

NOTICE TO THE BAR

SUPREME COURT APPROVAL OF CERTIFICATION IN MUNICIPAL COURT LAW

The Supreme Court has approved the recommendation of the Board on Attorney Certification (“Board”) to expand the attorney certification program into the area of municipal court law. The Court by Order dated July 20, 2011 has adopted amendments to Rule 1:39 to be effective September 1, 2011 to reflect this additional area of certification, as well as other housekeeping amendments to the Rule. In addition, the Board has adopted, and the Supreme Court has approved, amendments to the Regulations of the Board on Attorney Certification in respect of municipal court law, as well as other housekeeping amendments to the Regulations, with those amendments also to be effective September 1, 2011. The amendments to the Rule and to the Regulations are published with this notice.

/s/ Mark Neary

Mark Neary, Esq.
Clerk of the Supreme Court

Dated: July 20, 2011

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to the following Rules Governing the Courts of the State of New Jersey are adopted to be effective September 1, 2011:

Rule 1:39
Rule 1:39-1
Rule 1:39-1A
Rule 1:39-2
Rule 1:39-4
Rule 1:39-5
Rule 1:39-7
Rule 1:39-8

For the Court,

/s/ Stuart Rabner

Chief Justice

Dated: July 20, 2011

RULE 1:39. SPECIALTY CERTIFICATION OF ATTORNEYS

An attorney of the State of New Jersey may be certified as a civil trial attorney, a criminal trial attorney, a matrimonial law attorney, [or] a workers' compensation law attorney, or a municipal court trial attorney, or in more than one designated area of practice, but only on establishing eligibility and satisfying requirements regarding education, experience, knowledge, and skill for each designated area of practice as set forth below.

To assist in the administration of the certification function, the Supreme Court shall establish, in accordance with these rules, a Board on Attorney Certification.

Note: Adopted January 26, 1979 to be effective April 1, 1979; amended May 15, 1980 to be effective September 8, 1980; amended June 28, 1996 to be effective September 1, 1996; caption and text amended July 20, 2011 to be effective September 1, 2011.

1:39-1. Board on Attorney Certification

(a) Appointment; Officers. ...no change

(b) Quorum. ... no change

(c) Regulations. ... no change

(d) Operations. The Board shall, consistent with these rules and its Regulations, establish procedures, publish forms and maintain records as required for the conduct of the Board's operations and the certification of attorneys. The Board shall function as an appellate arm for Certification Committee decisions. The Board shall [will] be responsible for the financial and administrative operations of the certification program. The Board shall [will] maintain responsibility for policy, for making recommendations to the Supreme Court in respect of Rule and Regulation amendments, and [for accrediting continuing legal education courses] for the general oversight of the functions of the Certification Committees.

(e) Legal Education Activities. [The Board shall cooperate with law schools in this State, the Institute for Continuing Legal Education, and other recognized continuing legal education sponsors in developing and maintaining courses, clinics and other offerings by such institutions to enhance the skills and increase the knowledge of attorneys who seek to be certified by the Supreme Court. The Board may also cooperate with other law schools, bar associations and agencies interested in legal education.] The Board, on a case-by-case basis, may determine whether courses taken by an attorney, which have been approved by the Board on Continuing Legal Education for New Jersey's mandatory continuing legal education program, will qualify toward meeting that attorney's continuing education requirements related to certification in a particular specialty. The Board also may determine, on a case by case basis, whether certain educational activities related to the area of specialty but not approved under New Jersey's

mandatory continuing legal education program may be considered for accreditation toward the educational requirements of certification.

(f) Reports. Reports as to the activities of the Board may be submitted to the Supreme Court from time to time. [An annual report shall be submitted by February 15th of each year as to the status of the certification program.]

(g) Staffing and Funding [Funds]. The day-to-day operations of the Board shall be performed by staff operating under the supervision of the Supreme Court Clerk's Office. Staff salaries, benefits, and operational costs shall be funded from fees imposed pursuant to this rule and the Board's Regulations. To the extent that the Board is not self-supporting, funds necessary for the operation of the certification program for attorneys shall be provided by the Administrative Office of the Courts.

(h) Fees. Each applicant for certification and recertification and each certified attorney shall pay required fees to the Secretary for the use of the Board. The fees shall be established in amounts to be set from time to time by the Board, subject to the approval of the Supreme Court, and, to the extent possible, so as to enable the program to be self-supporting.

(i) Effect of Board Membership. While serving on [During service with] the Board [on Attorney Certification], no member shall apply for or be examined for certification in any of the designated areas of specialty in this State. A [Certified] Board member who previously received certification [Member] may be recertified during the member's term of service on the Board.

(j) Immunity. Members of the Board and their lawfully appointed designees and staff shall be absolutely immune from suit based on their respective conduct in performing their official duties.

Note: Adopted January 26, 1979 to be effective April 1, 1979; paragraphs (a), (b), (c), (d), (g), (h), and (i) amended May 15, 1980 to be effective September 8, 1980; paragraph (i) amended November 5, 1986 to be effective January 1, 1987; paragraph (a) amended February 8, 1993 to be effective immediately; paragraphs (a), (b), (c), (d), (e), (g), (h), and (i) amended June 28, 1996 to be effective September 1, 1996; paragraphs (a), (b), (c), (d), (e), and (f) amended July 5, 2000 to be effective September 5, 2000; paragraphs (d), (f), (h), and (i) amended, paragraphs (e) and (g) caption and text amended, and new paragraph (j) adopted July 20, 2011 to be effective September 1, 2011.

1:39-1A. Certification Committees

(a) Appointment; Officer. The Supreme Court shall appoint a Civil Trial Law Committee, a Criminal Trial Law Committee, a Matrimonial Law Committee, [and] a Workers' Compensation Law Committee, and a Municipal Court Trial Law Committee. The Court shall appoint no fewer than [four] three and no more than eleven members of the bar to serve on each Attorney Certification Committee. Committee members shall be appointed for three-year terms. No member who has served four full three-year terms successively shall be eligible for immediate reappointment. Members appointed to fill unexpired terms may be reappointed to four successive full terms. The Supreme Court shall designate one member of each Committee to serve as Chair of that Committee. The Chairs shall serve [, ex officio,] as members of the Board on Continuing Legal Education and the Board on Attorney Certification.

(b) Quorum. For each Committee, one more than half the total number of members shall constitute a quorum and all determinations shall be made by a majority of the quorum.

(c) Operations. ... no change

(d) Effect of Certification Committee Membership. ... no change to text

(e) Immunity. Members of the Certification Committees and their lawfully appointed designees and staff shall be absolutely immune from suit based on their respective conduct in performing their official duties.

Note: Adopted June 28, 1996 to be effective September 1, 1996; paragraphs (a) and (c) amended and new paragraph (d) adopted July 5, 2000 to be effective September 5, 2000; paragraphs (a) and (b) amended, paragraph (d) caption amended, and new paragraph (e) adopted July 20, 2011 to be effective September 1, 2011.

1:39-2 . Eligibility. Subject to the specific requirements contained in the Regulations of the Board, an attorney shall be eligible to apply for certification in a designated area of practice on demonstrating to the Board on Attorney Certification the following:

(a) Minimum Admission Period; Practice of Law. [Membership] Applicants for certification must be members in good standing with a plenary license at the bar of the State of New Jersey for at least five years. Applicants for certification must be (1) engaged in the private practice of law, wherein the applicant represents and gives legal advice to clients, and maintains the appropriate bank accounts pursuant to *Rule* 1:21-6; or (2) employed by State, county, or municipal government representing and giving legal advice to clients.

(b) Professional Experience. ... no change

(c) Professional Reputation. The Board shall require each applicant to establish his or her professional fitness and competence in the designated area of practice. Pursuant to the Regulations of the Board, the applicant shall submit to the [Board] relevant Certification Committee the names of a specified number of peer references of whom the [Board] Committee may inquire with regard to the applicant's professional fitness and competence as an attorney within the designated area of practice. The Board or the Committee may inquire of other attorneys or judges with respect to the professional qualifications and reputation of the applicant.

(d) Educational Experience. An applicant must demonstrate to the Board satisfactory and substantial educational involvement within the three years immediately preceding his or her application. The Board will evaluate the nature [, sponsorship, faculty,] and content [and duration] of educational involvements submitted by applicants on a case by case basis. The Board shall adopt Regulations governing the number of credits of continuing legal education

required for certification [and the approval of continuing legal education courses, and shall impose such fees as it determines are appropriate, subject to the approval of the Supreme Court].

(e) Ongoing Obligation. ... no change

Note: Adopted January 26, 1979 to be effective April 1, 1979; paragraphs (a) amended, former paragraph (b) deleted and former paragraph (c) redesignated as (b) and amended, former paragraph (d) redesignated as (c) and amended, and new paragraph (d) adopted May 15, 1980 to be effective September 8, 1980; paragraph (a) amended November 1, 1985 to be effective January 2, 1986; paragraph (d) amended November 7, 1988 to be effective January 2, 1989; paragraphs (b)(2) and (c), amended July 13, 1994 to be effective September 1, 1994; introduction and paragraphs (b), (c) and (d) amended June 28, 1996 to be effective September 1, 1996; corrective amendment to paragraph (c) adopted August 1, 1996 to be effective September 1, 1996; paragraphs (a), (b), (c), and (d) amended and new paragraph (e) adopted July 5, 2000 to be effective September 5, 2000; paragraph (a) amended July 28, 2004 to be effective September 1, 2004; paragraphs (a), (c) and (d) amended July 20, 2011 to be effective September 1, 2011.

1:39-4. Decision by Certification Committee or Board

(a) Ineligible Applicants. ... no change

(b) Duration of Eligibility; Qualified Applicants. ... no change

Note: Former rule adopted January 26, 1979 to be effective April 1, 1979; former rule deleted and former Rule 1:39-5 redesignated Rule 1:39-4 and amended May 15, 1980 to be effective September 8, 1980; new paragraph (a) adopted and former rule amended and designated paragraph (b) June 28, 1996 to be effective September 1, 1996; paragraphs (a) and (b) amended July 5, 2000 to be effective September 5, 2000; caption amended July 20, 2011 to be effective September 1, 2011.

1:39-5. Grant; Duration; Withholding of Certification

(a) Grant of Certification. If upon due consideration the Board determines that an applicant is qualified for certification as a civil or a criminal trial attorney, a matrimonial law attorney, [or] a workers' compensation law attorney, or a municipal court trial attorney, it shall so report to the Supreme Court, which shall direct the making of an appropriate entry on the roll of attorneys and shall cause to be issued an appropriate document attesting thereto.

(b) Duration of Certification. ... no change

(c) Withholding of Certification. ... no change

Note: Adopted January 26, 1979 as Rule 1:39-6 to be effective April 1, 1979; redesignated Rule 1:39-5 and paragraphs (a) and (c) amended and paragraph (d) deleted May 15, 1980 to be effective September 8, 1980; paragraph (c) amended July 13, 1994 to be effective September 1, 1994; paragraphs (a) and (c) amended June 28, 1996 to be effective to be effective September 1, 1996; paragraph (b) amended July 5, 2000 to be effective September 5, 2000; paragraph (a) amended July 20, 2011 to be effective September 1, 2011.

1:39-7. Renewal of Certification

A member of the bar of this State who has been certified pursuant to these rules and the Regulations of the Board, may apply for a renewal of such certification during the last twelve months of the five year period for which the attorney had received certification. The application for renewal shall include information specified in the Regulations of the Board, which will set forth the substantive, professional fitness and educational requirements for recertification. The appropriate Certification Committee and the Board shall render a decision regarding the application for renewal of certification in the same manner as provided by these rules and Regulations for initial certification.

Note: Adopted January 26, 1979 as Rule 1:39-8 to be effective April 1, 1979; amended and redesignated Rule 1:39-7 May 15, 1980 to be effective September 8, 1980; amended November 2, 1987 to be effective January 1, 1988; amended June 28, 1996 to be effective September 1, 1996; amended July 5, 2000 to be effective September 5, 2000; amended July 20, 2011 to be effective September 1, 2011.

1:39-8. Termination of Certification

(a) Basis for Termination. ... no change

(b) Procedures to Follow. ... no change

(c) Effect of Determination of Unethical Conduct. ... no change

(d) Hearing Panels; Recommendation to Court. In all cases hearings may be held before a panel of no fewer than three members of the Board, which shall render a report to the full Board. In appropriate circumstances, the matter may be referred for consideration to the District Ethics Committee. The Board shall recommend to the Supreme Court the sanction to be imposed, which may include either termination or [suspension] conditions imposed for a stated period. Should the Supreme Court approve the Board's recommendation to terminate certification, the Board shall notify other certifying agencies to which the attorney holds a certification of that termination.

(e) Burden of Proofs; Effect of Termination. ... no change

(f) Lapsing of Certification. ... no change

Note: Adopted January 26, 1979 as Rule 1:39-9 to be effective April 1, 1979; amended and redesignated Rule 1:39-8 May 15, 1980 to be effective September 8, 1980; amended November 2, 1987 to be effective January 1, 1988; amended and rule designated as paragraphs (a), (b), (c), (d), and (e) June 28, 1996 to be effective September 1, 1996; paragraph (d) amended and new paragraph (f) adopted July 5, 2000 to be effective September 5, 2000; paragraph (d) amended July 20, 2011 to be effective September 1, 2011.

Revisions Approved by the Court July 20, 2011

Regulations of the Board on Attorney Certification

PART ONE - GENERAL REGULATIONS

REGULATION 101. Applicability and Citation of Regulations

101:1 ... no change

101:2 ... no change

REGULATION 102. Board on Attorney Certification

102:1 Establishment; Appointment. To assist in the administration of the certification function the Supreme Court shall establish, in accordance with the Rules of Court, a Board on Attorney Certification. Pursuant to Rule 1:39-1(a), the Board shall consist of not more than eleven members, all of whom shall be members of the Bar of this State. Board membership shall include the Chairs of each of the [four] five Certification Committees, appointed pursuant to RG.

103:1. The remaining members, who shall not exceed [seven] six in number, must be certified in a designated area of practice to be eligible for appointment to the Board, except for those appointed to serve on a newly created Certification Committee.

102:2 Quorum. ... no change

102:3 Operation, Functions. The Board shall, consistent with the Rules of Court and these Regulations, establish procedures, publish forms and maintain records as required for the conduct of the Board's operations and the certification of attorneys. The Board shall function as an appellate arm for Certification Committee decisions. The Board will be responsible for the financial and administrative operations of the certification program. The Board will maintain responsibility for policy; for making recommendations to the Supreme Court in respect of Rule

and Regulation amendments; and on a case by case basis for [accrediting continuing legal education courses] determining whether courses taken by an attorney, which have been approved by the Board on Continuing Legal Education for the mandatory continuing legal education program, shall qualify toward meeting the continuing education requirements related to certification in a particular specialty. The Board may also determine accreditation , on a case by case basis, as to whether certain educational activities related to the area of specialty but not approved under the mandatory continuing legal education program may be considered for accreditation toward the educational requirements of certification. The Board will delegate to the Committees the responsibility of preparing and drafting applications and peer reference forms, preparing, drafting and grading examinations, and reviewing applications for certification and determining eligibility.

102:4 Fees; Funding. ... no change

102:5 Reports. ... no change

102:6 Effect of Board Membership. ... no change

REGULATION 103. Certification Committees

103:1 Appointment; Membership. The Court shall appoint Certification Committees to assist the Board in the consideration of applications for certification. Members shall be practicing attorneys or retired Judges or Justices. They shall serve for three-year terms and shall be eligible for reappointment for three successive terms. In establishing the Committees, the Supreme Court may appoint some members to an initial term of less than three years. The following Committees are hereby established, with the number of members noted:

- a. Committee on Civil Trial Law (no more than 7 members);
- b. Committee on Criminal Trial Law (no more than 3 members);
- c. Committee on Matrimonial Law (no more than 9 members); [and]
- d. Committee on Workers' Compensation Law (no more than 5 members); and
- e. Committee on Municipal Court Law (no more than 9 members).

The Chair of each Certification Committee shall serve on the Board of Attorney Certification [, ex officio]. Certification Committee members need not be certified in a designated area of practice to qualify for appointment.

103:2 Quorum. ... no change

103:3 Operation, Function. The Certification Committee for each designated area of practice shall develop appropriate forms and schedules for the submission of applications by members of the bar seeking certification or recertification. All forms and schedules shall be approved by the Board. Certification Committees shall review applications for certification to determine eligibility for the written examination. Adverse decisions by a Certification Committee in respect of eligibility or examination are reviewable by the Board and the Supreme Court pursuant to the Rules of Court and these Regulations. The Certification Committee shall also draft and grade the written certification examinations and review applications for recertification, making recommendations to the Board of who shall be recertified. The Certification Committees shall undertake such other duties as may be, from time to time, assigned by the Board.

103:4 Effect of Committee Membership. ... no change

PART TWO - EXAMINATION ELIGIBILITY REQUIREMENTS

REGULATION 201. General Eligibility Requirements ... no change

REGULATION 202. Admission to the Bar; Ongoing Obligation: Practice of Law.

202:1 Minimum Plenary Admission. Admission to the bar of the State of New Jersey for the purpose of meeting the requirements of this section commences from the date of an attorney's plenary admission. An applicant must have been in good standing in all jurisdictions in which the applicant holds a bar license for at least the five years immediately preceding the filing of the application, and must so certify.

202:2 Ongoing Obligation. ... no change

202:3 Practice of Law. Applicants for certification must be (1) engaged in the private practice of law, wherein the applicant represents and gives legal advice to clients, maintains a bona fide office [in New Jersey] pursuant to Rule 1:21-1(a) and maintains the appropriate bank accounts pursuant to Rule 1:21-6; or (2) employed by State, county or municipal government representing and giving legal advice to clients.

REGULATION 203. Professional Experience

203:1 Civil and Criminal Trial Attorney Requirements. The applicant must establish that:

- (a) He or she has devoted a substantial portion of professional time to the preparation of litigated matters in New Jersey, the majority of which are venued in Superior Court, for the three years immediately preceding the filing of the application;

- (b) He or she has had primary responsibility since plenary admission to the bar for a minimum of ten contested actions in New Jersey, at least six of which were venued in Superior Court or U.S. District Court for the District of New Jersey, and that were, in the opinion of the Board, substantially submitted to the trier of fact; and
- (c) In the case of civil certification, the [The] ten contested actions must include a minimum of [thirty] ~~thirty~~ twenty trial days in Superior Court or U.S. District Court.
- (d) In the case of criminal trial certification, the ten contested actions must include a minimum of twenty-five trial days in Superior Court or U.S. District Court.

(e)[(d)]Definitions. For the purpose of meeting the requirements of this Regulation, the following definitions apply:

(1) Contested actions. To qualify as a "contested action," a matter must be adversarial in nature and involve substantial charges, claims, issues, or consequences. For example, the following features shall qualify a matter as a "contested action:"

- i) in criminal cases, an indictable offense[;]. The Board will also consider the following, but no more than five: domestic violence orders based on crimes; contempt charges in family court; juvenile cases involving crimes; and trial-type hearings in Superior Court;
- ii) in civil or administrative matters, a claim or demand that reasonably exposes the defendant or respondent to damages or [a] any penalty [in an amount that exceeds \$25,000]; or
- iii) in civil or administrative matters that do not present a claim for money damages or a civil penalty (such as chancery actions, declaratory judgment proceedings, and actions in lieu of prerogative writs), substantial public issues or, assuming a ruling or judgment against a party, exposure of that party to substantial adverse personal or economic consequences;
- iv) such other matters as, in the Board's judgment, are of sufficient substance or import to qualify as "contested actions."

An arbitration proceeding shall not qualify as a contested action unless the applicant can demonstrate that the arbitration was substantially equivalent to a trial in Superior Court.

(2) Litigated matters. Litigated matters include contested actions as defined in this Regulation. Any other matter tried before a court, agency, or arbitrator shall also qualify as a litigated matter.

(3) Submission to trier of fact. A substantial number of the ten cases required by this Regulation must have been tried to conclusion as to the applicant's clients. In addition, the Board may consider cases that were settled prior to judgment or verdict, but only when the applicant completely prepared the case for trial by motion practice and extensive discovery. For example, such preparation might include a combination of any of the following: in civil actions, the taking of depositions, the preparation and service of non-uniform interrogatories and of answers to non-uniform interrogatories and requests for admissions; or, in the prosecution or defense of criminal matters that were concluded by plea negotiation, pretrial investigation including extensive factual investigation and the preparation of or opposition to pretrial motions presenting substantial and complex issues arising under the State or Federal Constitution or Rules of Criminal Procedure.

(f)[(e)] Time limitations. The ten contested actions may be cases that have been handled and concluded at any time between the date of the applicant's plenary admission to the practice of law and the date of the application for certification.

(g)[(f)] Required information. The applicant shall submit the following information on a form adopted by the Board:

- (1) Substantial involvement in litigation. The applicant shall present a brief summary of each matter prepared for trial or tried within the three years immediately preceding the application. If more than thirty matters are eligible, the applicant shall submit no more than ten from each year, which shall fairly reflect the type of cases for which the applicant was responsible. The summary shall include the following:
 - i) caption and docket number of the case;
 - ii) date of disposition;
 - iii) forum;
 - iv) nature of action or proceeding;
 - v) names and addresses of all counsel;
 - vi) name of judge;
 - vii) number of trial days;
 - viii) presence or absence of a jury;

- ix) point at which the proceedings were terminated; and
 - x) any additional information the applicant may deem to be relevant.
- (2) Applicant's ten contested actions. The applicant shall present the following details on the ten contested actions submitted pursuant to this Regulation:
- i) caption and docket number of the case;
 - ii) date of disposition;
 - iii) forum;
 - iv) name of judge or other officer;
 - v) nature of action or proceeding;
 - vi) amount in controversy;
 - vii) principal issues involved;
 - viii) significant pretrial or post-trial motions;
 - ix) significant discovery problems or techniques;
 - x) status at which matter terminated;
 - xi) role in proceedings;
 - xii) outcome of proceedings;
 - xiii) names and addresses of all counsel; and
 - xiv) any additional information the applicant may deem to be relevant.

203:2 Matrimonial Law Requirements. The applicant must establish that he or she has:

- (a) Devoted a substantial part of his or her time to the practice of matrimonial law;
- (b) Devoted a substantial portion of professional time to the preparation of matrimonial litigated matters in New Jersey, venued in Superior Court, for the three years immediately preceding the filing of the application;
- (c) Had primary responsibility for a minimum of fifteen contested matrimonial law hearings per year over the three years immediately preceding the application;
- (d) Had primary responsibility for a minimum of twenty-five negotiated matrimonial law judgments or negotiated Property Settlement Agreements in the three years immediately preceding the application;
- (e) Had substantial involvement in a minimum of twenty-five contested matrimonial law actions during the three year period preceding the application or not less than forty contested matrimonial law actions during the applicant's career; and
- (f) A minimum of five contested matrimonial law trials or plenary hearings during the three year period preceding the application on a substantive or factual issue or, alternatively, a total of ten contested matrimonial law trials during the applicant's career. In addition, the Board may consider cases that were settled prior to judgment, but only when the applicant was the attorney primarily responsible for preparing the case for trial.
- (g) The Board, in its discretion, may relax certain of the standards set forth above in those instances in which an applicant demonstrates exceptional qualifications that justify certification and may, in doing so, consider significant active participation during the five year period preceding Certification in the following:

- (1) Service as a Matrimonial Early Settlement Panelist;
- (2) Service as counsel or as a guardian ad litem by appointment of the Court;
- (3) Service with a County Bar, State Bar, national bar association, national or state organization dealing primarily in matrimonial law-related matters or service on Supreme Court Committees dealing with matrimonial law; [and]
- (4) Authorship of published article(s) on matrimonial law[.]; and
- (5) Mediation proceedings that result in a substantial resolution of the case. The proceeding must either have been more than one session or longer than two hours.

- (h) Definitions. ... no change
- (i) Required information. ... no change

203:3 Workers' Compensation Law Requirements. The applicant must establish that he or she:

- (a) Has devoted a substantial portion of his or her practice to the area of workers' compensation;
- (b) Has resolved to completion a minimum of 120 workers' compensation cases cumulatively over the three years immediately preceding the application for certification;
- (c) Has had primary responsibility since plenary admission to the bar for a minimum of ten contested workers' compensation actions resolved either to a decision by the compensation court or in substantial part prior to a settlement. As an alternative, two of the ten contested actions may be appeals to either the Appellate Division or the Supreme Court of New Jersey provided, however, that any such appeals submitted for consideration must be separate matters from any other contested action submitted towards meeting this requirement; and
- (d) Has had primary responsibility since plenary admission to the bar for five Second Injury Fund matters involving post-1980 cases and resulting in the entry of an order for Second Injury Fund liability.
- (e) Definitions. For the purpose of meeting the requirements of this Regulation, the following definitions apply:

(1) Contested actions. To qualify as a "contested action," a matter must be one in which the trier of fact can only decide the issue or issues presented to the Compensation Court after hearing substantive testimony from at least one witness and the petitioner. Substantive testimony is verbal or demonstrative evidence presented by a witness that provides facts or expert opinion for consideration by

the trier of fact and excludes testimony merely presented for the purpose of authentication or otherwise identifying records for admission into evidence.

- i) the term "substantial part" as used in this Regulation means that all witnesses have testified and that all that remains is a decision by the trier of fact. The term trial day as used in this regulation shall be one calendar day during which testimony from a witness shall be taken before a Judge of Compensation.
 - ii) contested actions submitted for consideration must have included the testimony of witnesses other than the petitioner, either in court or through sworn deposition. A total of at least thirty witnesses must be taken before a Judge of Compensation in court or by de bene esse deposition for use in a contested action.
 - iii) at least five of the ten contested actions must have included the testimony of a minimum of [two] ten medical-professional witnesses or other scientific experts. The applicant may include up to four medical or scientific experts whose testimony was taken in the course of Federal or Superior Court litigation.
 - iv) a contested action can include a motion for medical and temporary benefits and/or a maximum of two workers' compensation appeals. Any such appeal shall not be considered as separate and apart from any other contested matter involving the same petitioner and the same or accompanying claim petitions.
 - v) any matter closed pursuant to N.J.S.A. 34:15-20 may be included as a contested action provided testimony has been taken of at least two witnesses prior to the settlement under Section 20.
 - vi) all cases concluded by means of an Accelerated Award Proceeding or Trial on Reports cannot be used as a contested action.
 - vii) all [matters] testimony taken [listed] under this section must have been [tried] taken in substantial part by the applicant and no [matter] testimony may be submitted for consideration by more than one attorney on behalf of any one party. [Therefore, t]The applicant must have been responsible for appearing for 80% of the trial days for each contested action.
- (2) Litigated matters. ... no change.
 - (3) Submission to trier of fact. ... no change
 - (4) Time limitations. ... no change
 - (5) The term "resolved to completion" as used in this Regulation means either settled or tried to conclusion as to the applicant's client.
- (f) Required information. ... no change

203:4 Municipal Court Law Requirements. The applicant must establish that he or she:

- (a) Has devoted a significant portion of his or her professional time to the area municipal court practice.

- (b) Has devoted a substantial portion of his or her professional time to the preparation of a minimum of thirty litigated matters per year venued in municipal courts of New Jersey, for the three years immediately preceding the filing of the application;
- (c) Has had primary responsibility, since plenary admission to the bar, for a minimum of ten contested actions in New Jersey municipal courts that were, in the opinion of the Board, substantially submitted to the trier of fact; and
- (d) The ten contested actions must include a minimum of six municipal court trials resolving allegations related to driving while intoxicated or refusal.
- (e) Definitions. For the purpose of meeting the requirements of this Regulation, the following definitions apply:
 - (1) Contested actions. To qualify as a "contested action," a matter must be one in which the trier of fact can only decide the issue or issues presented and is adversarial in nature, involving charges, claims, issues, or consequences related to the prosecution of a municipal court summons, complaint, and/or citation.
 - (i) The types of matters that will qualify as contested actions are those that are adjudicable in municipal court, which include: motor vehicle and traffic violations; disorderly persons, petty disorderly persons, or other non-indictable offenses; local ordinance violations; fish, game, and boating violations; penalty collection proceedings; trial-type hearings in municipal court, including plenary motions, motions to suppress, and Alcotest; and other matters authorized by statute or Court Rule to be under the subject matter jurisdiction of the municipal court.
 - (2) Litigated matters. Litigated matters include contested actions as defined in this Regulation but need not have been tried to conclusion before the trier of fact. The Board will consider matters that were resolved prior to trial when the applicant completely prepared the case for trial through motion practice, discovery, client interview, and plea negotiations. Municipal court appeals also may be considered as litigated matters. Any litigated matters listed may not be the same case as listed as a contested action.
 - (3) Submission to trier of fact. A substantial number of the ten cases required by this Regulation must have been tried to conclusion as to the applicant's clients. In addition, the Board may consider cases that were settled or resolved prior to judgment or verdict, but only when the applicant completely prepared the case for trial by motion practice and extensive discovery.
- (f) Time limitations. The ten contested actions may be cases that have been handled and concluded at any time between the date of the applicant's plenary admission to the practice of law and the date of the application for certification.
- (g) Required information. The applicant shall submit the following information on a form adopted by the Board:

- (1) Substantial involvement in litigation/litigated matters. The applicant shall present a brief summary of each of the 90 matters prepared for trial or tried within the three years immediately preceding the application, listing 30 matters in each of those three years. The matters submitted shall fairly reflect the type of cases for which the applicant was responsible. The summary shall include the following:
- i) caption and docket/summons number of the case;
 - ii) date of disposition;
 - iii) nature of action or proceeding;
 - iv) names and addresses of all counsel;
 - v) name of judge;
 - vi) number of trial days;
 - vii) point at which the proceedings were terminated; and
 - viii) any additional information the applicant may deem to be relevant.
- (2) Applicant's ten contested actions. The applicant shall present the following details on the ten contested actions submitted pursuant to this Regulation:
- i) caption and docket/summons number of the case;
 - ii) date of disposition;
 - iii) name of judge;
 - iv) nature of action or proceeding;
 - v) principal issues involved;
 - vi) significant pretrial or post-trial motions or appeals;
 - vii) significant discovery and/or trial issues or techniques;
 - viii) status at which matter terminated;
 - ix) number of trial days;
 - x) role in proceedings;
 - xi) outcome of proceedings;
 - xii) names and addresses of all counsel; and
 - xiii) any additional information the applicant may deem to be relevant.

REGULATION 204. Professional Reputation

204:1 Applicant's submission; Civil Trial Law, Criminal Trial Law, Matrimonial Law, [and] Workers' Compensation Law, and Municipal Court Law.

- (a) Each applicant shall submit as references the names and addresses of [five] eight members of the bench or bar of this State who can attest to the applicant's competence as an attorney in the area of practice in which certification is being sought. Members of the bar whose names are submitted for such purpose must be substantially engaged in that area of practice. [At least two] Three references shall be from judges who have observed the applicant's skills in the three years preceding the filing of the application. Five references shall be from members of the bar who have been an adversary or co-counsel with the applicant in trial.
 - (1) in the case of municipal court practice applications, "members of the bench" refers to judges of the municipal court.
- (b) At least two references shall be from attorneys who represented opposing parties, one of whom shall have represented an opposing party in a "contested [matter] action" or a "contested matrimonial law trial" as defined in these Regulations, and another of whom shall have represented an opposing party in a "litigated matter" or a "contested matrimonial law hearing" within the three years immediately preceding the filing of the application.
- (c) An applicant may not submit as a reference the name of any member of the bench or bar with whom the applicant has or had been formally associated in the practice of law.
- (d) Justices of the Supreme Court and members of the Board and the Certification Committees are not eligible as references for an applicant.

204:2 Reference letters. ... no change

204:3 Board and Certification Committee inquiries. ... no change

REGULATION 205. Educational Experience

205:1 General Requirements. [Except as provided below, an] An applicant shall submit information demonstrating a completion of a specified number of hours of continuing legal education, approved and accredited for continuing legal education credits by the Board on Continuing Legal Education, specifically in the area of certification applied for or in ethics and professionalism within the three years immediately preceding the application. [An "hour" of continuing legal education shall include only the time spent in instruction. Meals and recess periods are specifically excluded. Applicants instructing or participating in a continuing legal education program as described in (b) and (c), below, will be credited with twice the time of actual instruction. Repeat presentations of the same lecture within a twelve-month period will

gain no additional credit. Among the types of educational involvement that the Board will consider are:

- (a) Attendance at and completion of courses that relate to the improvement of trial and litigation skills in the specific area of practice for which certification has been sought;
- (b) Teaching or lecturing in programs of study or in courses in the area of practice for which certification has been sought;
- (c) Participating as a panelist in or speaker at seminars, symposia, or lecture programs in aspects of litigation in the area of practice for which certification has been sought;
- (d) "In-house" courses given by and for government attorneys only; provided, however, that an applicant may not use such courses for more than 50% of the continuing legal education credits required by this Regulation; and
- (e) Such other educational involvement as the Board may, in its discretion, deem appropriate.]

[The Board shall evaluate such involvement on a case-by-case basis.]

The Board and/or Certification Committees shall review an applicant's submitted continuing education courses to ensure that the applicant has limited the credits required for certification to the area of specialty sought, exclusive of the credits obtained toward fulfillment of ethics/professional responsibility and professionalism credits as required under the mandatory continuing legal education program. The Board reserves the right to review and approve, on a case by case basis, other forms of educational activities that may not have been accredited under the mandatory continuing legal education program.

205:2 Civil and Criminal Trial Law Requirements. In addition to the general requirements of this Regulation, the applicant must complete in the three years preceding the application a minimum of thirty-six credits of continuing legal education in civil trial law and/or thirty-six credits of continuing legal education in criminal trial law. Those courses taken in ethics/professional responsibility and professionalism in fulfillment of the mandatory continuing legal education requirement can be included in the thirty-six credits required under this Regulation.

205:3 Matrimonial Law Requirements. In addition to the general requirements of this Regulation, those seeking certification in Matrimonial Law must demonstrate that within three years immediately preceding application, he or she completed no fewer than forty-five [hours] credits of continuing legal education programs in matrimonial law, which must include:

- (a) Not less than fifteen (15) of the required [hours] credits must be satisfied by completion of approved educational programs in the areas of dissolution of marriage, child support, spousal support, or modification of support, contempt or enforcement, equitable distribution or property division, or taxation issues

incident to dissolution of marriage or matters addressed by the prevention of Domestic Violence Act.

- (b) Not less than six (6) of the required [hours] credits must be satisfied by completion of approved educational programs in the area of custody of children.
- (c) Not less than three (3) of the required [hours] credits must be satisfied by completion of approved educational programs in the area of evidence.
- (d) Not less than three (3) of the required [hours] credits must be satisfied by completion of approved educational programs in the area of mediation, complimentary dispute resolution, psychological and counseling aspects of dissolution of marriage.
- [(e) Not less than three (3) of the required [hours] must be satisfied by completion of approved educational programs in the area of professional responsibility.] Those courses taken in ethics/professional responsibility and professionalism in fulfillment of the mandatory continuing legal education requirement can be included in the forty-five credits required under this Regulation.

205:4 Workers' Compensation Law Requirements. In addition to the general requirements of this Regulation, those seeking certification in Workers' Compensation Law must demonstrate in the three years preceding the application a minimum of thirty-six hours of continuing legal education courses in workers' compensation law, at least [ten] twelve of their education requirement having been devoted to medicine. Those courses taken in ethics/professional responsibility and professionalism in fulfillment of the mandatory continuing legal education requirement can be included in the thirty-six credits required under this Regulation.

205:5 Municipal Court Law Requirements. In addition to the general requirements of this Regulation, those seeking certification in Municipal Court Law must demonstrate in the three years preceding the application a minimum of thirty-six hours of continuing legal education courses in municipal court practice, at least twelve credits of their education requirement having been devoted to DWI and refusal issues. Those courses taken in ethics/professional responsibility and professionalism in fulfillment of the mandatory continuing legal education requirement can be included in the thirty-six credits required under this Regulation

[205:5 Videotapes; Audiotapes. For applicants seeking their initial certification in any designated area of practice, videotaped replays of continuing legal education courses will be granted credit only if given by a recognized sponsor and viewed in a structured setting.]

205:6 Evaluation Criteria. The Board shall apply the following criteria in establishing the substance of any listed educational experience:

- (a) Programs given prior approval by the Board on Continuing Legal Education shall automatically qualify towards establishing an applicant's substantial educational involvement, so long as they are in the area of certification applied for or are

approved for accreditation in ethics/professional responsibility and professionalism;

- [(b) Programs not passed on by the Board shall qualify if presented:
- (1) For the purpose of advancing the certified area of practice through improving practice and procedures or through emphasis on the ethical obligations of counsel;
 - (2) By qualified personnel;
 - (3) By live instructors or with recorded materials supplemented by live commentators; and
 - (4) With thorough and well-organized written materials.]
- (b) Programs that advance the education and expertise of the attorney in the area of specialty certification sought will qualify as meeting the educational requirements of this regulation.
- (c) The Board reserves the right to require an applicant to submit additional information on any program, including but not limited to, copies of the written materials and a list of the instructors, to determine its applicability to the area of specialty certification sought.
- (d) The Board will review and may approve, on a case by case basis, educational activities that have not been accredited under the mandatory continuing legal education program that relate to the applicant's practice and specialty.

[205:7 Program approval. Planned programs should be submitted for Board approval before they are conducted. Requests for pre-approval should be made at least one month prior to the scheduled date of the program. All submissions shall be reviewed to determine whether the program:

- (a) Is being presented by qualified personnel. To that end, a list of all instructors, with short statements on their qualifications, shall be forwarded to the Board with the request for approval. The list must be kept current;
- (b) Has live instruction or recorded materials supplemented by live instruction;
- (c) Has thorough, well-organized, and readable written materials; and
- (d) Is primarily designed to promote the skills required to be an effective, competent, and ethical attorney, or is designed to enhance or keep current an attorney's knowledge in the substantive law of the fields in which the attorney practices. Prior to determining that the foregoing requirements have been met, the Board may ask for such other information as it may deem appropriate.

Programs approved by the Board may be held out as such with the following language:

- "This program qualifies for _____ hours of CLE credit toward New Jersey Civil Trial Attorney Certification;"
- "This program qualifies for _____ hours of CLE credit toward New Jersey Criminal Trial Attorney Certification;"

- "This program qualifies for _____ hours of CLE credit toward New Jersey Matrimonial Attorney Law Certification;" or
- "This program qualifies for _____ hours of CLE credit toward New Jersey Workers' Compensation Law Attorney Certification."

[The Board reserves the right to withdraw its approval of any program on notice to the sponsoring body.]

[205:8 Sponsor Fee. Sponsors of Continuing Legal Education programs that charge a registration fee of more than \$40 shall be assessed a sponsor's fee for each offering of the course for which Board approval is sought. The sponsor shall pay either a flat fee of \$100 or a fee of \$5 for each New Jersey attorney who attends the course (with a minimum assessment of \$25). Previously approved courses are subject to this fee each time the course is offered. Sponsors who seek retroactive approval for a course shall, in light of the attendance at the program, be required to pay whichever fee is the greater.]

[205:9] 205:7 Continuing Legal Education Obligations of Certified Attorneys.

- (a) General Requirements. [Except as set forth in paragraph (b) below,] C[c]ertified attorneys shall satisfy their continuing legal education obligation required under this Regulation by completing a minimum of [fifty] sixty [hours]credits of CLE programs that are directly related to the designated area of practice covered by the attorney's certification and that have been approved for accreditation by the Board on Continuing Legal Education for CLE credits. [An "hour" of continuing legal education shall include only time spent in instruction; meals and recess periods are specifically excluded.] Attorneys who are certified in more than one area of practice must fulfill a minimum of [75] 90 [hours] credits of continuing legal education in their area of specialty certification. Those courses taken in ethics/professional responsibility and professionalism in fulfillment of the mandatory continuing legal education requirement can be included in the sixty credits required under this Regulation.

[Among the types of educational involvement the Board, in its discretion, will consider are:

- (1) Programs directly related to improvement of litigation skills in the designated area of practice;
- (2) Substantive courses in the area of law in which the certified attorney conducts litigation as part of his or her practice;
- (3) Teaching or lecturing in programs of study for attorneys in the designated area of practice;
- (4) Participating as a panelist in or speaker at seminars, symposia, or lecture programs on aspects of the designated area of practice;
- (5) Authorship and publication in the designated area of practice;

- (6) Active participation in American Bar Association, New Jersey Bar Association, specialized Bar functions, and Supreme Court Committees dealing with specific substantive or procedural law issues in the designated area of practice;
- (7) Active participation in the work of a professional committee dealing with a specific problem of substantive or procedural law in the designated area of practice;
- (8) Inns of Court programs;
- (9) "In-house" courses taught by a certified attorney;
- (10) At-home or in-office viewing of video tapes and the analogous use of audio tapes of pre-approved continuing legal education programs, but only up to 50% of the continuing legal education requirement. If the video- or audio-taped course was not approved for continuing legal education credit when it was presented live, the Board may, in its discretion, decline to give the applicant credit for the course; and
- (11) Such other educational involvement as the Board may, in its discretion, deem appropriate.

An applicant's involvement in activities covered by paragraphs (6) and (7), above, cannot cumulatively account for more than 33% of the applicant's total CLE requirements for recertification.

Certified attorneys may satisfy their educational obligations by attending a combination of courses in the certified area of practice. At least thirty-five of the fifty required continuing legal education credit hours must be in courses that relate to the attorney's certified area of practice. The balance of the credit hours may be in the area of general trial or litigation skills or in cross-over courses. Cross-over courses are those courses taken in other areas of practice covered by the certification program, such as, for example, criminal courses taken by civil trial attorneys or civil courses taken by criminal trial attorneys.]

- (b) The Board shall evaluate attorney involvement on a case-by-case basis. The Board will review and may approve, on a case by case basis, educational activities that have not been accredited under the mandatory continuing legal education program that relate to the applicant's practice an specialty. The Board reserves the right to require an applicant to submit additional information on any program, including but not limited to, copies of the written materials and a list of the instructors, to determine its applicability to the area of specialty certification sought. Failure to comply with this Regulation is grounds for revocation of the attorney's certification or for a refusal to recertify that attorney.

[(b)](c) Matrimonial Law Requirements. The certified matrimonial law attorney must demonstrate that he or she has completed no fewer than 75 hours of continuing legal education programs, which must include satisfying the following:

- (1) Not less than thirty (30) of the required [hours] credits must be satisfied by completion of approved educational programs in the areas of dissolution of marriage, child support, spousal support, or modification of support, contempt or enforcement, equitable distribution or property division, or taxation issues incident to dissolution of marriage or matters addressed by the Prevention of Domestic Violence Act.
- (2) Not less than twelve (12) of the required [hours] credits must be satisfied by completion of approved educational programs in the area of custody of children.
- (3) Not less than six (6) of the required [hours] credits must be satisfied by completion of approved educational programs in the area of evidence.
- (4) Not less than six (6) of the required [hours] credits must be satisfied by completion of approved educational programs in the area of mediation, complimentary dispute resolution, psychological and counseling aspects of dissolution of marriage.
- [(5)] Not less than six (6) of the required hours must be satisfied by completion of approved educational programs in the area of professional responsibility.
- (6) As with initial certification, for each approved continuing legal education course taught the applicant is entitled to receive an additional one hour for preparation time for each hour of the course.]
- (5) Those courses taken in ethics/professional responsibility and professionalism in fulfillment of the mandatory continuing legal education requirement can be included in the 75 credits required under this Regulation.

REGULATION 206. Application Fee

Each applicant shall pay a non-refundable application fee [of \$200] as determined by the Board. The fee shall accompany the application for certification. A separate fee shall be paid with each application. Checks shall be made payable to "Secretary, Board on Attorney Certification." This fee shall be in addition to the examination fee required pursuant to RG.301:3.

REGULATION 207. Review of Application; Determination of Eligibility for Examination.

207:1 Perfection of Application. ... no change

207:2 Notification. ... no change

207:3 Eligibility; duration. ... no change

207:4 Ineligibility; review by Board. ... no change

PART THREE - EXAMINATIONS

REGULATION 301. Written Examination

301:1 General Requirements. ... no change

301:2 Application Form. ... no change

301:3 Examination Fee. The returned application for admission to the written examination shall be accompanied by a non-refundable check or money order in [the] an amount [of \$150] determined by the Board, made payable to the Secretary, Board on Attorney Certification.

301:4 Time and Place. ... no change

301:5 Examination Format. ... no change

301:6 Scope of Examination. The examination shall include general practice and litigation skill questions in the designated area of practice. Areas covered in the examinations may include the following:

(PLEASE NOTE THAT THE LIST IS NOT INTENDED TO BE MORE THAN A GUIDE AND IS NOT ALL-INCLUSIVE.)

A. GENERAL AND CIVIL TRIAL

1. Pretrial preparation.
 - a. Problem recognition - advisability of suit-cost considerations.
 - b. Jurisdiction, venue, and choice of forum.
 - c. Applicability of statute of limitations.
 - d. Ethical considerations - conflict of interest - fee arrangements.
 - e. Competency to accept employment.
 - f. Retainer agreement.
 - g. Investigation.
 - h. Legal research.
 - I. Settlement procedures.
 - j. Demand letter.
2. Filing suit.
 - a. Pleadings.
 - 1) Elements of causes of action and defenses.
 - 2) Elements of damages.
 - 3) Temporary restraining orders and permanent injunctions and other extraordinary remedies.
 - b. Intervention.

- c. Pretrial discovery and related motions.
 - d. Defensive cross-claims and counterclaims.
 - e. Pretrial practice.
3. Trial.
- a. Trial strategy and tactics.
 - b. Jury selection.
 - c. Opening statement.
 - d. Introduction and exclusion of evidence.
 - 1) Relevance.
 - 2) Competency of witnesses.
 - 3) Privileges.
 - 4) Presumptions.
 - 5) Impeachment.
 - 6) Opinion and expert testimony.
 - 7) Hearsay and hearsay exceptions.
 - 8) Exclusion for valid reason of evidence otherwise admissible.
 - 9) Judicial notice.
 - 10) Documentary and physical evidence.
 - 11) Cross-examination.
 - 12) Offer for limited purpose and re-offer.
 - 13) Offer of proof.
 - e. Motions during trial.
 - f. Establishing a trial court record for appeal.
 - 1) Objections to evidence.
 - 2) Exceptions to charges.
 - 3) Requests to charge the jury.
 - 4) Special interrogatories to the jury.
 - g. Summation.
 - h. Court's charge and instruction to the jury.
 - I. Jury deliberation.
 - j. Verdicts.
 - k. Findings of fact and conclusions of law.
 - l. Post verdict motions.
 - m. Judgments.
 - 1) Form.
 - 2) Enforcement.
4. Rules of Professional Conduct.

B. CRIMINAL TRIAL
(in addition to those subjects common to CIVIL TRIAL)

1. Pretrial diversion.
2. Pretrial release.
3. Probable cause hearing.
4. Examining indictment, information, and complaint.
5. Pretrial discovery.
6. Continuance.
7. Severance.
8. Speedy trials.
9. Double jeopardy.
10. Immunity.
11. Confessions.
12. Search and seizure.
13. Identification.
14. Competency to stand trial.
15. Jury voir dire.
16. Rules of criminal evidence, e.g., impeachment, extraneous offenses, etc.
17. Sentencing.
18. Plea negotiations and guilty pleas.
19. Motion for new trial.
20. Post-conviction remedies.
21. Probation and parole granting.
22. Probation and parole revocation.
23. Executive clemency.
24. Substantive criminal offenses and defenses.
25. Juvenile crimes.
26. Rules of Professional Conduct.

C. MATRIMONIAL LAW

1. Divorce.
2. Alimony.
3. Child support.
4. Custody (including UCCJA, PKPA and Hague Convention on International Child Abduction).
5. Domestic violence.
6. URESA.
7. Premarital agreements.
8. Settlement agreements.
9. Equitable distribution.
10. Post-judgment modification and enforcement
11. Rules of Evidence.
12. Rules of Court.
13. Pleadings and pre-trial motion practice.
14. Pre-trial discovery.
15. Trial strategy and tactics.
16. Jurisdictional problems and venue
17. Ethics.
18. Fees and retainers.
19. Investigation and legal research.
20. Rules of Professional Conduct.

D. WORKERS' COMPENSATION LAW

1. Title 34.
2. Compensability.
3. Jurisdiction.
4. Claim filing Procedures and Answers thereto.
5. Calculations of Wage and Rate.
6. Motion Practice.
7. Discovery.
8. Eligibility for Temporary, Medical and Permanent Disability.
9. Second Injury Fund issues.
10. Social Security, including calculations of offsets pursuant to N.J.S.A. 34:15-95.5.
11. Dependency.
12. Cardiac and Cerebro-Vascular Injuries.
13. Occupational Injuries and Exposures, Including hearing loss.
14. State Temporary Disability Benefits.
15. Negotiations and Settlement.

16. Appellate Procedures.
17. Rules of Professional Conduct.

E. MUNICIPAL COURT LAW

1. Driving While Intoxicated and refusal Statutes and Case Law.
2. Other Title 39 offenses.
3. Alcotest and Breathalyzer Issues.
4. Rules of Evidence and Procedure.
5. Jurisdiction, Service of Process, and Procedure.
6. Pre-trial Procedure.
7. Pre- and Post-trial Motions.
8. Bail, Search Warrants and Suppression.
9. Municipal Court Appeals.
10. Arraignments, Pleas, Sentencing, and Judgment.
11. Pre-trial Discovery.
12. Ordinance Violations
13. Disorderly Persons, Petty Disorderly Persons and Other Non-Indictable Laws and Offenses.
14. Fish, Gaming, and Boating Laws and Offenses.
15. Traffic offense legal issues.
16. Civil Penalties; other collateral consequences of pleas/convictions.
17. Rules Governing Practice in Municipal Court, Rule 7:1 to 7:14.
18. All other substantive, evidential and procedural areas of law within the jurisdiction of the municipal court.
19. Rules of Professional Conduct.

REGULATION 302. Grading and Distribution of Results

302:1 Grading Procedures. ... no change

302:2 Notification to Applicant. ... no change

302:3 Failing Applicants; Reexamination; Review of Examination. ... no change

PART FOUR - CERTIFICATION OF APPLICANT

REGULATION 401. Report of Determination

401:1 Grant of Certification. Successful applicants shall be recommended to the Supreme Court by the Board for certification as a civil trial attorney, criminal trial attorney matrimonial law attorney, [or] workers' compensation law attorney, or municipal court law attorney. In certifying applicants, the Supreme Court shall direct the making of an appropriate notation on the roll of attorneys. The Clerk of the Supreme Court shall then issue a document attesting to the attorney's certification, dated as of the entry of the certification on the roll of attorneys.

401:2 Withholding Certification; Effect. ... no change

REGULATION 402. Consequences of Certification

402:1 Duration of Certification. ... no change

402:2 Annual Fee. A certified attorney shall pay to the Board an annual fee [of \$100] as determined by the Board [to the Board] for each certification the attorney holds. The fee shall be paid no later than January 31st of each year, except that no fee shall be due during the calendar year in which the attorney first becomes certified. An additional [\$35] late fee as determined by the Board will be imposed on those attorneys who pay after the January 31st deadline of each year. Failure to pay the annual fee is grounds for termination of the attorney's certification. The Board shall annually report the names of attorneys failing to comply with the provisions of this regulation to the Supreme Court for such action as it deems appropriate.

402:3 Effect of Certification. Certification or the absence thereof shall not in any way limit the right of an attorney to practice law in that designated area.

- (a) A certified civil trial attorney may use the designation "Certified by the Supreme Court of New Jersey as a Civil Trial Attorney;"
- (b) A certified criminal trial attorney may use the designation "Certified by the Supreme Court of New Jersey as a Criminal Trial Attorney;"
- (c) A certified matrimonial attorney may use the designation "Certified by the Supreme Court of New Jersey as a Matrimonial Law Attorney;" and
- (d) A certified workers' compensation attorney may use the designation "Certified by the Supreme Court of New Jersey as a Workers' Compensation Law Attorney[.];"
- (e) A certified municipal court law attorney may use the designation "Certified by the Supreme Court of New Jersey as a Municipal Court Trial Attorney.

An attorney so certified may use the above referenced designations in any dignified manner that complies with the Rules of Professional Conduct of the Supreme Court. An attorney so certified may not use any other combination of words to describe the certification.

402:4 Use of Approved Logo. ... no change

402:5 Violations; Sanctions. ... no change

402:6 Division of Fees. ... no change

402:7 Obligations of Certified Attorneys. A certified attorney is under a continuing obligation, during the duration of the certification period, to notify the Board of any malpractice action brought, fee arbitrations filed, disciplinary complaints filed, or discipline imposed on him or her within ninety days of the filing of the matter or the discipline imposed.

PART FIVE - RECERTIFICATION

REGULATION 501. Filing for Recertification

501:1 Notice and Application. A certified attorney may file for recertification during the final twelve months of the five-year period of certification provided for by RG. 402:1. Only those qualified to practice law in New Jersey will be recertified. R. 1:21-1(a). Applications for recertification will be mailed automatically by the Secretary to the Board to those attorneys eligible for recertification. The form of application shall be approved by the Board.

The completed application for recertification shall include a current summary of the attorney's professional activities in New Jersey and must demonstrate a substantial involvement in the area of practice in which the attorney is certified during the five-year certification period.

- (a) **Civil Trial Law.** ... no change
- (b) **Criminal Trial Law.** ...no change
- (c) **Matrimonial Law.** ... no change
- (d) **Workers' Compensation Law.** ... no change

(e) **Municipal Court Law.**

(1) The Board views substantial involvement in municipal court law as possessing some, if not all, of the following characteristics:

- (i) two trials per year, including DWI and refusal matters, drug possession, and disorderly and petty disorderly offenses;
- (ii) motion practice;
- (iii) plea and sentencing dispositions;
- (iv) municipal court appeals;
- (v) regular and consistent appearances in the municipal courts of New Jersey; and
- (vi) post conviction relief petitions.

(2) The Board does not consider, without further explanation, engaging exclusively in any one of the following as constituting substantial involvement:

- (i) matters addressing only gaming, fishing and boating offenses; ordinance violations; disorderly and petty disorderly persons offenses;
- (ii) appellate practice; and/or
- (iii) only a minimal portion of the applicant's practice devoted to municipal court law as defined above.

(3) If the applicant cannot demonstrate that he or she engages in more than a minimal portion of his or her practice on municipal court matters, without explanation, the applicant will not be recertified. He or she must then comply with Part Six of these Regulations regarding termination and lapsing of certification and must remove all references to the designation of certification from letterhead, advertising, and the like. However, the applicant has up to three years following the expiration of certification to demonstrate to the Board renewed substantial involvement as defined above. Should that renewed involvement be deemed satisfactory, the applicant may apply for certification as if making an original application. If the applicant is deemed eligible for certification again, the examination requirement will be waived.

The completed application shall also include a current summary of the applicant's required educational involvement in the area of certification during the period for which he or she had been certified. See RG. [205:9] 205:6. Each applicant shall submit as references the names and addresses of three members of the Bench and five members of the Bar of this State who can attest to the applicant's reputation and competence as a certified attorney. At least one attorney shall have been an adversary in a contested matter during the period of certification. In the case of municipal court law certification, the bench refers to judges of the municipal court. An applicant may not submit as a reference the name of any member of the bench or bar with whom the applicant is or has been formally associated in the practice of law. Justices of the Supreme Court and members of the Board and the Certification Committees are not eligible as references for an applicant.

501:2 Fee. The application for recertification shall be accompanied by a non-refundable fee [of \$100] as determined by the Board in a check or money order made payable to the [Secretary of the Board] Treasurer, State of New Jersey.

501:3 Supplemental Information; Disposition. ... no change.

501:4 Conditional Recertification. ... no change

501:5 Withhold Recertification; Review. ... no change

PART SIX - INELIGIBILITY & TERMINATION; LAPSED CERTIFICATION

601:1 Ineligible and Inactive Certified Attorneys. ... no change

601:2 Termination of Certification. ... no change

601:3 Lapsed Certification. ... no change

PART SEVEN - CONFIDENTIALITY

REGULATION 701. Confidentiality

701:1 Board Records. ... no change

701:2 Proceedings before the Board and Certification Committees. ... no change

701:3 Applicant Access to Records. ... no change

701:4 Waiver. ... no change.

* * * * *

Regulations of the Board on Attorney Certification

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Former Regulations Deleted and New Regulations

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