

The North Carolina State Bar
Board of Legal Specialization
Summary* of Certification Standards by Practice Area

Appellate Practice

Licensure: Licensed and in good standing to practice law in North Carolina as of the date of application.

Substantial Involvement in Appellate Practice - During the five years preceding application:

- Average of at least 400 hours a year.
- Minimum of 100 hours for any one year.
- Substantive legal work includes the following: preparation of a record on appeal or joint appendix for filing in any state or federal appellate court; researching, drafting, or editing of a legal brief, motion, petition, or response for filing in any state or federal appellate court; participation in or preparation for oral argument before any state or federal appellate court; appellate mediation, either as the representative of a party or as a mediator, in any state or federal appellate court; consultation on issues of appellate practice including consultation with trial counsel for the purpose of preserving a record for appeal; service on a committee or commission whose principal focus is the study or revision of the rules of appellate procedure of the North Carolina or federal courts; authoring a treatise, text, law review article, or other scholarly work relating to appellate practice; teaching appellate advocacy at an ABA accredited law school; and coaching in appellate moot court programs.
- Practice equivalents may be accepted for the following:
 - (A) Service as a trial judge for any North Carolina General Court of Justice, United States Bankruptcy Court, or United States District Court, including service as a magistrate judge,
 - (B) Service as a full-time, compensated law clerk for any North Carolina or federal appellate court
 - (C) Service as an appellate judge for any North Carolina or federal appellate court
- Additional information required regarding: (A) Five (5) oral arguments to any state or federal appellate court; and (B) Principal authorship of ten (10) briefs submitted to any state or federal appellate court.

Continuing Legal Education - During the three years preceding application:

- At least 36 hours of CLE in appellate practice and related fields
- No less than six credits in any one year.
- Of the 36 hours, at least 18 hours in appellate practice
- Balance may be in the following related fields: trial advocacy; civil trial practice and procedure; criminal trial practice and procedure; evidence; legal writing; legal research; and mediation.
- Applicant may request recognition of an additional field as related to appellate practice for the purpose of meeting the CLE standard.

Peer Review:

- Must provide the names of ten lawyers or judges who are familiar with the competence and qualification of the applicant in appellate practice.
- All references must be licensed and in good standing to practice law and must have significant legal or judicial experience in appellate practice.
- A reference may not be related by blood or marriage to the applicant nor may the reference be a colleague at the applicant's place of employment at the time of the application.

Exam:

- 3 hour objective and short essay exam, 9 a.m. to 12 p.m.
- Take home written exam requiring the applicant to edit a brief is due the following week.
- Exam administered at the NC State Bar building.

Bankruptcy

Licensure: Licensed and in good standing to practice law in North Carolina as of the date of application.

Substantial Involvement in Bankruptcy Law - During the five years preceding application:

- Average of at least 500 hours a year.
- Minimum of 400 hours for any one year.
- Practice equivalents may be accepted for the following:
 - a) service as a judge of any bankruptcy court, service as a clerk of any bankruptcy court, or service as a standing trustee;
 - b) corporate or government service, including military service, after admission to the bar of any state, the District of Columbia, or any U.S. territorial possession, but only if the bankruptcy work done was legal advice or representation of the corporation, governmental unit, or individuals connected therewith;
 - c) service as a deputy or assistant clerk of any bankruptcy court, as a research assistant to a bankruptcy judge, or as a law professor teaching bankruptcy and/or debtor-creditor related courses may be substituted for one year of experience to meet the five-year requirement.

Continuing Legal Education - During the three years preceding application:

- At least 36 hours of accredited CLE in bankruptcy law.
- No less than 6 credits in any one year.

Peer Review:

- Must provide the names of ten lawyers or judges who are familiar with the competence and qualification of the applicant in bankruptcy law.
- All references must be licensed and in good standing to practice law.
- A reference may not be related by blood or marriage to the applicant nor may the reference be a colleague at the applicant's place of employment at the time of the application.
- A reference may not be a judge of any bankruptcy court.

Exam:

- Exam written and graded by the American Board of Certification (ABC).
- Allows NC specialists to obtain "dual" certifications by passing only the ABC exam.
- If seeking certification in both business and consumer, an additional 3 hour exam portion will be scheduled the following day
- Exam administered at the NC State Bar building.

Criminal Law

Licensure: Licensed and in good standing to practice law in North Carolina as of the date of application.

Substantial Involvement in Criminal Law - During the five years preceding application:

- Average of at least 500 hours a year,
- Minimum of 400 hours for any one year.
- Practice equivalents may be accepted for the following:
 - Service as a law professor for one year
 - Service as a federal, state or tribal court judge for one year
- Additional information required regarding: (A) representation during the applicant's entire legal career in criminal trials concluded by jury verdict; (B) representation as principal counsel of record in federal felony cases or state felony cases (Class G or higher) (C) court appearances in other substantive criminal proceedings in criminal courts of any jurisdiction; and (D) representation in appeals of decisions to the North Carolina Court of Appeals, the North Carolina Supreme Court, or any federal appellate court.

Continuing Legal Education - During the three years preceding application:

- At least 40 hours of accredited CLE in criminal law, which must include the following:
 - a. at least 34 hours in skills pertaining to criminal law, such as evidence, substantive criminal law, criminal procedure, criminal trial advocacy and criminal trial tactics;
 - b. at least 6 hours in the area of ethics and criminal law.

Peer Review:

- Must provide the names of ten lawyers or judges who practice in the field of criminal law and are familiar with the competence and qualification of the applicant in criminal law.
- Must also provide a list of opposing counsel and the judge in last ten serious (Class G or higher) felony cases tried by the applicant.
- All references must be licensed and in good standing to practice law.
- A reference may not be related by blood or marriage to the applicant nor may the reference be a colleague at the applicant's place of employment at the time of the application.

Exam:

- 6 hours long (two 3-hour sessions)
- Morning Session – general criminal law - 9 a.m. to 12 p.m.
- Afternoon session – either State or Federal/State - 2 p.m. to 5 p.m.
- Exam administered at the NC State Bar building.

Elder Law

Licensure: Licensed and in good standing to practice law in North Carolina as of the date of application.

Substantial Involvement in Elder Law - During the five years preceding application:

- Average of at least 700 hours a year
- Minimum of 400 hours for any one year
- In addition, applicants must demonstrate experience in at least 60 specific Elder Law matters as listed below: (A) health and Personal Care Planning; (B) pre-Mortem Legal Planning; (C) Fiduciary Representation; (D) legal Capacity Counseling; (E) Public Benefits Advice; (F) Special Needs Counseling; (G) advice on Insurance Matters; (H) Resident Rights Advocacy; (I) Housing Counseling; (J) Employment and Retirement Advice; (K) counseling with regard to age and/or disability discrimination in employment and housing; and (L) litigation and Administrative Advocacy in connection with any of the above matters.

Continuing Legal Education - During the three years preceding application:

- At least 45 hours of CLE in elder law and related fields,
- No less than nine (9) credits earned in any of the three calendar years.
- Of the 45 CLE credits, at least ten (10) credits must be earned attending elder law-specific CLE programs.
- Related fields shall include the following: estate planning and administration, trust law, health and long-term care planning, public benefits, veterans' benefits, surrogate decision-making, older persons' legal capacity, social security disability, Medicaid/Medicare claims, special needs planning, and taxation.
- No more than twenty (20) credits may be earned in the related fields of estate taxation or estate administration.

Peer Review:

- Must provide the names of ten lawyers or judges who are familiar with the competence and qualification of the applicant in elder law.
- All references must be licensed and in good standing to practice law and must have significant legal or judicial experience in elder law or a related field.
- A reference may not be related by blood or marriage to the applicant nor may the reference be a colleague at the applicant's place of employment at the time of the application.

Exam:

- Exam written and graded by the National Elder Law Foundation (NELF).
- Allows NC specialists to obtain "dual" certifications by passing only the NELF exam.
- Exam administered at the NC State Bar building.

Estate Planning Law

Licensure: Licensed and in good standing to practice law in North Carolina as of the date of application.

Substantial Involvement in Estate Planning Law - During the five years preceding application:

- Average of at least 500 hours a year
- Minimum of 400 hours for any one year
- Practice equivalents may be accepted for the following:
receipt of an LL.M. degree in taxation or estate planning and probate law
service as a trust officer for one year
service as a law professor for one year
- In addition, applicants must demonstrate involvement in specific estate planning activities as defined below: (i) counseled persons in estate planning, including giving advice with respect to gifts, life insurance, wills, trusts, business arrangements and agreements, and other estate planning matters; (ii) prepared or supervised the preparation of (1) estate planning instruments, such as simple and complex wills (including provisions for testamentary trusts, marital deductions and elections), revocable and irrevocable inter vivos trusts (including short-term and minor's trusts), business planning agreements (including buy-sell agreements and employment contracts), powers of attorney and other estate planning instruments; and (2) federal and state gift tax returns, including representation before the Internal Revenue Service and the North Carolina Department of Revenue in connection with gift tax returns; (iii) handled or advised with respect to the probate of wills and the administration of decedents' estates, including representation of the personal representative before the clerk of superior court, guardianship, will contest, and declaratory judgment actions; (iv) prepared, reviewed or supervised the preparation of federal estate tax returns, North Carolina inheritance tax returns, and federal and state fiduciary income tax returns, including representation before the Internal Revenue Service and the North Carolina Department of Revenue in connection with such tax returns and related controversies.

Continuing Legal Education - During the three years preceding application:

- At least 72 hours of CLE credits in estate planning and related fields
- At least 45 hours shall be in estate planning and probate law (provided, however, that eight of the 45 hours may be in the related areas of elder law, Medicaid planning, and guardianship)
- The balance may be in the related areas of taxation, business organizations, real property, family law, elder law, Medicaid planning, and guardianship.

Peer Review:

- Must provide the names of ten lawyers or judges who are familiar with the competence and qualification of the applicant in estate planning.
- All references must be licensed and in good standing to practice law.
- A reference may not be related by blood or marriage to the applicant nor may the reference be a colleague at the applicant's place of employment at the time of the application.

Exam:

- 6 hours long (two 3-hour sessions)
- Morning Session – objective questions, including multiple choice - 9 a.m. to 12 p.m.
- Afternoon session – short and comprehensive essay questions - 2 p.m. to 5 p.m.
- Exam administered at the NC State Bar building.

Family Law

Licensure: Licensed and in good standing to practice law in North Carolina as of the date of application.

Substantial Involvement in Family Law - During the five years preceding application:

- Average of at least 600 hours a year
- Minimum of 400 hours for any one year
- Practice equivalents may be accepted for the following:
 - Service as a law professor for one year
 - Service as a district court judge for one year

Continuing Legal Education - During the three years preceding application:

- At least 45 hours of CLE credits in family law, nine of which may be in related fields.
- No less than 9 hours earned in any of the three calendar years.
- Related fields shall include taxation, trial advocacy, evidence, negotiation (including training in mediation, arbitration, and collaborative law), juvenile law, real property, estate planning and probate law, business organizations, employee benefits, bankruptcy, elder law, and immigration law.
- Only nine hours will be recognized for attendance at an extended negotiation or mediation training course.
- Parenting coordinator training will not qualify for family law or related field hours.

Peer Review:

- Must provide the names of ten lawyers or judges who are familiar with the competence and qualification of the applicant in family law.
- All references must be licensed and in good standing to practice law.
- A reference may not be related by blood or marriage to the applicant nor may the reference be a colleague at the applicant's place of employment at the time of the application.

Exam:

- 6 hours long (two 3-hour sessions)
- 9 a.m. to 12 p.m. and 2 p.m. to 5 p.m.
- Includes multiple-choice, short answer and short essay questions.
- Exam administered at the NC State Bar building.

Immigration Law

Licensure: Licensed and in good standing to practice law in North Carolina as of the date of application.

Substantial Involvement in Immigration Law - During the five years preceding application:

- Average of at least 700 hours a year
- Minimum of 400 hours for any one year.
- In addition, applicants shall provide information regarding participation in at least five of the seven categories of activities listed below: (A) Family Immigration, (B) Employment Related Immigration, (C) Naturalization, (D) Administrative Hearings and Appeals, (E) Administrative Proceedings and Review in Judicial Courts, (F) Asylum and Refugee Status, (G) Employer Verification, Sanctions, Document Fraud, Bond and Custody, Rescission, Registry, and Fine Proceedings.

Continuing Legal Education - During the **four** years preceding application:

- At least 48 hours of CLE in topics relating to immigration law.
- At least 20 must be earned during the first and second year and 20 during the third and fourth years preceding application.
- Of the 48 hours, at least 42 must be in immigration law.
- The balance may be in the related areas of federal administrative procedure, trial advocacy, evidence, taxation, family law, employment law, and criminal law and procedure.

Peer Review:

- Must provide the names of ten lawyers or judges who are familiar with the competence and qualification of the applicant in immigration law.
- All references must be licensed and in good standing to practice law.
- At least four of the references must have substantial practice or judicial experience in immigration.
- A reference may not be related by blood or marriage to the applicant nor may the reference be a colleague at the applicant's place of employment at the time of the application.

Exam:

- 6 hours long (two 3-hour sessions)
- 9 a.m. to 12 p.m. and 2 p.m. to 5 p.m.
- Includes multiple-choice, short answer and short essay questions.
- Exam administered at the NC State Bar building.

Juvenile Delinquency Law
(sub-specialty of criminal law)

Licensure: Licensed and in good standing to practice law in North Carolina as of the date of application.

Substantial Involvement in Juvenile Delinquency Law - During the five years preceding application:

- Average of at least 400 hours a year.
- Minimum of 100 hours for any one year.
- Practice equivalents may be accepted for the following:
 - Service as a state district court judge for one year.
 - Participation in certain juvenile justice activities.
 - Service as a law professor in a juvenile delinquency legal clinic.
- An applicant must also provide information about juvenile delinquency court experience such as: (A) Representation of juveniles or the state during the applicant's entire legal career in juvenile delinquency hearings concluded by disposition; (B) Representation of juveniles or the state in juvenile delinquency felony cases; (C) Court appearances in other substantive juvenile delinquency proceedings in juvenile court; (D) Representation of juveniles or the state through transfer to adult court; and (E) Representation of juveniles or the state in appeals of juvenile delinquency decisions.

Continuing Legal Education - During the three years preceding application:

- At least 40 hours of CLE in criminal and juvenile delinquency.
- Of the 40 hours, at least 12 hours shall be in juvenile delinquency law.
- The balance may be in the following related fields: substantive criminal law, criminal procedure, trial advocacy, and evidence.

Peer Review:

- Must provide the names of ten lawyers or judges who are familiar with the competence and qualification of the applicant in juvenile delinquency law.
- All references must be licensed and in good standing to practice law.
- A reference may not be related by blood or marriage to the applicant nor may the reference be a colleague at the applicant's place of employment at the time of the application.

Exam:

- 6 hours long (two 3-hour sessions)
- Morning Session – general criminal law - 9 a.m. to 12 p.m.
- Afternoon session – juvenile delinquency law- 2 p.m. to 5 p.m.
- Includes multiple-choice, short answer and short essay questions.
- Exam administered at the NC State Bar building.

Real Property Law

Licensure: Licensed and in good standing to practice law in North Carolina as of the date of application.

Substantial Involvement in Real Property Law - During the five years preceding application:

- Average of at least 500 hours a year.
- Minimum of 400 hours for any one year.
- Practice equivalents may be accepted for the following:
-Service as a law professor in real property for one year

Continuing Legal Education - During the three years preceding application:

- At least 36 hours of CLE in real property law.
- No less than 6 hours in any one year.
- Of the 36 hours, at least 30 hours shall be in real property law.
- The balance may be in the related areas of environmental law, taxation, business organizations, estate planning and probate law, and elder law.

Peer Review:

- Must provide the names of ten lawyers or judges who are familiar with the competence and qualification of the applicant in real property law.
- All references must be licensed and in good standing to practice law.
- A reference may not be related by blood or marriage to the applicant nor may the reference be a colleague at the applicant's place of employment at the time of the application.

Exam:

- 6 hours long (two 3-hour sessions)
- Morning Session – general real property law - 9 a.m. to 12 p.m.
- Afternoon session – either residential or commercial real property law- 2 p.m. to 5 p.m.
- If seeking certification in both residential and commercial, an additional 3 hour exam portion will be scheduled the following day
- Exam administered at the NC State Bar building.

Social Security disability Law

Licensure: Licensed and in good standing to practice law in North Carolina as of the date of application.

Substantial Involvement in Social Security Disability Law - During the five years preceding application:

- Average of at least 600 hours a year.
- Minimum of 500 hours for any one year.
- Practice equivalents may be accepted for the following:
 - Service as a law professor for one year
 - Service as a Social Security administrative law judge, Social Security staff lawyer, or assistant United States attorney for three years
- Applicant may also need to provide information regarding participation, as primary counsel of record, in the following: (A) Proceedings before an administrative law judge; (B) Cases appealed to the appeals council of the Social Security Administration; and (C) Cases appealed to federal district court.

Continuing Legal Education - During the three years preceding application:

- At least 36 hours of CLE in Social Security disability law and related fields.
- No less than six hours earned in any one year.
- Of the 36 hours, at least 18 hours shall be in Social Security disability law.
- The balance may be in the following related fields: trial skills and advocacy; practice management; medical injuries, medicine, or anatomy; ERISA; labor and employment law; elder law; workers' compensation law; veterans' disability law; and the law relating to long term disability or Medicaid/Medicare claims.

Peer Review:

- Must provide the names of ten lawyers or judges who are familiar with the competence and qualification of the applicant in social security disability law.
- All references must be licensed (in the U.S.) and in good standing to practice law and have substantial practice or judicial experience in social security disability law.
- A reference may not be related by blood or marriage to the applicant nor may the reference be a colleague at the applicant's place of employment at the time of the application.

Exam:

- 6 hours long (two 3-hour sessions)
- Morning Session –9 a.m. to 12 p.m.
- Afternoon session – 2 p.m. to 5 p.m.
- Includes multiple-choice, short answer and short essay questions.
- Exam administered at the NC State Bar building.

Trademark Law

Licensure: Licensed and in good standing to practice law in North Carolina as of the date of application.

Substantial Involvement in Trademark Law - During the five years preceding application:

- Average of at least 500 hours a year.
- Minimum of 400 hours for any one year.
- Practice equivalents may be accepted for the following:
 - Law professor in trademark law for up to two years
 - Trademark examiner at the USPTO for up to two years
 - Administrative Law Judge for the TTAB for up to three years

Continuing Legal Education - During the three years preceding application:

- At least 36 hours of CLE in trademark law and related areas.
- Of the 36 hours, at least 20 hours in trademark law
- The remaining 16 hours may be in related areas including: business transactions, copyright, franchise law, internet law, sports and entertainment law, trade secrets, and unfair competition.

Peer Review:

- Must provide the names of ten lawyers or judges who are familiar with the competence and qualification of the applicant in trademark law.
- All references must be licensed and in good standing to practice law and must have significant legal or judicial experience in trademark law.
- A reference may not be related by blood or marriage to the applicant nor may the reference be a colleague at the applicant's place of employment at the time of the application.

Exam:

- 6 hours long (two 3-hour sessions)
- Morning Session –9 a.m. to 12 p.m.
- Afternoon session – 2 p.m. to 5 p.m.
- Includes multiple-choice, short answer and short essay questions.
- Exam administered at the NC State Bar building.

Workers' Compensation Law

Licensure: Licensed and in good standing to practice law in North Carolina as of the date of application.

Substantial Involvement in Workers' Compensation Law - During the five years preceding application:

- Average of at least 500 hours a year.
- Minimum of 400 hours for any one year.

Continuing Legal Education - During the three years preceding application:

- At least 36 hours of accredited CLE in workers' compensation law and related areas.
- No less than six hours in workers' compensation law in any one year.
- The remaining 18 hours may be earned in workers' compensation or related fields: civil trial practice and procedure; evidence; insurance, mediation; medical injuries, medicine, or anatomy; labor and employment law; Social Security disability law; and the law relating to long-term disability or Medicaid/Medicare claims.

Peer Review:

- Must provide the names of ten lawyers, commissioners or deputy commissioners of the North Carolina Industrial Commission, or judges who are familiar with the competence and qualification of the applicant in workers' compensation law.
- All references must be licensed and in good standing to practice law in North Carolina and have substantial practice or judicial experience in workers' compensation.
- A reference may not be related by blood or marriage to the applicant nor may the reference be a colleague at the applicant's place of employment at the time of the application.

Exam:

- 6 hours long (two 3-hour sessions)
- Morning Session –9 a.m. to 12 p.m.
- Afternoon session – 2 p.m. to 5 p.m.
- Includes multiple-choice, short answer and short essay questions.
- Exam administered at the NC State Bar building.

*This chart provides a summary of the rules for substantial involvement and continuing legal education, additional provisions and substitutions may apply. Please contact Denise Mullen at dmullen@ncbar.gov or 919-828-4620 x255 for a complete copy.