



AMERICAN BOARD OF CERTIFICATION
**APPLICATION FOR CERTIFICATION AS A
CREDITORS' RIGHTS SPECIALIST**

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Cedar Rapids, Iowa 52401
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www.abcworld.org

Date of Application _____

INTRODUCTION

This application is for use by an attorney applying for certification by the American Board of Certification (ABC) as a creditors' rights specialist under ABC's creditors' rights specialist certification program. 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. Any applicant who has not fully completed the application and successfully passed the test within this time frame will have his/her file closed and must reapply in order to continue with the certification process. No fees will be refunded.

I. GENERAL INFORMATION

A. Name _____ Social Security Number _____
Firm Name _____
Office Address _____
City, State, Zip _____ Web Site Listing City _____
Office Phone No. (_____) _____ Fax (if any) (_____) _____
E-Mail Address _____ Website Address: _____
Home Address _____
Home Phone No. (_____) _____ Date of Birth _____

Optional (for statistical purposes only)

How many attorneys work at your firm? ____

How many attorneys are in the creditors' rights 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. The 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>Reasons(s) for Denial</u>	<u>Date</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Explanation: _____

*Attach additional pages if necessary

IV. SUBSTANTIAL INVOLVEMENT IN CREDITORS' RIGHTS LAW

WAIVERS

The requirements of this section are waived for any person who has served as a full time active 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 judge. You may disregard the remainder of Section IV.

Jurisdiction

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 or creditors' rights 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.

Law School

Positions Held and Dates

Address

City/State/Zip

The applicant must have at least five (5) years experience in the practice of law. Substantial involvement shall mean both (1) that the applicant has devoted a minimum of 30 percent of practice time to creditors' rights law during each of the three years immediately preceding the application, and (2) that the applicant has devoted a minimum of 400 hours to the practice of creditors' rights law during each of the three years immediately preceding the application. In addition, the applicant must have substantially participated in at least thirty (30) creditors' rights matters, with no more than three of any such matters being of a single type.

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

_____ Yes _____ No

- B. 1. The applicant has devoted a minimum of 30% of his/her practice time to creditors' rights-related legal matters during each of the last three (3) years.

_____ Yes _____ No

2. The applicant has devoted at least 400 hours of his/her practice time to creditors' rights-related legal matters during each of the last three (3) years.

_____ Yes _____ No

C. Creditors' Rights Matters

The applicant must have substantially participated in at least thirty (30) specific matters that relate to creditors' rights, such as pre-trial and post-trial motions, including discovery, trial or hearing before a court or other tribunal; pre- and post-judgment execution; enforcement of sister state judgments; active involvement in FDCPA matters; foreclosure actions; priority disputes; fraudulent conveyance and preferential transfers; UCC matters; receiverships; assignments for the benefit of creditors; mechanics and related liens; consumer or business collections; and consumer or business bankruptcy

matters, including preferences, reclamation, non-dischargeability, automatic stay, objections to claim, and other matters. No more than three (3) matters of a single type (e.g., three pre- and post-judgment executions, three UCC Article 2 matters, three motions for relief from stay, etc.) may be counted to satisfy this requirement. Please provide this information in Appendix C for each single type of matter handled.

_____ Yes _____ No

V. CONTINUING LEGAL EDUCATION

Each applicant must have completed at least sixty (60) hours of CLE in creditors' rights during the thirty-six (36) month period prior to the date of the application. Please provide this information in Appendix D.

VI. GRIEVANCE MATTERS

- A. Have you ever 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; or (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 ABC. 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 ABC.

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

VII. REFERENCES

A. Please name nine (9) attorneys (four (4) attorneys familiar with the applicant's practice and five (5) other attorneys against whom the applicant has handled a creditors' rights matter), who may be contacted by ABC and who can attest to the applicant's competence in creditors' rights law. None of the persons submitting references may be related to the applicant by blood, marriage, or civil union, a current partner or current associate of the applicant, a current member of the ABC Board, or a bankruptcy judge

Four attorneys who are familiar with the applicant's 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 creditors' rights law matter within the last three 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. I agree that upon its submission to ABC, this application shall become and remain the property of ABC, and that pursuant to the Records Management Policy of the ABC, the official record of this application shall be maintained solely in digital media.
- 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 creditors' rights matters pursuant to Section IV of this application and the matters listed in Appendix C.
- 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 _____ 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.
- Responded to each Grievance question and provided applicable information.
- Legible List of References.
- List of matters that includes all details requested in Appendix C.
- 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).