

**PROPOSED AMENDMENTS TO THE SUPREME COURT  
RULES FOR THE GOVERNMENT OF THE BAR OF OHIO AND THE OHIO RULES  
OF PROFESSIONAL CONDUCT**

Comments Requested: The Supreme Court of Ohio will accept public comments until October 26, 2023, on the following proposed amendments to the Supreme Court Rules for the Government of the Bar of Ohio and the Ohio Rules of Professional Conduct.

Comments on the proposed amendments should be submitted in writing to: Britney Cider, Attorney Services Counsel, Supreme Court of Ohio, 65 South Front Street, 5th Floor, Columbus, Ohio 43215-3431, or Britney.Cider@sc.ohio.gov not later than October 26, 2023. Please include your full name and mailing address in any comments submitted by e-mail.

Key to Proposed Amendments:

1. Existing language appears in regular type. Example: text
2. Existing language to be deleted appears in strikethrough. Example: ~~text~~
3. New language to be added appears in underline. Example: text

# SUPREME COURT RULES FOR THE GOVERNMENT OF THE BAR OF OHIO

## 1 RULE XIV. CERTIFICATION OF ATTORNEYS AS SPECIALISTS

### 2 3 Section 1. Purpose.

4  
5 The purpose of this rule is to enhance public access to appropriate legal services by regulating the  
6 certification of ~~lawyers~~ attorneys as specialists.

### 7 8 Section 2. Supreme Court Commission on Certification of Attorneys as Specialists; 9 ~~Establishment of the Commission.~~

#### 10 11 (A) ~~Membership.~~ Creation

12  
13 ~~(1)~~ There is hereby created the Supreme Court Commission on Certification of  
14 Attorneys as Specialists, ~~consisting~~.

#### 15 16 (B) Duties and authority

17  
18 (1) The Commission shall approve and regulate organizations that certify attorneys  
19 practicing in Ohio as specialists and shall do all of the following:

20  
21 (a) Approve organizations as qualified to certify attorneys as specialists  
22 pursuant to the standards set forth in this rule. Organizations approved by the  
23 Commission shall be styled “accredited organizations.”

24  
25 (b) Review and evaluate the programs of accredited organizations to ensure  
26 compliance with this rule;

27  
28 (c) Deny, suspend, or revoke the approval of an accredited organization upon  
29 the determination of the Commission the organization has failed to comply with the  
30 requirements of this rule;

31  
32 (d) Maintain records of accredited organizations approved by the Commission  
33 under Section 3 of this rule;

34  
35 (e) Report to the Disciplinary Counsel or a certified grievance committee any  
36 attorney who the Commission believes has violated this rule;

37  
38 (f) Cooperate with other organizations, boards, and organizations engaged in  
39 the field of attorney specialization;

40  
41 (g) Enlist the assistance of advisory committees to advise the Commission;  
42

43 (h) Enhance public access to appropriate legal services by informing the  
44 general public of the meaning of the certification of an attorney as a specialist;  
45

46 (i) Subject to the approval of the Supreme Court, adopt regulations reasonably  
47 needed to implement this rule that are not inconsistent with this rule.  
48

49 (2) The Commission has no independent policy-setting authority.  
50

51 **(C) Membership**  
52

53 (1) The Commission consists of the following eighteen members appointed by the  
54 Chief Justice and Justices of the Supreme Court, as follows:  
55

56 (a) Twelve attorneys admitted to the practice of law in Ohio, one from each  
57 appellate district. The appellate district of each of the twelve attorneys shall be  
58 determined by the location of the attorney's principal office.  
59

60 (b) Three law faculty members from separate Ohio law schools engaged in full-  
61 time legal education;  
62

63 (c) Two judges;  
64

65 (d) An attorney admitted to the practice of law in Ohio who is certified as a  
66 specialist in an area recognized as a specialty by the Supreme Court.  
67

68 (2) ~~Members of the Commission serve three-year terms~~ Each Commission member  
69 shall have experience or an interest in attorney specialization.  
70

71 (3) Commission membership should be broad-based and multi-disciplinary to  
72 represent a cross section of interests related to attorney specialization and reflect the  
73 gender, racial, ethnic, and geographical diversity of the state.  
74

75 (4) The term of a Commission member is three years. ~~Members are~~ A Commission  
76 member is eligible for reappointment, but shall not serve more than three consecutive full  
77 terms of three years. A Commission member is eligible for reappointment after serving  
78 three consecutive full terms, but only upon at least a one-year break in service.  
79

80 (5) Each Commission member appointed because of the member's elected position,  
81 official position, employment, organizational affiliation, or other status ceases to be a  
82 member at such time the member no longer holds that position, employment, affiliation, or  
83 status.  
84

85 ~~(3)(6)~~ Vacancies on the ~~commission~~ Commission shall be filled in the same manner as  
86 provided in ~~division (A)(1) of this section~~ original appointments. A Commission member  
87 appointed to fill a vacancy occurring prior to the expiration of the term for which the  
88 appointee's predecessor was serving holds office for the remainder of the term. ~~If an~~

89 attorney member no longer has the attorney's principal office in the district from which the  
90 attorney was appointed, if a faculty member is no longer engaged in full time legal  
91 education in an Ohio law school, if a judicial member leaves office, or if the attorney  
92 member who is certified as a specialist is no longer certified, the member is disqualified  
93 and a vacancy occurs.  
94

95 (4) ~~The Commission~~ **(D)** Chairperson and vice-chairperson

96  
97 At the first meeting each year of the Commission, the Commission members shall elect a  
98 chair, vice-chair, chairperson and other officers vice-chairperson. The officers serve for  
99 two years and may be reelected, but a member shall not serve as chair or vice-chair for  
100 term of the chairperson and vice-chairperson is one year. A chairperson and vice-  
101 chairperson shall not serve more than three six consecutive two-year terms.  
102

103 ~~(5)~~**(E)** Secretary

104  
105 The Administrative Director of the Court shall assign a Court employee to serve as  
106 secretary to the Commission. The secretary assists the Commission as necessary in the  
107 implementation of its work, but at all times is considered an employee of the Court.  
108

109 **(F)** Meetings

110  
111 (1) The Commission may meet in person or by telephone or other electronic means  
112 available to the Court.  
113

114 (2) The Commission shall meet as often as required to complete its work, provided the  
115 Commission shall meet a minimum of two times per year. The Commission shall may  
116 meet at the call of the chair chairperson or upon written at the request of a majority of the  
117 Commission members.  
118

119 (3) All Commission meetings shall be scheduled for a time and place so as to minimize  
120 costs to the Court and to be accessible to Commission members, Court staff, and the public.  
121

122 (4) Public notice of all Commission meetings shall be provided on the Court's website.  
123

124 (5) All Commission meetings shall be open to the public.  
125

126 **(G)** Member attendance

127  
128 (1) For a fully effective Commission, a Commission member shall make a good faith  
129 effort to attend each Commission meeting at the place, or in the format, as scheduled.  
130

131 (2) A Commission member who is unable to attend a meeting due to an unavoidable  
132 conflict may request the chairperson allow the member to participate by telephone or other  
133 electronic means available to the Court. A Commission member participating in this  
134 manner is considered present for meeting attendance, quorum, and voting purposes.

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(3) A Commission member may not designate a replacement for participation in or voting at meetings.

(4) If a Commission member misses three consecutive meetings, the chairperson or the secretary for the Commission shall notify the Chief Justice and the Administrative Director and may recommend to the Chief Justice and Justices of the Court the member relinquish the member’s position on the Commission.

**(H) Minutes**

Minutes shall be kept at every Commission meeting and distributed to the Commission members for review prior to and approval at the next meeting.

**(I) Quorum**

A quorum exists when a majority of the Commission members constitutes a quorum is present for the meeting, including those members participating by telephone or other electronic means. No

**(J) Actions**

At any Commission meeting at which a quorum is present, the Commission members may take action shall be taken by the Commission without the concurrence affirmative vote of a majority of the members attending and constituting a quorum at that meeting in attendance.

~~(6) Members serve~~

**(K) Subcommittees**

(1) The Commission may form such subcommittees it believes necessary to complete the work of the Commission. A subcommittee should consist of select Commission members and other persons who the chairperson believes will assist in a full exploration of the issue under the review of the subcommittee.

(2) A subcommittee should remain relatively small in size and have a ratio of Commission members to non-Commission members not exceeding one to three.

(3) Divisions (E), (F)(1) and (3), (F)(5), (G)(2), (G)(3), (I), (J), (L), and (N) through (Q) of this section apply to the work and non-Commission members of a subcommittee.

**(L) Code of ethics**

A Commission member shall comply with the requirements of the Court’s “Code of Ethics for Court Appointees.” The secretary for the Commission shall provide each Commission

181 member with a copy of the code following the member's appointment to the Commission  
182 and thereafter at the first meeting each year of the Commission.

183  
184 **(M) Annual report**

185  
186 By January 31st of each year, the chairperson of the Commission, with the assistance of  
187 the secretary of the Commission, shall prepare a report for the Chief Justice, Justices, and  
188 Administrative Director of the Court detailing the activities and accomplishments of the  
189 Commission during the previous calendar year, the status of attorney specialization and  
190 certification in the state, and the anticipated activities of the Commission during the  
191 upcoming calendar year. The secretary shall submit the report to the Administrative  
192 Director for distribution to the Chief Justice and Justices and publication on the Court's  
193 website.

194  
195 **(N) Work Product**

196  
197 The work product of the ~~commission~~ Commission is the property of the ~~Supreme~~ Court.

198  
199 **(O) Budget**

200  
201 The budget of the Commission is set by the Court through its internal budget process and  
202 as implemented by the Court office, section, or program through which the Commission  
203 operates. The Commission has no authority to set its own budget.

204  
205 **(P) Compensation**

206  
207 A Commission member serves without compensation,~~but.~~

208  
209 **(Q) Reimbursement of Expenses**

210  
211 A Commission member shall be reimbursed for reasonable and ordinary expenses incurred  
212 in the performance of their official duties service to the Commission as permitted by the  
213 Court's *Guidelines for Travel by Court Appointees*. A member shall not be entitled to  
214 compensation beyond reasonable and ordinary expenses.

215  
216 **(B) Secretary of the Commission**

217  
218 ~~The Administrative Director of the Supreme Court, or the director's designee, serves as the~~  
219 ~~Secretary of the Commission.~~

220  
221 **(C) Powers and Duties of the Commission**

222  
223 ~~The Commission shall approve and regulate organizations that certify lawyers practicing~~  
224 ~~in Ohio as specialists and shall do all of the following:~~

225

226 (1) ~~Recommend to the Supreme Court the fields of law subject to specialization~~  
227 ~~designation on the Commission's own motion or on petition of interested parties and on the~~  
228 ~~criteria as it may establish. In identifying a field of law as a specialty area, the Commission~~  
229 ~~shall consider whether all of the following apply:~~

230  
231 (a) ~~The public interest would be served;~~

232  
233 (b) ~~There is sufficient interest manifested to warrant the designation of a~~  
234 ~~specialty field and the expense of its administration;~~

235  
236 (c) ~~Appropriate standards of proficiency can be established for the specialty~~  
237 ~~field;~~

238  
239 (d) ~~There is satisfactory evidence of the existence or prospect of an adequate~~  
240 ~~program of continuing legal education in the specialty field;~~

241  
242 (e) ~~Designation of the specialty field would fulfill the objectives and further the~~  
243 ~~orderly growth of specialization by lawyers in Ohio.~~

244  
245 (2) ~~Approve organizations as qualified to certify lawyers as specialists in a particular~~  
246 ~~field of law and adopt standards that certifying organizations shall satisfy;~~

247  
248 (3) ~~Adopt standards that certifying organizations shall establish in certifying attorneys~~  
249 ~~as specialists, in addition to those standards set forth in Section 3 of this rule;~~

250  
251 (4) ~~Review and evaluate the programs of certifying organizations to ensure compliance~~  
252 ~~with this rule;~~

253  
254 (5) ~~Deny, suspend, or revoke the approval of a certifying organization upon the~~  
255 ~~Commission's determination that the organization has failed to comply with the standards~~  
256 ~~established by this rule and the regulations and standards of the Commission;~~

257  
258 (6) ~~Maintain records of attorneys certified as specialists by organizations approved~~  
259 ~~under this rule and report to the Disciplinary Counsel or a Certified Grievance Committee~~  
260 ~~any attorney who the Commission believes has violated this rule;~~

261  
262 (7) ~~Cooperate with other organizations, boards, and organizations engaged in the field~~  
263 ~~of attorney specialization;~~

264  
265 (8) ~~Enlist the assistance of advisory committees to advise the Commission;~~

266  
267 (9) ~~By January 1st of each year, submit a report to the Supreme Court concerning the~~  
268 ~~activities of the Commission and the status of attorney specialization and certification in~~  
269 ~~the state;~~

270

271 (10) Enhance public access to appropriate legal services by informing the general public  
272 of the meaning of the certification of an attorney as a specialist;

273  
274 (11) Subject to the approval of the Supreme Court, adopt regulations reasonably needed  
275 to implement this rule that are not inconsistent with this rule.  
276

277 **Section 3. Standards for Approval of Certifying Accredited Organizations.**

278  
279 (A) A certifying **(A)** Not-for-profit status

280  
281 An accredited organization shall be a not-for-profit organization. A majority of the  
282 governing board or governing committee of a certifying organization shall include  
283 attorneys who, in the judgment of the Commission, are experts in the field of law covered  
284 by the specialty and have extensive practice or involvement in the specialty.  
285

286 (B) The standards for certification of specialists of a certifying organization shall include, as a  
287 minimum, the standards required for certification set out in this rule and in the regulations and  
288 standards adopted by the Commission. The standards shall provide a reasonable basis for  
289 determining that the attorney possesses special competence in a particular field of law as  
290 demonstrated by all of the following:

291  
292 (1) Substantial involvement in the specialty field during the three-year period  
293 immediately preceding application to the certifying organization, measured by the  
294 type and number of cases or matters handled, the amount of time spent practicing  
295 in the specialty field, or other appropriate criteria;

296  
297 (2) Recommendations from attorneys or judges who are familiar with the  
298 competence of the attorney, none of whom are related to, or engaged in legal  
299 practice with, the attorney;

300  
301 (3) Objective evaluation of the attorney's knowledge of the substantive and  
302 procedural law in the specialty field, to be determined by examination.  
303

304 (C) A certifying **(B)** Investigations

305  
306 An accredited organization shall investigate recommendations and obtain any data that may  
307 be required to ensure the an attorney is in compliance with this rule.  
308

309 (D) A certifying organization shall report to the Commission all attorneys it certifies as  
310 specialists under this rule.  
311

312 (E) Each certifying organization shall submit annually to the Commission reports as  
313 the Commission directs to ensure compliance with this rule.  
314  
315  
316



317 (F) ~~A certifying~~ (C) Cooperation

318  
319 An accredited organization shall cooperate with the Commission and perform other duties  
320 as may be required by the Commission.

321  
322 (D) Filing of application

323  
324 An organization may file an application for accreditation with the Commission by  
325 completing an application provided by the Commission and paying the required application  
326 fee. An application for accreditation shall be accompanied by all of the following  
327 documents:

328  
329 (1) The organization's governing documents, including articles of  
330 incorporation, bylaws, resolutions, and other documents setting forth the standards,  
331 procedures, guidelines, or practices of the organization's certification program;

332  
333 (2) Documents demonstrating the financial stability of the organization and, if  
334 necessary, any supporting parent organization;

335  
336 (3) Biographical summaries of members of the governing board or governing  
337 committee of the organization, including specific information concerning the  
338 degree of involvement in the specialty area of persons who review and pass upon  
339 attorneys' applications for certification;

340  
341 (4) Materials furnished to the attorneys seeking certification, including  
342 application forms, booklets, or pamphlets describing the certification program, peer  
343 reference forms, rules and procedures, and evaluation guides;

344  
345 (5) Copies of examinations given by the organization in the past two years, or  
346 in the case of an organization with a new certification program, copies of proposed  
347 examinations. If an organization accepts examinations given by another entity, the  
348 organization shall provide copies of the examinations. The organization shall also  
349 provide evidence of the examination's validity and reliability; an explanation of  
350 how the examinations are developed, conducted, and reviewed; and an explanation  
351 of the standards employed for grading and evaluating the examinations. The factors  
352 used to judge the suitability and rigor of any examination shall include all of the  
353 following:

354  
355 (a) Evidence the method by which pass/fail levels are established is a  
356 true measure of expertise in the specialty area;

357  
358 (b) Evidence of both reliability and validity for each form of the  
359 examination;

360

361 (c) Evidence of periodic review of the examination to ensure relevance  
362 to knowledge and skills needed in the specialty area as the law and practice  
363 methods develop over time;

364  
365 (d) Evidence the law of Ohio, when different from the general law, is a  
366 part of the examination;

367  
368 (e) Evidence effective measures are taken to protect the security of all  
369 examinations;

370  
371 (f) Evidence the written examination includes professional  
372 responsibility and ethics.

373  
374 **(E) Organizational standard**

375  
376 (1) An organization shall demonstrate it operates in accordance with the following  
377 standards:

378  
379 (a) Its primary purpose includes the identification of attorneys who possess an  
380 enhanced level of skill and expertise in the area of law or practice for which  
381 specialist certification is being issued;

382  
383 (b) Its certification program develops and improves the professional  
384 competence of attorneys;

385  
386 (c) It possesses and will continue to maintain the governance and  
387 organizational structures, a reliable source of adequate financial resources, and the  
388 established administrative processes needed to carry out a certification program in  
389 an unbiased, professional, and ethically responsible manner. The primary criteria  
390 for determining organizational capabilities are the following:

391  
392 (i) The existence of management, administrative, and business  
393 practices that allow the accredited organization to operate its certification  
394 program effectively and provide efficient service to attorneys who submit  
395 applications for certification. The processes and procedures used in the  
396 certification process should include safeguards to ensure unbiased  
397 consideration of attorneys seeking certification.

398  
399 (ii) A history of adequate financing during the three years preceding the  
400 filing of the application. If the accredited organization is newly formed,  
401 this criterion shall be applied to a parent or sponsoring organization or to  
402 the individual founders, if no founding organization is involved.

403  
404 (iii) The existence of a budget and financial plan for three years  
405 following a grant of accreditation should it be made. If an accredited  
406 organization has previously been accredited and has been in existence for

407 at least five years, the existence of a budget and financial plan for the year  
408 following accreditation shall be sufficient.

409  
410 (iv) The presence of persons retained by or on the governing board,  
411 evaluation committees, or staff of the organization who are qualified by  
412 experience, education, and background to carry out the program of  
413 certification, including persons with a background in evaluating the validity  
414 and reliability of examinations and experienced practitioners in the areas of  
415 law in which the organization conducts certification programs. The  
416 majority of the person who implement and supervise each specialty program  
417 shall be attorneys who have expertise in the area for which accreditation is  
418 sought.

419  
420 (v) The existence of a handbook, guide, or manual that outlines the  
421 standards, policies, procedures, guides for self-study, and application  
422 procedures;

423  
424 (vi) Evidence the accredited organization maintains and publishes a  
425 policy providing an appeal procedure for an attorney seeking certification  
426 to challenge the decision of the persons who review and pass upon the  
427 applications of attorneys seeking certification. The policy shall provide an  
428 attorney seeking certification with the opportunity to present an appeal to  
429 an impartial decision-maker in the event of denial of eligibility or denial of  
430 certification. Impartial decision-makers may include persons associated  
431 with the accredited organization.

432  
433 (vii) The existence of policies and procedures for the revocation of  
434 certification and specialization, including the mandatory requirement an  
435 attorney who is certified as a specialist shall immediately report the  
436 attorney's disbarment or suspension from the practice of law in any  
437 jurisdiction.

438  
439 (2) The materials published by the accredited organization shall not state or imply that  
440 membership in, or the completion of education programs offered by, any specific  
441 organization are required for certification. This prohibition does not apply to requirements  
442 relating to the practice of law that are set out in statutes, rules, and regulations promulgated  
443 by the government of the United States, by the government of any state or political  
444 subdivision thereof, or by any agency or instrumentality of any of the foregoing.

445  
446 (3) The description of the program shall indicate the accredited organization does not  
447 discriminate against attorneys seeking certification on the basis of race, color, national  
448 origin, religion, gender, sexual orientation, disability, or age. Experience requirements for  
449 attorneys seeking certification or recertification that may indirectly have an effect on a  
450 particular age group shall be reasonable.

451  
452

453 (F) **Review and decision**

454

455 An application for accreditation shall be reviewed and decided as follows:

456

457 (1) Upon receipt of an application for accreditation, the secretary for the  
458 Commission shall review materials submitted by the accredited organization for  
459 conformance with this rule. If an application is incomplete or if other documents  
460 or information are required, the secretary shall notify the accredited organization.  
461 The accredited organization shall comply with the request within sixty days from  
462 the receipt of the notice or request an extension. If the application is not completed  
463 within this period, and if no extension is granted, the application shall be considered  
464 lapsed and ineligible for consideration. The secretary shall give notice to the  
465 accredited organization once an application is complete. Withdrawal of an  
466 application does not preclude a subsequent application by the accredited  
467 organization.

468

469 (2) After review by the secretary for the Commission, the Commission  
470 chairperson shall designate a review panel of not fewer than three members of the  
471 Commission for each completed application. The application and supporting  
472 materials shall be provided to the review panel for independent review and  
473 consideration. The review panel may seek comment and information from  
474 whatever sources it deems appropriate, including other attorneys admitted to  
475 practice in Ohio and professionals who practice in or are knowledgeable concerning  
476 the specialty. The review panel shall prepare a written report to the Commission  
477 concerning the application. The written report shall recommend the application be  
478 approved, denied, or deferred and shall state the reasons for the recommendation.

479

480 (3) If the Commission determines the accredited organization and its  
481 application satisfy all criteria required for the certification of specialists in an area  
482 of specialization included in the application, the accredited organization shall be  
483 designated an accredited organization.

484

485 (4) If the Commission determines the accredited organization or the application  
486 do not satisfy all criteria required for the certification of specialists in an area of  
487 specialization, the application shall be denied for that specific area. When an  
488 application is denied by the Commission, the accredited organization may request  
489 reconsideration of the denial within thirty days following its receipt of the  
490 Commission's decision. Requests for reconsideration shall be made in writing to  
491 the Commission and should demonstrate why the Commission's denial was  
492 unreasonable.

493

494 (5) The Commission shall not approve or deny an application until a written  
495 report from the review panel for that application has been presented to the  
496 Commission.

497

498 (6) In making a final decision regarding an application, the Commission shall  
499 consider all materials relating to an application. These materials include the final  
500 report of the review panel, copies of the application and supporting documents  
501 originally submitted by the accredited organization, and any further materials the  
502 accredited organization has submitted for consideration.

503  
504 (7) The Commission shall review and make a decision on an application for  
505 accreditation as expeditiously as possible.

506  
507 (8) The Commission shall promptly notify the accredited organization in  
508 writing of the decision of the Commission regarding an application for accreditation  
509 or a request for reconsideration.

510  
511 (9) The Commission may revoke an accredited organization's accreditation  
512 upon a determination the organization has ceased to exist; has failed to operate its  
513 certification program in compliance with this rule; or has materially changed its  
514 structure, operating standards, guidelines, or criteria for certification or  
515 recertification. The Commission, on its own or acting upon a complaint from a  
516 third party, may determine reasonable grounds exist for considering the revocation  
517 of accreditation. The Commission shall schedule the matter for deliberation at one  
518 of the Commission's regularly scheduled meetings and promptly shall provide the  
519 accredited organization with written notice of the meeting and an opportunity to be  
520 heard at that meeting.

521  
522 (10) An organization whose accreditation has been revoked may reapply for  
523 accreditation in accordance with the Commission decision revoking accreditation  
524 and as set forth in this rule.

525  
526 (11) An accredited organization may request its accreditation be withdrawn by  
527 providing written notice to the secretary for the Commission.

528  
529 **(G) Annual reporting**

530  
531 An accredited organization shall annually report the following in writing to the  
532 Commission in accordance with a schedule as set by the Commission:

533  
534 (1) The current status of each area of specialization with information on the  
535 names, attorney registration numbers, and current addresses of Ohio attorneys  
536 certified or recertified as specialists by the accredited organization on a form  
537 promulgated by the Commission;

538  
539 (2) Any proposed material changes in the accredited organization's structure,  
540 operating standards, guidelines, or criteria for certification or recertification, at least  
541 sixty days before those changes are to become effective;  
542

543 (3) Any additional information as requested by the Commission, including but  
544 not limited to the information set forth in divisions (D) and (E) of this section.  
545

546 **(H) Additional areas of specialization requested by an accredited organization**  
547

548 For any new areas of specialization offered by the accredited organization not previously  
549 included in the organization's initial application, the organization shall demonstrate the  
550 organization meets the requirements of this rule for the specialty area on an application  
551 form promulgated by the Commission consistent with Section 3 of this rule. The  
552 application shall include the names, attorney registration numbers, and current addresses  
553 of Ohio attorneys certified as a specialist in the new area. For any new areas of  
554 specialization, the accredited organization shall also propose a definition for the new  
555 specialization area which the Commission may adopt, modify, or reject.  
556

557 **Section 4. Prerequisites Minimum Standards for Certification of Specialists.**  
558

559 ~~To be certified as a specialist, an attorney shall satisfy both of the following requirements:~~  
560

561 (A) ~~Be registered as active pursuant to Gov. Bar R. VI;~~  
562

563 (B) ~~Be certified by an organization approved by the Commission.~~  
564

565 **(A) Substantial involvement**  
566

567 An attorney seeking certification shall demonstrate substantial involvement in the specialty  
568 area in the representation of clients during the three-year period immediately preceding  
569 application to an accredited organization. At a minimum, an attorney shall demonstrate  
570 that during the three-year period immediately preceding the attorney's application the  
571 attorney devoted at least twenty-five percent of the time a typical attorney devotes to a  
572 normal, full-time legal practice to practicing in the specialty area.  
573

574 **(B) Peer review**  
575

576 (1) An attorney seeking certification shall submit the names of at least five references  
577 from attorneys or judges who are knowledgeable regarding the practice area and are  
578 familiar with the competence of the attorney.  
579

580 (2) The accredited organization shall send the reference forms to potential references.  
581

582 (3) The reference forms shall inquire into the respondent's area of practice, the  
583 respondent's familiarity with both the specialty area and the attorney seeking certification,  
584 and the length of time the respondent has been practicing law and has known the attorney  
585 seeking certification. The form also shall inquire about the qualifications of the attorney  
586 seeking certification in various aspects of the practice and, as appropriate, the attorney's  
587 dealings with judges and opposing counsel.  
588

589 (4) The attorney may not submit as a reference any attorney or judge who is related to  
590 the attorney seeking certification or who is currently engaged in legal practice with an  
591 attorney or who has the same employer.

592  
593 (5) The accredited organization may seek and consider other references.  
594

595 **(C) Written examination**  
596

597 An attorney seeking certification shall pass a rigorous written examination testing at the  
598 highest level the knowledge and skills of the substantive and procedural law in the specialty  
599 area.  
600

601 **(D) Educational experience**  
602

603 (1) An attorney seeking certification as a specialist shall complete a minimum of thirty-  
604 six hours of continuing legal education in the specialty area in which the attorney is seeking  
605 certification within the three-year period preceding the attorney's application for  
606 certification. The continuing legal education shall fully comply with Gov. Bar R. X and  
607 the CLE Regulations.  
608

609 (2) In addition to the requirements of Gov. Bar R. X, a specialist shall complete twelve  
610 hours of continuing legal education every two years in each specialty area for which the  
611 specialist is certified.  
612

613 (3) An accredited organization may exempt an attorney from the continuing education  
614 requirements in the event of a severe, prolonged illness or disability that prevents the  
615 specialist from participating in accredited continuing legal education programs and  
616 activities and in the requirements for certification renewal established by the Commission  
617 and the accredited organization as follows:  
618

619 (a) Before the deadline for recertification, the attorney shows, by a  
620 preponderance of the evidence and to the satisfaction of the accredited organization,  
621 completing the requirements for recertification presents an extreme hardship and  
622 recertification is significantly more difficult as a result of the severe, prolonged  
623 illness or disability;  
624

625 (b) After the deadline for recertification, the attorney shows, by a  
626 preponderance of the evidence and to the satisfaction of the accredited organization,  
627 completing the requirements for recertification presented an extreme hardship,  
628 recertification was significantly more difficult as a result of the severe, prolonged  
629 illness or disability, and there exists an adequate explanation as to why the attorney  
630 did not seek exemption prior to the end of the attorney's certification period;  
631

632 (c) The duration of an exemption granted shall be dependent upon the severity  
633 of the attorney's illness or disability and may be limited, as determined by the  
634 accredited organization;

635  
636 (d) An accredited organization shall develop standards to assess all exemption  
637 requests and review all requests in accordance with those standards. The standards  
638 shall include an appeal procedure for an attorney requesting an exemption to  
639 challenge the decision of the member or members of the accredited organization  
640 who reviewed and passed upon the attorney's request. The appeal procedure shall  
641 provide the attorney requesting the exemption with an opportunity to appeal to a  
642 separate, impartial decision-maker in the event of denial of eligibility for or denial  
643 of an exemption. The separate, impartial decision-maker may include a person  
644 associated with the accredited organization.

645  
646 **(E) Good standing**

647  
648 An attorney seeking certification shall provide proof of both of the following:  
649

650 (1) The attorney is registered for active status pursuant to Gov. Bar R. VI, is in  
651 good standing with the Supreme Court, and has no current or pending disciplinary  
652 matter in Ohio or another state;

653  
654 (2)(a) The attorney is covered by professional liability insurance through an  
655 insurance company authorized to transact business in Ohio, in an amount not less  
656 than five hundred thousand dollars per loss, and has demonstrated ability to pay all  
657 claims that fall within the liability insurance deductible, except that attorneys who  
658 meet the following criteria may be exempted from this requirement:

659  
660 (i) An attorney who can demonstrate the attorney's employment  
661 relationship will fully cover any professional liability claim or provide  
662 immunity;

663  
664 (ii) An attorney employed by an entity, other than a law firm, whose  
665 sole professional practice is for that entity;

666  
667 (iii) An attorney employed by a governmental entity that would be  
668 immune from liability claims.

669  
670 (b) The attorney shall notify the accredited organization immediately of any  
671 cancellation or change in the attorney's professional liability insurance coverage.  
672

673 **(F) Attorney acknowledgement**

674  
675 The attorney shall sign and submit an attorney certification and acknowledgement on a  
676 form promulgated by the Commission. Once the attorney is certified, this form shall be  
677 collected annually by the accredited organization from the attorney and shall be stored and  
678 maintained by the organization for the length of the attorney's current certification period.  
679  
680



681 **(G) Specialists who become judges or magistrates**

682  
683 No sitting, full-time judge or magistrate may represent or hold themselves out as a certified  
684 specialist nor may any accrediting organization represent or hold out a sitting, full-time  
685 judge or magistrate as a specialist. When a certified specialist assumes a position of sitting,  
686 full-time judge or magistrate, the date on which the specialist's certification would  
687 otherwise expire shall be noted by the accrediting organization. If the specialist's tenure  
688 as a sitting, full-time judge or magistrate concludes before that expiration date, and  
689 provided the specialist has in the interim continued to satisfy the continuing legal education  
690 requirements of this rule, the judge's or magistrate's certification may resume upon  
691 request, subject to any reasonable requirements of the accrediting organization, and  
692 continue until the next expiration date.

693  
694 **(H) Length of certification**

695  
696 The period of certification as a specialist shall be set by the accredited organization, but  
697 shall be not less than three or more than seven years. During the certification period, the  
698 Commission may require directly, or through the accredited organization, evidence from  
699 the specialist of continued qualification for certification as a specialist.

700  
701 **(I) Certification renewals**

702  
703 Application for and approval of continued certification as a specialist shall be required  
704 prior to the end of each certification period. To qualify for continued certification as a  
705 specialist, an attorney accredited organization shall pay the required fee and satisfy the  
706 requirements for certification renewal established the accredited organization.

707  
708 **Section 5. Privileges Conferred and Limitations Imposed.**

709  
710 (A) A specialist

711  
712 **(A) Communication of specialization by accredited organization**

713  
714 An attorney certified under this rule as a specialist by an accredited organization may  
715 communicate the that fact that the specialist is certified by the certifying organization as a  
716 specialist in the field of law involved. A

717  
718 **(B) Communication of specialization by non-accredited organization**

719  
720 An attorney certified as a specialist shall not represent, expressly or impliedly, that the  
721 specialist is certified by the Supreme Court or the Commission or by an entity other than  
722 the certifying organization. A specialist may represent that the certifying by an  
723 organization not approved as an accredited organization may communicate that fact,  
724 provided the attorney shall include a disclaimer stating the organization is has not been  
725 approved by the Commission, but shall not represent that the certifying organization is  
726 approved by the Supreme Court to certify attorneys as a specialist.

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771

~~(B)~~

**(C) Effect of specialization**

This rule shall not limit the right of a certified specialist to practice in any field of law.

~~(C)~~ ~~An attorney~~ an attorney shall not be required to be certified as a specialist in order to practice in any field of law.

~~(D)~~

**(D) Multiple specializations**

An attorney may be certified as a specialist in more than one field of law.

**(E) Communication by accredited organization**

An accredited organization may hold itself out as “Accredited by the Supreme Court of Ohio Commission on Certification of Attorneys as Specialists” under the following conditions:

(1) The accredited organization using this announcement or otherwise referring to its accreditation by the Commission shall provide notice to attorneys applying for certification that accreditation by the Commission indicates solely that the accredited organization’s certification program has met the requirements of this rule;

(2) The accredited organization shall not permit certified attorneys to state or imply that they are certified or accredited by the Commission or by the Court.

**~~Section 6. Minimum Standards for Continued Certification of Specialists.~~**

~~(A) The period of certification as a specialist shall be set by the certifying organization, but shall be not less than three or more than seven years. During the certification period, the Commission may require directly, or through the certifying organization, evidence from the specialist of continued qualification for certification as a specialist.~~

~~(B) Application for and approval of continued certification as a specialist shall be required prior to the end of each certification period. To qualify for continued certification as a specialist, an attorney applicant shall pay the required fee and satisfy the requirements for certification renewal established by the Commission and the certifying organization.~~

~~(C) In addition to the requirements of Gov. Bar R. X, a specialist shall complete twelve hours of continuing legal education every two years in each specialty area for which the specialist is certified. Proof of completion shall be submitted in the manner required by Gov. Bar R. X.~~

772           ~~(D) The certifying organization may exempt a specialist from the requirements of~~  
773 ~~divisions (B) and (C) of this section in the event of a severe, prolonged illness or disability that~~  
774 ~~prevents the specialist from participating in accredited continuing legal education programs and~~  
775 ~~activities and in the requirements for certification renewal established by the Commission and the~~  
776 ~~certifying organization.~~

777  
778 **Section 7. Fees; Miscellaneous.**

779  
780           ~~(A)~~  
781 **(A) Fees and funding**

782  
783           ~~(1) The Commission shall establish and collect reasonable fees from the certifying~~  
784 ~~accredited organizations and certified specialists under this rule.~~

785  
786           ~~(B)(2) The Commission shall be funded from the fees established pursuant to division~~  
787 ~~(A)(1) of this section.~~

788  
789           ~~(C)(3) At the request of the Administrative Director of the Supreme Court, the~~  
790 ~~Commission shall prepare and submit a proposed annual budget for approval by the~~  
791 ~~Supreme Court.~~

792  
793           ~~(D) Records~~

794  
795 **(B) Liability**

796  
797           Accredited organizations shall hold and save the Commission and the Court, its member  
798 volunteers, officers, agents, and employees harmless from liability of any kind, including  
799 costs, expenses, and attorney fees, for any suit or damages sustained by any person or  
800 property arising out of an accredited organization's or accredited organization's application  
801 for accreditation by the Commission or arising out of any actions of the accredited  
802 organization or attorneys to whom specialization is granted or denied.

803  
804 **(C) Public records**

805  
806           ~~(1) Except as provided in division (C)(2) of this section, the records of the Commission~~  
807 ~~shall be available for public access pursuant to Sup. R. 44 through 47.~~

808  
809           ~~(2) An accredited organization may request the Commission limit distribution of~~  
810 ~~documents the organization has submitted to the Commission to those persons who need~~  
811 ~~the information to fulfill obligations specified in these rules. In such cases, the~~  
812 ~~Commission shall take reasonable steps to honor such a request, but the Commission shall~~  
813 ~~not be responsible for disclosure due to circumstances beyond its immediate control. Actual~~  
814 ~~or proposed written examinations submitted to the Commission shall be kept confidential.~~

815  
816  
817

818 **Section 8 7. Effective Date.**

819

820 [Effective: January 1, 1993; amended effective November 17, 1993; May 8, 2000; April 1,  
821 2017;\_\_\_\_\_.]

822 APPENDIX IV: STANDARDS FOR ACCREDITATION OF SPECIALTY  
823 CERTIFICATION PROGRAMS FOR LAWYERS [RESERVED]  
824

825  
826 POLICY STATEMENT AND DEFINITIONS  
827

828 ~~ASCP Std. 1: POLICY STATEMENT~~  
829

830 ~~1.01. This document establishes standards by which the Supreme Court Commission on~~  
831 ~~Certification of Attorneys as Specialists will accredit specialty certification programs for lawyers~~  
832 ~~in particular fields of law and recommend fields of law for specialization to the Supreme Court.~~  
833 ~~The Standards require that an Accredited Organization demonstrate that lawyers certified by it~~  
834 ~~possess an enhanced level of skill and expertise as well as substantial involvement in the specialty~~  
835 ~~area of certification and also that the Accredited Organization fosters professional development.~~  
836 ~~The Standards also require that the public interest be served by identifying fields of law as specialty~~  
837 ~~areas and that designation of a specialty field will further the orderly growth of specialization by~~  
838 ~~lawyers in Ohio. The Standards are designed to enable the Commission to evaluate thoroughly~~  
839 ~~the objectives, standards, and procedures of Applicants and to facilitate public access to~~  
840 ~~appropriate legal services. The Commission exercises its authority to make, interpret, and apply~~  
841 ~~the Standards as adopted and set forth in these Standards in accordance with Gov. Bar R. XIV. All~~  
842 ~~decisions of the Commission shall be made by majority vote.~~  
843  
844

845 ~~ASCP Std. 2: DEFINITIONS~~  
846

847 ~~2.01. As used in these Standards:~~  
848

849 (A) ~~"Accredited Organization" means an organization that is authorized by the~~  
850 ~~Commission to certify lawyers as specialists.~~  
851

852 (B) ~~"Applicant" means an organization that applies to the Commission for accreditation~~  
853 ~~or re-accreditation to certify lawyers as specialists or an organization that applies to the~~  
854 ~~Commission for recommendation that a new area of law be designated as a specialty.~~  
855

856 (C) ~~"Commission" means the Supreme Court Commission on Certification of~~  
857 ~~Attorneys as Specialists.~~  
858

859 (D) ~~"Review Panel" means three or more members of the Commission designated by~~  
860 ~~the Chair of the Commission to either review the application of an Applicant and make a~~  
861 ~~recommendation to the full Commission concerning the application or review an~~  
862 ~~Accredited Organization and make a recommendation to the full Commission as to whether~~  
863 ~~the authority of the Accredited Organization should be revoked.~~  
864

865 (E) ~~"Specialty" means an area of law that has been identified and approved by the~~  
866 ~~Supreme Court in which lawyers may be certified as specialists by an Accredited~~  
867 ~~Organization.~~

868 (F) "Standards" means the Commission Standards for Accreditation of Specialty  
869 Certification Programs for Lawyers.  
870

871  
872 **STANDARDS FOR ACCREDITATION OF SPECIALTY CERTIFICATION**  
873 **PROGRAMS**  
874

875 **ASCP Std. 3: PROCEDURE FOR ACCREDITATION**  
876

877 **3.01. Notice of Intent.**  
878

879 (A) **Filing of Notice.** Before submitting a formal application to the Commission, an Applicant  
880 shall file with the Commission a notice of intent to apply for accreditation on a form approved by  
881 the Commission and pay a non-refundable pre-application fee. The notice of intent shall specify  
882 each specialty for which accreditation is sought. If the proposed specialty has been approved as a  
883 specialty by the Supreme Court, the Secretary shall send the Applicant an application form  
884 approved by the Commission.  
885

886 (B) **Accreditation in More Than one Specialty Area.** An Applicant may seek accreditation  
887 to certify lawyers in more than one specialty area. The organization shall be evaluated separately  
888 with respect to each specialty program.  
889

890 **3.02. Application for Accreditation.**  
891

892 (A) **Filing of Application.** An Applicant that has satisfied the notice of intent requirement of  
893 Section 3.01 of these Standards may file an application for accreditation with the Commission by  
894 completing an application provided by the Commission and paying the required application fee.  
895

896 (B) **Required Supporting Documentation.** An application for accreditation shall be  
897 accompanied by all of the following documents:  
898

899 (1) The Applicant's governing documents, including articles of incorporation, bylaws,  
900 resolutions, and other documents setting forth the standards, procedures, guidelines, or  
901 practices of the Applicant's certification program;  
902

903 (2) Documents demonstrating the financial stability of the Applicant and, if necessary,  
904 any supporting parent organization;  
905

906 (3) Biographical summaries of members of the governing board or governing  
907 committee of the certifying organization, as designated pursuant to Section 4.01(C) of these  
908 Standards, including specific information concerning the degree of involvement in the  
909 specialty area of persons who review and pass upon lawyers' applications for certification;  
910

911 (4) Materials furnished to the lawyers seeking certification, including application  
912 forms, booklets, or pamphlets describing the certification program, peer reference forms,  
913 rules and procedures, and evaluation guides;

914 (5) Copies of examinations given by the Applicant in the past two years, or in the case  
915 of an Applicant with a new certification program, copies of proposed examinations. In  
916 those cases in which an Applicant accepts examination by another entity, copies of  
917 examinations given by such entity shall be provided. In addition to examinations  
918 themselves, the Applicant shall provide evidence of the examination's validity and  
919 reliability, an explanation of how the examinations are developed, conducted, and  
920 reviewed, and an explanation of the standards employed for grading and evaluating the  
921 examinations. The factors used to judge the suitability and rigor of any examination shall  
922 include all of the following:

- 923 (a) Evidence that the method by which pass/fail levels are established is a true  
924 measure of expertise in the specialty area;
- 925 (b) Evidence of both reliability and validity for each form of the examination;
- 926 (c) Evidence of periodic review of the examination to ensure relevance to  
927 knowledge and skills needed in the specialty area as the law and practice methods  
928 develop over time;
- 929 (d) Evidence that the law of Ohio, when different from the general law, is a part  
930 of the examination;
- 931 (e) Evidence that effective measures are taken to protect the security of all  
932 examinations;
- 933 (f) Evidence that the written examination includes professional responsibility  
934 and ethics.

### 941 **3.03. Preliminary Review of Application.**

942 (A) **Review by Commission Staff.** Upon receipt of an application for accreditation, the  
943 Commission's staff shall review materials submitted by the Applicant for conformance with these  
944 Standards.

945 (B) **Incomplete Application.** If an application is incomplete or if other documents or  
946 information are required, the Commission's staff shall notify the Applicant. The Applicant shall  
947 comply with the staff request within sixty days from the receipt of the notice or request an  
948 extension. If the application is not completed within this period, and if no extension is requested,  
949 the application shall be considered lapsed and ineligible for consideration. The staff shall give  
950 notice to the Applicant once an application is complete. Withdrawal of an application does not  
951 preclude a subsequent application by the Applicant.

### 952 **3.04. Commission Review of Application.**

953 (A) **Evaluation by Review Panel.** The Chair of the Commission shall designate a Review  
954 Panel of not fewer than three members of the Commission for each completed application. The

960 application and supporting materials shall be provided to the Review Panel for independent review  
961 and consideration. The Review Panel may seek comment and information from whatever sources  
962 it deems appropriate, including other lawyers admitted to practice in Ohio and professionals who  
963 practice in or are knowledgeable concerning the specialty.

964  
965 ~~(B) Report.~~ The Review Panel shall prepare a written report to the Commission concerning  
966 the application. The written report shall recommend that the application be approved, denied, or  
967 deferred and shall state the reasons for the recommendation.

968  
969 ~~(C) Receipt of Report Required.~~ The Commission shall not approve or deny an application  
970 until a written report from the Review Committee for that application has been presented to the  
971 Commission.

972  
973 ~~(D) Materials.~~ In making a final decision regarding an application, the Commission shall  
974 consider all materials relating to an application. These materials include the final report of the  
975 Review Panel, copies of the application and supporting documents originally submitted by the  
976 Applicant, and any further materials the Applicant has submitted for consideration.

977  
978 ~~(E) Decision.~~ The Commission shall consider applications for accreditation as follows:

979  
980 (1) If the Commission determines that the Applicant and its application satisfy all  
981 criteria required for the certification of specialists in an approved area of specialization, the  
982 application shall be approved, and the Applicant shall be designated an Accredited  
983 Organization for the specialty.

984  
985 (2) If the Commission determines that the Applicant or the application do not satisfy  
986 all criteria required for the certification of specialists in an approved area of specialization,  
987 the application shall be denied.

988  
989 (3) When an application is denied by the Commission, the Applicant may request  
990 reconsideration of the denial within thirty days following its receipt of the Commission's  
991 decision. Requests for reconsideration shall be made in writing to the Commission and  
992 should demonstrate why the Commission's denial was unreasonable.

993  
994 ~~(F) Schedule for Review of Application.~~ The Commission shall review and make a decision  
995 on an application for accreditation as expeditiously as possible.

996  
997 ~~(G) Notice of Decision.~~ The Commission shall promptly notify the Applicant in writing of the  
998 decision of the Commission regarding an application for accreditation or a request for  
999 reconsideration.

1000  
1001 **3.05. Coordination with the American Bar Association.**

1002  
1003 ~~(A) Prior Accreditation.~~ The Commission may consider an Applicant's prior approval for  
1004 accreditation by the American Bar Association.

1005



1006 ~~(B) Applicants.~~ If the specialty certification program of an Applicant has been previously  
1007 accredited by the American Bar Association and if the requirements of the association are  
1008 substantially identical to the requirements of the Commission, the Commission may consider the  
1009 association's accreditation in determining whether the Applicant satisfies these Standards. In those  
1010 areas where the requirements are not substantially identical, the Applicant shall meet those  
1011 requirements of the Commission in the same manner as any other Applicant not having received  
1012 the association's accreditation. The determination of the Commission with respect to  
1013 "substantially identical" shall be final.

1014  
1015 ~~(C) Ohio Law Requirements.~~ Certain specialty areas require substantial expertise in Ohio  
1016 law as opposed to general national law. If this is the case, the Commission shall provide for  
1017 additional or separate requirements for Applicants in those specialty areas.

1018  
1019 ~~(D) Time Periods for Accreditation and Re-Accreditation.~~ If an Applicant has been granted  
1020 approval of certain requirements of these Standards based on prior accreditation by the American  
1021 Bar Association, the period of initial accreditation by the Commission shall be the time remaining  
1022 in the current period of accreditation by the association.

#### 1023 1024 1025 ~~ASCP Std. 4: CRITERIA FOR ACCREDITATION~~

1026  
1027 ~~4.01. Program Operations.~~ In order to obtain accreditation by the Commission for a specialty  
1028 certification program, an Applicant shall demonstrate that the program operates in accordance with  
1029 the following standards:

1030  
1031 ~~(A) Purpose of Organization.~~ An Applicant shall demonstrate that its primary  
1032 purpose includes the identification of lawyers who possess an enhanced level of skill and  
1033 expertise in the area of law or practice for which specialist certification is being issued.  
1034 The Applicant also shall show that its certification program develops and improves the  
1035 professional competence of lawyers. The Applicant shall be a not-for-profit organization.

1036  
1037 ~~(B) Organizational Capabilities.~~ Any program designed to certify lawyers as  
1038 specialists shall have a continuing responsibility to those it certifies to maintain the  
1039 integrity and the value of the specialty designation. An Applicant seeking accreditation  
1040 shall establish that it possesses and will continue to maintain the governance and  
1041 organizational structures, a reliable source of adequate financial resources, and the  
1042 established administrative processes needed to carry out a certification program in an  
1043 unbiased, professional, and ethically responsible manner. The primary criteria for  
1044 determining organizational capabilities are the following:

1045  
1046 ~~(1) The existence of management, administrative, and business practices that~~  
1047 ~~allow the Applicant to operate its certification program effectively and provide~~  
1048 ~~efficient service to lawyers who submit applications for certification. The~~  
1049 ~~processes and procedures used in the certification process should include~~  
1050 ~~safeguards to ensure unbiased consideration of lawyers seeking certification.~~

1051

1052 (2) A history of adequate financing during the three years preceding the filing  
1053 of the application. If the Applicant is newly formed, this criteria shall be applied  
1054 to a parent or sponsoring organization or to the individual founders, if no founding  
1055 organization is involved.

1056  
1057 (3) The existence of a budget and financial plan for three years following a  
1058 grant of accreditation should it be made. If an Applicant has previously been  
1059 accredited and has been in existence for at least five years, the existence of a budget  
1060 and financial plan for the year following accreditation shall be sufficient.

1061  
1062 (4) The presence of persons retained by or on the governing board, evaluation  
1063 committees, or staff of the organization who are qualified by experience, education,  
1064 and background to carry out the program of certification, including persons with a  
1065 background in evaluating the validity and reliability of examinations and  
1066 experienced practitioners in the areas of law in which the organization conducts  
1067 certification programs;

1068  
1069 (5) The existence of a handbook, guide, or manual that outlines the standards,  
1070 policies, procedures, guides for self-study, and application procedures.

1071  
1072 **(C) Governing Committee.** An Applicant shall designate a standing committee to  
1073 implement and supervise each specialty program. The committee for any specialty  
1074 program need not be a board of trustees or the governing board of the Applicant itself. A  
1075 majority of the Applicant's committee of the specialty program shall be attorneys who have  
1076 expertise in the area for which accreditation is sought. By submitting an application, an  
1077 Applicant represents to the Commission that the majority of the committee consists of  
1078 attorneys who have expertise in the specialty area, and proof of the qualifications of the  
1079 committee members shall be submitted as part of any application.

1080  
1081 **(D) Uniform Applicability of Certification Requirements and Non-Discrimination.**  
1082 An Applicant's documents and records submitted in conjunction with its application for  
1083 accreditation shall be examined to ensure that the requirements for granting certification  
1084 are clearly stated and that any applying lawyer who meets the requirements is granted  
1085 certification, to-wit:

1086  
1087 (1) The materials published by the Applicant shall not state or imply that  
1088 membership in, or the completion of education programs offered by, any specific  
1089 organization are required for certification. This paragraph does not apply to  
1090 requirements relating to the practice of law that are set out in statutes, rules, and  
1091 regulations promulgated by the government of the United States, by the government  
1092 of any state or political subdivision thereof, or by any agency or instrumentality of  
1093 any of the foregoing.

1094  
1095 (2) The description of the program shall indicate that the Applicant does not  
1096 discriminate against lawyers seeking certification on the basis of race, color,  
1097 national origin, religion, gender, sexual orientation, disability, or age. Experience

1098 requirements for lawyers seeking certification or recertification that may indirectly  
1099 have an effect on a particular age group shall be reasonable.

1100  
1101 ~~(3) Every Applicant shall develop and administer a full certification program~~  
1102 ~~that includes its measurement of extensive practice or involvement, its own peer~~  
1103 ~~review, its own written examination, and its requirements regarding education~~  
1104 ~~experience, as those criteria are described in these Standards.~~

1105  
1106 ~~(E) **Impartial Review.** An Applicant shall provide evidence that it maintains and~~  
1107 ~~publishes a policy providing an appeal procedure for a lawyer seeking certification to~~  
1108 ~~challenge the decision of the persons who review and pass upon the applications of lawyers~~  
1109 ~~seeking certification. The policy shall provide a lawyer seeking certification with the~~  
1110 ~~opportunity to present the lawyer's appeal to an impartial decision maker in the event of~~  
1111 ~~denial of eligibility or denial of certification. Impartial decision makers may include~~  
1112 ~~persons associated with the Applicant.~~

1113  
1114 ~~(F) **Requirements for Recertification.** A period of certification shall be not less than~~  
1115 ~~three or more than seven years. Lawyers may apply for recertification. Applications for~~  
1116 ~~recertification shall satisfy the standards set forth in Section 6 of Gov. Bar R. XIV and shall~~  
1117 ~~require, at a minimum, documentation of substantial involvement, compliance with~~  
1118 ~~continuing legal education requirements, peer review references, and documentation of~~  
1119 ~~good standing.~~

1120  
1121 ~~(G) **Continuing Legal Education.**~~

1122  
1123 ~~(1) In addition to the requirements of Gov. Bar R. X, a specialist shall complete~~  
1124 ~~twelve hours of continuing legal education every two years in each specialty area~~  
1125 ~~for which the specialist is certified.~~

1126  
1127 ~~(2) A certifying organization may exempt a lawyer from the requirements of~~  
1128 ~~division (G)(1) of this section in the event of a severe, prolonged illness or disability~~  
1129 ~~that prevents the specialist from participating in accredited continuing legal~~  
1130 ~~education programs and activities and in the requirements for certification renewal~~  
1131 ~~established by the Commission and the certifying organization as follows:~~

1132  
1133 ~~(a) Before the deadline for recertification, the lawyer shows, by a~~  
1134 ~~preponderance of the evidence and to the satisfaction of the certifying~~  
1135 ~~organization, that completing the requirements for recertification presents~~  
1136 ~~an extreme hardship and that recertification is significantly more difficult~~  
1137 ~~as a result of the severe, prolonged illness or disability;~~

1138  
1139 ~~(b) After the deadline for recertification, the lawyer shows, by a~~  
1140 ~~preponderance of the evidence and to the satisfaction of the certifying~~  
1141 ~~organization, that completing the requirements for recertification presented~~  
1142 ~~an extreme hardship, that recertification was significantly more difficult as~~  
1143 ~~a result of the severe, prolonged illness or disability, and that there exists an~~

1144 adequate explanation as to why the lawyer did not seek exemption prior to  
1145 the end of the lawyer's certification period.

1146  
1147 (3) The duration of an exemption granted pursuant to paragraph (G)(2) of this  
1148 section shall be dependent upon the severity of the lawyer's illness or disability and  
1149 may be limited, as determined by the certifying organization.

1150  
1151 (4) A certifying organization shall develop standards to assess all exemption  
1152 requests made pursuant to paragraph (G)(2) of this section and review all requests  
1153 in accordance with those standards. The standards shall include an appeal  
1154 procedure for a lawyer requesting an exemption to challenge the decision of the  
1155 member or members of the certifying organization who reviewed and passed upon  
1156 the lawyer's request. The appeal procedure shall provide the lawyer requesting the  
1157 exemption with an opportunity to appeal to a separate, impartial decision maker in  
1158 the event of denial of eligibility for or denial of an exemption. The separate,  
1159 impartial decision maker may include a person associated with the certifying  
1160 organization.

1161  
1162 **(H) Revocation of Certification.** The Applicant shall provide in its policies and  
1163 procedures for the revocation of certification and specialization, including the mandatory  
1164 requirement that a lawyer who is certified as a specialist shall immediately report the  
1165 lawyer's disbarment or suspension from the practice of law in any jurisdiction.

#### 1166 1167 **4.02. Certification Standards for Lawyers as Specialists.**

1168  
1169 **(A) Substantial Involvement.** Because the purpose of accrediting lawyers as specialists is to  
1170 assist the public in evaluating and selecting lawyers, a lawyer seeking certification shall  
1171 demonstrate substantial involvement in the specialty area in the representation of clients during  
1172 the three year period immediately preceding application to an Accredited Organization. Whether  
1173 a lawyer has had such substantial involvement during the period in question shall be determined  
1174 by evaluating all factors, including the type and number of cases or matters in which the lawyer  
1175 provided representation to clients and the percentage of the lawyer's professional time devoted to  
1176 the practice of law in the specialty area. At a minimum, however, a lawyer seeking certification  
1177 shall demonstrate that during the three year period immediately preceding the lawyer's application  
1178 the time the lawyer devoted to the presentation of clients in the specialty area during each of the  
1179 three years was not less than twenty five percent of the time a typical lawyer devotes to a normal,  
1180 full-time legal practice. Notwithstanding the foregoing, no sitting, full-time judge, or magistrate  
1181 shall be eligible to apply for specialty certification.

#### 1182 1183 **(B) Peer Review.**

1184  
1185 (1) A lawyer seeking certification shall submit the names of at least five references  
1186 from lawyers or judges who are knowledgeable regarding the practice area and are familiar  
1187 with the competence of the lawyer.

1188  
1189 (2) The Accredited Organization shall send the reference forms to potential references.

1190  
1191 (3) ~~The reference forms shall inquire into the respondent's area of practice, the~~  
1192 ~~respondent's familiarity with both the specialty area and the lawyer seeking certification,~~  
1193 ~~and the length of time that the respondent has been practicing law and has known the lawyer~~  
1194 ~~seeking certification. The form also shall inquire about the qualifications of the lawyer~~  
1195 ~~seeking certification in various aspects of the practice and, as appropriate, the lawyer's~~  
1196 ~~dealings with judges and opposing counsel.~~

1197  
1198 (4) ~~The lawyer may not submit as a reference any lawyer or judge who is related to the~~  
1199 ~~lawyer seeking certification or currently engaged in legal practice with a lawyer or who~~  
1200 ~~has the same employer.~~

1201  
1202 (5) ~~The Accredited Organization may seek and consider other references.~~

1203  
1204 **(C) ~~Written Examination.~~** ~~A lawyer seeking certification shall pass a rigorous written~~  
1205 ~~examination testing at the highest level the knowledge and skills of the substantive and procedural~~  
1206 ~~law in the specialty area.~~

1207  
1208 **(D) ~~Educational Experience.~~**

1209  
1210 (1) ~~A lawyer seeking certification as a specialist shall complete a minimum of thirty-~~  
1211 ~~six hours of continuing legal education in the specialty area in which the lawyer is seeking~~  
1212 ~~certification within the three year period preceding the lawyer's application for~~  
1213 ~~certification.~~

1214  
1215 (2) ~~For purposes of this standard, the continuing legal education shall fully comply~~  
1216 ~~with Gov. Bar R. X and the CLE Regulations.~~

1217  
1218 (3) ~~A lawyer seeking certification shall provide proof to the certifying organization that~~  
1219 ~~the continuing legal education contains sufficient intellectual and practical content so as to~~  
1220 ~~increase a lawyer's knowledge and ability in the specialty area chosen.~~

1221  
1222 **(E) ~~Good Standing.~~** ~~A lawyer seeking certification shall provide proof of both of the~~  
1223 ~~following:~~

1224  
1225 (1) ~~The lawyer is registered for active status pursuant to Gov. Bar R. VI, is in good~~  
1226 ~~standing with the Supreme Court, and has no current or pending disciplinary matter in Ohio~~  
1227 ~~or another state;~~

1228  
1229 (2)(a) ~~The lawyer is covered by professional liability insurance through an insurance~~  
1230 ~~company that is authorized to transact business in Ohio, in an amount not less than five~~  
1231 ~~hundred thousand dollars per loss, and that has demonstrated ability to pay all claims that~~  
1232 ~~fall within the liability insurance deductible, except that lawyers who meet the following~~  
1233 ~~criteria may be exempted from this requirement:~~

1234

1235 (i) ~~Lawyers who can demonstrate that their employment relationship as a~~  
1236 ~~lawyer will fully cover any professional liability claim or provide immunity~~  
1237 ~~therefrom;~~

1239 (ii) ~~Counsel employed by an entity, other than a law firm, whose sole~~  
1240 ~~professional practice is for that entity;~~

1242 (iii) ~~Counsel employed by a governmental entity which would be immune from~~  
1243 ~~liability claims.~~

1245 (b) ~~The lawyer shall notify the Accredited Organization immediately of any~~  
1246 ~~cancellation or change in the lawyer's professional liability insurance coverage.~~

1248 ~~(F) **Attorney Acknowledgement.** The lawyer shall sign and submit an Attorney Certification~~  
1249 ~~and Acknowledgement on a form promulgated by the Commission. Once the lawyer is certified,~~  
1250 ~~this form shall be collected annually by the Accredited Organization from the lawyer and shall be~~  
1251 ~~stored and maintained by the organization for the length of the lawyer's current certification~~  
1252 ~~period.~~

1254 ~~(G) **Specialists Who Become Judges.** No sitting, full-time judge or magistrate may represent~~  
1255 ~~or hold the judge's or magistrate's self out as a certified specialist nor may any Accrediting~~  
1256 ~~Organization represent or hold out a sitting, full-time judge or magistrate as a specialist. When a~~  
1257 ~~certified specialist assumes a position of sitting, full-time judge or magistrate, the date on which~~  
1258 ~~the specialist's certification would otherwise expire shall be noted by the Accrediting~~  
1259 ~~Organization. If the specialist's tenure as a sitting, full-time judge or magistrate concludes before~~  
1260 ~~that expiration date, and provided the specialist has in the interim continued to satisfy the~~  
1261 ~~continuing legal education requirements of Gov. Bar R. XIV, the judge's or magistrate's~~  
1262 ~~certification may resume upon request, subject to any reasonable requirements of the Accrediting~~  
1263 ~~Organization, and continue until the next expiration date.~~

## 1266 ~~ASCP Std. 5: ACCREDITATION~~

1268 ~~5.01. **Accreditation Period.** Any period of accreditation granted pursuant to these Standards~~  
1269 ~~and under Gov. Bar R. XIV shall be for a period of five years, unless otherwise determined by the~~  
1270 ~~Commission.~~

1272 ~~5.02. **Application to Continue Accreditation.** If an Accredited Organization desires to~~  
1273 ~~continue its accreditation, the organization shall submit an application to the Commission, on a~~  
1274 ~~form approved by the Commission, within six months prior to the termination of the present term~~  
1275 ~~of accreditation. This process of continuous accreditation shall be the same as for the initial period~~  
1276 ~~as set forth in these Standards.~~

1281 ~~ASCP Std. 6: REVOCATION OF ACCREDITATION~~

1282  
1283 ~~6.01. Grounds for Revocation of Accreditation.~~ The Commission may revoke an Accredited  
1284 Organization's accreditation upon a determination that the organization has ceased to exist, has  
1285 failed to operate its certification program in compliance with these Standards, or has materially  
1286 changed its structure, operating standards, guidelines, or criteria for certification or recertification.

1287  
1288 ~~6.02. Hearing.~~ The Commission, on its own or acting upon a complaint from a third party, may  
1289 determine that reasonable grounds exist for considering the revocation of accreditation. The  
1290 Commission shall schedule the matter for deliberation at one of the Commission's regularly  
1291 scheduled meetings and promptly shall provide the Accredited Organization with written notice of  
1292 the meeting and an opportunity to be heard at that meeting.

1293  
1294 ~~6.03. New Application for Accreditation.~~ An organization whose accreditation has been  
1295 revoked may reapply for accreditation in accordance with the Commission decision revoking  
1296 accreditation and as set forth in these Standards and Gov. Bar R. XIV.

1297  
1298 ~~6.04. Voluntary Withdrawal from Accredited Status.~~ An Accredited Organization may  
1299 request that its accreditation be withdrawn by providing written notice to the Secretary of the  
1300 Commission.

1301  
1302  
1303 ~~ASCP Std. 7: REPORTING~~

1304  
1305 ~~7.01. By April 1st of each calendar year, an Accredited Organization shall report both of the~~  
1306 ~~following in writing to the Commission:~~

1307  
1308 (A) ~~A report describing the current status of each accredited program, including the~~  
1309 ~~names, attorney registration numbers, and current addresses of Ohio lawyers certified or~~  
1310 ~~recertified as specialists on a form promulgated by the Commission.~~

1311  
1312 (B) ~~Any proposed material changes in the Accredited Organization's structure,~~  
1313 ~~operating standards, guidelines, or criteria for certification or recertification, at least sixty~~  
1314 ~~days before those changes are to become effective.~~

1315  
1316  
1317 ~~ASCP Std. 8: REPRESENTATION OF ACCREDITATION~~

1318  
1319 ~~8.01. An Accredited Organization may hold itself out as "Accredited by the Supreme Court of~~  
1320 ~~Ohio Commission on Certification of Attorneys as Specialists to certify lawyers in the Specialty~~  
1321 ~~area(s) of \_\_\_\_\_" under the following conditions:~~

1322  
1323 (A) ~~The Accredited Organization using this announcement or otherwise referring to its~~  
1324 ~~accreditation by the Commission shall provide notice to lawyers applying for certification~~  
1325 ~~that accreditation by the Commission indicates solely that the Accredited Organization's~~  
1326 ~~certification program has met these Standards and Gov. Bar R. XIV;~~

1327 (B) ~~The Accredited Organization shall not permit certified lawyers to state or imply~~  
1328 ~~that they are certified or accredited by the Commission or by the Supreme Court. The~~  
1329 ~~certified lawyers may represent that the Accredited Organization is approved by the~~  
1330 ~~Commission but not the Supreme Court. Accredited Organizations shall actively enforce~~  
1331 ~~this prohibition.~~  
1332  
1333

1334 ~~**ASCP Std. 9: DISCLOSURE OF INFORMATION**~~  
1335

1336 ~~**9.01. General.** Except as provided in this section, the files, records, and documents submitted~~  
1337 ~~by an Applicant as part of the accreditation process shall be available for public access pursuant~~  
1338 ~~to Sup.R. 44 through 47.~~  
1339

1340 ~~**9.02. Limiting Public Access.** An Applicant may request that distribution of its materials by~~  
1341 ~~the Commission be limited to those persons who need the information to fulfill obligations~~  
1342 ~~specified in these rules. In such cases, the Commission shall take reasonable steps to honor such~~  
1343 ~~a request, but the Commission shall not be responsible for disclosure due to circumstances beyond~~  
1344 ~~its immediate control.~~  
1345

1346 ~~**9.03. Examinations.** Actual or proposed written examinations submitted to the Commission~~  
1347 ~~shall be kept confidential.~~  
1348  
1349

1350 ~~**ASCP Std. 10: NON-COMPLIANCE WITH STANDARDS**~~  
1351

1352 ~~**10.01.** An Applicant or an Accredited Organization that does not comply with these standards~~  
1353 ~~may be denied accreditation or re-accreditation or may have its accreditation revoked. Non-~~  
1354 ~~compliance with these Standards and Rules or deadlines set out in these Standards may delay the~~  
1355 ~~disposition of an application for accreditation.~~  
1356  
1357

1358 ~~**ASCP Std. 11: INDEMNIFICATION AND HOLD HARMLESS**~~  
1359

1360 ~~**11.01.** Accredited Organizations and Applicants shall hold and save the Commission and the~~  
1361 ~~Supreme Court, its member volunteers, officers, agents, and employees harmless from liability of~~  
1362 ~~any kind, including costs, expenses, and attorney fees, for any suit or damages sustained by any~~  
1363 ~~person or property arising out of an Accredited Organization's or Applicant's application for~~  
1364 ~~accreditation by the Commission or arising out of any actions of the Accredited Organization or~~  
1365 ~~lawyers to whom specialization is granted or denied.~~  
1366  
1367  
1368  
1369  
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1371  
1372



1373 **DESIGNATION OF SPECIALTY AREAS**

1374  
1375 **ASCP Std. 12: PROCEDURE FOR REQUESTING SPECIALTY DESIGNATION**

1376  
1377 **12.01. Notice of Intent.**

1378  
1379 **(A) Filing of Notice.** ~~An Applicant shall file with the Commission a Notice of Intent to Apply~~  
1380 ~~on a form approved by the Commission and pay a non-refundable pre-application fee. The notice~~  
1381 ~~shall specify each specialty for which designation is sought.~~

1382  
1383 **(B) Definition of Specialty Areas.**

1384  
1385 (1) ~~An Applicant shall propose to the Commission a specific definition of each~~  
1386 ~~specialty in which it seeks accreditation to certify lawyers as specialists.~~

1387  
1388 (2) ~~Each specialty in which certification is offered shall be an area in which significant~~  
1389 ~~numbers of lawyers regularly practice. Specialty areas shall be names and described in~~  
1390 ~~terms that are understandable to the potential users of legal services and in terms that will~~  
1391 ~~not lead to confusion with other specialty areas.~~

1392  
1393 **(C) Required Supporting Documents.** ~~The Notice of Intent shall be accompanied by the~~  
1394 ~~following documents:~~

1395  
1396 (1) ~~A written explanation as to how the proposed specialty area meets the criteria for~~  
1397 ~~consideration by the Commission as set forth in Section 2(C)(1) of Gov. Bar R. XIV;~~

1398  
1399 (2) ~~Evidence of an adequate program of continuing legal education in the specialty~~  
1400 ~~area;~~

1401  
1402 (3) ~~Criteria for establishing appropriate standards of proficiency in the specialty.~~

1403  
1404 **12.02. Review of Application.**

1405  
1406 **(A) Review by Commission Staff.**

1407  
1408 (1) ~~Upon receipt of a notice of intent to apply, the Commission staff shall review~~  
1409 ~~materials submitted by the Applicant for conformance with these Standards. The~~  
1410 ~~Commission shall not be bound by any specific schedule in processing a notice.~~

1411  
1412 (2) ~~If the notice is incomplete or if other documents or information are required, the~~  
1413 ~~Commission staff shall notify the Applicant. The Applicant shall comply with the staff~~  
1414 ~~request within sixty days from the receipt of the notice or request an extension. If the notice~~  
1415 ~~is not completed within this period, and if no extension is requested, the notice shall be~~  
1416 ~~considered lapsed and ineligible for consideration. The staff shall give notice to the~~  
1417 ~~Applicant once a notice is complete and forward the materials to the Commission for~~  
1418 ~~consideration.~~

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**(B) Review by the Commission.**

~~(1) The Commission shall review and consider the notice and materials and issue its decision in accordance with the process set forth in Section 3.04 of these Standards.~~

~~(2) The Commission may modify or reject any proposed definition and shall accept any proposed definition subject to the approval by the Supreme Court. The Commission shall promptly notify the Applicant of its action.~~

**~~ASCP Std. 13: ADOPTION AND AMENDMENT OF STANDARDS~~**

**~~13.01.~~** ~~Amendments to these Standards become effective upon their adoption by the Commission and approval by the Supreme Court.~~

1434 **APPENDIX VI: FIELDS OF LAW SUBJECT TO**  
1435 **SPECIALIZATION DESIGNATION [RESERVED]**  
1436  
1437

1438 **~~FLS Designation Fields of law subject to specialization designation in Ohio~~**  
1439

1440 ~~Effective July 10, 1996, the Supreme Court adopted the following fields of law subject to~~  
1441 ~~specialization designation in Ohio pursuant to recommendations of the Commission on~~  
1442 ~~Certification of Attorneys as Specialists.~~  
1443

1444 ~~On February 24, 1995, the Commission approved Workers' Compensation in Ohio as a field of~~  
1445 ~~law subject to specialization designation in Ohio. The following definition was adopted by the~~  
1446 ~~Commission.~~  
1447

1448 ~~“**Workers' Compensation Law in Ohio** is the practice of law that involves employees'~~  
1449 ~~rights, employers' defenses, and benefits provided for workplace accidents. The procedural scope~~  
1450 ~~of Ohio Workers' Compensation practice includes all activities before the Ohio Industrial~~  
1451 ~~Commission and Bureau of Workers' Compensation, as well as jury trials and attendant appellate~~  
1452 ~~practice.”~~  
1453

1454 ~~On May 26, 1995, the Commission approved Family Relations Law as a field of law subject to~~  
1455 ~~specialization designation in Ohio. The following definition was adopted by the Commission.~~  
1456

1457 ~~“**Family Relations Law** is the practice of law that involves counseling clients in the~~  
1458 ~~resolution of disputes and with the termination of marriage by divorce, dissolution, or annulment~~  
1459 ~~and all related issues, such as legal separation; paternity; child support and the allocation of~~  
1460 ~~parental rights and responsibilities; division of property; and spousal support both in alternative~~  
1461 ~~dispute resolution — processes and in court.”~~  
1462

1463 ~~On May 26, 1995, the Commission on Certification of Attorneys as Specialists approved Criminal~~  
1464 ~~Law Trial Advocacy as a field of law subject to specialization designation in Ohio. The following~~  
1465 ~~definition was adopted by the Commission.~~  
1466

1467 ~~“**Criminal Law Trial Advocacy** is the practice of law that involves the defense and~~  
1468 ~~prosecution of misdemeanor and felony crimes in state and federal trial and appellate courts.”~~  
1469

1470 ~~On September 22, 1995, the Commission on Certification of Attorneys as Specialists approved~~  
1471 ~~Civil Law Trial Advocacy as a field of law subject to specialization designation in Ohio. The~~  
1472 ~~following definition was adopted by the Commission.~~  
1473

1474 ~~“**Civil Law Trial Advocacy** is the practice of law that involves litigation of civil~~  
1475 ~~controversies in all areas of substantive law before state courts, federal courts, administrative~~  
1476 ~~agencies, and arbitrators. In addition to actual pretrial and trial process, "civil law trial advocacy"~~  
1477 ~~includes evaluating, managing, and resolving civil controversies prior to the initiation of suit.”~~  
1478

1479 On February 23, 1996, the Commission on Certification of Attorneys as Specialists approved  
1480 Business Bankruptcy Law as a field of law subject to specialization designation in Ohio. The  
1481 following definition was adopted by the Commission.

1482  
1483 ~~“Business Bankruptcy Law is the practice of bankruptcy law when the debtor is a~~  
1484 ~~corporation, a partnership, an individual currently engaged in business, or an individual formerly~~  
1485 ~~engaged in business whose debts are primarily incurred for business purposes; including but not~~  
1486 ~~limited to business bankruptcies, reorganizations, liquidations, and the rights, obligations, and~~  
1487 ~~remedies of debtors and creditors.”~~

1488  
1489 On February 23, 1996, the Commission on Certification of Attorneys as Specialists approved  
1490 Creditors’ Rights/Debt Collection as a field of law subject to specialization designation in Ohio.  
1491 The following definition was adopted by the Commission.

1492  
1493 ~~“Creditors’ Rights/Debt Collection is the practice of law that involves all aspects of debt~~  
1494 ~~collection under state and federal law as it applies to the rights of creditors.”~~

1495  
1496 On February 23, 1996, the Commission on Certification of Attorneys as Specialists approved  
1497 Consumer Bankruptcy Law as a field of law subject to specialization designation in Ohio. The  
1498 following definition was adopted by the Commission.

1499  
1500 ~~“Consumer Bankruptcy Law is the practice of bankruptcy law when the debtor is an~~  
1501 ~~individual or spouses and where the debts are primarily non-business related. The matters are~~  
1502 ~~typically filed under Chapters 7 or 13 of the U.S. Bankruptcy Code.”~~

1503  
1504 Effective October 8, 1996, the Supreme Court adopted the following field of law subject  
1505 to specialization designation in Ohio pursuant to recommendations of the Commission on  
1506 Certification of Attorneys as Specialists.

1507  
1508 On May 24, 1996, the Commission on Certification of Attorneys as Specialists approved Labor  
1509 and Employment Law as a field of law subject to specialization designation in Ohio. The following  
1510 definition was adopted by the Commission.

1511  
1512 ~~“Labor and Employment Law is the practice of law that involves the relationships among~~  
1513 ~~employers, employees, and their labor organizations, except workers' compensation. It includes~~  
1514 ~~all aspects of labor relations (private and public sectors), occupational safety and health,~~  
1515 ~~employment discrimination, wage and hour, employee benefits and employment related torts and~~  
1516 ~~contracts. It further includes all forms of labor and employment litigation, arbitration, mediation,~~  
1517 ~~negotiation and other forms of alternative dispute resolution before all federal, state and local~~  
1518 ~~courts, agencies and private tribunals.”~~

1519  
1520 Effective August 26, 1997, the Supreme Court adopted the following fields of law subject  
1521 to specialization designation in Ohio pursuant to recommendations of the Commission on  
1522 Certification of Attorneys as Specialists.

1523

1524 On September 27, 1996, the Commission on Certification of Attorneys as Specialists approved  
1525 Estate Planning, Trust and Probate Law as a specialty area in Ohio. The following definition was  
1526 adopted by the Commission on May 30, 1997.

1527  
1528 ~~“Estate Planning, Trust and Probate Law is the practice of law that involves analysis~~  
1529 ~~and planning for the conservation and disposition of estates during lifetime and at death, preparing~~  
1530 ~~legal instruments to effectuate such planning, and counseling fiduciaries, while giving due~~  
1531 ~~consideration to the applicable trust, probate, and income, estate, and gift tax laws.”~~

1532  
1533 On March 21, 1997, the Commission on Certification of Attorneys as Specialists approved Federal  
1534 Taxation Law as a specialty area in Ohio. The following definition was adopted by the  
1535 Commission on May 30, 1997.

1536  
1537 ~~“Federal Taxation Law is the practice of law in the areas of individual, partnership,~~  
1538 ~~corporate, and fiduciary Federal Income Tax, estate and gift tax, tax exempt organizations,~~  
1539 ~~qualified plans and other Federal taxes requiring a substantive and procedural knowledge of the~~  
1540 ~~Internal Revenue Code and Regulations, Internal Revenue Service Rulings, and Federal Taxation~~  
1541 ~~case law.”~~

1542  
1543 On March 21, 1997, the Commission on Certification of Attorneys as Specialists approved Elder  
1544 Law as a specialty area in Ohio. The following definition was adopted by the Commission on May  
1545 30, 1997.

1546  
1547 ~~“Elder Law is the legal practice of counseling and representing older persons and their~~  
1548 ~~representatives about the legal aspects of health and long term care planning, public benefits,~~  
1549 ~~surrogate decision-making, older persons' legal capacity, the conservation, disposition and~~  
1550 ~~administration of older persons' estates and the implementation of their decisions concerning such~~  
1551 ~~matters, giving due consideration to the applicable tax consequences of the action, or the need for~~  
1552 ~~more sophisticated tax expertise.”~~

1553  
1554 Effective February 3, 1998, the Supreme Court of Ohio adopted the following fields of law  
1555 subject to specialization in Ohio pursuant to the recommendation of the Commission on  
1556 Certification of Attorneys as Specialists.

1557  
1558 On October 24, 1997, the Commission on Certification of Attorneys as Specialists approved  
1559 Business, Commercial and Industrial Real Property Law, and Residential Real Property Law as  
1560 specialty areas in Ohio. The following definitions were adopted by the Commission.

1561  
1562 ~~“Business, Commercial and Industrial Real Property Law is the practice of law that~~  
1563 ~~involves acquisition, ownership, leasing, management, financing, developing, use, transfer and~~  
1564 ~~disposition of investment, business, commercial and industrial real property, including title~~  
1565 ~~examination and determination of property rights.”~~

1566  
1567 ~~“Residential Real Property Law is the practice of law that involves acquisition,~~  
1568 ~~ownership, leasing, financing, use, transfer and disposition of residential real property by~~  
1569 ~~individuals, including title examination and determination of property rights.”~~

1570  
1571           Effective January 24, 2006, the Supreme Court adopted the following fields of law subject  
1572 to specialization designation in Ohio pursuant to recommendations of the Commission on  
1573 Certification of Attorneys as Specialists.

1574  
1575   On April 1, 2005, the Commission on Certification of Attorneys as Specialists approved  
1576 Administrative Agency Law as a field of law subject to specialization designation in Ohio. The  
1577 following definition was adopted by the Commission.

1578  
1579           “**Administrative Agency Law** is the practice of law that involves the activities of agencies  
1580 at the local, state and federal levels, including, but not limited to: licensing, regulation and  
1581 government benefits. For purposes of this certification, it includes matters involving the Ohio  
1582 Administrative Procedure Act (RC Chapter 119), local government administrative matters  
1583 governed by RC Chapter 2506, and proceedings pursuant to the federal Administrative Procedures  
1584 Act. It also includes, without limitation, the representation of clients before administrative  
1585 agencies, the practice of law within those agencies, and administrative/judicial proceedings  
1586 involving those agencies.”

1587  
1588   On June 24, 2005, the Commission on Certification of Attorneys as Specialists approved Appellate  
1589 Law as a field of law subject to specialization designation in Ohio. The following definition was  
1590 adopted by the Commission.

1591  
1592           “**Appellate Law** deals primarily with practice before state and federal appellate courts. It  
1593 is distinct from, although complementary to, trial advocacy. Appellate Law emphasizes critical  
1594 analysis and written advocacy but includes oral advocacy skills as well. This discipline includes  
1595 consultation regarding the identification and preservation of error at all stages of litigation, and the  
1596 analysis of public policy goals and constitutional principles in the highest state and federal courts.  
1597 Appellate Law embraces actions within the original jurisdiction of appellate courts, as well as  
1598 those matters within the courts’ appellate jurisdiction.”

1599  
1600           “**Social Security Disability Law** is the practice of law that involves representation of  
1601 claimants for Social Security disability, survivors’ and retirement benefits. Lawyers in this field  
1602 routinely represent claimants throughout the administrative hearings and appeals process and into  
1603 the federal courts.”

1604  
1605           Effective October 1, 2011, the Supreme Court adopted Insurance Coverage Law as a field  
1606 of law subject to specialization designation in Ohio pursuant to recommendation of the  
1607 Commission on Certification of Attorneys as Specialists.

1608   On June 24, 2011, the Commission on Certification of Attorneys as Specialists approved Insurance  
1609 Coverage Law as a field of law subject to specialization designation in Ohio. The following  
1610 definition was adopted by the Commission.

1611  
1612           “**Insurance Coverage Law** is the area of law involving issues between insurers and policy  
1613 holders concerning the rights and responsibilities that arise under insurance policies.”

1614

1615           ~~Effective July 1, 2021, the Supreme Court adopted Privacy Law as a field of law subject~~  
1616 ~~to specialization designation in Ohio pursuant to recommendation of the Commission on~~  
1617 ~~Certification of Attorneys as Specialists.~~

1618  
1619           ~~On June 26, 2020, the Commission on Certification of Attorneys as Specialists approved Privacy~~  
1620 ~~Law as a field of law subject to specialization designation in Ohio. The following definition was~~  
1621 ~~adopted by the Commission.~~

1622  
1623           ~~“Privacy Law is the field of law that governs how governments, organizations, and~~  
1624 ~~individuals collect, use, transfer, protect, and otherwise process personal information. A Privacy~~  
1625 ~~Law Specialist advises clients regarding the legal issues raised by the practices, including, for~~  
1626 ~~example: (1) assisting with creating internal and external-facing notices and policies regarding~~  
1627 ~~data use; (2) responding to consumer inquiries about their personal information rights; (3)~~  
1628 ~~negotiating contracts involving data transfers; 4) responding to incidents involving personal data~~  
1629 ~~misuse or breach; (5) engaging in litigation regarding privacy issues; (6) responding to inquiries~~  
1630 ~~from regulators regarding personal information; (7) legal and regulatory concerns; (8) advising~~  
1631 ~~clients regarding the legal and ethical use of personal information against an increasingly complex~~  
1632 ~~technical landscape; (9) complying with regulatory obligations concerning the retention and use~~  
1633 ~~of personal information; and (10) advising regarding privacy impact assessments (PIAs), breaches,~~  
1634 ~~privacy by design and privacy by default, data protection, and privacy regimens.”~~

1635  
1636           ~~Effective November 1, 2021, the Supreme Court adopted Child Welfare Law as a field of~~  
1637 ~~law subject to specialization designation in Ohio pursuant to recommendation of the Commission~~  
1638 ~~on Certification of Attorneys as Specialists.~~

1639  
1640           ~~On April 16, 2021, the Commission on Certification of Attorneys as Specialists approved Child~~  
1641 ~~Welfare Law as a field of law subject to specialization designation in Ohio. The following~~  
1642 ~~definition was adopted by the Commission.~~

1643  
1644           ~~“Child Welfare Law is the practice of law representing children, parents, or the~~  
1645 ~~government in all child protection proceedings including emergency, temporary custody,~~  
1646 ~~adjudication, disposition, foster care, permanency planning, termination, guardianship, and~~  
1647 ~~adoption. Child Welfare Law does not include representation in private custody and adoption~~  
1648 ~~disputes where the state is not a party.”~~

1649  
1650           ~~(Adopted effective: July 10, 1996; amended effective: October 8, 1996; August 26, 1997;~~  
1651 ~~February 3, 1998; January 24, 2006; November 1, 2008; October 1, 2011; March 15, 2016; July 1,~~  
1652 ~~2021; November 1, 2021.)~~

1653 **OHIO RULES OF PROFESSIONAL CONDUCT**

1654  
1655 **RULE 7.4: COMMUNICATION OF FIELDS OF PRACTICE AND SPECIALIZATION**

1656  
1657 **[Existing language unaffected by the amendments is omitted to conserve space]**

1658  
1659 ~~(e) A lawyer shall not state or imply that a lawyer is a specialist in a particular~~  
1660 ~~field of law, unless both of the following apply:~~

- 1661  
1662 ~~(1) the lawyer has been certified as a specialist by an organization approved~~  
1663 ~~by the Supreme Court Commission on Certification of Attorneys as~~  
1664 ~~Specialists;~~  
1665 ~~(2) the name of the certifying organization is clearly identified in the~~  
1666 ~~communication.~~

1667  
1668 **Comment**

1669  
1670 [1] Division (a) of this rule permits a lawyer to indicate areas of practice in  
1671 communications about the lawyer's services. If a lawyer practices only in certain fields, or will  
1672 not accept matters except in a specified field or fields, the lawyer is permitted to so indicate.

1673  
1674 [2] Divisions (b) and (c) recognize the long-established policy of the Patent and  
1675 Trademark Office for the designation of lawyers practicing before the office. Division (d)  
1676 recognizes that designation of Admiralty practice has a long historical tradition associated with  
1677 maritime commerce and the federal courts.

1678  
1679 [3] ~~Division (e) permits a lawyer to state that the lawyer is a specialist in a field of law~~  
1680 ~~if such certification is granted by an organization approved by the Supreme Court Commission on~~  
1681 ~~Certification of Attorneys as Specialists. Certification signifies that an objective entity has~~  
1682 ~~recognized an advanced degree of knowledge and experience in the specialty area greater than is~~  
1683 ~~suggested by general licensure to practice law. Certifying organizations may be expected to apply~~  
1684 ~~standards of experience, knowledge, and proficiency to ensure that a lawyer's recognition as a~~  
1685 ~~specialist is meaningful and reliable. In order to ensure that consumers can obtain access to useful~~  
1686 ~~information about an organization granting certification, the name of the certifying organization~~  
1687 ~~must be included in any communication regarding the certification.~~

1688  
1689 **[Existing language unaffected by the amendments is omitted to conserve space]**