SECTION 1: INTRODUCTION AND POLICY STATEMENT

1.1 Introduction.
The Ohio State Bar Association Insurance Coverage 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 Insurance Coverage 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 Insurance Coverage 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 Insurance Coverage Law Specialty Certification Program does not discriminate against lawyers seeking certification on the basis of 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, paralegals, and legal administrators. The Association’s goals are 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 highest 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.
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SECTION 2: DEFINITIONS

2.1 **As used in these Standards:**

(a) “Applicant” -- An attorney applying to be certified as a specialist under these Standards.

(b) “Application Form” -- The form created and/or approved by the Association, the Specialization Committee and/or the Specialty Board, as may be applicable, that is used to apply for certification under these Standards.

(c) “Association” -- The Ohio State Bar Association.

(d) “Certified/Certification” -- The result of an applicant successfully completing the application or re-application process under these Standards.

(e) “The Commission” -- The Commission on Certification of Attorneys as Specialists established pursuant to Section 2 of Rule XIV of the Supreme Court Rules for the Government of the Bar of Ohio.

(f) “Insurance Coverage”-- “Insurance Coverage Law is the area of law involving issues between insurers and policyholders concerning the rights and responsibilities that arise under insurance policies.”

(g) “Recommendation Form” -- The form provided to designated third parties to recommend an applicant for certification.

(h) “Specialty Board” -- The body approved by the Association’s president upon the recommendation of the Insurance Law Committee chair pursuant to Section 4 of the Standards.

(i) “Standards” -- The criteria contained in these Standards that determines whether an applicant will or will not be certified as a specialist in the field of Insurance Coverage Law.

(j) “Committee”-- The Insurance Law Committee of the Ohio State Bar Association.

SECTION 3: AUTHORITY

3.1 The authority to grant, revoke, or re-grant certification in the specialty field is vested in the Association and its designees.

3.2 No provision contained herein shall in any way limit the right of an attorney certified as specializing in the specialty field to practice law in any other field or to act as counsel in any other type of legal matter.

3.3 Further, no attorney shall be required to be certified as specializing in the specialty field before he or she can practice law in such field of law or act as counsel in any particular type of Insurance Coverage Law matter.
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3.4 The Association will apply the Standards without discriminating against lawyers seeking certification on the basis of race, color, national origin, religion, gender, sexual orientation, disability, or age.

SECTION 4: THE SPECIALTY BOARD

4.1 The Insurance Coverage Law Specialty Board is charged with oversight of the administration of the Standards.

4.2 The Specialty Board shall be composed of between eight (8) and twelve (12) members appointed by the President of the Association upon the recommendation of the Committee Chair. Each member of the Specialty Board must be a lawyer who has substantial experience in the specialty area. Each member of the Specialty Board will be appointed to a term of four years and may serve additional terms.

4.3 A member of the Specialty Board serves at the pleasure of the President of the association. The Specialty Board by vote of the majority may recommend removal of a member for cause.

4.4 The Specialty Board may determine its own meeting and related schedules and its own internal operating procedures.

SECTION 5: CERTIFICATION REQUIREMENTS

An applicant for certification as a specialist in the specialty field must be an attorney licensed to practice law in the State of Ohio. Further, the applicant must be in good standing with the Supreme Court of Ohio, and must meet the following requirements as of the date of the filing of the application:

5.1 Substantial Involvement.
The Applicant seeking certification shall be required to make a satisfactory showing of experience through substantial involvement in the specialty area during the five-year period immediately preceding the application. Substantial involvement includes, but is not limited to, the type and number of cases or matters handled and the amount of time spent practicing in the specialty area. It may also include other appropriate criteria such as time spent teaching or publishing in the specialty field. The applicant must make a satisfactory showing that he or she has engaged in a minimum of 520 hours per year (25% of a normal full time practice) practicing in the specialty field in each of the most recent five (5) year calendar periods preceding the application.

5.2 Peer Review/Recommendations.
The applicant seeking certification shall be required to submit the names of seven (7) attorneys or judges, who are familiar with the competence of the applicant in the specialty field, none of whom are related to, or currently engaged in legal practice with the applicant. The Specialty Board will send the appropriate recommendation forms directly to the seven (7) references. A minimum of five (5) completed reference forms must be returned to the Association for that section of the application to be considered complete.
The reference forms shall inquire into the respondent’s length and area of practice, the respondent’s familiarity with both the specialty area, and with the lawyer seeking certification. The form also shall inquire about the qualifications of the lawyer seeking certification in various aspects of the practice. The Specialty Board may, on its own initiative, request information from additional references.

5.3 **Written Examination.**
The applicant 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 the specialty area, and include professional responsibility and ethics as it relates to the particular specialty area. The areas of inquiry will include, but are not necessarily limited to: Insurance Contract Formation and Cancellation, Insurance Policy Construction, Property Insurance, Liability Insurance, Insurance Coverage Litigation, Recurring Issues in Insurance Coverage, Professional Responsibility, and Other Types of Insurance such as Life and Disability, Professional Liability, Directors and Officers, Employment Practices, Excess and Umbrella, Environmental.

The examination will be prepared, administered, and graded by the Specialty Board under the guidance of an independent testing service retained by the Association in order to ensure the reliability and validity of the examination. Matters related to the time, place, pass/fail rate and related examination issues are to be determined by the Specialty Board.

5.4 **Continuing Legal Education.**
The Applicant seeking certification shall be required to complete a minimum of thirty-six (36) hours of participation in continuing legal education in the specialty area in the three-year period preceding the lawyer’s application for certification. Continuing Legal Education (CLE) must meet the requirements of Rule X Section 4, of the Supreme Court Rules of the Government of the Bar of Ohio. 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. CLE must be of “intermediate” or “advanced” level. CLE hours in the field do not include credit for attendance at seminars promoted as “basic” or “introductory” in nature, but may include speaking at such seminars.

5.5 **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 is 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.
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Professional liability insurance will not be required of those lawyers who can demonstrate to the Association’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 Association immediately of any cancellation or change in coverage.

5.6 Disciplinary Action: When filing an initial application or application for recertification, the applicant shall disclose:

a. 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.

b. any pending or prior malpractice complaint, judgment, settlement or admission of malpractice.

c. any felony conviction that arose after the date the attorney was admitted to the practice of law.

Failure to disclose such information is a material misrepresentation and may cause rejection or decertification. Failure to maintain good standing with the Supreme Court of Ohio shall result in immediate decertification as a specialist.

Applicant need not disclose disciplinary complaints or matters that were closed or dismissed without discipline.

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 they 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.

SECTION 6: ANNUAL REPORT

6.1 Any attorney certified under the Standards, in order to maintain his or her certification, must annually report:

a. 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.

b. that in addition to the requirements of Rule X, he or she has completed twelve (12) hours of Continuing Legal Education in the specialty field for every two (2) years of certification, as set forth in Section 5.4 herein. Affidavits or forms are due to be filed with the Specialty Board, or the Association as may be later determined, between no later than December 1 of each year that an attorney is certified under these Standards. Annual reports must be accompanied by fees as established by the fee schedule in Section 10.
SECTION 7: CERTIFICATION PERIOD AND RE-CERTIFICATION

7.1 The certification period under these Standards is a period of six years. In the sixth year of certification, the attorney must apply to be recertified for an additional six years.

7.2 In the calendar year preceding the expiration date of an attorney’s certification under these standards, an attorney certified under the standards must apply for recertification under the same criteria as set forth in Section 5 hereof, with the exception of sub-section 5.3 (written examination). A complete application for recertification must be filed by December 1st of the calendar year. Recertification applications must be accompanied by fees as established by the fee schedule in Section 10. Failure to submit an application for recertification will result in decertification.

SECTION 8: DECERTIFICATION

8.1 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 are reported on the affidavit or form, or information comes to the Specialty Board’s attention 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 Appeals Procedures in Section 9.

SECTION 9: APPEALS PROCEDURE

9.1 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.

9.2 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.

9.3 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
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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.

9.4 **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 10: ADOPTION AND AMENDMENT

10.1 These Standards are effective upon the approval thereof by the Association’s Board of Governors and the Supreme Court Commission.

10.2 The power to amend these Standards is vested in the Association’s Board of Governors, and/or the Commission.

10.3 The Standards further incorporate any further rules or regulations that the 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 such contrary language, subject only to the Section’s decision to withdraw its Plan of Specialization.

SECTION 11: FEES (non-refundable)

11.1 **Application Fee:**
   - OSBA Member: $250
   - Non-Member: $300

11.2 **Exam Fee:**
   - OSBA Members/Non-Members: $225

11.3 **Annual Reporting Fee:**
   - OSBA Member: $125
   - Non-Member: $150

11.4 **Re-certification fee:**
   - OSBA Members/Non-Members: $200