

The Supreme Court of Ohio

MEMORANDUM

TO: Robert W. Horner, III, Administrative Director
Gina White Palmer, Deputy Administrative Director, Legal Services

FROM: Britney N. Cider, Bar Admissions Counsel

DATE: January 6, 2025

RE: 2024 Annual Report of Commission on Certification of Attorneys as Specialists

I. Overview

A. Commission

The Commission on Certification of Attorneys as Specialists (“CCAS” or “Commission”) was created by the Court to administer Gov. Bar R. XIV in the regulation of attorney certification programs for specialization in Ohio. The Commission does not itself certify attorneys as specialists. Individual attorneys must work with an organization to become certified.

Before April 2024, the only organizations permitted to certify attorneys as specialists in Ohio were those accredited by the Commission. However, following a notable rule change effective April 15, 2024, unaccredited organizations may now offer certification programs in the state. This has significantly altered the work of the Commission.

Previously, the Commission was tasked with reviewing initial applications for accreditation, proposals from organizations regarding new areas of specialization, reaccreditation applications from existing organizations, and annual reports detailing each accredited organization’s stability. The Commission would also make recommendations to the Court regarding new areas of specialization and standards that accredited organizations must follow.

Since the rule amendment took effect, the Commission's main responsibilities are to review accreditation and reaccreditation applications submitted by organizations seeking to administer, or to continue administering, specialization programs, and annual reports submitted by the organizations. The Commission is no longer charged with considering proposed new areas of specialization.

At the beginning of 2024, there were five organizations that were accredited to administer certified specialization programs in Ohio. At present, there are three organizations remaining.

B. Chairperson

Commission members elected David Blessing to serve as the CCAS chairperson in 2024. He is serving his third term on the Commission. Mr. Blessing is with Blessing & Wallace Law, LLC, in Cincinnati.

C. Vice-Chairperson

Commission members elected Professor Christopher Peters to serve as the CCAS vice-chairperson in 2024. He is completing his first term on the Commission. Professor Peters is a professor of law at the University of Akron School of Law.

D. Staff

Britney Cider, Attorney Services Counsel, has served as Secretary to the Commission since late-2022. The Secretary is responsible for maintaining records, facilitating meetings and keeping minutes, gathering and conducting initial review of application materials, and maintaining communication between the Commission and its accredited organizations. The Secretary has also been delegated authority to determine the accredited organizations' annual reporting schedule. Kirstyn Moyers, formerly Attorney Services Coordinator, assisted with the Commission's work for the majority of 2024. Penny Marchal, current Attorney Services Coordinator, now serves in that support role.

II. Commission's 2024 Activities & Accomplishments

A. Rule Amendments to Gov. Bar R. XIV and Prof. Cond. R. 7.4

Effective April 15, 2024, the Supreme Court adopted rule amendments to the Rules for the Government of the Bar of Ohio and the Ohio Rules of Professional Conduct concerning attorney specialization. The amendments were intended to modernize and streamline attorney specialization in Ohio.

Notable changes include: (1) The Supreme Court of Ohio no longer approves specialty areas; (2) Accredited organizations are permitted to determine what certification programs they would like to offer as long as they remain compliant with the rule; (3) Accredited organizations no longer submit reaccreditation applications for specific areas of law; (4) Accredited organizations will submit annual reports on a schedule to be determined by the Commission; (5) Attorneys certified by an accredited organization can advertise that they are specialists, but must state the name of the certifying organization, and they may state that the organization is accredited by CCAS; (6) Non-accredited organizations are permitted to certify attorneys as specialists in Ohio in addition to accredited organizations; and (7) Attorneys certified by non-accredited organizations may communicate that fact, but must clearly identify the name of the organization that certified them.

B. Meetings

The Commission convened for regular business three times during the year: April 12, June 14, and October 11. There were also approximately six subcommittee meetings held between April and October. The meetings were conducted virtually.

At its April meeting, Commissioners elected the Chair and Vice Chair. Discussion largely centered around the amendments to Gov. Bar R. XIV. Commissioners were assigned to subcommittees and tasked with creating new forms and determining the new process for reviewing applications and reports.

Mid-year, subcommittees held several meetings to develop the forms and processes that were compliant with the newly modified rule.

In June, Commissioners reviewed the reports submitted by the Forms and Process Subcommittees. The Commission voted to approve the proposed Application for Accreditation, Specialization Form, and Background Form. It also voted to approve a process by which prospective organizations would submit new applications for accreditation. The updated fee schedule was proposed and approved.

In October, the Commission approved the annual reporting procedure as well as the process for when accredited organizations intend to offer additional areas of specialization. Commissioners agreed to be divided into individual review panels that would be assigned to specific accredited organizations, and it was decided that existing organizations would resume submission of reports, fees, and other items in 2025. The 2025 meeting schedule was set.

C. 2024 Finances and Statistics

Prior to the rule amendment, accredited organizations were required to submit annual reports and fees in April each year. In 2024, CCAS did not accept any fees from accredited organizations. The Commission paused the collection of fees and annual reports while reevaluating its forms and procedures for compliance with the amended rule. That decision was supported by Gov. Bar R. XIV, Sec. 6, which dictates that the Commission be funded from the fees it collects. The Commission’s expenses did not necessitate the collection of additional fees in 2024; however, business will resume as usual in 2025.

Accredited Organization	Annual Fees (based on # of certified attorneys)				
	2024	2023	2022	2021	2020
Ohio State Bar Association	\$0	\$14,850	\$15,725	\$15,975	\$16,350
National Board of Trial Advocacy	\$0	\$1,775	\$2,025	\$2,100	\$2,150
National Elder Law Foundation	\$0	\$875	\$875	\$775	\$725
American Board of Certification	\$0	\$350	\$425	\$500	\$600
National Assoc. of Counsel for Children	\$0	\$250	-	-	-

Accredited Organization	Other Fees Paid (reaccreditation, etc.)				
	2024	2023	2022	2021	2020
Ohio State Bar Association	\$0	\$1,800	\$1,200	\$1,800	\$600
National Board of Trial Advocacy	\$0	-	\$600	-	-
National Elder Law Foundation	\$0	-	-	-	-
American Board of Certification	\$0	-	-	-	-
National Assoc. of Counsel for Children	\$0	-	-	\$2,100	\$100

Accredited Organization	Total Fees Paid to CCAS					% of Total since 2020
	2024	2023	2022	2021	2020	
Ohio State Bar Association	\$0	\$16,650	\$16,925	\$17,775	\$16,950	81%
National Board of Trial Advocacy	\$0	\$1,775	\$2,625	\$2,100	\$2,150	10%
National Elder Law Foundation	\$0	\$875	\$875	\$775	\$725	4%
American Board of Certification	\$0	\$350	\$425	\$500	\$600	2%
National Assoc. of Counsel for Children	\$0	\$250	-	\$2,100	\$100	3%

Historically, there is a downward trend in the number of attorneys certified as specialists by accredited organizations in Ohio. Additionally, since the rule change, two previously accredited organizations communicated that they will no longer be seeking reaccreditation by the Commission. With this information, it is expected that the number of certified attorney specialists in Ohio falling under the Commission’s accreditation governance will drastically decrease into 2025.

Accredited Organization	# of Certified OH Attorneys Reported				
	2024	2023	2022	2021	2020
Ohio State Bar Association	-	594	629	639	654
National Board of Trial Advocacy	Unknown	71	81	84	86
National Elder Law Foundation	Unknown	35	35	31	29
American Board of Certification	Unknown	14	17	20	23
National Assoc. of Counsel for Children	-	0	-	-	-

One of the organizations withdrawing from accreditation is the Ohio State Bar Association (“OSBA”). It cited the restrictions, cost, and time investment as the reasons for relinquishing accreditation. The OSBA has been an accredited organization for more than fifteen years, and its eleven specialization programs accounted for more than half of the eighteen programs offered in Ohio in 2024. The OSBA contributed 81% of the Commission’s funding in the past five years, and it accounted for the majority of the Commission’s work.

The other organization that withdrew from accreditation is the National Association of Counsel for Children (“NACC”). The NACC indicated that the decision was made in order to avoid jurisdiction-specific requirements, making their national program offerings uniform. The NACC became an accredited organization in 2022, and it was the newest accredited organization. NACC only offered one specialization program, and it contributed 3% of the Commission’s funding in the past five years.

III. Status of Attorney Specialization and Certification in Ohio

There are three remaining accredited organizations – the American Board of Certification (“ABC”), the National Elder Law Foundation (“NELF”), and the National Board of Trial Advocacy (“NBTA”). These organizations currently offer certification programs in the following specializations: ABC - Business Bankruptcy

Law, Consumer Rights Bankruptcy Law, Creditor's Rights Law; NBTA – Civil Law Trial Advocacy, Criminal Law Trial Advocacy, Family Law Trial Advocacy, Social Security Disability Law; NELF – Elder Law. As a result of the rule change, non-accredited organizations are now also permitted to offer certification programs in the state.

With the rule change, attorneys certified by either, an accredited or non-accredited organization, can advertise themselves as specialists but must state the name of the certifying organization in their advertisement. Attorneys certified by an accredited organization may also state that the organization has been accredited by the Commission.

Any new organizations interested in accreditation should visit the Commission's website for details on applying. Additionally, existing accredited organizations have a reporting requirement prior to offering new certification programs and should review the website for information.

IV. 2025 Outlook

The fewer number of accredited organizations and the expected reduction in specialists certified by accredited organizations indicates there may be a shift in attorney specialization as a whole. The Commission will have a lighter workload, and the Chair has suggested that time may be used to discuss how CCAS can educate the public regarding attorney specialization.

Court Staff has notified the remaining accredited organizations about the amendments to Gov. Bar R. XIV and the subsequent changes relating to annual reporting and submission of materials for additional areas of specialization. The Commission's work and funding will resume with the submission of annual reports in 2025, or sooner if new applications are submitted.

The Commission will have its first meeting of 2025 on April 11, 2025.