



National Board of Trial Advocacy (NBTA)  
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## General Principles for Certification of Social Security Disability Advocates

- (A) No standards shall in any way limit the right of a Social Security Disability advocate 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 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 years of application. If the certification process is not satisfactorily completed within the two 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 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 is dedicated to the identification of lawyers who possess an enhanced level of skill and expertise in trial advocacy, and have demonstrated integrity and dedication to the interests of their clients, thereby improving the professional competence of lawyers.

### RECERTIFICATION STANDARDS-rev.8/2016

#### (A) Good Standing

The applicant shall furnish satisfactory evidence of 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.

#### (B) Substantial Involvement

- (1) The applicant must make a satisfactory showing of substantial involvement in the specialty with at least thirty percent of his or her time spent practicing social security disability law during the five years preceding recertification.
- (2) The applicant must further demonstrate substantial involvement in specialized practice during the five years preceding recertification by showing that he or she has *actively participated as counsel* for a party or parties:
  - a. Appeared in no fewer than fifty (50) Social Security Disability Hearings;
  - b. Filed no less than ten (10) appeals council briefs; (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 five (5) briefs in United States District Court, 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 five years preceding recertification.
- (2) (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, or
- (b) By equivalent participation through, but not limited to, the following means, approved by the Standards Committee:
  - (I) Teaching courses or seminars in trial law 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 trial law;
  - (IV) By combination of the three 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 six references, not present partners, associates, or relatives of the applicant. These references shall be substantially involved in the relevant field of social security disability law and familiar with the applicant's practice in that field. The NBTA must receive at least five satisfactory references consisting of two 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 person as 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) Disclosure of Conduct**

- (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 the interest of clients, the applicant shall, to the extent known, disclose to the NBTA 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 NBTA 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.

## **Senior Specialist Standards**

### **(A) Good Standing**

The applicant shall furnish satisfactory evidence of 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.

### **(B) Substantial Involvement**

(1) Substantial involvement in the specialty area for "Senior Specialist" shall mean that the applicant has been certified as a specialist in the specialty area by the NBTA for a total of at least ten continuous years preceding the initial application for "Senior Specialist."

### **(C) Educational Experience**

The applicant must show that he or she participated in and completed at least thirty-six hours of educational activity, as set forth in Part C of the Recertification Standards, during the five years preceding senior status.

**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, for each specialty area, the names of five references, not present partners, associates, or relatives of the applicant. Such references shall be substantially involved in the relevant field of trial law, and should be familiar with the applicant's practice in that field. At least two shall be judges before whom the applicant has appeared as an advocate in the relevant field not more than **three** years before application; and at least three shall be lawyers with whom, or against whom, the applicant has appeared as an advocate in that field within **three** years preceding application for senior status.
- (2) NBTA will solicit confidential statements from the references named by the applicant and may solicit confidential statements of reference from other persons, familiar with the applicant's practice, not specifically named by the applicant. References satisfactory to the NBTA must be received from at least one judge and from at least two attorneys. All reference statements received will be reviewed by the NBTA to assess whether the applicant has maintained the enhanced level of skill and expertise in the practice area and the integrity and consideration for the interests of clients necessary to merit senior status.

### **(E) Disclosure of Conduct**

The applicant shall comply with Part E of the Recertification Standards in the same manner as an applicant for certification.

## **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 E of the Recertification 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.