

APPELLATE PRACTICE CERTIFICATION STANDING COMMITTEE POLICIES

100 ADMINISTRATION

200 COMMITTEE MEMBERS

300 CONTINUING LEGAL EDUCATION

400 PEER REVIEW

500 SUBSTANTIAL INVOLVEMENT

600 EXAMINATION

700 PROFESSIONAL ETHICS & COMPETENCE

800 RECERTIFICATION

100 ADMINISTRATION

1.01 Staff shall conduct a preliminary review of each application prior to review by the committee.

(a) At least 2 committee members shall review each application filed.

(b) Applications submitted after the filing deadline, may be accepted upon good cause shown, and all rule requirements must be met.

1.02 The committee, as a whole, shall discuss any questionable applications, and no application shall be recommended for denial without a majority vote of the committee.

200 COMMITTEE MEMBERS

2.01 Committee members shall make a valid effort to attend all committee meetings and / or conference calls. All requests for excused absences must be approved by the chair.

300 CONTINUING LEGAL EDUCATION

3.01 Course Approval Standards

Unless indicated elsewhere in these policies, bar staff will review and award CLE or certification credits under the following guidelines:

(a) Advanced

An advanced CLE course should challenge the intellect of and or convey new material and information to an active practitioner who devotes 30% or more of his/her time to practice in the field, has done so for at least 5 years and who possesses skills which colleagues recognize as above average and which would qualify him/her as a specialist. As a threshold matter, the course must require and reflect substantial analysis and preparation and be of such quality as to enhance the proficiency of a Board Certified

Appellate Practice attorney.

(1) Courses that meet the criteria of 3.01(a), and are specifically directed at appellate practice and advocacy, will receive 100% credit towards appellate certification.

(2) Courses that meet the criteria of 3.01(a), but not directed at appellate practice and advocacy, will receive 75% credit towards appellate certification.

(b) Intermediate

An intermediate course will receive 50% credit towards appellate practice certification.

(c) Basic

Basic courses shall not be eligible for appellate certification credit.

3.02 Credit for Other CLE Activities

(a) Lectures

Satisfactory performance as a lecturer on appellate law in an approved CLE seminar may qualify for credit.

(1) Lecturer shall mean lecturer, workshop discussion leader or panel member in a seminar or institute.

(2) Outlines and other material are required for staff to review and award lecture presentation credit.

(3) Repeating a lecture at one or more locations shall not be a basis for additional credit.

(4) 50% of the total hours required for certification or recertification may be obtained through lecturing.

(5) Credit shall be calculated for the preparation and presentation time as follows:

(a) Lecturing at basic seminars awards 3 hours of credit for each 50 minutes of lecture time.

(b) Lecturing at intermediate and advanced seminars awards 5 hours of credit for each 50 minutes of lecture time. Additional credit for extraordinary effort may be granted by the committee at its discretion.

(b) Teaching

Teaching appellate practice courses in an approved law school or other graduate level program may qualify for credit.

(1) Credit shall be calculated according to the following formula: 4 times the university assigned hour per quarter or 5 times the university assigned hour per semester.

(2) 100% of the total hours required for certification or recertification may be obtained through teaching.

(3) Graduate non-law and undergraduate courses shall not be considered for appellate practice certification credit.

(c) Writing

Credit for writing articles published by The Florida Bar, and credit for articles, books and chapters published by sources other than The Florida Bar, will be determined only after publication.

(1) The amount of credit awarded will be based upon the effort involved and the percentage of preparation time determined to have enhanced the contributor's proficiency in appellate practice.

(2) Where a publication has more than one author, full credit may be awarded to each author or divided among them in a manner consistent with the facts presented by all the authors.

(3) No more than 10 hours are to be awarded for any one publication.

(4) 50% of the total hours required for certification or recertification may be obtained through published work.

(5) Preparation of Appellate Certification Exam

Credit may be granted to those committee members and nonmembers who participate in preparation of the appellate certification exam.

(a) Committee members shall receive up to 15 credit hours for substantial involvement in preparation of the exam.

(b) Grade Review Panel Service

Participation on a grade review panel shall entitle a member to CLE or certification credit equal to the amount of time devoted to the examination question and model answer review, provided the maximum amount does not exceed 5 hours.

(d) Individual Study

Individual study may be granted credit through the use of recorded material, CDs, DVDs, courses or interactive CLE activities. Credit for these activities shall be the same as that given for live CLE courses.

100% of the total hours required for certification or recertification may be obtained through the use of audio or video tapes, CDs, DVDs, on-line courses, or interactive CLE activities.

(e) Miscellaneous

(1) Any CLE activity where-in criminal appellate matters are addressed and appellate practice

certification credit is requested either by the sponsor of the program, attendee, lecturer or author of a publication, the request must be reviewed by the Appellate Practice Certification Committee before credit can be awarded. Each request will be reviewed and evaluated on an individual basis.

(2) Participation in university/college level moot court competitions as judges will qualify for a maximum of 3 appellate practice certification hours per one 50 minute session, in addition to one half hour of ethics credit. No more than 15 certification hours in this educational activity may be used for recertification or for an initial application to become certified.

(3) Requests for certification credit for any other type of educational activity, not addressed in these policies, will be reviewed and evaluated on an individual basis by the Appellate Practice Certification Committee.

(4) Reviewing of publications (books, manuals, etc.) and summarizing the contents of same in an article for any professional publication will not be eligible for certification credits.

400 PEER REVIEW

4.01 References

(a) References will be provided in accordance with rule 6-13.3(e) or 6-13.4(e).

(1) Staff shall send out a minimum of 2 "blind" references in addition to the number required by rule 6-13.3(e) or 6-13.4(e).

500 SUBSTANTIAL INVOLVEMENT

5.01 Each applicant shall meet the standards of Rule 6-13.3 or 6-13.4. All applications will be reviewed in accordance with Board of Legal Specialization and Education (BLSE) policy 2.13.

5.02 Appellate Actions

(a) Appellate actions that have proceeded to the filing of the Initial Brief, Answer Brief, Brief of Amicus Curiae, Brief on Jurisdiction or Petition or Response of the applicant by the application deadline will be counted as Appellate Actions, regardless of whether the action is settled, dismissed or proceeds to decision on the merits.

(b) Matters that progress to higher courts will be considered as one

Appellate Action for each court.

(c) Briefs on the merits following an acceptance of jurisdiction may be considered as a separate Appellate Action.

600 EXAMINATION

6.01 All applicants must pass an examination administered by the Appellate Practice Certification Committee under the auspices of the BLSE.

(a) The examination may either be written and / or oral as determined by the Committee.

(b) The examination will be graded by the committee according to uniform guidelines.

(c) Multiple choice questions may be graded by an outside source.

700 PROFESSIONAL ETHICS & COMPETENCE

7.01 Each application shall be processed according to BLSE Policies 2.06 and 2.07.

800 RECERTIFICATION

8.01 To be eligible for recertification, an applicant must comply with the requirements set forth in rule 6-13.4.