



AMERICAN BOARD OF CERTIFICATION APPLICATION FOR CERTIFICATION AS A BANKRUPTCY LEGAL SPECIALIST

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www.abcworld.org

Date of Application _____

Please check below the appropriate area(s) for which you are applying:

CONSUMER BANKRUPTCY

BUSINESS BANKRUPTCY

INTRODUCTION

This application is for use by an attorney applying for certification by the American Board of Certification (ABC) as a bankruptcy specialist. An applicant seeking such certification must meet and continue to satisfy the requirements for certification presently and hereinafter promulgated by ABC.

It is the applicant's responsibility to complete this application clearly and in its entirety, comply with all of its instructions, and provide all supporting documents. The ABC's Standards Committee meets quarterly to consider applications and may reject applications that are not legible or not completed on this form. Please **type or print** all required information on this application. The application fee, test fee and, if applicable, proctor fee are non-refundable.

You have until December 31 of the year following the date ABC receives your application to complete the certification process. Applicants who have not fully completed the application and successfully passed the test within this time frame will have their file closed and must reapply in order to continue with the certification process. No fees will be refunded.

I. GENERAL INFORMATION

Name _____ Social Security Number _____

Firm _____

Office Address _____

City, State, Zip _____ Web Site Listing City _____

Office Phone No. (____) _____ Fax No. (if any) (____) _____

E-mail _____ Website _____

Home Address _____

Home Phone No. (____) _____ Date of Birth _____

Optional (for statistical purposes only)

How many attorneys work at your firm? _____

How many attorneys work in the bankruptcy department? _____

II. **STATES OF LICENSURE / CERTIFICATION**

A. List all states in which you are licensed or have been licensed to practice law:

<u>State</u>	<u>Bar Card No.</u>	<u>Date of Licensure</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. Applicant is a member in good standing of the State Bar of all states in which the applicant is licensed to practice (or was a member in good standing at the time any license may have been voluntarily surrendered), and is an active member of the Bar in at least one of said states.

____ Yes ____ No

C. List any legal certifications you may have previously obtained:

<u>Certifying Entity</u>	<u>Specialty</u>	<u>Date of Certification</u>
_____	_____	_____
_____	_____	_____

D. If you have been denied certification by any certifying entity, please list the certifying entity, type of certification, dates, and reasons given for denial.*

<u>Certifying Entity</u>	<u>Specialty</u>	<u>Date of Certification</u>
_____	_____	_____
_____	_____	_____

III. **EDUCATION /EMPLOYMENT HISTORY**

A. **Colleges and Law Schools Attended:***

<u>Name of College/Law School</u>	<u>From</u>	<u>To</u>	<u>Degree</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

* Attach additional pages if necessary.

B. Legal Employment. List all places of legal employment during the last 5 years:*

a)	_____	_____	_____
	Firm or Employer	From-Month/Year	To-Month/Year
	_____	_____	_____
	Address	City/State/Zip	
	_____	_____	_____
	Title (e.g. partner, associate or other)	Immediate Supervisor	
b)	_____	_____	_____
	Firm or Employer	From-Month/Year	To-Month/Year
	_____	_____	_____
	Address	City/State/Zip	
	_____	_____	_____
	Title (e.g. partner, associate or other)	Immediate Supervisor	
c)	_____	_____	_____
	Firm or Employer	From-Month/Year	To-Month/Year
	_____	_____	_____
	Address	City/State/Zip	
	_____	_____	_____
	Title (e.g. partner, associate or other)	Immediate Supervisor	

*Attach additional pages if necessary.

IV. SUBSTANTIAL INVOLVEMENT IN BANKRUPTCY LAW

WAIVERS

The requirements of this section are waived for any person who has served as a full time active United States Bankruptcy Judge for three years at any time during the last five years. If you qualify for this waiver, please provide the following information about your service as a United States Bankruptcy Judge. You may disregard the remainder of Section IV.

_____	_____
District	Dates of Service
_____	_____
Address	City/State/Zip

The requirements of sections IV.A. and IV.B. are waived for any person who has served as a full time professor of law at an ABA accredited law school and has taught at least one bankruptcy law course during each of the last five years. If you qualify for this waiver, please provide the following information about your service as a law professor. You must still satisfy the requirements of section IV.C. and/or IV.D.

_____	_____
Law School	Position Held and Dates
_____	_____
Address	City/State/Zip

A. Applicant has been engaged in the actual practice of law on a full time basis for the last 5 years.

Yes No

B. 1. Applicant has devoted a minimum of 30% of his/her practice time to bankruptcy-related legal matters during each of the last 3 years.

Yes No

2. Applicant has devoted at least 400 hours of his/her practice time to bankruptcy-related legal matters during each of the last 3 years.

Yes No

C. Business Bankruptcy Law Matters

An applicant for certification as a Business Bankruptcy Specialist must have substantially participated in at least 30 adversary proceedings or contested matters (as defined in Federal Rules of Bankruptcy Procedure 7001 and 9014) in Chapter 7, 9, 11, 12, or 13 cases where the debtor had been engaged in business prior to filing a petition in bankruptcy.** **No more than three matters of a single type (e.g. three complaints for turnover, three motions for relief from stay, etc.) may be counted to satisfy this requirement.** Please provide this information in Appendix A by completing a separate page for each single type of matter handled (see the sample included in Appendix A).

Yes No

D. Consumer Bankruptcy Law Matters

An applicant for certification as a Consumer Bankruptcy Specialist must have substantially participated in at least 30 adversary proceedings or contested matters (as defined in Federal Rules of Bankruptcy Procedure 7001 and 9014) in cases involving individual consumer Chapter 7, 12 or 13 debtors.** **No more than five matters of a single type (e.g. five motions for relief from stay, five actions to determine dischargeability of debts, etc.) may be counted to satisfy this requirement.** Please provide this information in Appendix B by completing a separate page for each single type of matter handled (see the sample included in Appendix B).

Yes No

** Substantial participation is not necessarily limited to court appearances, but may include briefing, argument, interrogation of witnesses, negotiation of settlements or workouts, or drafting. The activity must relate to an adversary proceeding or contested matter and must have been substantial in relation to the total efforts devoted to the adversary proceeding or contested matter.

V. CONTINUING LEGAL EDUCATION

Applicants are required to demonstrate participation in a minimum of 60 hours of continuing legal education in bankruptcy law within thirty-six months prior to the date of this application. Please provide this information in Appendix D.

VI. GRIEVANCE MATTERS

A. Have you been disbarred, suspended, reprimanded or otherwise disciplined by the state bar of any state, by a state or federal court, or by any other entity which has authority over attorney discipline? If yes, give full details and attach all written evidence of dismissal or other disposition on an attachment to this application.

Yes No

- B. Have you been the subject of any of the following matters, or are any of these matters currently pending against you: (1) a disciplinary law suit or action; (2) a complaint or inquiry with a grievance committee of any bar association or with the designated disciplinary entity of any state; (3) a finding or admission of legal malpractice; (4) a criminal indictment or information for a felony crime? If yes, give full details and attach all written evidence of dismissal or other disposition on an attachment to this application.

_____ Yes _____ No

- C. Have you been convicted, given probation or fined for a felony crime? If yes, give full details and attach all relevant documentation on an attachment to this application. Please answer "yes" regardless of: (1) whether the conviction resulted from a plea of guilty or nolo contendere; (2) whether the conviction resulted from a verdict after trial or otherwise; or (3) whether an appeal is currently pending.

_____ Yes _____ No

Verification of Grievance History

A component of the application for certification/recertification requires that you must request a report on your grievance history from the current (and all prior, if any) state/local bar or grievance committee of all jurisdictions for which you hold a license. The report should include any disciplinary complaints, whether pending or resolved, and their resolution. Please send the letter that appears as Appendix E of this application to your state/local bar(s) or appropriate entity requesting that they send such documentation to the American Board of Certification. A copy of the letter(s) you sent to your state/local bar or grievance committee must be included with this application upon submission to the American Board of Certification.

NOTE: Failure to enclose all required documentation respecting the above will delay processing of this application.

VII. **REFERENCES** (may be submitted on separate attachment)

- A. Name nine (9) attorneys (four (4) bankruptcy attorneys familiar with the applicant's bankruptcy practice and five (5) other attorneys against whom the applicant has handled a bankruptcy matter), not partners, associates or relatives of the applicant, who may be contacted by ABC and who can attest to the applicant's competence in consumer or business bankruptcy law. ABC will randomly select from the list you supply to obtain the necessary references.

Four **bankruptcy attorneys** who are familiar with applicant's bankruptcy practice:

1. _____ (_____) _____
 Name Office Telephone

Firm

Address City/State/Zip

2. _____ (_____) _____
 Name Office Telephone

Firm

Address City/State/Zip

3. _____ (_____) _____
Name Office Telephone

Firm

Address City/State/Zip

4. _____ (_____) _____
Name Office Telephone

Firm

Address City/State/Zip

Five attorneys **AGAINST** whom the applicant has handled a bankruptcy law matter within the last three (3) years:

1. _____ (_____) _____
Name Office Telephone

Firm

Address City/State/Zip

2. _____ (_____) _____
Name Office Telephone

Firm

Address City/State/Zip

3. _____ (_____) _____
Name Office Telephone

Firm

Address City/State/Zip

4. _____ (_____) _____
Name Office Telephone

Firm

Address City/State/Zip

5. _____ (_____) _____
Name Office Telephone

Firm

Address City/State/Zip

VIII. COVENANTS AND REPRESENTATIONS

- A. I have read the ABC Rules and Regulations, and I certify that I am fully qualified for certification and I know of no reason why I am not entitled to certification.
- B. I agree that I shall surrender any specialization certificate held by me upon revocation by ABC, resignation or failure for any reason to recertify. 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 ABC and will remove my certificate from public display
- C. I agree to supply all relevant documents, records, or other information that may be requested from me in the investigation of this application.
- D. In making and filing this application, I authorize all persons, firms, officers, corporations, associations, educational institutions, organizations, state or federal agencies and instrumentalities (including bar associations, bar examiners, and boards of professional responsibility), employers, references, business and professional associates (past and present) to furnish to ABC, or any of its authorized representatives, all relevant documents, records or other information that may be requested in the investigation of this application, specifically including the records of grievances in possession of a grievance committee or any bar association. I specifically waive any right to review any confidential statement of reference or other evaluations and references made to ABC.
- E. I release, discharge and exonerate ABC, its officers, directors, staff, agents, employees and representatives, and any person furnishing information or evaluations to ABC, 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 to defend or pay the costs of defense, at the discretion of ABC, for any suit or claim initiated, and to indemnify ABC for any judgment or settlement ordered or paid as a result of any legal action arising from my application or from my certification by ABC.
- F. I agree to be bound by the Rules and Regulations of the Board as they may be modified from time to time and agree that the laws of the Commonwealth of Virginia (excluding choice of law rules) shall govern both this application and any dispute between me and the Board, its officers, directors, employees, or volunteers and I agree to pay all fees required by ABC as due. I further agree that the State and Federal Courts of Virginia shall have exclusive jurisdiction over any controversy, claim, dispute or legal action arising from my application, my certification by ABC, or any actions that may be taken by ABC, its officers, directors, employees or volunteers.
- G. I hereby certify that I have reviewed each part of my application 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.
- H. I certify that I substantially participated in the bankruptcy matters pursuant to Section IV of this application.
- I. I certify that I actually attended the continuing legal education seminars listed in Appendix D and/or its attachments and supplements.

STATE OF _____

COUNTY OF _____

I, being duly sworn, do hereby state under penalty of perjury that (i) I have read and prepared the foregoing Application for Certification and attached Appendices, and have made or approved all statements, representations and covenants therein or in connection therewith and have answered each question therein fully and frankly and without concealment or reservation, and such answers are true and complete; (ii) I understand that ABC will rely upon such statements, representations and answers in making its decision regarding my certification; (iii) I will read all other materials submitted to me from ABC at any time, (iv) I will make each statement and representation and answer each question contained in all of the materials submitted at any time fully and frankly and without concealment or reservation, and such statements, representations and answers will be within my personal knowledge and will be true and complete; and (v) I agree to be bound by the Application, all statements, representations and covenants therein, all related materials, the Rules and Regulations of ABC.

Signature of Applicant

SUBSCRIBED AND SWORN TO before me, on this the _____ day of _____, 20_____.

Notary Public _____

Printed Name of Notary: _____

Commission Expiration _____

Application Checklist

Please make sure that the following items are included with your application:

- Proper Notarization and Date
- Legible List of References
- Matters Appendix A and/or B includes all details requested in the application
- List of CLE completed on Appendix D (NOT a list provided by state bar or copies of certificates)
- Copy of letter(s) sent to state/local bar(s) requesting documentation of grievance history
(See Appendix E)