

Specialist Certification Initial Application and Attachments

General Information

1. **Standards and Policies.** Before completing this Application, please read the Standards and Requirements for Certification and Recertification of Lawyers (which govern the Criminal Law Specialist Certification Program). View Standards at <http://www.mnbar.org/certify>.
2. **Professionalism and Ethics.** The Standards include consideration of character, ethics, and reputation for professionalism. The application requires disclosure of disciplinary history. If there are any changes in the information you provided on this application, during the processing period, or after certification and before the first required Annual Audit, advise our office in writing.
3. **Application Processing and Review.** Complete and return your Application, including attachments, and additional forms if applicable. Processing applications can take several months, depending on receipt of information from third parties. You will receive written notice of the Certification Board’s decision.
4. **Fees.** The application fee must accompany the Application and Attachments.

| Private Attorney | | Public Attorney <small>(Lawyer employed exclusively by a government agency full- or part-time, includes faculty at public universities and colleges.)</small> | |
|--|-------------------|--|-------------------|
| MSBA Member | not a MSBA Member | MSBA Member | not a MSBA Member |
| \$375 | \$390 | \$150 | \$165 |
| Do not combine Certified Criminal Law Specialist fees in one check with other Specialty Area Fees. | | | |

Applicant Lawyer Full Name _____

Firm Name _____

Business Address _____

City _____ State _____ Zip _____

Business Phone _____ Website _____ eMail _____

Check made payable to MSBA

| (Office Use Only) | Application No. | Payment | Date Filed | Date Notified |
|-------------------|-----------------|---------|------------|---------------|
|-------------------|-----------------|---------|------------|---------------|

Mail this Application, attachments, and additional forms, to the following address by March 10, 2014:

Minnesota State Bar Association
Certified ▲ Specialist
 600 Nicollet Mall, Suite 380
 Minneapolis, MN 55402-1039
 612-278-6318 | www.mnbar.org

If you have questions, please contact Jessica Thomas, Certified Legal Specialists Manager, (612) 278-6318 or jthomas@mnbar.org.

CONFIDENTIAL

RETAIN A COPY FOR YOUR FILES

Print or type information. Provide information for all blanks and check all boxes that apply.

Applicant Lawyer Full Name

Name as it should appear on Specialist Certificate

I hereby apply for certification as a Certified Criminal Law Specialist under the Certified Legal Specialists program of the Criminal Law Section of the Minnesota State Bar Association (MSBA) approved by the Minnesota State Board of Legal Certification (MBLC) and overseen by the Criminal Law Specialist Certification Board (Certification Board).

Criminal law area is the practice of law dealing with the defense or prosecution of crimes in state and federal court.

I agree to abide by all Rules and Regulations of the MBLC and the Certification Board as amended from time to time, and to furnish the MBLC and the Certification Board the information required to determine my entitlement to Specialist certification.

Active License

- I am admitted to practice law in the following state(s):

| State | Year Admitted | License No. | Status (Active/Inactive) |
|-------|---------------|-------------|--------------------------|
| MN | | | |
| | | | |
| | | | |

Substantial Involvement

- I have been engaged continuously for five (5) years immediately preceding filing of the Exam Agreement. During those five (5) years, I have spent at least 25% of my full-time practice (or its equivalent) in active participation in criminal law. YES
- The following is a complete statement of my employment since my admission to practice law: List most recent employment first. Check here if additional sheets are attached.

Employer Name _____ *Date employed from* _____ *Date employed to* _____

Business Address _____

Nature of Employment (summarize nature of work performed) _____

Employer Name _____ *Date employed from* _____ *Date employed to* _____

Business Address _____

Nature of Employment (summarize nature of work performed) _____

Employer Name _____ *Date employed from* _____ *Date employed to* _____

Business Address _____

Nature of Employment (summarize nature of work performed) _____

Disclosure of Conduct

1. Since your admission to practice in Minnesota:
- a. Have you ever been convicted of a crime (excluding misdemeanor traffic violations)? YES NO
 - b. Has any District or Appellate Court entered a Finding or Determination of Ineffective Assistance of Counsel against you? YES NO
 - c. Has any District or Appellate Court entered a Finding or Determination of Prosecutorial Misconduct against you? YES NO
 - d. Have you ever been formally admonished by any court? YES NO
 - e. Have you been disbarred, suspended or publicly reprimanded, sanctioned or disciplined by the Lawyers Board of Professional Responsibility in Minnesota or in another state in which you are licensed? YES NO

If you answer **YES** to any of the questions above, you must complete and attach the Disclosure of Conduct statement (CERT CRIM-107) with this Initial Application (available at <http://www.mnbar.org/certify>). A record of discipline or failure to disclose any of the information requested above may constitute grounds for denial of your Application or subsequent decertification.

Letters of Recommendation

1. I have asked for two (2) Letters of Recommendation; one from a judge who has observed me try a criminal case and one from opposing counsel in a contested criminal law matter. I have provided the judge and the attorney with the Criminal Law Specialist Letters of Recommendation form. YES

Name of Judge/Court/City

Date Reference Requested

Name of Attorney/Law Firm/City

Date Reference Requested

Education

1. I certify that I am current with continuing legal education credits for all states of licensure. YES

Examination

1. I agree to take the examination within two (2) years of the date of this application. YES

Attachments

Section III of the Standards and Requirements for Specialist Certification and Recertification that govern the Criminal Law Certified Specialists program requires you must complete and submit the Specialist Certification Initial Application and Attachments to the Manager of the MSBA Certified Criminal Law Specialist Program at the MSBA.

1. I have submitted the following Attachments with this Application Form.

- Attachment A** List of three (3) jury trials in State or U.S. District Court, in the past five (5) years each with a minimum of eight (8) days of live testimony.
OR, in the alternative
- List of ten (10) jury trials in State or U.S. District Court with a minimum of thirty (30) total trial days from jury selection to closing argument.
OR, in the alternative
- List of five (5) jury trials in State or U.S. District Court each lasting a minimum of ten (10) days.
- Attachment B** List of five (5) professional references, two (2) of which are from opposing counsel, two (2) of which are from judges before whom I have appeared in a criminal matter and one of which is from an attorney familiar with my criminal law practice and skills.
- Attachment C** One to three (3) trial court memoranda or briefs I have substantially prepared.
- Attachment D** Transcript of one lay witness testimony, including both direct and cross examination, in which I conducted either the direct or cross examination.
- Attachment E** List of thirty (30) hours of Criminal Law or general trials skills CLE credits I have taken in the three (3) years preceding submission of Attachment E.
- Letters of Recommendation** Request one recommendation from judge and one from opposing counsel.
- CERT CRIM-107** Disclosure of Conduct (if necessary)

To facilitate review of your Application, submit legal writing samples and examination transcripts in digital format. (Attachments C and D).

2. I agree to notify the Manager of the MSBA Certified Criminal Law Specialist Program at the MSBA, in writing, in the event of any change in my status that relates to Standards and Requirements for Certification and Recertification of Lawyers prior to my certification, including:

- Matters requiring disclosure
- Change in my employment status

YES

Narrative

Explain why you are seeking certification as a Criminal Law Specialist:

Advocacy Programs

List any advocacy program you have attended such as the National College of Criminal Defense, programs sponsored by the National Institute of Trial Advocacy or Gerry Spence’s Trial Lawyer’s College:

Law School and Legal Organizations

Upon certification we issue a press release on your behalf. If you would like us to include your law school and other legal organizations to which you belong, please list them below.

Name of Law School

Legal Organizations:

VERIFICATION

I, _____, being duly sworn, certify that I have carefully read the foregoing application and that all information contained therein is true. I fully understand that failure to make a truthful disclosure of any required fact or item of information may result in the denial of my application, or revocation of my Specialist Certification if granted.

Date: _____
Signature of Applicant Lawyer

State of Minnesota, County of _____

Signed and sworn to before me on _____, by _____
(month/day/year)

(insert name of Applicant Lawyer)

(Stamp)

(signature of notarial officer)

Title (and Rank): _____

My commission expires: _____
(month/day/year)

RELEASE

I agree to abide by all rules and regulations adopted by the Criminal Law Specialist Certification Board (the "Certification Board") as amended from time to time and to pay all fees required by the Certification Board as due.

In making and filing this application for certification, I authorize all persons, firms, officers, corporations, associations, organizations, educational institutions, governmental agencies and instrumentalities (including bar associations, bar examiners, and boards of professional responsibility), employers, references, business and professional associates (past and present), to release to the Certification Board and assigned Minnesota State Bar Association staff, and to the Minnesota State Board of Legal Certification (MBLC), all relevant documents, records or other information that may be requested in the investigation of this application or in the investigation of my continuing satisfaction of the standards for certification.

I agree that all information received by the Certification Board may be treated confidentially by the Certification Board. I hereby waive that confidentiality with regard to any State agency with jurisdiction over legal specialization and also with regard to any organization or entity approved by the State to certify legal specialists to which I have applied or which I am certified.

I specifically waive any right to review any statements of Independent Reference and Peer Review or other evaluations and references made to the Certification Board, whether solicited by me or by the Certification Board, except as otherwise provided in the Criminal Law Standards and Requirements for Specialist Certification and Recertification, Section III.B.1. In addition, I agree not to seek discovery of such references and evaluations, formally or informally, in any legal proceeding or otherwise.

I release, discharge and exonerate the Certification Board, the Criminal Law Section of the MSBA, the Minnesota State Bar Association and its officers, staff, agents, employees and representatives, and any person furnishing information or evaluations to the Certification Board, from any and all liability of every nature and kind arising from the investigation and evaluation of my application or my continuing satisfaction of the standards for certification.

I agree that in the event my certification is suspended or revoked or I am not recertified, I shall cease to hold myself out in any way as certified by the Criminal Law Section of the MSBA, and will remove my certificate from public display.

I agree to defend or pay the costs of defense, at the discretion of the Certification Board, for any suit or claim initiated, and to indemnify the Certification Board, the Criminal Law Section of the MSBA, and the Minnesota State Bar Association for any judgment or settlement ordered or paid as a result of any legal action arising from my application or from my certification by the Criminal Law Section.

I hereby certify that I have reviewed each part of my Application and Attachments carefully and made each statement and representation therein, and answered each question therein, fully and frankly and without concealment or reservation. Such questions and answers are, within my personal knowledge, true and complete.

Date: _____

Signature of Applicant Lawyer

Printed Name of Applicant Lawyer

Attachment A—Trial List

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Print or type information. Check all boxes that apply.

Lawyer Applicant Name

Section III of the Standards and Requirements for Specialist Certification and Recertification that govern the Criminal Law Certified Specialists program requires that the Applicant shall have been principal counsel and must demonstrate substantial involvement in criminal law by fulfilling one of the following trial requirements.

A jury trial is defined as a contested court proceeding in state or federal court tried from jury selection to closing argument, involving the presentation of live testimony.

Principal counsel means the Applicant had substantial input into trial tactics and strategy, and conducted substantive activities during trial, such as witness examinations, opening or closing arguments. More than one attorney may be a principal counsel so long as each is involved in the presentation of a substantial part of the case or proceeding.

The Criminal Law Specialist Certification Board may require evidence of completion of additional tasks and experience shown in this Attachment A.

Select one (1) of the following trial experience categories. Provide requested information for each case listed. Use additional sheets if necessary.

1. I have been principal counsel of record in criminal proceedings as follows:

Three (3) jury trials in State or U.S. District Court, in the past five (5) years immediately preceding submission of this Application, each with a minimum of eight (8) days of live testimony.

| | Case Title/Year | Judge/Court | Opposing Counsel/Firm | Nature of Case and Charges | Number of Days of Testimony |
|----|-----------------|-------------|-----------------------|----------------------------|-----------------------------|
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |

OR, in the alternative:

- Ten (10) jury trials in State or U.S. District Court, with a minimum of thirty (30) total trial days from jury selection to closing argument.

| | Case Title /Year | Judge/Court | Opposing Counsel/Firm | Nature of Case and Charges | Number of Trial Days |
|-----|-------------------------|--------------------|------------------------------|-----------------------------------|-----------------------------|
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |
| 6. | | | | | |
| 7. | | | | | |
| 8. | | | | | |
| 9. | | | | | |
| 10. | | | | | |

OR, in the alternative:

Five (5) jury trials, each of which lasted at least ten (10) trial days.

| | Case Title/Year | Judge/Court | Opposing Counsel/Firm | Nature of Case and Charges | Number of Trial Days |
|----|-----------------|-------------|-----------------------|----------------------------|----------------------|
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |

Attachment B—Reference List

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Print or type information. Check all boxes that apply.

Lawyer Applicant Name

I understand that five (5) positive references are necessary for Criminal Law Specialist certification.

Completed references shall be kept strictly confidential by the Criminal Law Specialist Certification Board, with the exception of the recommendations described in Category 1, which may be disclosed to the Applicant at the option of the reviewer and with their express written consent. All other references, communications, reference forms, and information gathered pertaining to the Applicant will be confidential and neither the forms nor any information concerning them will be provided to the applicant.

Category 1: I have asked one judge and one opposing counsel to submit a recommendation on the form provided by this program. The judge and attorney are:

Judge Name *Address*

Opposing Counsel Name *Address*

Category 2: In addition, I submit the names and addresses of the following five (5) individuals who can attest to my proficiency in the practice of criminal law: two (2) judges of any State or U.S. District Court before whom I have appeared as a criminal law advocate, two (2) lawyers who have been opposing counsels in a contested criminal matter, and one lawyer generally familiar with my criminal law practice and skills. None of these individuals are related to me or engaged in legal practice with me.

Judge Name *Court* *Address*

Judge Name *Court* *Address*

Opposing Counsel Name *Firm* *Address*

Opposing Counsel Name *Firm* *Address*

Lawyer familiar with practice *Firm* *Address*

Attachment C—Legal Writing

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Print or type information. Check all boxes that apply.

Lawyer Applicant Name

Submit for review, at least one and no more than three (3) Court Memoranda that you have personally prepared and filed with a state or federal court. For this purpose, submit substantive memoranda that both state facts and argue law related to the facts. The Criminal Law Specialist Certification Board may request additional writing samples.

The memorandum will be reviewed under the following categories:

- **Clarity and organization:**
Correct citations, error-free, logical flow and clear organizational structure, professional tone
- **Substance:**
Applies law to facts of case, thorough research, correctly refers to controlling legal principals

| Case Title | Type of memoranda | Date |
|------------|-------------------|------|
| | | |
| Case Title | Type of memoranda | Date |
| | | |
| Case Title | Type of memoranda | Date |
| | | |

To facilitate review of your Application, submit legal writing samples and examination transcripts in digital format or include a copy of your legal writing sample with this Attachment.

Attachment D—Examination Transcript

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Print or type information. Check all boxes that apply.

Lawyer Applicant Name

In order to be certified as a Criminal Law Specialist, you must submit a transcript of one lay witness examination from a contested criminal law matter. The transcript must contain both the direct and the cross examination of the witness, in which you conducted either the direct or the cross examination. The transcript must demonstrate organization and familiarity with the rules of evidence. The examination must have been completed within the five (5) years immediately preceding submission of this Attachment.

To facilitate review of your Application, submit legal writing samples and examination transcripts in digital format or include a copy of the examination transcript with this Attachment.

| Case Name | Date of Examination |
|---|---------------------|
| | |
| Type of Contested Matter | |
| | |
| Brief description of testimony/background | |
| | |

I conducted the direct examination.

I conducted the cross-examination.

Attachment E—Continuing Legal Education (CLE) List

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Lawyer Applicant Name

Criminal Law Specialist Certification requires completion of thirty (30) credit hours of continuing legal education (CLE) in the area of criminal law or general trial skills within the three (3) years immediately preceding submission of this Attachment and every three (3) years while certified.

Attach additional pages if necessary.

You may submit a copy of the report or reports submitted to the Minnesota State Board of Continuing Legal Education or your OASIS printout for this period instead of this list.

| | |
|-------------------------|--------------------------------|
| <i>Course Name</i> | <i>Sponsor</i> |
| <i>Date(s) Attended</i> | <i>Hours Approved/Attended</i> |
| <i>Course Name</i> | <i>Sponsor</i> |
| <i>Date(s) Attended</i> | <i>Hours Approved/Attended</i> |
| <i>Course Name</i> | <i>Sponsor</i> |
| <i>Date(s) Attended</i> | <i>Hours Approved/Attended</i> |
| <i>Course Name</i> | <i>Sponsor</i> |
| <i>Date(s) Attended</i> | <i>Hours Approved/Attended</i> |
| <i>Course Name</i> | <i>Sponsor</i> |
| <i>Date(s) Attended</i> | <i>Hours Approved/Attended</i> |
| <i>Course Name</i> | <i>Sponsor</i> |
| <i>Date(s) Attended</i> | <i>Hours Approved/Attended</i> |
| <i>Course Name</i> | <i>Sponsor</i> |
| <i>Date(s) Attended</i> | <i>Hours Approved/Attended</i> |
| <i>Course Name</i> | <i>Sponsor</i> |
| <i>Date(s) Attended</i> | <i>Hours Approved/Attended</i> |
| <i>Course Name</i> | <i>Sponsor</i> |
| <i>Date(s) Attended</i> | <i>Hours Approved/Attended</i> |

Letter of Recommendation: Specialist Certification 2014

Section III. B.1. of Minnesota State Bar Association Criminal Law Specialist Standards and Requirements for Certification and Recertification requires that Applicants must obtain two (2) Letters of Recommendation; one from a judge before whom they have appeared in a criminal law matter and one from a lawyer who was opposing counsel in a contested criminal law matter.

is applying to be certified as a Criminal Law Specialist.

In order to be certified as a Criminal Law Specialist, an Applicant must meet all the Minnesota State Bar Association Criminal Law Specialist Standards and Requirements for Certification and Recertification approved by the Minnesota State Board of Legal Certification (MBLC). Your reference does not need to exceed one page. *Attach additional pages if necessary.*

The following statements are intended to assist you in drafting your reference but are not required:

1. A Certified Criminal Law Specialist is expected to be knowledgeable and proficient in their specialty area and obviously competent in their skills relating to the normal tasks in the area. *Please explain if you believe this applicant meets these criteria.*

2. A Certified Criminal Law Specialist is expected to demonstrate interest in and commitment to their specialty area. In addition to work skills, the applicant may demonstrate this by involvement in professional activities, teaching, speaking, writing, honors received, pro bono work, etc. *Please explain if you believe this applicant demonstrates this dedication to the specialty area of criminal law.*

Letter of Recommendation: Criminal Law Specialist 2014

3. A Certified Criminal Law Specialist is expected to exhibit professional and ethical conduct. Please explain if you believe this applicant meets these criteria.

4. A Certified Criminal Law Specialist is expected to demonstrate commitment to the goal of equal justice for all in the criminal justice system. Please explain if you believe this applicant has demonstrated commitment to this goal.

I recommend _____ YES NO
for certification as a Criminal Law Specialist because I am familiar with the Applicant's work as a criminal lawyer and can attest to the Applicant's skills, knowledge, professionalism and dedication to the criminal justice system.

The Applicant may review this Letter of Recommendation. YES NO

Thank you for your assistance with the Minnesota State Bar Association Certified Criminal Law Specialist program. For more information, please visit www.mnbar.org/certify.

Name _____ Signature and Date _____

Address _____ Firm/Court _____

Mail this Letter of Recommendation to the following address:



If you have questions, please contact Jessica Thomas, Certified Legal Specialists Manager, (612) 278-6318 or jthomas@mnbar.org.

Disclosure of Conduct: Specialist Certification and Recertification 2014

Lawyer Full Name *MN License No.* *Disclosure Date*

Board Certified Criminal Law Specialists and Criminal Law Specialist Certification Applicants have an obligation to disclose and report the following matters at any time during the certification period or certification application process:

- Any conviction of a crime, excluding misdemeanor traffic offenses, regardless of whether the conviction was the result of a plea of guilty or *nolo contendere*, or of a verdict after a trial, and whether it resulted in imprisonment, probation, fine, or suspension of sentence;
- a Finding of Ineffective Assistance of Counsel or a Finding of Prosecutorial Misconduct entered by a District or Appellate Court;
- any formal admonishment by any Court;
- any proceeding which resulted in the Applicant or Specialist being disbarred, suspended, publicly reprimanded, sanctioned or otherwise subjected to public discipline by any disciplinary board in any jurisdiction in which an Applicant or Specialist has an active license.

All such matters must be reported to the Minnesota State Bar Association Criminal Law Specialist Manager, www.mnbar.org, within 30 days after they are imposed or entered. Failure to do so may be grounds for denial of certification or recertification or decertification.

I am filing this Disclosure of Conduct form in conjunction with:

Initial Application Annual Audit Recertification Other: _____

INSTRUCTIONS

Complete the appropriate section(s). Provide any explanation that you wish to be considered in the review of the matter. Use additional sheets if necessary. **You must provide copies** of all relevant documents, including orders and pleadings, judgments, disciplinary findings, or other documents pertaining to this disclosure.

| <input type="checkbox"/> | CRIMINAL CONVICTION | | | |
|--------------------------|----------------------------|-----------------|-------------|-------------|
| | Crime | Conviction Date | Judge/Court | Disposition |
| | | | | |

Disclosure of Conduct: Criminal Law Specialist Certification 2014

FINDING OF INEFFECTIVE ASSISTANCE OF COUNSEL

| Case | Date of Finding | Judge/Court | Description |
|------|-----------------|-------------|-------------|
| | | | |

FINDING OF PROSECUTORIAL MISCONDUCT

| Case | Date of Finding | Judge/Court | Description |
|------|-----------------|-------------|-------------|
| | | | |

FORMAL JUDICIAL ADMONISHMENT

| Case, if applicable | Date | Judge/Court | Description |
|---------------------|------|-------------|-------------|
| | | | |

DISCIPLINE

| Disciplinary Action Title | Date Sanction Imposed and/or Terminated | Description of Charge |
|---------------------------|---|-----------------------|
| | | |
| | | |

Mail this form along with all requested documents to the following address:

Minnesota State Bar Association
Certified ▲ Specialist

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 Minneapolis, MN 55402-1039
 612-278-6318 | www.mnbar.org