



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

217 E. Edenton Street  
PO Box 25908 (27611)  
Raleigh, NC 27601  
(919) 828-4620

[www.nclawspecialists.gov](http://www.nclawspecialists.gov)

# 2019 Application for Recertification as a Specialist

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**Virginia (Vee) L. Martin, Certification Coordinator**

## INSTRUCTIONS

### North Carolina State Bar Application for Recertification as a Specialist

1. **Standards** - Read the North Carolina Plan of Legal Specialization (located at 27 N.C. Admin. Code 1D.1700 et seq.), the minimum standards for certification of specialists (27 N.C. Admin. Code 1D.1720), and the standards for certification in your specialty area (27 N.C. Admin. Code 1D.2100-.3300). These standards can be found in the North Carolina Administrative Code and are republished in the North Carolina State Bar *Lawyer's Handbook* and on our website, [www.ncbar.gov](http://www.ncbar.gov).
2. **Fees** - A filing fee of \$250 must accompany this application. All checks should be payable to the North Carolina State Bar Board of Legal Specialization (the Board). Rejection or withdrawal of an application does not entitle an applicant to a refund of the fee or any part of the fee. Late applications received between September 6, 2019, and January 3, 2020, will be accepted with an additional \$250 late filing fee. Applications received after January 3, 2020, will not be accepted.
3. **Filing Timeliness** - The completed application shall be considered timely filed if the application is delivered to the offices of the North Carolina State Bar before 5:00 p.m. on September 6, 2019 or is postmarked no later than September 6, 2019.

#### 4. **INSTRUCTIONS FOR COMPLETING APPLICATION**

**A. PLEASE ANSWER EACH QUESTION.** If additional space is needed to answer a question, please attach sheets to the application.

**B. WAIVER OF STRICT COMPLIANCE** – If an applicant cannot meet the standard for substantial involvement, CLE, or peer review for a specialty, the applicant may request a waiver of strict compliance. To do so, you must complete the Request for a Waiver of Strict Compliance Form, available on the website, <http://www.nclawspecialists.gov/for-lawyers/forms/>, and submit the form with your application. Please email Lanice Heidbrink ([lheidbrink@ncbar.gov](mailto:lheidbrink@ncbar.gov)) with any questions.

**C. REFERENCES** - Each applicant for certification is asked to submit the names and addresses of **six** references in support of his or her application. *Please check your anticipated specialty's standards for any additional requirements regarding peer reference eligibility.* It is preferred that references have experience in or are substantially involved in the specialty as that term is defined in the certification standards. The extent of a reference's involvement in the applicable specialty and relationship to the applicant will be considered in the evaluation process. All references will be contacted by the North Carolina State Bar Board of Legal Specialization or its representatives and be asked to complete written peer reference statements. A minimum of **three** peer reference statements must be returned to the Board for an application to advance. Reference forms will be sent to the email address you provide; please confirm with each reference that the email address you provide is correct. Reference forms can be mailed to listed references upon request of the applicant and provision of an accurate mailing address. The Board, or its representatives, may contact, in person or by telephone, any reference listed by an applicant, or any lawyer or judge qualified to evaluate the applicant's competence and qualification in the specialty area. You are encouraged to advise your peer references that you have listed them on this application and to confirm that they are willing to respond to a peer reference request.

**D. SUPPLEMENTAL APPLICATION FORMS** – Please note that the specialties marked with an asterisk (\*) on page four require a supplemental application form to be submitted with the application. The forms are labeled by specialty and are available on the website <http://www.nclawspecialists.gov/for-lawyers/forms/>.

**E. INACTIVE STATUS** – If your State Bar membership status is inactive or retired, please contact [lheidbrink@ncbar.gov](mailto:lheidbrink@ncbar.gov) for instructions.

5. **Confidentiality** – All information contained in the application, including all supporting documents, peer reference information, and statements shall be confidential unless otherwise dictated by the North Carolina Public Records Act. Such information, however, shall be available for use by the Board of Legal Specialization, the appropriate specialty committee, staff, or any appropriate body or tribunal in the event of an appeal.

6. **Processing of Completed Applications** – Only completed applications will be reviewed by the Board of Legal Specialization. Each applicant will be notified by email of acceptance or rejection of his or her application. An application is incomplete if it does not include complete answers to every question on the application, the required list of peer references, and copies of all documents requested in the application.
7. **Filing Application** – Applications should be delivered to the State Bar or postmarked no later than 5:00 p.m. on September 6, 2019, and addressed to:

**North Carolina State Bar Board of Legal Specialization  
Attn: Director  
217 E. Edenton Street  
PO Box 25908 (27611)  
Raleigh, NC 27601**

**Or hand delivered to: 217 E. Edenton Street, Raleigh, 27601**



The North Carolina State Bar  
Board of Legal Specialization

## 2019 APPLICATION FOR RECERTIFICATION

Please check the specialty for which you are applying:

- |   |   |
|---|---|
| <input type="checkbox"/> Appellate Practice*                  | <input type="checkbox"/> Family Law                           |
| <input type="checkbox"/> Business Bankruptcy Law              | <input type="checkbox"/> Immigration Law                      |
| <input type="checkbox"/> Consumer Bankruptcy Law              | <input type="checkbox"/> Privacy and Information Security Law |
| <input type="checkbox"/> Criminal Law - State*                | <input type="checkbox"/> Commercial Real Property Law         |
| <input type="checkbox"/> Criminal Law - Federal/State*        | <input type="checkbox"/> Residential Real Property Law        |
| <input type="checkbox"/> Criminal Law - Juvenile Delinquency* | <input type="checkbox"/> Social Security Disability Law*      |
| <input type="checkbox"/> Elder Law                            | <input type="checkbox"/> Trademark Law                        |
| <input type="checkbox"/> Estate Planning and Probate Law      | <input type="checkbox"/> Utilities Law                        |
|   | <input type="checkbox"/> Workers' Compensation Law*           |

Please list any specialty in which you are already certified: \_\_\_\_\_

\* Supplemental Application Form Required (available at <http://www.nclawspecialists.gov/for-lawyers/forms/> )

Name as Listed with North Carolina State Bar Membership	Date Admitted to the North Carolina State Bar
Preferred Name for Specialization Directory	North Carolina State Bar Number

### I. Information for the Specialization Directory<sup>1</sup>

A.

Address				
City	State	Zip Code	Telephone	
Email Address				
Current Firm or Employer Name and Address				
City	State	Zip Code	Telephone	Number of Lawyers with Firm or Employer

<sup>1</sup> **IMPORTANT:** Any updates reported to State Bar membership will not automatically update in the specialization database. Changes must be reported directly to specialization staff.

B. If you have been certified as a specialist by any organizations other than the North Carolina State Bar Board of Legal Specialization, list the name and date of each certification and identify the certifying organization:

Name of Certification	Date of Certification	Certifying Organization

**II. States of Licensure**

List all states in which you are licensed to practice law.

**Please do not list or provide a letter of good standing for North Carolina.**

Apply for a letter of good standing from each state listed below. Request that the letter be mailed directly to the North Carolina Board of Legal Specialization.

State	Date of Admission	Membership Number	Member in Good Standing? <input type="checkbox"/> Yes <input type="checkbox"/> No*
State	Date of Admission	Membership Number	Member in Good Standing? <input type="checkbox"/> Yes <input type="checkbox"/> No*

\* If not a member in good standing, provide an explanation.

**III. Professional Conduct<sup>2</sup>**

A. During the five years since your last certification, have you been disbarred, suspended from practice, reprimanded, censured, sanctioned or otherwise disciplined or disqualified (including the revocation of a pro hac vice admission, disqualification from representation of a client because of misconduct, or a disability or administrative suspension) by a licensing agency, court, or professional organization for conduct as a lawyer or as a member of any profession or organization, or as a holder of any office, public or private? Include court orders and letters of warning and caution in your response.

Yes     No

B. Are there any such actions pending (unresolved) against you?

Yes     No

C. If you answered “yes” to either question above, for each action (pending or resolved), state the following:

(1) The disciplinary agency, court, or professional organization: \_\_\_\_\_

(2) Date of notice to you if unresolved or date of discipline, sanction, disqualification, or other such action, if resolved: \_\_\_\_\_

(3) If discipline, sanction, or disqualification was issued, attach a copy of the order or record of such action along with a written explanation.

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<sup>2</sup> Documentation of disciplinary history does not have to be attached to this application if you send a letter to the relevant disciplinary agency, court or professional organization requesting that the documentation be sent directly to the Board of Legal Specialization. A copy of the letter making such request must be attached to this application.

D. List all malpractice actions filed against you in the five years since your last certification regardless of whether the action is currently pending or resolved. With regard to each action, state or provide the following (attach additional sheets if necessary):

(1) Name of action:

(2) Date of filing and venue of action:

(3) Brief summary of allegations and your response or defense:

(3) Explanation of status or resolution:

#### **IV. Substantial Involvement**

**Instructions:** Please review the substantial involvement requirements for your specialty located in the administrative code provisions listed in the instructions. To qualify for recertification, the applicant's practice in the area of law for which recertification is sought must equal to or exceed the substantial involvement requirements set forth in the standards for the applicable specialty. If you do not meet the requirements, in order for your application to be processed, you must complete a Request for a Waiver of Strict Compliance Form which can be found on the website, <http://www.nclawsspecialists.gov/for-lawyers/forms/>. The waiver request is subject to specialty committee and board approval. Please email Lanice Heidbrink ([lheidbrink@ncbar.gov](mailto:lheidbrink@ncbar.gov)) with any questions.

Total number of years you have practiced in this specialty area: \_\_\_\_\_

I have read the standard for substantial involvement for the specialty for which I am applying.

\_\_\_\_\_ Yes    \_\_\_\_\_ No

I have fulfilled the annual substantial involvement hours requirement for each of the calendar years from 2014 through 2019. \_\_\_\_\_ Yes    \_\_\_\_\_ No

Attach a Request for Waiver of Strict Compliance Form if you answered "No" to the preceding question.

(<http://www.nclawsspecialists.gov/for-lawyers/forms/>).

## V. Continuing Legal Education

Your CLE record will be obtained by staff from the North Carolina State Bar CLE Department. The full calendar years of 2015 through 2019 will be reviewed for CLE compliance. To view your CLE history online go to [www.nccle.org](http://www.nccle.org). Please attach a page listing any courses that you plan to take after filing this application as well as any of the following that you would like to be considered for specialization credit (not otherwise included in your North Carolina State Bar CLE record; see 27 N.C. Admin. Code 1D.1905 for alternatives to the CLE requirement):

- **Lectures** prepared and presented at an accredited CLE course;
- **Teaching** in the specialty field at an academic institution;
- **Publication** of a scholarly article in the specialty field;
- **Self-study** review of audio or video tapes, or manuscripts of lectures from qualified CLE courses (no more than two hours per year shall qualify).
- **Advanced academic coursework** (attendance at courses of instruction at a law school which can be credited toward an advanced degree in the specialty field).

## VI. Peer References

Identify as references **six** lawyers or judges who are familiar with your competence and qualifications in the specialty. Insofar as possible, select persons who are board certified specialists in the specialty or substantially involved in the specialty as that term is defined in the certification standards. Generally, all references must be licensed and in good standing to practice law in North Carolina. However, please review your anticipated specialty's standards for different or additional requirements regarding peer references. 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. Applicants for recertification in bankruptcy law may not use a bankruptcy judge as a reference. Applicants for recertification in immigration law must list at least two peer references who are lawyers or judges with substantial experience in immigration law. Applicants for social security disability law may list references licensed and in good standing to practice law in any jurisdiction in the United States. Members of the Board of Legal Specialization and members of the applicable specialty committee may not serve as references. A complete list of board and committee members is available on our website at <https://www.nclawspecialists.gov/about-us/>. You are encouraged to advise your peer references (lawyers and judges) that you have listed them on this application and to confirm that they are willing to respond to a peer reference request. **Use full names (not nicknames) when listing references.** Peer reference forms will be sent to the email address you provide; please confirm with your reference that the email address you list is correct. Upon request, hard copy peer reference forms may be sent via mail. It is the applicant's responsibility to provide accurate and working contact information for all peer references.

**\*\*DO NOT LIST CURRENT BOARD OR SPECIALTY COMMITTEE MEMBERS AS REFERENCES\*\***

\*Prohibition applies only to specialty for which you are applying.\*

***\*Board and Specialty Committee rosters are posted on [www.nclawspecialists.gov](http://www.nclawspecialists.gov). Please check the website for updated rosters after July 19, 2019.\****

1.

Name	Firm/Employer	Mailing Address	
City	State/Zip	Phone	Email

2.

Name	Firm/Employer	Mailing Address	
City	State/Zip	Phone	Email

3.

Name	Firm/Employer	Mailing Address	
City	State/Zip	Phone	Email

4.

Name	Firm/Employer	Mailing Address	
City	State/Zip	Phone	Email

5.

Name	Firm/Employer	Mailing Address	
City	State/Zip	Phone	Email

6.

Name	Firm/Employer	Mailing Address	
City	State/Zip	Phone	Email



## ACKNOWLEDGMENT/RELEASE

I have read the rules of the North Carolina State Bar Board of Legal Specialization (the Board) and the standards for the specialty. I agree to comply with the rules and the standards for the specialty.

- **Applicant's Initials:** \_\_\_\_\_

I understand that I cannot be certified as a specialist in more than two fields of law.

- **Applicant's Initials:** \_\_\_\_\_

I agree to pay all fees required by the Board when due.

- **Applicant's Initials:** \_\_\_\_\_

I understand that the period of certification is five 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.

- **Applicant's Initials:** \_\_\_\_\_

By this application, I release from any and all liability and extend absolute immunity to The North Carolina State Bar, and all individuals, committees, and institutions in any way involved in this certification process including references and informants.

- **Applicant's Initials:** \_\_\_\_\_

I specifically authorize the Board or any specialty committee acting on its behalf to consult with any persons who may have information relating to my professional qualifications, credentials or character, mental or emotional stability, ethics, behavior, or any other matter reasonably bearing on the criteria for initial and continued certification. This authorization includes inspecting and obtaining any writing that may be material to my certification. I hereby authorize release of any information and writing, whether privileged or not, requested by staff, the specialty committee, and/or the Board relevant to my application. I understand that all information received and made part of my file shall be treated confidentially, and I expressly waive any right to request and receive any information obtained by staff, the specialty committee, and/or the Board during the processing and evaluation of my application.

- **Applicant's Initials:** \_\_\_\_\_

I hereby consent to the disclosure of any information relating to any grievance filed against me with the North Carolina State Bar and authorize the release of any information relating thereto to the Board for the purpose of evaluating this application for certification. I will update the Board regarding the status of any pending grievance until resolved.

- **Applicant's Initials:** \_\_\_\_\_

By executing this release, I acknowledge that I am specifically authorizing the North Carolina State Bar and the disciplinary authorities of any other jurisdiction in which I am or was licensed to provide to the Board any and all information concerning disciplinary complaints filed against me, even if confidential.

- **Applicant's Initials:** \_\_\_\_\_

I understand that board certification is a voluntary program and has no effect on my eligibility to practice law in any area of practice even if I am denied recertification.

- **Applicant's Initials:** \_\_\_\_\_

I understand that the peer review process cannot serve its purpose unless the individuals from whom information is requested are guaranteed complete confidentiality. By applying for recertification, I expressly waive any right to request any information obtained through peer review at any stage of the recertification process.

- **Applicant's Initials:** \_\_\_\_\_

I understand that board certification, if obtained, may be suspended or revoked pursuant to the rules regulating the specialization program of the North Carolina State Bar. I agree to report any fact or circumstance that may trigger suspension or revocation of certification, and I agree to surrender and/or discontinue display of any certificate of specialty certification if suspended or revoked.

- **Applicant's Initials:** \_\_\_\_\_

**Submission of this application and its attachments constitutes the applicant's verification of the truth of all statements and representations contained herein.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

## APPLICATION CHECKLIST

(For applicant use only- do not send in this checklist with your application.)

- I have read and initialed all applicable items on the Acknowledgement/Release section of the application.
- I have signed and dated the Acknowledgement/Release section of the application.
- I have enclosed a check for the \$250.00 application fee made payable to the North Carolina State Bar Board of Legal Specialization. I understand that this fee is nonrefundable regardless of the disposition of my application. **Applications postmarked after September 6, 2019, will be charged an additional \$250.00 late fee, for a total charge of \$500.00.**
- I have included an application supplement form in (if applicable):
  - Appellate Practice
  - Criminal Law
  - Social Security Disability Law
  - Workers' Compensation Law
- I have included a Request for a Waiver of Strict Compliance Form (if applicable).
- If applicable, I have requested that a letter of good standing be sent to the North Carolina State Bar Board of Legal Specialization from any state, **other than North Carolina**, in which I am licensed to practice law.
- I have provided a copy of any letter(s) sent to a disciplinary agency, court or professional organization (including the North Carolina State Bar Grievance Department) requesting documentation of grievance history and/or any information requested in Section III.
- I have made a copy of this application and any attachments for my records.