

Legal Specialization Screening Committee Minutes

**November 28, 2018 Meeting
Judicial Branch, Legal Services Unit
100 Washington Street, Hartford, CT 06106
Conference Room, 2nd Floor
3:00pm**

VIA CONFERENCE PHONE CALL

Members Participating: Attorney Jeffrey Low (Vice Chair), Attorney Rosemarie Paine, Attorney Robert Dwyer. Attorney Patrick Kennedy

LSSC Staff participating: Attorney Denise Poncini, Attorney Katharine Casaubon

1. The Committee considered the minutes of the meeting held on April 24, 2018. The Committee unanimously voted to approve the minutes.
2. The Committee considered the National Board of Trial Advocacy's renewal application to certify lawyers as specialists in Criminal Law. After brief discussion, the Committee unanimously approved that the following resolution be forwarded to the Rules Committee:

The Legal Specialization Screening Committee recommends that the National Board of Trial Advocacy be approved for recertification as a certifier in the specialty area of Criminal law, for a five year period, pursuant to its application dated July 18, 2018, because in the opinion of the Committee, it meets all of the criteria in the rules and as developed by the Committee to evaluate whether entities should be approved as certifiers, subject to the condition that, if approved, the applicant shall be required to notify promptly the Legal Specialization Screening Committee of any material changes in its methodology for certifying lawyers as specialists during the term of its approval.

3. The Committee considered the National Board of Trial Advocacy's renewal application to certify lawyers as specialists in Civil Trial Practice. After brief discussion, the Committee unanimously approved that the following resolution be forwarded to the Rules Committee:

The Legal Specialization Screening Committee recommends that the National Board of Trial Advocacy be approved for recertification as a certifier in the specialty area of Civil Trial Practice, for a five year period, pursuant to its application dated July 18, 2018, because in the opinion of the Committee, it

meets all of the criteria in the rules and as developed by the Committee to evaluate whether entities should be approved as certifiers, subject to the condition that, if approved, the applicant shall be required to notify promptly the Legal Specialization Screening Committee of any material changes in its methodology for certifying lawyers as specialists during the term of its approval.

4. The Committee considered the Connecticut Bar Association's application to certify lawyers as specialists in Residential Real Estate. After discussion, the Committee unanimously approved that the following resolution be forwarded to the Rules Committee:

The Legal Specialization Screening Committee recommends that the Connecticut Bar Association be approved as a certifier in the specialty area of Residential Real Estate, for a five year period, pursuant to its application dated August 28, 2018, because in the opinion of the Committee, it meets all of the criteria in the rules and as developed by the Committee to evaluate whether entities should be approved as certifiers, subject to the condition that, if approved, the applicant shall be required to notify promptly the Legal Specialization Screening Committee of any material changes in its methodology for certifying lawyers as specialists during the term of its approval.

5. The Committee discussed the Connecticut Bar Association's informal request to determine whether an on-line version of an exam would be acceptable. This item is a follow-up regarding Item #6 from the April 24, 2018 meeting. In connection with this matter, staff to the LSSC prepared a study of the various rules from other states concerning alternatives to a written exam for the consideration of the committee. After discussion, the committee determined that any further consideration of this topic should be made after submission of a formal proposal.
6. The Committee considered proposed additional questions for the Application for Authority to Certify Lawyers as Specialists, form JD-ES-63, regarding the pass/fail rate for, and the validity and reliability of, exam formats used to test attorneys wishing to become certified as specialists. This matter is a follow-up discussion from the April 24, 2018 meeting with respect to Section 7.G. of the LSSC Regulations requiring the committee to evaluate these factors with respect to an applicant's written examination.

After discussion, the Committee unanimously voted to recommend to the Rules Committee that the Application for Authority to Certify Lawyers as Specialists, JD-ES-63, be revised to include the following as sub-question within question #16 on pages 5-6 of the current version of the JD-ES-63 form, which requires applicants for authority to certify lawyers as specialists to state various facts about the written examination that the certifying entity administers to candidates for specialization as follows:

- (k) how the pass/fail levels for each examination administration are established;
- (l) how each form of the examination is determined to be reliable, that is, that the test results of each form of the examination are consistent or replicable; and
- (m) how each form of the examination is determined to be valid, that is, that the content and emphasis of the examination proportionately reflects the knowledge and skills needed for an enhanced level of skill and expertise in the specialty area.

7. The meeting adjourned at 3:36.

Respectfully Submitted,

Denise Poncini
Counsel, Legal Services