



National Board of Trial Advocacy (NBTA)
850 Franklin Street, Suite 8
Wrentham, Massachusetts 02093
Telephone: 508-384-6565 Fax: 508-384-8223
www.nbtalawyers.org

General Principles for Certification for Social Security Disability Advocates

- (A) No Standards shall in any way limit the right of a social security disability attorney to practice law in all fields.
- (B) No lawyer shall be required to obtain a certificate in social security disability advocacy 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 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 for certification will be made to the National Board of Trial Advocacy (NBTA), on the application forms supplied by the Board, and accompanied by the appropriate fee.
- (G) Applicants must complete all requirements, including the examination within two years from the date the application is received. If the certification process is not satisfactorily completed within the two year period, the applicant will need to reapply and submit all required fees.
- (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 NBTA shall be privileged and confidential, except as compelled by law and, except that the NBTA 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 law.
- (J) The NBTA does not discriminate against any lawyers seeking certification on the basis of race, religion, gender, sexual orientation, disability, or age, except as the natural consequence of reasonable experience requirements.
- (K) The National Board of Trial Advocacy is dedicated to the identification of lawyers who possess an enhanced level of skill and expertise in social security disability advocacy and have demonstrated integrity and dedication to the interests of their clients, thereby the professional competence of lawyers.

Standards for SSD Certification-rev.8/2016

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 Social Security Disability law.

B. Substantial Involvement

1. The applicant must make a satisfactory showing of substantial involvement relevant to Social Security Disability law. Specifically, at least thirty (30) percent of the applicant's practice must be spent on social security disability law three (3) years prior to the date of submission of the application.
2. The applicant must further demonstrate substantial involvement in specialized practice, by showing that he or she has performed the following within the applicant's career:
 - a. Appeared in no fewer than one hundred (100) Social Security Disability Hearings (30 of the 100 hearings must be in the 3 years prior to application);
 - b. Filed no less than twenty (20) appeals council briefs (4 of the 20 briefs must be in the 3 years prior to application). The applicant must list the submissions to provide privacy for the claimant to prevent a violation of SS Act 42 USC 1306(a) and the Privacy Act, 5 USC 552a.
 - c. Filed no less than ten (10) briefs in United States District Court or the Circuit Court of Appeals; (2 of the 10 must be in the 3 years prior to application), OR
 - d. A combination of hearings, appeals council brief filings and district court brief filings which demonstrates substantial involvement in social security disability practice equivalent to requirements (a) through (c) above as approved by the Standards Committee.

C. Educational Experience

1. The applicant must demonstrate substantial participation in continuing legal education and the development of social security disability practice and law in the three year period immediately preceding the application either:
 - a. By attendance and / or electronic participation in not less than thirty-six (36) hours in programs in continuing legal education in social security disability law approved by the Standards Committee within the three year period preceding application for certification.
 - b. By equivalent participation through, but not limited to, the following as approved by the Standards Committee:
 - i. Teaching courses or seminars in social security disability law or ethics;
 - ii. Participation as a panelist, speaker, workshop leader or the equivalent at educational or professional conferences and meetings;
 - iii. Authorship of books or articles published in professional journals on social security disability law; OR
 - iv. By a combination of (i) through (iii) 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 submit ten to twelve names, who are not present partners or relatives. Such references shall be substantially involved in the relevant field of social security disability law and be familiar with the applicant's practice in that field. The list must consist of at least four administrative law judges before whom you have appeared in a matter in the relevant field during the past three years and the remaining names may be either peer practitioners, opposing counsel at the federal court level, district court judges, medical or vocational experts or additional administrative law judges familiar with the applicants practice during the past three years. The NBTA must receive at least six satisfactory references consisting of three administrative law judges before whom the applicant has appeared as a social security disability advocate not more than three years before the date of application. The remaining three references must be one or more of the following: peer practitioners, opposing counsel at the federal court level, district court judges or additional administrative law judges familiar with the applicant's practice.

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 exam which will test his or her enhanced level of skill, expertise, knowledge and experience in social security disability law.

F. Legal Writing

1. The applicant shall submit 6 copies of legal writing which he or she has prepared & filed no more than three (3) years before the date of application. These will be substantial documents 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). The quality of the legal document will be evaluated on those criteria and will determine whether the applicant is qualified for certification. Applicant will submit the following:

- a. Administrative--The applicant shall submit two memoranda or detailed letters which s/he has prepared and filed with an administrative law judge in anticipation of conducting a hearing in a Social Security Disability (SSD) case (including requests for decisions on the record) or after conducting a hearing but before the judge has decided the claim. As part of the submission, the applicant must obtain a waiver from the claimant so as to prevent a violation of SS Act 42 USC 1306(a) and the Privacy Act, 5 USC 552a.
- b. Council--The applicant shall submit two appeals council briefs which s/he has prepared and filed. These will be substantial memoranda or briefs stating facts, arguing law, submitted no more than three (3) years prior to the date of the application. As part of the submission, the applicant must obtain a waiver from the claimant so as to prevent a violation of SS Act 42 USC 1306(a) and the Privacy Act, 5 USC 552a.
- c. Federal Appeals--The applicant shall submit two briefs prepared and filed by the applicant in US District Court or the Circuit Court of Appeals within three (3) years prior to the date of the application.

G. Disclosure of Misconduct

1. In order to assist the evaluation of whether the applicant possesses an enhanced level of skill and expertise in trial advocacy and has demonstrated integrity and dedication to 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, social security administration 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/Liability and annual dues. The applicant'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 of Revocation or 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, advocacy materials, disclosure of conduct, financial responsibility or any other failure to demonstrate possession of an enhanced level of skill and expertise in security disability 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, financial responsibility or any other failure to demonstrate possession of an enhanced level of skill and knowledge in social security disability social 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 social security disability 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 Advocacy Materials 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 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.