

Alabama State Bar Rules of Specialization

Rule 5.

Standards for Approval of Certifying Agencies.

5.01 To qualify as a certifying agency an agency must include in its membership lawyers who, in the judgment of the board, are experts in the area of law covered by the specialty as to which the agency purports to certify, and each of those lawyers must have extensive practice or involvement in the specialty area.

5.02 Standards for agency certification shall include, as a minimum, the regulations and standards adopted by the board from time to time under these rules. Such regulations and standards shall not unlawfully discriminate against any lawyer properly qualified for certification as a specialist, but shall provide a reasonable basis for determining that a lawyer possesses special competence in a particular field of law, as demonstrated by the following means:

5.021 Substantial involvement in the specialty area during the three-(3-)year period immediately preceding application to the certifying agency. "Substantial involvement" is measured by the amount of time spent practicing in the specialty area: A minimum of 25% of the lawyer's practice must be spent in the specialty area.

5.022 Peer recommendations from lawyers who are familiar with the competence of the lawyer seeking a specialty designation; none of the peer recommendations shall be from lawyers related to, or engaged in legal practice with, the lawyer.

5.023 Objective evaluation of the lawyer's knowledge of the substantive and procedural law in the specialty area, to be determined by written and/or oral examination. The examination shall include a part devoted to professional responsibility and ethics as it relates to the particular specialty.

5.03 The certifying agency shall be responsible for making appropriate investigations of peer recommendations and for obtaining any other information that may be required to assure that the lawyer is in compliance with all certification requirements.

The files and records of certifying agencies concerning lawyers certified or seeking certification are deemed to be confidential and shall not be disclosed except as directed by the board.

5.04 The certifying agency shall maintain a register of all lawyers it certifies as specialists under these rules and shall report to the board the names of lawyers so certified.

5.05 Each certifying agency shall annually submit to the board a report of its activities during the previous year, including an explanation of the measures employed to ensure compliance with these rules.

5.06 The certifying agency shall cooperate at all times with the board and shall perform such duties as may be required by the board for proper administration of the certification program.

5.07 No section, committee, task force, or other entity created by the Alabama State Bar shall qualify, or be approved under these rules, as a certifying agency.

5.08 Any certifying agency having received prior accreditation from the American Bar Association as a private certifying agency shall be exempt from making application with the board and will be deemed an approved certifying agency in this state upon payment of all fees to the board. Provided, however, any agency whose specialty would involve areas of law particular to the State of Alabama shall be required to submit to the board for its consideration a copy of each written or oral examination question and each model answer relative to that portion of the examination exclusive to Alabama.