



National Board of Trial Advocacy
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Recertification Standards
Complex Litigation Certification

(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

The applicant must make a satisfactory showing of substantial involvement relevant to specialty certification in Complex Litigation, with at least thirty-five (35) percent of his or her time spent practicing Complex Litigation during the five (5) years preceding the filing of the application for recertification.

1-The applicant must demonstrate substantial involvement in Complex Litigation during the five years preceding recertification by showing that he or she has actively participated in at least fifteen (15) contested matters (proceedings) involving the taking of testimony or motion practice. One litigated case may potentially involve multiple proceedings. A proceeding includes non-jury trials; evidentiary hearings or depositions; motions heard before or after trial; and arbitration hearings.

2-Complex Litigation during the five years preceding recertification by showing that he or she has accumulated a minimum of 150 points in accordance with the following Qualifying Activity.

Qualifying Activity	Points	Max. Pts.
Conducted federal or state certified class action trial	150	Unlimited
Conducted federal or state collective action trial	100	Unlimited
Conducted bellwether trial in MDL	100	Unlimited
Conducted federal or state “mass action” ¹ trial	100	Unlimited
Obtained a FRCP 23 ruling or “equivalent ruling” ² on behalf of plaintiffs granting class certification	100	Unlimited
Obtained a FRCP 23 ruling or “equivalent ruling” ² on behalf of defendant(s) denying class certification	100	Unlimited
Appointment as lead counsel (100 points) or to steering committee (60 points) for plaintiff or defendant in a federal or state MDL, class action, or mass action ¹	100or 60	Unlimited
Representation of proposed class or opponent of proposed class at certification hearing	50	Unlimited
Representation of class or settling defendant at class action fairness hearing	50	Unlimited

Appellate representation in a class action, collective action, MDL, or mass action ¹	60	600
Appointment as mediator or special master in a class action, collective action, MDL, or mass action ¹	60	600
Conducted Daubert/Frye hearing in class action, collective action, MDL, or mass action ¹ matter	60	600
Conducted JPML argument	50	500
Authored book or treatise chapter on class action, collective action, MDL, or mass joinder topic	60	300
Taught law school complex litigation course (class action, collective action, MDL, mass joinder topics)	50	200
Authored legal article on class action, collective action, MDL, or mass joinder topic	50	50
Presented on class action, collective action, MDL, or mass joinder topic at a legal symposium	50	50

1 “Mass action” defined as a case involving a mass joinder or consolidation of 100 or more parties (plaintiffs, defendants, third parties) collectively.

2 “Equivalent ruling” defined as a ruling on the issue of class certification pursuant to a state rule or federal collective action rule.

(C) Educational Experience

The applicant must demonstrate substantial participation in continuing legal education and the development of the law relevant to the field of complex litigation, in the five years preceding recertification:

- (a) By attendance and/or electronic participation at not less than forty-five hours in programs of continuing legal education relevant to complex litigation, approved by the Commission and the Standards Committee (up to twenty (20) percent of the continuing legal education may be in ethics), or
- (b) By equivalent participation through, but not limited to, the following means, approved by the Commission and the Standards Committee:
 - (I) Teaching courses or seminars in complex litigation or ethics;
 - (II) Participation as panelist, speaker, or workshop leader, at educational or professional conferences in complex litigation or ethics;
 - (III) Authorship of books or of articles published in professional journals, on complex litigation or ethics;
 - (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

The applicant shall submit with the application the names and addresses of six references, not present partners, associates, or relatives of the applicant (except as noted below). These references should be from persons involved in the relevant field of Complex Litigation, or substantially so, and be familiar with the applicant's practice in that field during the five (5) years preceding the filing of the application for recertification. References may include judges, attorneys, special masters and settlement masters.

1-The 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 though not specifically named by the applicant. The reference forms shall inquire into the respondent's areas of practice, the respondent's familiarity with both Complex Litigation and with the lawyer seeking certification, and the length of time that the respondent has been practicing law and has known the applicant. The form shall inquire about the qualifications of the lawyer seeking certification in various aspects of the practice and, as appropriate, the lawyer's dealings with judges and opposing counsel. 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 Complex Litigation, and has demonstrated integrity, professionalism, and appropriate dedication to the interests of clients.

2-After inquiries are directed to these references by the NBTA, responses satisfactory to the NBTA must be received from at least three references, none of whom shall be from persons related to or engaged in legal practice with the applicant. At least one of these three satisfactory references must be from either a judge before whom the applicant has appeared on a Complex Litigation matter or from a lawyer against whom the applicant has handled a Complex Litigation matter.

(E) Disclosure of Conduct

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:

1-The filing of any criminal charges against the applicant together with all details called for by the Disclosure of Conduct form.

2-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.

3-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.

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.

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

Senior Status 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 Certification 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.

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 area of specialization, 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 G of the Certification Standards in the same manner as an applicant for certification.

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 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, disclosure of conduct, financial responsibility or any other failure to demonstrate possession of an enhanced level of skill and expertise in patent litigation 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, disclosures of conduct, financial responsibility or any other failure to demonstrate possession of an enhanced level of skill and expertise in patent litigation 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 patent litigation and integrity and dedication to the interests of clients.

(D) Decisions of the Examination Committee and the Brief 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.