rule .2905(c)(3):

(A) Health and Personal Care Planning including giving advice regarding, and preparing, advance medical directives (medical powers of attorney, living wills, and health care declarations) and counseling older persons, attorneys-in-fact, and families about medical and life-sustaining choices, and related personal life choices.

(B) Pre-Mortem Legal Planning including giving advice and preparing documents regarding wills, trusts, durable general or financial powers of attorney, real estate, gifting, and the financial and tax implications of any proposed action.

(C) Fiduciary Representation including seeking the appointment of, giving advice to, representing, or serving as executor, personal representative, attorney-in-fact, trustee, guardian, conservator, representative payee, or other formal or informal fiduciary.

(D) Legal Capacity Counseling including advising how capacity is determined and the level of capacity required for various legal activities, and representing those who are or may be the subject of guardianship/conservatorship proceedings or other protective arrangements.

(E) Public Benefits Advice including planning for and assisting in obtaining Medicaid, supplemental security income, and veterans benefits.

(F) Advice on Insurance Matters including analyzing and explaining the types of insurance available, such as health, life, long term care, home care, COBRA, medigap, long term disability, dread disease, and burial/funeral policies.

(G) Resident Rights Advocacy including advising patients and residents of hospitals, nursing facilities, continuing care retirement communities, assisted living facilities, adult care facilities, and those cared for in their homes of their rights and appropriate remedies in matters such as admission, transfer and discharge policies, quality of care, and related issues.

(H) Housing Counseling including reviewing the options available and the financing of those options such as: mortgage alternatives, renovation loan programs, life care contracts, and home equity conversion.

(I) Employment and Retirement Advice including pensions, retiree health benefits, unemployment benefits, and other benefits.

(J) Income, Estate, and Gift Tax Advice, including consequences of plans made and advice offered.

(K) Public Benefits Advice, including planning for and assisting in obtaining Medicare, social security, and food stamps.

(L) Counseling with regard to age and/or disability discrimination in employment and housing.

(M) Litigation and Administrative Advocacy in connection with any of the above matters, including will contests, contested capacity issues, elder abuse (including financial or consumer fraud), fiduciary administration, public benefits, nursing home torts, and discrimination.

**The North Carolina State Bar
Board of Legal Specialization
Itemization of Elder Law Matters**

Name: _____ State Bar Number: _____

Date: _____

Sheet: _____ of _____

(Photocopy and attach additional sheets as necessary to itemize all 60 matters. Number pages accordingly.)

MATTER NUMBER: _____

Section Number in which matter falls in Rule .2905(c)(3)(A) through (M): _____

Type of Representation or Counsel given: _____

Date of matter: _____

Ultimate disposition of Matter: _____

Check each of the following that apply. Refer to Rule .2905(c)(1).

- a. _____ Provided advice;
- b. _____ Drafted legal documents;
- c. _____ Administered legal directives;
- d. _____ Participated in litigation relative to an elder law issue.

MATTER NUMBER: _____

Section Number in which matter falls in Rule .2905(c)(3)(A) through (M): _____

Type of Representation or Counsel given: _____

Date of matter: _____

Ultimate disposition of Matter: _____

Check each of the following that apply. Refer to Rule .2905(c)(1).

- a. _____ Provided advice;
- b. _____ Drafted legal documents;
- c. _____ Administered legal directives;
- d. _____ Participated in litigation relative to an elder law issue.

**The North Carolina State Bar
Board of Legal Specialization
Itemization of Elder Law Matters—Grid**

Name: _____ State Bar Number: _____

Date: _____

Itemization Master Grid

Column Headings Refer to Rule .2905(c)(3)(A) through (M):

Itemized Elder Law Matter	A	B	C	D	E	F	G	H	I	J	K	L	M
1													
2													
3													
4													
5													
6													
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29													
30													

Itemization of Elder Law Matters—Grid (cont.)

Name: _____ State Bar Number: _____

Date: _____

Itemized Elder Law Matter	A	B	C	D	E	F	G	H	I	J	K	L	M					
31																		
32																		
33																		
34																		
35																		
36																		
37																		
38																		
39																		
40																		
41	For matter 41-50, you MAY NOT have more than five (5) check marks in each of the categories (F) through (M)																	
42																		
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59																		
60																		
TOTAL																		

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

Applicant's Name: _____

Applicant's Area of Specialty: _____

As part of your application for certification, you are asked to identify as references ten (10) lawyers or judges who are familiar with your competence and qualifications in your area of specialty. Insofar as possible, you are asked to select persons who are board certified specialists in your area of specialty 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 or associates or your 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.

**The North Carolina State Bar
Board of Legal Specialization
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: _____