



RULES AND REGULATIONS ***LOUISIANA BOARD OF LEGAL SPECIALIZATION***

1. PREFACE

These rules and regulations are adopted pursuant to Section 1.2 and Section 3.1J of the Louisiana State Bar Association Plan of Legal Specialization ("the Plan") in furtherance of and in order to implement the Plan as established by the Louisiana Supreme Court. [effective August 6, 1993].

2. DEFINITIONS

As used in these rules and regulations:

2.1 "Advisory Commission" means those committees established by the Board for each recognized specialty, the composition and duties of which are set forth in Section 7 of the Plan.

2.2 "Approved Certifying Agency" means a third party approved by the Board for administration of a program of certification which meets the minimum standards for certification under the Plan.

2.3 "Board" means the Louisiana Board of Legal Specialization established in Section 2 of the Louisiana State Bar Association Plan of Legal Specialization, which Board is the authority having jurisdiction over the subject of specialization of lawyers and is empowered to and performs the duties set forth in Section 3 of the Plan.

2.4 "Court" means the Louisiana Supreme Court.

2.5 "Disciplinary Board" means the committee of the Court created to enforce rules governing lawyer discipline.

2.6 "Notice" means a written communication sent by regular mail or electronic means unless otherwise specified herein.

2.7 "Rules" means these rules and regulations.

2.8 "Specialty" means any area of legal practice designated and recognized as such by the Louisiana Supreme Court.

2.9 "Specialty Standards" means the requirements recommended by an Advisory Commission and approved by the Board for certification in a specialty.

2.10 The "Plan" means the Louisiana State Bar Association Plan of Legal Specialization adopted by the Louisiana Supreme Court.

2.11 "Specialist" means an attorney who is certified by the Board in accordance with the Plan and relevant Specialty Standards in a particular field of law.

2.12 "Inactive" is a certification designation given to a Board certified specialist who, upon approval from the Board, is granted limited relief from the requirements for maintaining his or her specialization certification, as defined in the Plan, the Rules and the Specialty Standards.

2.13 "Senior" is an internal designation given to a Board certified specialist who, upon approval from the Board, is a Specialist who no longer practices law on a full time basis but wishes to maintain his or her specialization certification.

2.14 "CLE" means continuing legal education.

2.15 "MCLE" means the Supreme Court Committee on Mandatory Continuing Legal Education.

3. THE BOARD

3.1 Meetings. Meetings of the Board should be held at such times and places as may be fixed by the chair or the Board, but in no event less than four (4) times a year.

3.2 Notice of meetings. Reasonable notice of the time and place of a meeting shall be given to all members.

3.3 Quorum and voting. All Board members shall have one vote. A quorum of the Board consists of a majority of its members. When necessary, the Board may elect to vote on an issue outside of a meeting via email.

3.4 Meetings via electronic means. The Board may permit any and all members to participate in a meeting by or conduct the meeting through the use of any means of communication by which all members participating may simultaneously hear each other during the meeting.

4. ADVISORY COMMISSIONS

4.1 Members. Each Advisory Commission shall consist of no less than five (5) people appointed by the Board.

4.2 Term. Each member of each Advisory Commission shall serve for the term of appointment by the Board. The initial members shall be appointed to serve staggered terms as follows: Two (2) members to serve for three (3) years; two (2) members for two (2) years; one (1)

member for one (1) year. All appointments thereafter will be for a term of three (3) years. No member shall serve more than two (2) consecutive terms.

4.3 Meetings. Meetings of each Advisory Commission shall be held at such times and places as may be fixed by the Chair, but in no event less than once a year.

4.4 Notice of Meetings. Reasonable notice of the time and place of a meeting shall be given to all members.

4.5 Quorum and Voting. All Advisory Commission members shall have one (1) vote. A quorum of the Advisory Commission consists of a majority of its members. When necessary, the Advisory Commission may elect to vote on an issue outside of a meeting via email.

4.6 Meetings via Electronic Means. An Advisory Commission may permit any and all members to participate in a meeting by or conduct the meeting through the use of any means of communication by which all members participating may simultaneously hear each other during the meeting.

4.7 Duties of Advisory Commission. Each Advisory Commission shall recommend for Board approval criteria for:

- a. Specialty practice requirements;
- b. Qualification for certification as set forth in Section 8 of the Plan;
- c. Qualification for recertification as set forth in Section 9 of the Plan;
- d. Certifying agencies;
- e. Establishment and enforcement of rules for mandatory continuing legal education for that specialty;
- f. Any and all other necessary procedures or criteria for implementation of the Plan for that specialty.

5. APPLICATIONS FOR INITIAL RECOGNITION AND RECERTIFICATION

5.1 Completion of requirements. Prior to filing an application for initial recognition as a specialist or for recertification as a specialist, an applicant shall complete all requirements set forth in the Specialty Standards adopted by the Advisory Commission and approved by the Board and shall together with the application submit all information required by the particular Advisory Commission.

5.2 Form and content. Applications shall be typewritten or printed on the application forms furnished by the Board. Application forms shall be designed to determine whether

requirements set forth in the Specialty Standards have been met. The applicant shall declare under penalty of perjury that:

- a. Documents which are submitted and intended by the applicant to fulfill a requirement for initial recognition or recertification shall be the principal work product of the applicant; and,
- b. The information submitted in the application is true and correct.
- c. The application shall be notarized.

5.3 Supplementary information. The Board or Advisory Commission may require an applicant to submit information relevant to the applicant's initial recognition or recertification as a specialist in addition to that called for on the application form.

5.4 Processing of application. The applicant shall be notified of an application incomplete or insufficient on its face. The provision of any supplemental information pursuant to Rule 5.3 shall be considered part of the application process. Failure to properly complete the application form including submission of requested information or the failure to supply supplemental information after a request for such shall cause an application to be incomplete. No action may be taken by an Advisory Commission or the Board on an application unless the application is complete.

5.5 Withdrawal of an application. An applicant may withdraw an application at any time by written notice to the Board. If an application remains incomplete at the time of independent inquiry in accordance with Rule 8 or for a period of 30 days after a request to complete the application has been made by or on behalf of the Advisory Commission or the Board, whichever comes first, the application is automatically denied. An applicant may submit a new application.

5.6 Confidentiality. The filing of the application shall remain confidential until publication pursuant to Rule 8.7. The contents of the application form, and all documents, records, communications, other papers and statements of reference shall be the property of the Board and shall be held in confidence and not released to any party, including the applicant, except upon prior order of the Court.

5.7 Effective date of initial recognition and recertification.

- a. The effective date of initial recognition shall be the date the Board authorizes recognition.
- b. The effective date of recertification shall be five (5) years from the first of January following the effective date of initial recognition.

5.8 Applicant's consent to confidential inquiry. The applicant by his or her application consents to confidential inquiry by either the Board or appropriate Advisory Commission or the Disciplinary Board, to all persons who served as references and to other persons regarding the applicant's competence and qualification to be recognized as a specialist.

By filing the application the applicant waives the right to discover the replies to or the requests for information from the Board or Advisory Commission and such information and references shall remain confidential unless such references waive confidentiality expressly or by appearing at a hearing conducted under the provisions of Rule 10.

5.9 Applicant authorizes release of disciplinary action. By filing an application the applicant agrees to reveal as to all jurisdictions:

- a. Any pending disciplinary actions;
- b. All prior discipline;

In addition, the applicant authorizes the Disciplinary Board to advise the Board of the imposition of any discipline, public or private, which has been imposed on the applicant.

6. FEES

6.1 The Board from time to time shall set the amount and time for payment of all fees which it determines are appropriate to charge. Payment of application or recertification fees shall be required as a condition for processing any initial or recertification application.

6.2 The Board may charge certifying agencies fees as a condition to filing an application for recognition as a certifying agency.

6.3 The Board may charge course sponsors fees for recognition credit for an educational course.

6.4 The fees to be charged for individuals seeking initial specialty recognition shall be as follows:

- a. \$300 for initial application. This fee will be non-refundable.
- b. \$100 examination fee. This fee will be non-refundable.
- c. \$150 upon issuance of certification of specialization or upon completion of a program administered by an Approved Certifying Agency.

6.5 The fees that shall be charged to a Specialist for maintaining and/or recertification of a specialization certificate shall be as follows:

- a. \$175 annual dues for each calendar year after the first year of certification.
- b. \$100 upon application for recertification.

6.6 The fees that may be imposed upon a Specialist for penalty assessments shall be as follows:

- a. \$300 penalty assessment for specialization CLE non-compliance.
- b. \$25 penalty assessment for fee(s) 45 to 59 days delinquent.
- c. \$75 penalty assessment for fee(s) 60 or more days delinquent.

6.7 The Board will have control of all funds generated through application, certification and annual fees, and penalty assessments.

7. TASK REQUIREMENTS AND SPECIAL EDUCATIONAL EXPERIENCE

7.1 Task requirements. Minimum task requirements for Specialists are set forth in the applicable Specialty Standards developed by the appropriate Advisory Commissions and approved by the Board, and may include written tests, oral examinations, successful completion of all requirements of an approved certifying agency, or otherwise. Examinations shall be scheduled in sufficient time to permit Board action by the end of the calendar year in which an exam is given.

7.2 Course approval required. Continuing legal education programs must be approved by the Board as to quality and relevance in order to satisfy mandatory continuing legal education requirements for each Specialty. All such approval reviews as to the overall quality of the educational program will be conducted by each Advisory Commission. All educational programs approved as to quality by the Advisory Commission will be deemed to be approved by the Board.

7.3 Relevancy. The content of an educational program shall be relevant to the Specialty and its related fields.

7.4 Self-study. No credit for continuing legal education will be given for self-study, except in compliance with Louisiana Supreme Court rules.

7.5 Lecturing. Credit may be given for lecturing or acting as a panelist in formal approved programs of study geared primarily for practicing lawyers, in or related to the specialty field for which the Specialist seeks recognition pursuant to the applicable Supreme Court of Louisiana Rules for Continuing Legal Education.

7.6 Publication. Credit may be awarded for authorship and publication with respect to legal issues in the specialty field for which the Specialist seeks recognition. Credit may not be awarded for authorship of articles in the specialty field until the article has been published.

7.7 Awarding of specialization educational credit. Credit will only be given for continuing legal education programs if such credit is approved by the Advisory Commission in accordance with its procedures for such.

7.8 Failure to satisfy CLE requirements for a specialty. These Rules shall apply to every certified Specialist except those who have qualified for a specialization CLE exemption in accordance with Rule 7.10.

- a. If an attorney fails to comply with these Rules or the CLE requirements for his or her Specialty, the Board shall send notice of non-compliance within 60 days from the date on which CLE compliance is available in final form to the Board from the MCLE Committee, to the attorney's address currently maintained on the Court's attorney registration records. The notice of non-compliance shall advise the attorney that within 30 days after receipt of the notice, the attorney must either:
 - i. Correct the non-compliance;
 - ii. Advise the Board of his or her intention to remedy the CLE deficiency;
or
 - iii. Request a hearing before the Board. If a hearing is requested, the Board may hold a hearing or, in its discretion, may refer the matter to the appropriate Advisory Commission for a hearing.
- b. The specialization CLE deficiency must be remedied by December 31 of the year following the deficiency year.
- c. When the attorney remedies the CLE deficiency of the previous year, he or she shall immediately advise the Advisory Commission, in care of the Board's Executive Director, so the compliance may be confirmed and the specialization CLE records for the deficient year may be updated to reflect the CLE compliance.
- d. If a hearing is requested, the Board or, if referred to an appropriate Advisory Commission, the Commission shall promptly set the matter for hearing. Notice of the time and place of the hearing shall be given to the attorney at least 15 days prior to the hearing by mailing a notice of hearing by regular and certified mail, return receipt requested, postage prepaid to the attorney's address currently maintained by the Court's attorney registration records.
- e. At the conclusion of the hearing, members of the Board or the Advisory Commission, if the Board has referred the matter to an Advisory Commission, shall make findings of fact and shall make a determination of whether the attorney involved had complied with the requirements of these Rules and the applicable Specialty Standards. If the matter was heard by an Advisory Commission, the Advisory Commission shall forward its recommendation in writing to the attorney and to the Board within 15 days of conclusion of the hearing.
 - i. If it is determined that there was non-compliance, but there was reasonable cause for non-compliance, a copy of such findings of fact and determination shall be sent to the attorney involved by regular and

certified mail, return receipt requested, postage prepaid, at the address currently maintained by the Court's attorney registration records.

- ii. If it is determined that compliance has occurred, the matter shall be dismissed, and the attorney shall be so advised in writing. The Board's records and specialization transcript shall be made to reflect such compliance.
 - iii. If it is determined that compliance has not occurred, then the attorney will have until December 31st of the year following the deficiency year to make up the CLE deficit. If the deficiency is not satisfied within the prescribed time frame, the Board may impose such sanctions as it deems appropriate, including but not limited to, revocation of certification.
- f. The Chair of the Board has the authority to act on behalf of the Board in providing notices considered consistent with Rule 7.8 or any other notification.
 - g. CLE non-compliance makeup will be permitted only one (1) time during the five (5) year certification period, and will not be permitted for failure to comply with the year of application requirement.
 - h. The penalty assessment fee for CLE non-compliance, as prescribed in Rule 6, shall be due and payable upon notice to the specialist of CLE non-compliance.

7.9 Correspondence with MCLE rules. Except as explicitly modified herein or by the Advisory Commission for a particular specialty and approved by this Board, all provisions of the Rules for Continuing Legal Education in the State of Louisiana applicable to the awarding of credits for continuing legal education programs shall be applicable to CLE credits awarded for specialization. Should the Rules for Continuing Legal Education be amended as to applicable credit, the Board's rules for specialty education credit are deemed amended.

7.10 Specialization CLE Exemption. A Specialist who demonstrates to the Board that meeting the specialization CLE requirements would work an undue hardship upon him or her due to illness, disability or other mitigating circumstance may, upon approval of the Board, qualify for a specialization CLE exemption. Requests for Specialization CLE Exemption will be evaluated by the Board on a case by case basis.

- a. A Specialist may request the exemption by submitting a written request, on a form furnished by the Board, no later than January 31 of the year following the year for which the exemption is being requested. The submission shall set forth the reasons and/or circumstances relevant to support the request.
- b. An exemption may only be granted for a term of up to one (1) year. If a Specialist requires an exemption for more than one (1) year, then he or she would be required to reapply annually.

- c. An exemption may not be permitted in the year of initial application for Board certification.

7.11 Contact Information. A specialist shall be required to maintain current and accurate contact information with the Court including but not limited to mailing address, telephone number and email address.

8. INDEPENDENT INQUIRY

8.1 Timing. After the applicant has satisfied the requirements established for initial recognition as a specialist, (Rule 5), but prior to taking the exam, the Advisory Commission shall conduct an independent inquiry and review of the applicant. The Advisory Commission may make an independent inquiry and review of a recertification applicant as it deems appropriate.

8.2 Criteria. The independent inquiry and review shall consider information furnished by references and other information which the Advisory Commission deems relevant to demonstrate whether the applicant has achieved recognition as having a level of competence indicating proficient performance and handling the usual matters of the specialty field. Such information may include the applicant's work product, problem analysis, statement of issues and analysis or such other criteria which the Advisory Commission deems appropriate to take into account prior to making its recommendation.

8.3 References. The Board must receive on behalf of an applicant for initial recognition as a specialist reference statements from at least five (5) persons who are practicing lawyers who can attest to the applicant's competence in the specialty field in which recognition is sought.

- a. References must be fairly representative of various facets of the practice in the specialty field involved.
- b. The Board and the Advisory Commission reserve the right to request further references.

8.4 Limitations. An applicant for recognition as a specialist shall not submit as a reference the name of any lawyer who fits in the following categories:

- a. A reference who is related by blood or marriage to the applicant;
- b. More than one (1) reference who is, or, within the year immediately preceding the filing of the application for initial recognition was a partner, associate of, or co-worker with the applicant; or
- c. A reference who is serving or has served within the three (3) years immediately preceding the filing of the application for initial recognition, on the Board or the Advisory Commission for the specialty field in which recognition is sought.

8.5 Forms. All individuals proffered as references by the applicant for initial recognition as a specialist shall be furnished with forms, specified by the Board, for statements of reference on behalf of the applicant. All such forms shall be sent directly by the reference to the Executive Director of the Louisiana Board of Legal Specialization to the address indicated on the form. Completed reference statements are not to be sent to the applicant and will not be accepted if sent to the Board by the applicant.

8.6 Reservation of further review. The Board and the Advisory Commission reserve the right to engage in an independent inquiry as to the applicant's overall competence and competence in the specialty field in which initial recognition or recertification is sought. In the event any information is received which indicates the applicant may not have achieved an acceptable standard of competence in the field in which recognition is sought, then in such event, the Board or the Advisory Commission shall engage in an independent inquiry as to the issues reflecting adversely on the applicant's competence.

8.7 Publication of applications. The names of those seeking to qualify shall be released for publication and shall be published in the Louisiana Bar Journal. Within 30 days after such publication, any person may comment upon the applicant's qualifications. Such comments shall be considered as part of the independent inquiry and review process. Publication shall take place only after all requirements, other than independent inquiry and review have been met.

8.8 Evaluation. An application shall not be acted upon until the minimum number of references required by the individual Specialty Standards have been received. In the event that two (2) references indicate that the applicant has not demonstrated proficiency in the specialty field, or if a serious question in the exclusive discretion of the Board or Advisory Commission is raised concerning the applicant's demonstrated proficiency in the specialty field, the Board or Advisory Commission shall seek further information. Negative responses shall be investigated to assure they are related to competence and not to personality conflicts or other factors irrelevant to competence.

8.9 Oral interview. If the Board or Advisory Commission desires further information, it may request that applicant appear for an oral interview.

8.10 Review and recommendation. At the next meeting of the Advisory Commission after receipt of the minimum number of references the Advisory Commission shall review the application. In the event of a recommendation for denial of specialty recognition, the Advisory Commission's recommendations shall not be forwarded to the Board until the Advisory Commission has complied with the provisions of Rule 10. In the event that the review is delayed, each applicant so affected shall be notified of the delay.

9. BOARD ACTION ON FINAL RECOMMENDATION OF THE ADVISORY COMMISSION

9.1 Board action. At the next meeting of the Board after the final recommendation of the Advisory Commission has been forwarded to the Board, the Board or the Board Chair shall approve or

deny the application. The applicant shall be notified of the action of the Board; and, if the application has been denied, the notice shall state the basis of the denial.

9.2 Finality of action. The decision of the Board shall become final unless a timely appeal is requested as prescribed in Rule 12.

10. RULES FOR REVIEW OF DENIAL OR REVOCATION OF SPECIALTY RECOGNITION

10.1 Proceedings before the Advisory Commission.

- a. If the Advisory Commission determines an attorney has failed to meet the requirements for initial recognition or recertification as a specialist, or if the Advisory Commission recommends revocation of recognition of a specialist, other than for CLE non-compliance which shall be governed solely by Rule 7, supra, it shall notify the attorney in writing as to the specific reasons why the Advisory Commission recommends denial or revocation, as the case may be, of specialty recognition.
- b. Within 15 days of receiving notice from the Advisory Commission of a proposed recommendation of denial or revocation, as the case may be, of specialty recognition, except for a revocation recommendation made to the Board for CLE non-compliance under Rule 7, the attorney may petition the Advisory Commission for reconsideration. The petition must adequately identify the basis for the determination for which reconsideration is requested, the date on which notice of the proposed recommendation was received and the reasons why the attorney believes the recommendation should be altered. If a recommendation of revocation is made by an Advisory Commission for CLE non-compliance under Rule 7, the attorney may request a Board hearing as provided in Rule 10.2 below.
- c. Within 30 days of receipt of a petition for reconsideration, the Advisory Commission shall review the petition and notify the petitioner either that the petition has been granted or that the petition will be denied unless the petitioner notifies the Advisory Commission in writing within 20 days that a hearing is desired. In the absence of such request for a hearing, the recommendation of the Advisory Commission shall stand and shall be transmitted to the Board.
- d. Upon receipt of a request for hearing, the Advisory Commission Chair shall refer the matter to a hearing panel composed of at least three (3) members of the Advisory Commission designated by the Chair, with one (1) member designated as Chair of the panel. The members of the panel shall be guided by the same rules regarding conflicts of interest and recusal as are applicable to Louisiana state court district judges. The petitioner may exercise the right to challenge a panel member within 15 days of receiving notice of the composition of the panel. The Advisory

Commission Chair may replace panel members as may be necessary. Two (2) members of the panel shall constitute a quorum for the transaction of business.

- e. The panel shall serve upon the petitioner, as soon as possible, a notice containing the names and addresses of the members of the panel, and the time and place of hearing. The notice shall be given to the petitioner via regular and certified mail at least 30 days prior to the time fixed for the hearing.
- f. The Advisory Commission may, but is not required to, appoint an examiner who is not a member of the Advisory Commission or Board to investigate, gather and prepare evidence and present the same to the panel to aid in conducting hearings.
- g. At the hearing, the petitioner and the examiner may present sworn testimony and documentary evidence and shall have the right to cross-examine adverse witnesses. The panel shall not be bound by a strict application of the rules of evidence, other than those related to privileges, in considering information that it deems reliable and relevant. The parties shall give notice to each other of any evidence to be relied upon at the hearing. The petitioner shall bear the burden of supplying information in support of his or her qualifications for specialty recognition. The hearing shall be recorded by means of a tape or digital recording which shall be kept as the official record of the hearing.
- h. Within 30 days after the completion of the panel hearing, the panel shall send to the Advisory Commission Chair and the petitioner its written report which shall separately state the panel's findings, conclusions and recommended decision.
- i. Within 30 days of receipt of the panel's findings, conclusions and recommended decision(s), the Advisory Commission shall adopt or reject the panel's determinations and serve written notice upon the petitioner via regular and certified mail of its proposed recommendation to the Board.

10.2 Proceedings before the Board.

- a. Within 30 days of receipt of the final notice from the Advisory Commission of recommended denial or revocation of specialty recognition, an attorney who seeks review of the Advisory Commission's recommendation shall file with the Board and serve upon the Chair of the Advisory Commission a request for review.
- b. Within 15 days of receipt of the request for review, the Advisory Commission shall submit to the Board its entire record regarding the application.

11. HEARINGS BEFORE THE BOARD

11.1 Upon receipt of a request for hearing in any matter where the petitioner is entitled to a

hearing, the Board Chair shall refer the matter to the Board en banc or to a hearing panel composed of at least three (3) members of the Board with one (1) member designated as Chair of the panel. The members of the panel shall be guided by the same rules regarding conflicts of interest and recusal as are applicable to Louisiana state court district judges. The petitioner may exercise the right to excuse a panel or Board member within 15 days of receiving notice of the composition of the panel. The Board Chair may replace panel members as may be necessary. Two (2) members of the panel shall constitute a quorum for the transaction of business.

11.2 In matters where an Advisory Commission has made a recommendation to the Board, within 20 days after the filing of the request for review, the petitioner may submit a memorandum brief setting forth his or her arguments why the Advisory Commission's recommendation should be rejected. A copy of the brief shall be served by the petitioner upon the Chair of the Advisory Commission. Within 20 days of receipt of the petitioner's brief, such representative as may be designated by the Advisory Commission Chair may file a responsive brief. On written request of either the petitioner or the representative of the Advisory Commission, the Chair of the Board or hearing panel may set the matter for oral argument. Requests for oral argument shall be filed within 15 days after service of the last brief.

11.3 The Board shall consider only matters in the record of the Advisory Commission or proffered to the Advisory Commission by the petitioner prior to decision by the Advisory Commission. No additional evidence will be admitted at the hearing before the Board.

11.4 The amount of time and procedure for oral argument may be determined by the Board or hearing panel.

11.5 The Board or panel shall render a written decision within 60 days of the hearing date. A written copy of the decision shall be served by regular and certified mail on the petitioner and the representative of the Advisory Commission.

12. **RIGHT OF APPEAL**

12.1 Adverse decision of the Board. If the decision of the Board is adverse to the petitioner, the petitioner may appeal to the Louisiana State Bar Association Board of Governors within 30 days of the decision. The appeal must be based on one (1) or more of the following issues:

- a. The decision of the Board is in conflict with a decision of the Court;
- b. A significant question of law is involved;
- c. The decision was arbitrary or capricious;
- d. The appeal involves an issue of substantial public interest that should be determined by the Court; or
- e. The petitioner was prejudiced by violation of these rules or other requirements of

law.

12.2 After consideration by the Board of Governors of the Louisiana State Bar Association, a petitioner who is aggrieved by the actions of the Board of Governors shall have the right to appeal the ruling made thereon by the Board of Governors to the Louisiana Supreme Court, under such rules and regulations as the Supreme Court may prescribe.

12.3 An attorney who has been previously recognized, but whose recognition is the subject of revocation proceedings, may represent himself as a specialist during the pendency of the proceedings. After an adverse decision of the Board or Court becomes final, the attorney must take all appropriate steps to ensure that he or she is not misrepresented as a specialist.

13. **“INACTIVE” SPECIALIZATION CERTIFICATION DESIGNATION**

13.1 Who may qualify. A Specialist who demonstrates to the Board that meeting the specialization requirements, as defined in the Plan, the Rules and the Specialty Standards, would create an undue hardship upon him or her due to illness, disability or other mitigating circumstances or a Specialist whose practice is interrupted due to judicial service, employment as a hearing officer or an academic professor.

13.2 Application. A Specialist shall submit in writing, on a form furnished by the Board, a request for an inactive certification designation. The submission shall set forth the reasons and/or circumstances relevant to support the request. Each request will be evaluated by the Board on a case by case basis.

13.3 Term. The inactive certification designation, if granted by the Board, shall be for a term not to exceed one (1) year from the effective date established by the Board. Specialists requiring an inactive certification designation for a period longer than one (1) year would be required to reapply annually for this designation. The maximum number of times a Specialist may be granted an inactive certification designation by the Board is three (3) consecutive years. Thereafter, the Specialist would be required to surrender his or her certification. The attorney would be permitted to reapply for recognition as a specialist at a later date if he or she chose to do so.

- a. During the inactive certification designation period the Specialist’s designation on the Board rolls will be changed from active to inactive until such time as the certification is reinstated to active status or revoked for good cause.
- b. A Specialist with an inactive certification designation would not be required to re-take the exam upon reinstatement of his or her certification to an active designation unless he or she remained inactive for more than three (3) consecutive years from the effective date of the first inactive status designation.
- c. A Specialist who leaves the private practice of law to become a judge, hearing officer or an academic professor and applies for an inactive certification designation may be granted an extension to the three (3) consecutive year term

limit provided his or her employment during the designated inactive period is in his or her specific field of specialty certification. This consideration would be at the discretion of the Board and determined on a case by case basis. In the event an extension to the three (3) consecutive year term limit is granted by the Board, the Specialist would not be required to reapply for board certification and/or re-take the specialization certification exam upon reinstatement of his or her certification to active status.

13.4 Effective date. The effective date of the inactive certification designation shall be determined by the Board.

13.5 Requirements.

- a. During the inactive certification designation period, the Specialist shall be granted a waiver from the following requirements for maintaining specialization certification:
 1. Requirement to maintain a full time work schedule in the practice of law.
 2. Requirement to maintain a minimum percentage of practice of law in the specific specialty area for which the Specialist is certified.
- b. During the inactive certification designation period, the Specialist shall be subject to the following requirements:
 1. May not represent themselves as a Board certified specialist and must remove all such designation from any professional and/or advertisement materials he or she may distribute or display including but not limited to, letterhead, business cards, signs and brochures.
 2. Shall continue to comply with the Specialty Standards continuing legal education requirements, unless a Specialization CLE Exemption has been granted pursuant to Rule 7.10.
 3. Pay annual dues and any fee required by the Board.
 4. Remain a member in good standing with the Louisiana State Bar Association.

13.6 Reinstatement of certification to active status. A Specialist with an inactive certification designation shall give notice to the Board of his or her desire to return their certification to active status as a Specialist. Said notice shall be provided no less than 30 days prior to the expiration of the inactive certification designation and must include proof of compliance with certification requirements in accordance with the Plan, Rules and the Specialty Standards. The Board will consider the proof submitted in rendering its decision for reinstatement of a certification to active status. A Specialist's request to have his or her certification reinstated to active status is subject to Board approval and will be evaluated on a case by case basis. The effective date of reinstatement to active

status will be determined by the Board.

The certification of a Specialist whose inactive certification designation has expired and has not given appropriate notice of his or her desire to return their certification to active status as a specialist and/or provided sufficient proof of compliance with the certification requirements of the Plan, the Rules and the Specialty Standards shall be subject to revocation.

13.7 Application for Recertification. A Specialist with an inactive certification designation whose certificate comes due for recertification may apply for recertification during the inactive designation period. If said application is approved by the Board, the certification of the specialist shall be renewed for an additional five (5) years but shall continue the designation as inactive until reinstatement of his or her certification to active designation by the Board.

14. **“SENIOR” SPECIALIZATION CERTIFICATION DESIGNATION**

14.1 Who may qualify. A Specialist, who is no longer practicing law on a full time basis, is at least 60 years of age and has been a Board certified specialist in a single specialty for a minimum of 15 consecutive years. A Specialist may receive the senior certification designation in more than one (1) field of specialty if he or she meets the requirements in each respective specialty field.

14.2 Application. A Specialist shall submit in writing, on a form furnished by the Board, a request for a senior certification designation. Each request will be evaluated by the Board on a case by case basis.

14.3 Term. The senior certification designation, if granted by the Board, shall expire upon retirement of the Specialist or revocation of his or her certification.

14.4 Effective date. The effective date of the senior certification designation shall be determined by the Board.

14.5 Requirements. A Specialist who is granted a senior certification designation shall be subject to the following requirements for maintaining specialization certification:

- a. Waiver of the requirement to maintain a full time work schedule in the practice of law.
- b. CLE requirements:
 1. A Specialist under the age of 65 who is practicing law shall be required to obtain specialization CLE annually in accordance with the Specialty Standards of his or her certification(s).
 2. A Specialist who is 65 years of age or older who is practicing law shall be required to obtain ten (10) hours of specialization CLE annually in his or her specialty field of certification.

- c. Maintain professional liability insurance in accordance with the Specialty Standards of his or her certification(s).
- d. Pay annual dues and any fee required by the Board.
- e. Remain a member in good standing with the Louisiana State Bar Association.

14.6 Application for Recertification. A Specialist with a senior certification designation may apply for renewal of his or her certification in accordance with the requirements set forth in the Plan, the Rules and the Specialty Standards. If said application is approved by the Board, the certification of the Specialist shall be renewed for an additional five (5) year period with the senior certification designation.

14.7 Notice of Retirement. A Specialist with a senior certification designation shall give notice, in writing, to the Board of his or her desire to retire from the practice of law. Upon such notice, the Specialist's designation on the Board rolls will be changed from active/senior to retired.

14.8 Disclosure. The senior certification designation is an internal designation the Board utilizes when categorizing certifications and should not be used by a Specialist on any professional and/or advertisement materials he or she may distribute or display including but not limited to, letterhead, business cards, signs and brochures. A Specialist who has been granted a senior certification designation shall continue to use the description of a Board certified specialist as defined in Section 13.3 of the Plan.