



**National Board of Trial Advocacy (NBTA)**  
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### General Principles for Certification of Civil Practice Advocates

- (A) No standards shall in any way limit the right of a certified Civil Practice advocate to practice law in all fields.
- (B) No lawyer shall be required to obtain a certificate in Civil Practice before he or she can practice in this field.
- (C) Certification is individual and voluntary. Certification is open to all who qualify.
- (D) A lawyer may have more than one certification from other divisions of the National Board of Trial Advocacy.
- (E) Certification shall be for five (5) years, after which time the certificate cannot be used unless the lawyer is recertified. Certification may be revoked at any time for violations of the General Principles or Standards of the National Board of Trial Advocacy.
- (F) Application will be made to the National Board of Trial Advocacy, on the forms supplied by the Board, and accompanied by the appropriate fee.
- (G) Applicant must complete all requirements, including the examination, within two (2) years of application. If the certification process is not satisfactorily completed within the two (2) year period, the applicant will need to reapply and re-submit all required fees. An application can be denied at any time within the two (2) year application period for failure to successfully meet the requirements for certification.
- (H) A certificate will be issued upon a showing by the applicant, and by the Board's own investigation, that the applicant complies with the standards and regulations for certification.
- (I) All applications and other information submitted to the National Board of Trial Advocacy shall be privileged and confidential, except as compelled by law and, except that the Board may reveal the fact of an application for the purpose of verifying information submitted by the applicant, and for the purpose of making such inquiries with respect to the character and professional reputation of the applicant as may be authorized by its rules.
- (J) The National Board of Trial Advocacy does not discriminate against any lawyer seeking certification on the basis of race, religion, gender, sexual orientation, disability, or age.
- (K) The National Board of Trial Advocacy certification was created out of the recognition that there are many competent, ethical lawyers who are engaged in a Civil Practice, desire certification, but lack the number of jury trial days that are necessary for Civil Trial Certification. This certification allows qualified applicants to hold themselves out as a Civil Practice Advocate. Of course, any lawyer certified as a Civil Practice Advocate shall not by words or actions imply that he or she is a Civil Trial Advocate unless that is also the case.

### Standards for Certification-rev. 11/2016

#### (A) Good Standing and Period of Practice

- (1) The applicant shall furnish evidence of his or her good standing in the state of his or her admission, or if admitted in more than one state, in the state of his or her principal practice.
- (2) Immediately preceding application, the applicant must have spent five (5) years in the actual practice of Civil Practice. For purposes of this certification, "Civil Practice" does not include family law litigation or social security litigation.

#### (B) Substantial Involvement

- (1) The applicant must make a satisfactory showing of substantial involvement relevant to the particular specialty certification the person is seeking, with at least sixty (60) percent of his or her time spent practicing Civil Practice during the three (3) years preceding the filing of the application.
- (2) Within the applicant's career, the applicant must have actively participated in at least one hundred (100) contested matters involving the taking of testimony or motion practice. This may include non-jury trials, evidentiary hearings or depositions; and motions heard before or after trial. It may also include arbitration hearings, welfare hearings and workers' compensation matters not tried to court.
- (3) Within the applicant's career, an applicant must have accumulated 1000 points in accordance with the following Qualifying Activity Table:

Qualifying Activity	Points	Max. Pts.
Jury trial day (a day of trial consisting of six hours or more in a contested civil matter in a court of record) in which the applicant served as lead counsel or substantially participated in a jury trial during that day, including <ul style="list-style-type: none"> <li>o Conducting voir dire examination of a jury panel;</li> <li>o Presenting an opening statement;</li> <li>o Conducting direct or cross-examination examination of a lay or expert witness; or</li> <li>o Presenting closing arguments.</li> </ul>	80	800
Bench trial day (a day of trial consisting of six hours or more in a contested civil matter in a court of record) in which the applicant served as lead counsel or substantially participated in a bench trial during that day, including <ul style="list-style-type: none"> <li>o Presenting an opening statement;</li> <li>o Conducting direct or cross-examination examination of a lay or expert witness; or</li> <li>o Presenting closing arguments.</li> </ul>	70	700

Arbitration hearing day (a day consisting of six hours or more in a contested civil matter) in which the applicant served as lead counsel in an arbitration and in which the opposing party is represented by counsel.	50	500
Primary responsibility for a putative class representative or named defendant in a class action certification hearing (for which points may be claimed only once per case).	50	500
Participation and primary responsibility as lead counsel in a mediation (for which points may be claimed only once per case).	40	400
Primary responsibility for evidence presentation and oral argument in a contested civil evidentiary hearing involving the presentation of live or affidavit testimony, including: <ul style="list-style-type: none"> <li>○ qualifying or opposing the qualification of an expert in a Daubert hearing; or</li> <li>○ pursuing or defending a temporary injunction hearing.</li> </ul>	40	200
Primary responsibility for preparation of the court filings and presentation of the oral argument on a motion for summary judgment or other dispositive motion.	40	200
Announcing ready for trial as lead counsel in a court of record in a contested civil matter with an amount in controversy in excess of \$25,000 (or significant nonmonetary claims) (for which points may be claimed only once per case).	35	175
Deposition of an opposing expert witness as lead questioning counsel.	35	175
Deposition of an opposing party as lead questioning counsel.	25	125
Deposition of a witness other than a party or expert as lead questioning counsel.	20	100
Primary responsibility for preparation of the court filings and presentation of the oral argument on a contested, non-dispositive civil pre-trial or post-trial motion that does not require the presentation of testimony.	20	100
Authored an article related to the law or practice of civil advocacy published in a law review or national or state legal professional publication.	25	50
Authored a CLE article and presented the topic of the article at a CLE function, related to the law or practice of civil advocacy.	20	40
Completed a trial advocacy course during law school.	50	50
Served in the role of a competing attorney on a law school competition team for a national or regional mock trial / moot court competition, or as the team coach for such a competition.	50	50
Completed a qualifying legal internship or mentorship. <i>(credit for internship or mentorship will be evaluated by the Standards Committee on a case by case basis)</i>	50	50
Participation as panelist, speaker, or workshop leader, at an educational or professional conference, or as a judge for a law student national or regional mock trial / moot court competition.	20	20

### (C) Educational Experience

- (1) The applicant must demonstrate substantial participation in continuing legal education and the development of the law with respect to the specialty, in the three (3) year period immediately preceding application either:
- (a) By attendance and/or electronic participation in not less than forty-five (45) hours in programs of continuing legal education in the specialty or ethics, approved by the Standards Committee, or
  - (b) By equivalent participation through, but not limited to, the following means, approved by the Standards Committee:
    - (I) Teaching courses or seminars in litigation or ethics;
    - (II) Participation as panelist, speaker, or workshop leader, at educational or professional conferences;
    - (III) Authorship of books, or of articles published in professional journals, on litigation;
    - (IV) By combination of the three (3) subsections above.

**Please note: Florida, South Carolina and Ohio require a higher number of CLE credit hours in order to advertise or communicate the NBTA certification. Check with your local rules or the NBTA for more details. NBTA does not recognize an age or years in practice exemption for CLE.**

#### **(D) Peer Review**

(1) The applicant shall submit with application the names of ten (10) references, not present partners, associates, or relatives of the applicant. These references shall be substantially involved in the relevant field of Civil Practice and familiar with the applicant's practice in that field. References satisfactory to the NBTA must be received from at least three (3) judges, mediators or arbitrators before whom the applicant has appeared in the relevant field, within three (3) years before application; and at least five (5) shall be lawyers with or against whom the applicant has handled a matter in that field within three (3) years before application.

(2) NBTA will solicit confidential statements from all persons listed as references and may solicit confidential statements of reference from other persons, familiar with the applicant's practice, not specifically named by the applicant. All reference statements received will be reviewed by the NBTA to assess whether the applicant has demonstrated an enhanced level of skill and expertise in the practice area, integrity and consideration for the interests of clients.

#### **(E) Examination**

The applicant must pass a written examination to test his or her proficiency, knowledge, and experience in Civil Practice law, so that the applicant may justify his or her representation of specialization to the public.

#### **(F) Legal Writing Document**

The applicant shall submit a copy of a legal writing document, no more than three (3) years before the date of application which he or she has prepared, but not necessarily published. This will be a substantial document in the area for which the applicant seeks certification, containing concise and accurate writing, stating facts (either actual or hypothetical), stating applicable law, analysis of how the law applies to the facts, written in an appropriately argumentative manner and well constructed (i.e. organized, grammatical, demonstrative of good syntax and usage). Acceptable documents include, but are not limited to: briefs, motions for summary judgment, bar journal, law review and legal magazine articles, motions in limine, etc. The quality of the legal document will be evaluated on those criteria and will determine whether the applicant is qualified for certification.

#### **(G) Disclosure of Conduct**

(1) In order to assist the evaluation of whether the applicant possesses an enhanced level of skill and expertise in Civil Practice and has demonstrated integrity and dedication to the interest of clients, the applicant shall, to the extent known, disclose to the National Board of Trial Advocacy as soon as permitted by law:

- (a) The filing of any criminal charges against the applicant together with all details called for by the Disclosure of Conduct Form;
- (b) The filing or submission of any allegation of unethical or inappropriate professional conduct with any court, grievance committee or disciplinary board or body together with all details called for by the disclosure of conduct form.
- (c) The assertion of any claim of professional negligence or professional liability, whether or not suit has been filed, which is based in any part on alleged acts or omissions of the applicant or member or on the acts or omissions of any other attorney over whom the applicant or member had any responsibility together with all details called for by the Disclosure of Conduct Form.

(2) The National Board of Trial Advocacy shall determine, in accordance with its standards and procedures whether the conduct is such that certification should be granted, denied, suspended or revoked, or whether action should be deferred pending receipt of additional information. The NBTA will take into consideration any findings made by other bodies concerning such conduct, but is not bound by any such findings and will make its own independent assessment concerning how such conduct bears on whether an attorney is qualified to obtain or maintain certification.

(3) The failure of an applicant to disclose such conduct is a material misrepresentation and may be cause for rejecting an application or refusing to grant certification, or for suspending or revoking a certificate. The applicant shall have a continuing duty to disclose such matters to the Board.

#### **Annual Reporting**

Annually, members will be required to submit a Disclosure of Conduct form and annual dues. The member's annual dues and Disclosure of Conduct (Part G of the Certification Standards) must be current before an application for recertification will be granted. Disclosures of Conduct/Liability shall be submitted to the Standards Committee to determine if certification should be continued.

#### **Denial or Revocation of Certification**

(A) An application for certification may be denied for failure to comply with any of the requirements relating to good standing, substantial involvement, educational experience, peer review, examination, legal writing document, disclosure of conduct, financial responsibility, or any other failure to demonstrate possession of an enhanced level of skill and expertise in trial advocacy and demonstrated integrity and dedication to the interests of clients.

(B) An application for recertification may be denied for failure to comply with any of the requirements relating to good standing, substantial involvement, educational experience, peer review, disclosure of conduct or any other failure to demonstrate possession of an enhanced level of skill and expertise in trial advocacy and integrity and dedication to the interests of clients.

(C) An existing certification may be revoked for failure to demonstrate maintenance of an enhanced level of skill and experience in trial advocacy and integrity and dedication to the interests of clients as required for certification or for failure to maintain compliance with the financial responsibility requirements.

(D) Decisions of the Examination Committee and the Legal Writing Review Committee are final and not subject to further review or appeal. An attorney who is refused certification for any other reason, or who is refused recertification or whose certification is revoked may pursue review under the Appeal Procedures of the NBTA. Exhaustion of this right shall be a condition precedent to judicial review.

(E) A lawyer who is refused certification or recertification, or whose certification is revoked, may not apply for certification until one year after the date of such refusal, denial or revocation.

(F) Suspension of the license to practice law shall operate as an automatic revocation of certification.

(G) A lawyer who publicizes a certification or application for certification prior to its being granted, or continues to publish a certification after it has been revoked or suspended, may be barred from certification.