

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

The following amendments to the Supreme Court Rules for the Government of the Bar of Ohio (Gov.Bar R. XIV, Sections 1 through 8 and Appendices IV and VI and Prof. Cond. R. 7.4) were adopted by the Supreme Court of Ohio. The history of these amendments is as follows:

September 11, 2023	Initial publication for public comment
February 27, 2024	Final adoption by conference
April 15, 2024	Effective date of amendments

Key to Proposed Amendments:

1. Unaltered language appears in regular type. Example: text
2. Language that has been deleted appears in strikethrough. Example: ~~text~~
3. New language that has been added appears in underline. Example: text

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

## RULE XIV. CERTIFICATION OF ATTORNEYS AS SPECIALISTS

### Section 1. Purpose.

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

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

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

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

#### (B) Duties and authority

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

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

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

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

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

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

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

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

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

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

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

**(C) Membership**

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

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

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

(c) Two judges;

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

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

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

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

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

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

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

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

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

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

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

**(F) Meetings**

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

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

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

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

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

**(G) Member attendance**

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

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

(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

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

**(M) Annual report**

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

**(N) Work Product**

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

**(O) Budget**

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

**(P) Compensation**

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

**(Q) Reimbursement of Expenses**

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

**(B) Secretary of the Commission**

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

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

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

- ~~(1) Recommend to the Supreme Court the fields of law subject to specialization designation on the Commission's own motion or on petition of interested parties and on the criteria as it may establish. In identifying a field of law as a specialty area, the Commission shall consider whether all of the following apply:
  - ~~(a) The public interest would be served;~~
  - ~~(b) There is sufficient interest manifested to warrant the designation of a specialty field and the expense of its administration;~~
  - ~~(c) Appropriate standards of proficiency can be established for the specialty field;~~
  - ~~(d) There is satisfactory evidence of the existence or prospect of an adequate program of continuing legal education in the specialty field;~~
  - ~~(e) Designation of the specialty field would fulfill the objectives and further the orderly growth of specialization by lawyers in Ohio.~~~~
- ~~(2) Approve organizations as qualified to certify lawyers as specialists in a particular field of law and adopt standards that certifying organizations shall satisfy;~~
- ~~(3) Adopt standards that certifying organizations shall establish in certifying attorneys as specialists, in addition to those standards set forth in Section 3 of this rule;~~
- ~~(4) Review and evaluate the programs of certifying organizations to ensure compliance with this rule;~~
- ~~(5) Deny, suspend, or revoke the approval of a certifying organization upon the Commission's determination that the organization has failed to comply with the standards established by this rule and the regulations and standards of the Commission;~~
- ~~(6) Maintain records of attorneys certified as specialists by organizations approved under this rule and report to the Disciplinary Counsel or a Certified Grievance Committee any attorney who the Commission believes has violated this rule;~~
- ~~(7) Cooperate with other organizations, boards, and organizations engaged in the field of attorney specialization;~~
- ~~(8) Enlist the assistance of advisory committees to advise the Commission;~~
- ~~(9) By January 1st of each year, submit a report to the Supreme Court concerning the activities of the Commission and the status of attorney specialization and certification in the state;~~

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

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

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

#### ~~(A) A certifying (A) Not-for-profit status~~

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

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

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

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

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

#### ~~(C) A certifying (B) Investigations~~

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

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

~~(E) Each certifying organization shall submit annually to the Commission reports as the Commission directs to ensure compliance with this rule.~~



(F) A certifying (C) **Cooperation**

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

(D) **Filing of application**

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

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

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

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

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

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

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

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

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

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

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

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

**(E) Organizational standard**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**(F) Review and decision**

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

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

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

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

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

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

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

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

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

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

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

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

**(G) Annual reporting**

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

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

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

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

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

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

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

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

- ~~(A) Be registered as active pursuant to Gov. Bar R. VI;~~
- ~~(B) Be certified by an organization approved by the Commission.~~

**(A) Substantial involvement**

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

**(B) Peer review**

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

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

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

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

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

**(C) Written examination**

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

**(D) Educational experience**

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

(2) 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.

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

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

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

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

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

**(E) Good standing**

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

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

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

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

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

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

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

**(F) Attorney acknowledgement**

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



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

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

**(H) Length of certification**

The period of certification as a specialist shall be set by the accredited 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 accredited organization, evidence from the specialist of continued qualification for certification as a specialist.

**(I) Certification renewals**

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 accredited organization shall pay the required fee and satisfy the requirements for certification renewal established by the accredited organization.

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

~~(A) A specialist~~

**(A) Communication of specialization**

An attorney certified as a specialist by an organization accredited under this rule may communicate the ~~that~~ fact that the specialist is certified by the certifying organization as a specialist in the field of law involved. A specialist shall not represent, expressly or impliedly, that the specialist is certified by the Supreme Court or the Commission or by an entity other than the certifying, provided the attorney shall identify the name of the accredited organization in the communication. A specialist ~~Additionally, the attorney may represent that the certifying accredited organization is approved by the Commission, but shall not represent that the certifying organization is approved by the Supreme Court.~~

~~(B)~~

**(B) Effect of specialization**

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

~~(C)(2)~~ An attorney shall not be required to be certified as a specialist in order to practice in any field of law.

~~(D)~~

**(C) Multiple specializations**

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

**(D) 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.~~

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

~~Section 7. Fees; Miscellaneous.~~

~~(A)~~  
**(A) Fees and funding**

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

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

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

~~(D) Records~~

**(B) Liability**

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

**(C) Public records**

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

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

**Section 8 7. Effective Date.**

[Effective: January 1, 1993; amended effective November 17, 1993; May 8, 2000; April 1, 2017; April 15, 2024.]

**RULE XX. TITLE AND EFFECTIVE DATES**

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

**([Insert division letter])** The amendments to Gov. Bar R. XIV, Sections 1 through 8 and Appendices IV and VI, adopted by the Supreme Court on February 27, 2024, shall take effect on April 15, 2024.

**APPENDIX IV:     STANDARDS FOR ACCREDITATION OF SPECIALTY  
CERTIFICATION PROGRAMS FOR LAWYERS [RESERVED]**

**POLICY STATEMENT AND DEFINITIONS**

**ASCP Std. 1: POLICY STATEMENT**

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

**ASCP Std. 2: DEFINITIONS**

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

- ~~(A) "Accredited Organization" means an organization that is authorized by the Commission to certify lawyers as specialists.~~
- ~~(B) "Applicant" means an organization that applies to the Commission for accreditation or re-accreditation to certify lawyers as specialists or an organization that applies to the Commission for recommendation that a new area of law be designated as a specialty.~~
- ~~(C) "Commission" means the Supreme Court Commission on Certification of Attorneys as Specialists.~~
- ~~(D) "Review Panel" means three or more members of the Commission designated by the Chair of the Commission to either review the application of an Applicant and make a recommendation to the full Commission concerning the application or review an Accredited Organization and make a recommendation to the full Commission as to whether the authority of the Accredited Organization should be revoked.~~
- ~~(E) "Specialty" means an area of law that has been identified and approved by the Supreme Court in which lawyers may be certified as specialists by an Accredited Organization.~~

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

## **STANDARDS FOR ACCREDITATION OF SPECIALTY CERTIFICATION PROGRAMS**

### **ASCP Std. 3: PROCEDURE FOR ACCREDITATION**

#### **3.01. Notice of Intent.**

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

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

#### **3.02. Application for Accreditation.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### ~~3.05. **Coordination with the American Bar Association.**~~

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



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

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

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

#### ~~ASCP Std. 4: CRITERIA FOR ACCREDITATION~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(1) 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.~~

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

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

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

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

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

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

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

#### **4.02. ~~Certification Standards for Lawyers as Specialists.~~**

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

#### ~~(B) **Peer Review.**~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ~~ASCP Std. 7: REPORTING~~

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

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

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

## ~~ASCP Std. 8: REPRESENTATION OF ACCREDITATION~~

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

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

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

#### ~~ASCP Std. 9: DISCLOSURE OF INFORMATION~~

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

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

~~9.03. Examinations. Actual or proposed written examinations submitted to the Commission shall be kept confidential.~~

#### ~~ASCP Std. 10: NON-COMPLIANCE WITH STANDARDS~~

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

#### ~~ASCP Std. 11: INDEMNIFICATION AND HOLD HARMLESS~~

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



## DESIGNATION OF SPECIALTY AREAS

### ASCP Std. 12: ~~PROCEDURE FOR REQUESTING SPECIALTY DESIGNATION~~

#### 12.01. ~~Notice of Intent.~~

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

#### ~~(B) **Definition of Specialty Areas.**~~

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

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

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

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

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

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

#### 12.02. ~~Review of Application.~~

#### ~~(A) **Review by Commission Staff.**~~

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

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

**(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.~~

**APPENDIX VI:     FIELDS OF LAW SUBJECT TO  
SPECIALIZATION DESIGNATION [RESERVED]**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# OHIO RULES OF PROFESSIONAL CONDUCT

## RULE 7.4: COMMUNICATION OF FIELDS OF PRACTICE AND SPECIALIZATION

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

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

- (1) ~~the lawyer has been certified as a specialist by an organization approved by the Supreme Court Commission on Certification of Attorneys as Specialists~~ and the communication clearly identifies the name of the certifying organization
- (2) ~~the name of the certifying organization is clearly identified in the communication.~~

### Comment

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

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

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

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



## Form of Citation, Effective Date, Application

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

(Insert division letter) The Supreme Court of Ohio adopted amendments to Prof. Cond. Rule 7.4 and Comment [3] effective April 15, 2024.