



## CIVIL AND CRIMINAL TRIAL SPECIALIST CERTIFICATION

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

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

### **A. Civil Trial Specialty (Certified Civil Trial 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 civil trial specialist, an applicant must meet the following criteria:
  - a) A candidate for certification is required to have been admitted to practice law for at least five (5) years; and
  - b) The applicant must show that he/she, as primary trial counsel, has tried at least ten (10) district court civil cases to verdict or decision, at least seven (7) of which shall have been jury trials. All trials submitted for consideration must set forth:
    - 1) Court title and number of the case
    - 2) Nature of the case
    - 3) Jury or court trial
    - 4) Result
    - 5) Name of trial judge
    - 6) Name of opposing counsel; and,
  - c) 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 civil litigation. In addition to, but not in lieu of, the actual trial experience set forth above, the 25% requirement may include the following:
    - 1) Practice and association with others specializing or substantially limiting their practice to civil litigation; -
    - 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 arbiter or judge pro tem in the field of civil trial advocacy; 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 one (1) of whom shall be an attorney of record as opposing counsel in a jury trial 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. 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 five The committee will require a minimum of five (5) responses to the questionnaires submitted to peers.

- 4) Verification by Judges: The application must include rating forms signed by at least two (2) current or former district court judges with at least two (2) years of bench practice in Idaho, and who have observed the applicant as primary counsel in at least one (1) trial completed through verdict or decision. The rating form shall offer the judges the opportunity to rate the applicant on a scale of 0 to 4 in categories relevant to the applicant's civil 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 civil trial 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 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 period of which the specialty designation is granted (five (5) years) and comply with the other requirements of this rule. The lawyer 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), thirty (30) hours of all continuing legal education shall be allotted to the field of civil litigation. Acceptability of the credits will be in the sole discretion of the Certification Committee.

**B. Criminal Trial Specialty (Certified Criminal Trial Attorney).**

The application procedure for Criminal Trial Specialty shall be exactly the same as that for Civil Trial Specialty except that a requirement of fifteen (15) district court or magistrate court cases tried to verdict or decision with the applicant as primary trial attorney. A maximum of five (5) of the said fifteen (15) trials may be at the magistrate level. No more than five (5) of the trials of the minimum of fifteen (15) as required shall be to the court (a minimum of ten (10) cases tried to a jury is required).

The CLE requirements listed for purposes of Civil Trial Specialty shall be equally required with regard to Criminal Trial certification except that thirty (30) hours of all continuing legal education reported to the Idaho State Bar in a regular three (3) year reporting period shall be allotted to the field of criminal litigation.