



**THIS IS AN EXCERPT FROM THE ACCREDITATION GRANTED
ITLA BY THE IDAHO STATE BAR ASSOCIATION**

Standards and qualifications for certification: All requirements must be met in the aggregate by each applicant.

A. Workers' Compensation Specialty (Certified Workers' Compensation Attorney).

- 1) General Practice: Active practice of law for a minimum of five (5) full years preceding application.
- 2) Substantial Involvement: In order to be considered as a workers' compensation specialist, an applicant must meet the following criteria:
 - a) The applicant must show that he/she, as primary trial counsel, has tried at least ten (10) workers' compensation cases through decision and was lead counsel in successful formal mediation in at least five (5) other workers' compensation cases. [The hearing requirement is intended to include case preparation through hearing, depositions and post-hearing processes.] All cases submitted for consideration must set forth:
 - 1) Court title and number of the case
 - 2) Result
 - 3) Name of referee or commissioner(s)
 - 4) Name of opposing counsel; and,
 - b) During the last five (5) years, the applicant must have devoted at least twenty-five percent (25) of the equivalent of a full-time law practice to workers' compensation. In addition to, but not in lieu of, the actual trial experience set forth above, the 25 percent requirement may include the following:
 - 1) Practice and association with others specializing or substantially limiting their practice to workers' compensation;
 - 2) Teaching, lecturing, speaking or writing in the field;
 - 3) Special education in the field including post graduate ITLA seminars, local seminars, law school courses or professional school courses;
 - 4) continuing legal education courses and comparable educational experience;
 - 5) Acting as an referee or mediator in the field of workers' compensation; and/or
 - 6) Other involvement specified by the applicant and accepted by the certification committee as comparable. Special or unusual cases indicating special accomplishments or experience of greater weight shall be separately set out in detail in the application. The Certification Committee shall be the sole judge of this determination. such experience shall be of great weight, and shall rarely be afforded.
- 3) Peer Review: Each applicant shall list ten (10) attorneys, at least five (5) of whom shall be attorney of record as opposing counsel in litigated cases with applicant as primary attorney of record. A questionnaire seeking evaluation regarding the applicant's qualifications shall be mailed to each of the ten (10) lawyers seeking an opinion as to the following issues or areas of concern with regard to the applicant's abilities and character:
 - a) Problem solving ability
 - b) Legal analysis and reasoning
 - c) Factual investigation abilities
 - d) Communication skills
 - e) Negotiations skills
 - f) General litigation skills and ability
 - g) Organization and management of legal work and case work
 - h) Recognizing and resolving ethical dilemmas
 - i) Character and fitness
 - j) Substantial involvement in the applicable area of practice

The attorney will be asked to rank each applicant on a scale of 0 to 4 in each category. A rank of 4 will be excellent; 3 above average; 2 average; 1 below average and 0 is unacceptable. The lawyer may also indicate if he/she does not feel qualified to rate the applicant. In order to qualify for certification, the applicant must receive an average of 2.5 on a scale of 4.0 based upon all returned questionnaires. The committee will require a minimum of six (6) responses to the questionnaires submitted to peers.

- 4) Verification by Judicial Officers of the Industrial commission: The application must include rating forms signed by at least two (2) current or former judicial officers of the Industrial Commission with at least two (2) years of judicial practice for the Industrial Commission in the state of Idaho. The rating form shall offer the judicial officers the opportunity to rate the applicant on a scale of 0 to 4 in categories relevant to the applicant's workers' compensation trial skills, professionalism and integrity. An applicant shall be required to obtain an average of 2.5 in all categories in order to qualify for consideration as a workers' compensation specialist.
- 5) Examination: The Certification Committee will prepare, administer and grade an examination. The test will be limited to no more than two (2) hours in duration. A more complete description of the examination can be found by referring to Exhibit "C" attached hereto and incorporated herein by reference.
- 6) Minimum Standard for Continued Recognition of Specialty: For a lawyer to continue to be recognized as a certified specialist, the lawyer must be duly licensed on active status and in good standing to practice law in the State of Idaho throughout the five (5) year period for which the specialty designation was last granted and continuing during the period of certification.

The applicant must show participation as lead counsel in a combination of not less than ten (10) workers' compensation hearings or successful formal mediations during the 5 years preceding re-certification, or a lifetime accumulation of twenty-five (25) workers' compensation cases tried to decision as lead counsel.

The applicant must meet all mandates and requirements of the Idaho State Bar Association with regard to minimum legal education. The lawyer shall report those hours to the Idaho State Bar as part of the CLE requirements set forth in section 4 of the Idaho Bar Commission Rules. In conformance with Idaho Bar commission Rule 402(a) (3), twenty (20) hours of all continuing legal education shall be allotted to the field of workers' compensation or related subject matter. Acceptability of the credits will be in the sole discretion of the Certification Committee.

Peer and judicial review will be repeated with three (3) attorney references, not present partners, associates or relatives of the applicant. Such practitioners named as references shall be substantially involved in the field of workers' compensation, be familiar with applicant's practice in workers' compensation, and with whom, or against whom, applicant has tried or mediated a matter in that field within three (3) years of this application for re-certification. Additionally, one (1) judicial officer of the Idaho Industrial Commission before whom applicant has appeared as an advocate in the relevant field within three (3) years of this application for re-certification will review applicant.