

ATTORNEY INFORMATION AND STANDARDS
Ohio State Bar Association
Specialty Certification
Family Relations Law

A program of the Ohio State Bar Association

SECTION 1: INTRODUCTION AND POLICY STATEMENTS

1.1 Introduction

The Ohio State Bar Association Family Relations Law specialty certification program is accredited by the Ohio Supreme Court Commission on Certification of Attorneys as Specialists (CCAS).

This document outlines the standards by which the OSBA will certify attorneys as specialists in the field of family relations law. These standards will ensure that an attorney certified under this program possesses an enhanced level of skill and expertise as well as substantial involvement in family relations law. These standards are further designed to foster professional development and expertise and to enable the Association to thoroughly evaluate the credentials of attorneys seeking certification.

Finally, the ultimate function and most important goal of these standards is to facilitate public access to appropriate legal services.

1.2 Nondiscrimination Statement

The OSBA Family Relations Law Specialty Certification Program does not discriminate against lawyers seeking certification on the basis for race, color, national origin, religion, gender, sexual orientation, disability or age. Experience requirements for lawyers seeking certification that may have an effect on a particular age group are reasonable.

1.3 Organization Statement

The OSBA, founded in 1880, is a voluntary professional association open to any person who has been admitted to the practice of law, law school students and legal assistants sponsored by an OSBA member.

From the date of its founding until today, the Association's working goals have been to:

- advance the science of jurisprudence;
- promote improvement of the law and administration of justice;
- uphold integrity, honor and courtesy in the legal profession and encourage and enforce adherence to high standards of professional conduct;
- take positions on matters of public interest as deemed advisable;
- encourage thorough legal education;
- cultivate cordial relations among members of the Bar; and
- perpetuate the history of the profession and the Association.

SECTION 2: DEFINITIONS

As used in these Standards:

- 2.1 “Applicant” — An attorney applying to be certified as a specialist under these standards.
- 2.2 “Application form” — The form that attorneys seeking certification in family relations law must complete to apply for certification by the OSBA in family relations law.
- 2.3 “Association” or “OSBA” — The Ohio State Bar Association.
- 2.4 “Certified/Certification” — The result of an applicant successfully completing the application or re-application process under these standards.
- 2.5 “The Commission” — The Supreme Court Commission for Certification of Attorneys as Specialists (CCAS).
- 2.6 “Family relations law” —The practice of law that involves counseling clients in the resolution of disputes and with the termination of marriage by divorce, dissolution, or annulment, and all related issues, such as legal separation; paternity; child support and the allocation of parental rights and responsibilities; division of property; and spousal support both in alternative dispute resolution processes and in court
- 2.7 “Recommendation form” — The form provided to designated third parties to recommend an applicant for certification.
- 2.8 “The Specialization Committee” — The Specialization Committee of the Ohio State Bar Association.
- 2.9 “Specialty Board” — The OSBA Family Relations Law Specialty Board, the body appointed by the Association’s president upon the recommendation of the chair of the Family Relations Law Committee pursuant to Section 4 of the standards.
- 2.10 “Standards” — The criteria that determine whether an applicant will or will not be certified as a specialist in the field of Family Relations Law.
- 2.11 “Family Law Committee” — The Family Law Committee of the Ohio State Bar Association.

SECTION 3: AUTHORITY

- 3.1 The authority to grant, revoke or re-grant certification in the field of Family Relations Law is vested in the Association, as delegated to the Specialization Committee, and to the OSBA Family Relations Law Specialty Board.
- 3.2 The Family Relations Law Specialty Board shall consist of not less than eight (8) and not more than twelve (12) members appointed by the OSBA president upon the recommendation of the chair of the family law committee, the majority of whom will be attorneys generally recognized as experts in the field of family relations law. The chair of the OSBA Family Relations Law Committee shall be an ex-officio member of the Specialty Board. The initial composition of the Specialty Board will be two members chosen to serve a two-year term, two members chosen to serve a three-year term, with any remaining members chosen to serve a four-year term. Thereafter, each member will serve a term of four years and is subject to a lifetime limit of two four-year terms. At least one (1) member of the Family Law Specialty Board designated by the chair shall serve on the OSBA Specialization Committee.

3.3 Specialty Board members serve on a volunteer basis, without pay, and are not considered to be employees of the Association, the Specialization Committee or the Specialty Board.

3.4 A member of the Specialty Board does not have to be a member of the Family Relations Law Committee or any other OSBA committee or section, but must be an OSBA member.

3.5 No member of the Specialty Board may be certified under the standards during any time when an examination to which that person had access is used as the examination requirement for certification. This provision shall not apply to those who complete the examination requirement prior to becoming a member of the Specialty Board.

3.6 A member of the Specialty Board may be removed during his or her term by a two-thirds affirmative vote of the other member of the Specialty Board for just cause, such as neglect of duty. A Specialty Board member is entitled to a hearing before the Specialty Board prior to his or her removal and an appeal may be taken within 60 days after any removal to the Specialization Committee or any subcommittee convened for such purposes.

3.7 The Specialty Board will determine its own meeting and related schedules and its own internal procedures after its final composition is determined by the Family Law Committee.

3.8 No provision will in any way limit the right of an attorney certified as specializing in the field of family relations law to practice law in any other field or to act as counsel in any other type of legal matter. Any attorney, alone or in association with any other attorney(s), will have the right to practice in all fields of law, even though he or she is certified as specializing in the field of family relations law.

3.9 Further, no attorney will be required to be certified as specializing in the field of family relations law before he or she can practice law in the field or act as counsel in any particular type of family relations law matter. Any attorney, alone or in association with any other attorney(s), will have the right to practice in the field of family relations law and to act as counsel in every type of family relations law matter, even if he or she is not certified as a specialist under the standards.

SECTION 4: CERTIFICATION REQUIREMENTS

An applicant for certification as a specialist in the field of family relations law must be an attorney licensed to practice law in the state of Ohio and in good standing and must meet the following mandatory requirements:

4.1 **Substantial Involvement.** The applicant must have engaged in a minimum of 2,400 hours in the practice of law in the field of family relations law in the four (4) years preceding application. The applicant must have been licensed a minimum of six (6) years in the practice of law in order to apply for certification as a specialist in family relations law. The applicant must also aver that he or she has spent an amount of time equal to at least thirty-five percent (35%) of a normal full time practice, (defined as at least 728 hours per year) in each year of the three (3) year period immediately preceding application devoted to family relations law. The applicant must list three cases, from the previous three (3) years, on the application form that best demonstrate substantial involvement in the field of family relations law. Applicant must provide all information requested, including a description of why the case demonstrates substantial involvement. Upon the affirmative decision of the majority of the members of the Specialty Board, the Specialty Board may require an applicant to submit further specific information as to the substantial involvement requirement, for example, an additional list of representative cases or examples of

work product, to aid the Specialty Board in its review of a given applicant's claim of substantial involvement. This also includes magistrates.

4.2 Peer Review/Recommendations. The applicant must submit with his or her application for certification, the names of seven (7) separate individual references, none of which may be related to or associated with the applicant in the practice of law by way of partnership or any other professional association. At least one (1) reference must be from a judge or magistrate familiar with the applicant's competency level in the specialty. The OSBA will forward the appropriate recommendation forms to the seven (7) references. A minimum of five (5) completed reference forms must be returned to the OSBA for the application to be considered complete. If more than five (5) references are returned to the OSBA, the board may consider all of the references completed and returned. Persons recommending applicants for specialty certification must themselves demonstrate a familiarity with the competence of the applicant in the field of family relations law. References must come from attorneys already certified in family relations law, sitting judges, magistrates or from an attorney who meets the "substantial involvement" requirement and who are familiar with the applicant's competency in the specialty. The Specialty Board reserves the right to reject recommendations and request additional recommendations.

4.3 Written Examination. The applicant seeking certification must pass a written examination of suitable length and complexity. The examination shall test the knowledge and skills of the substantive and procedural law in family relations law, and include professional responsibility and ethics as they relate to family relations law. Topics covered include, but are not limited to: dispute resolution, allocation of parental rights, annulments, antenuptial agreements, bankruptcy, child support, COBRA, dissolution, division of property, domestic violence, ethics, federal law and other than tax, jurisdiction/venue, legal separation/divorce, parentage, practice and procedure, retirement benefits/QDRO, separation agreements, spousal support, taxation, and visitation/companionship.

The examination will be prepared and graded under the authority of an independent testing service selected by and retained by the Association, in consultation with an independent third party, not a member of the Specialty Board or any of the Association's committees or sections.

4.4 Certificates of Good Standing & Liability Coverage. The applicant seeking certification shall furnish satisfactory evidence that:

- a. The lawyer is active and in good standing pursuant to Gov. R. VI of the Supreme Court of Ohio, and the lawyer's fitness to practice is not in question by virtue of disciplinary action in Ohio or in another state;
- b. Coverage by professional liability insurance continually maintained through a reputable company in an amount not less than Five Hundred Thousand Dollars (\$500,000) per loss;
- c. The lawyer has demonstrated the ability to pay all claims that fall within the deductible amount selected by the attorney under the insurance policy.

Professional liability insurance will not be required of those lawyers who can demonstrate to the OSBA's satisfaction that the lawyer's practice relationship with the lawyer's clients will fully cover any professional liability claim made against the lawyer in an amount not less than five hundred thousand dollars (\$500,000) per loss.

The lawyer shall notify the OSBA immediately of any cancellation or change in coverage.

4.5 **Disciplinary Action:**

- a. Applicants for certification or recertification shall furnish satisfactory evidence of their fitness to practice and good standing with the Ohio Supreme Court.
- b. When filing an initial application or application for recertification, the applicant shall disclose to the appropriate Ohio State Bar Association Specialty Board any disciplinary action taken against the applicant by the Supreme Court of Ohio; any federal or state administrative agency, or other agencies of competent jurisdiction.
 - The applicant shall disclose to the Ohio State Bar Association Specialty Board any pending or prior malpractice complaint, judgment, settlement or admission of malpractice. Each matter involving a civil suit must contain a copy of the complaint, answer and final judgment entry. Each settlement or admission of malpractice must contain a description of the underlying claim of malpractice and how the claim was resolved.
 - The applicant shall disclose to the Ohio State Bar Association Specialty Board any felony conviction that arose after the date the attorney was admitted to the practice of law. Applicant must provide a copy of the indictment or bill of information, order of conviction and sentence.

Failure to disclose such information is a material misrepresentation and may cause rejection or decertification.

- c. Applicant need not disclose disciplinary complaints or matters that were closed or dismissed without discipline.
- d. If an attorney is disciplined by the Supreme Court of Ohio, any federal or state administrative agency, other agencies of competent jurisdiction or is deemed no longer in “good standing” with the Supreme Court of Ohio during any time during which he or she are certified, the certified specialist has a period of sixty (60) days from the date the action is taken by the Supreme Court of Ohio to disclose this information to the OSBA Specialty Board.
- e. Failure to maintain good standing with the Supreme Court of Ohio shall result in immediate decertification as a specialist.

4.6 **Continuing Legal Education.** An applicant shall have completed a minimum of thirty-six (36) hours of continuing legal education in the three-year period preceding his or her application and thereafter twelve (12) hours every two (2) years of certification that are in the field of family relations law. “Basic” and “introductory” courses will not qualify, however, speaking at such courses will qualify. Courses/seminars must meet the requirements of Rule X of

the Rules of the Government of the Bar. Applicants must include a copy of their CLE transcript with their application for certification and must include proof of attendance of all courses not listed on the transcript. The Specialty Board will qualify continuing legal education hours for the purpose of this section that are consistent with Section 4(I) of the Supreme Court Commission's Standards. Eligible courses will include courses which are intermediate to advanced in nature and are in family relations law as set forth in Section 4.3 of these Standards. Guardian *ad litem* training will not qualify. A maximum of six (6) credits of dispute resolution training in family relations law are acceptable toward this requirement. Substance abuse CLE will not qualify. Ethics and professionalism will not qualify unless part of an approved family law CLE program.

If it is not apparent on the face of the CLE transcript that the CLE program is in family relations law, the applicant must adequately explain the subject matter, or the credits will be disqualified. CLE not specifically in the area of family relations law will not qualify the applicant for certification as a specialist. Single-credit programs may qualify if not the major source of CLE.

To measure whether past or future CLE is sufficiently related to the family relations law specialty, the CLE sponsor must supply the requisite information to the Association, which will then forward the information to the Specialty Board for review. The Board may request additional information from the CLE sponsor.

- a) The CLE sponsor will provide the OSBA with an outline and materials of the program and brief statement describing the way in which the program will be sufficiently related to the family relations law specialty.
- b) Upon approval by the Board, the OSBA will provide the sponsor with a letter granting approval and certificates of attendance for attorneys who attend the program and seek credit towards certification.
- c) The sponsor may then announce and advertise that the program was "Approved by Family Relations Law Specialty Certification Board as Appropriate for Credit toward CLE Requirement."

4.7 **Application and Recommendation Forms.** The applications for specialty certification and recommendations will be forms created by the Association and/or the Specialization Committee for such purposes.

SECTION 5: FEES

Fees. Each application for certification as a specialist, application for a certification renewal and examination must be accompanied with the appropriate application fee.

- 5.1 Application fee: Applicants must submit a one-time non-refundable application fee:
OSBA member: \$250

Non-member: \$300

- 5.2 Exam fee: Applicants must pay a non-refundable exam fee each time the exam is administered: OSBA members/non-members: \$225
- 5.3 Annual reporting fee: Applicants must pay a non-refundable annual reporting fee each year after certification of:
OSBA member: \$125
Non-member: \$150
- 5.4 Re-certification fee: Applicant must pay a non-refundable recertification fee of:
OSBA members/Non-members \$200

SECTION 6: RECONSIDERATION

Any applicant denied certification may request reconsideration of the Specialty Board's decision within 30 days of denial, and then an appeal of the denial may be taken to the Specialization Committee or any subcommittee convened for such purposes.

SECTION 7: DUTY TO SUBMIT ANNUAL REPORT, ANNUAL FEE

Any attorney certified under the standards must, in order to maintain his or her certification, annually report that there have been no material changes in the information submitted in the attorney's application for certification. If there have been material changes, the changes must be detailed in full. Further, certified attorney must show that, in addition to the requirements of Rule X, he or she has completed twelve (12) hours of continuing legal education every two years of certification, with the continuing education hours meeting the criteria set forth in Section 4.6 herein. Affidavits or forms are due to be filed with the Specialty Board, or the Association as may be later determined, between November 1 and December 1 of each year that an attorney is certified under these standards. Annual reports must be accompanied by annual fees as established by the fee schedule of the OSBA, Section 5 hereof. The Specialty Board, by an affirmative vote of the majority of its members, may decertify an attorney previously certified under the standards if material changes reported on the affidavit or form, or that may otherwise come to the Specialty Board's attention, are such that the attorney involved would no longer be qualified for certification or recertification under the standards. Any attorney may be decertified if the annual fee is not paid. Any decertified attorney may request reconsideration and, if denied, appeal the decertification pursuant to the procedures outlined by the OSBA Specialization Committee or any such subcommittee thereof convened for such purposes.

SECTION 8: EFFECT OF LICENSE SUSPENSION/REVOCATION

Any attorney certified under these standards who has his or her license to practice law in the state of Ohio revoked or suspended will automatically be deemed decertified as of the date of the revocation or suspension without regard for the procedures listed in Sections 3.2 or 3.3. Upon any later reinstatement of the license to practice law in the state of Ohio, the reinstated attorney would be eligible to reapply for certification under these standards.

SECTION 9: CERTIFICATION PERIOD AND RECERTIFICATION

9.1 Certification Period:

The certification period under these standards is four years.

9.2 Time for Recertification:

In the calendar year preceding the expiration date of an attorney's certification under these standards, hereinafter referred to as "the calendar year", an attorney certified under the standards must apply for recertification under the same criteria as set forth in Section 4 hereof, with the exception of sub-section 4.3 (written examination) and provided that the CLE criteria shall be as set forth in Section 7 hereof. Applications for recertification shall be postmarked by October 1 of the calendar year. Applications postmarked after October 1 of the calendar year will be assessed a \$100 late fee, and the applicant's name may not appear in subsequent press releases containing lists of certified specialists. If a full and complete application is not postmarked by December 31 of the calendar year, the applicant shall be decertified, and must apply for recertification under the same criteria as set forth in Section 4 hereof including the written examination.

SECTION 10: APPEALS PROCEDURE

10.1 Notice of Action. An applicant who is denied certification, or a specialist who is denied recertification, will be notified by registered or certified mail sent to the lawyer's last known address of the OSBA Specialty Board's ("Board") decision ("Notice"). The reasons for the Board's action shall be set forth in that Notice. The Notice shall advise the lawyer that he or she may file, within 30 days of the receipt of the Notice, a Request for Reconsideration of the Board's decision.

10.2 Reconsideration. The Request for Reconsideration shall include any additional information or supporting material that the lawyer believes will help the Board in its reconsideration of the initial decision. The Board's decision shall be reconsidered by the entire Board or a committee of the Board appointed by the chairperson.

The Board shall send the reconsideration decision in writing to the applicant or specialist by registered or certified mail within 45 days of the receipt of the Request for Reconsideration setting forth the reasons for the decision. The Board shall notify the applicant or specialist that he or she may, within 30 days of the receipt of the decision on Reconsideration, appeal in writing to an Independent Review Panel.

10.3 Independent Review Panel. If a request by an applicant or a specialist is made for an appeal to an Independent Review Panel, the chair of the OSBA Specialization Committee shall appoint a three-person Independent Review Panel. The Independent Review Panel shall include at least two persons whose practice is primarily in the same specialty area. When the subject of the appeals relates to a matter of substantive law, the entire Independent Review Panel shall be comprised of persons whose practice is primarily in the same specialty area. No member of the Review Panel shall have had previous involvement in considering the applicant's or specialist's applications.

10.4 Hearing. The hearing before the Independent Review Panel will be *de novo*. The Board may send a representative to the Independent Review Panel hearing. The Independent Review Panel may consider any relevant evidence, including hearsay, if it is the type of evidence upon which reasonable persons rely, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. The rules of privilege shall be effective to the same extent that they are recognized in civil actions. The Independent Review Panel may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

The Independent Review Panel shall report its findings, and decision to the Board. The Board shall notify the applicant or specialist of that decision by registered or certified mail sent to the lawyer's last known address.

The decision of the Independent Review Panel shall be final.

SECTION 11: ADOPTION AND AMENDMENT

11.1 These standards are effective upon approval by the Association's Board of Governors and the Supreme Court Commission.

11.2 The power to amend these standards is vested in the OSBA Family Relations Law Specialty Board, subject to subsequent approval by the OSBA Specialization Committee.

11.3 The standards further incorporate any further rules or regulations that the OSBA Specialization Committee or the Supreme Court Commission may later issue as to the creation of a specialty plan or a specialty board. Any language in these standards that is contrary to any provisions of any Commission future rules or regulations is deemed to be null and void and is to be replaced by the contrary language, subject only to the Family Relations Law Committee decision to withdraw its plan of specialization.