

NOTICE:

**APPLICATIONS FOR
ORIGINAL CERTIFICATION
MUST BE SUBMITTED TO THE
COMMISSION ON CLE &
SPECIALIZATION**

NO LATER THAN MAY 31ST



The Supreme Court of South Carolina

COMMISSION ON CONTINUING LEGAL EDUCATION AND SPECIALIZATION

EMPLOYMENT AND LABOR LAW
SPECIALIZATION ADVISORY BOARD

APPLICATION FOR CERTIFICATION
IN
EMPLOYMENT AND LABOR LAW

I hereby apply for certification as an EMPLOYMENT AND LABOR Law specialist pursuant to Supreme Court of South Carolina Rule 408, Commission Regulations and Employment and Labor Law Specialization Advisory Board Standards and Procedures.

I. GENERAL INFORMATION.

Name: _____

Firm Name: _____

Office Address: _____

Telephone:

Office: _____ Home: _____

Home Address: _____

Name to appear on your certificate: _____

Date of Birth: _____

Social Security Number: _____

Do you wish notice of your certification to be provided to your home-town newspaper?

Yes _____ No _____ If **YES**, please provide the name of that paper and the city in which it is published: _____

II. EDUCATION/BAR MEMBERSHIP/CERTIFICATION

A. Colleges and Law Schools Attended: From/To Degree

B. Date admitted to South Carolina Bar _____

C. Are you licensed to practice in other states? Yes ____ No
If **YES**, indicate state(s) and when admitted:

State: _____ Admitted: _____

D. Are you an active member in good standing of the South Carolina Bar and all other Bars of which you are a member?

Yes _____ No _____

If **NO**, explain below (attach additional sheets if necessary):

E. Are you presently certified as a specialist in Employment and Labor Law?
Yes ____ No ____.

If **YES**, indicate when, where and by what organization you were certified:

F. Are you certified or designated a specialist in any specialty field other than Employment and Labor Law?

Yes _____ No _____

If **YES**, indicate the specialty field, when and where certified, the organization issuing your certification/designation, and the percentage of your involvement in that specialty (attach additional sheets if necessary).

- G. Have you ever applied for and been denied certification or recertification by any organization?
Yes _____ No _____. If **YES** indicate the organization that denied you certification or recertification and the circumstances surrounding the denial (attach additional sheets if necessary).

III. PRACTICE OF EMPLOYMENT AND LABOR LAW

- A. I have been engaged in the actual practice of law on a full-time basis (as defined in §II A, Standards and Procedures for Certification, Recertification, and Decertification in Employment and Labor Law) for a period of at least five (5) years.
Yes ____ No_____

- B. Name and address of present firm, partnership, professional corporation, etc.

- C. How long have you been a member of, employed by or associated with the firm, etc., indicated in § III B, above?

- D. During the past five (5) years, have you been a member of, employed by, or associated with any firms, etc., other than the one indicated in § III B, above?
Yes ____ No_____. If **YES**, indicate name(s), address(es) and date(s) of such membership, employment, or association (attach additional sheets if necessary).

E. Did any of the years of practice indicated above include practice on a "part-time" basis?

Yes _____ No _____. If **YES**, indicate the years' practice that were part-time and the percentage of time devoted to practice during such years and describe briefly the balance of your activity during those periods of part-time practice. (Attach separate sheets if necessary.)

F. Are you engaged in any business other than the practice of law?

Yes ____ No _____

Are you licensed to engage in another business such as insurance, real estate, CPA, etc., regardless of whether you actively engage in the business covered by such license?

Yes _____ No _____. If you answer **YES** to either of these questions, indicate the nature of any such businesses and licenses currently held by you that authorize you to engage in any business other than the practice of law. Also describe any such licenses held by any of your employees if such licenses relate to their employment by you (attach additional sheets if necessary).

IV. SUBSTANTIAL INVOLVEMENT IN EMPLOYMENT AND LABOR LAW (See § II B, Standards & Procedures)

A. I have devoted the following percentages of my time to handling matters in which issues of employment and labor were significant within each of the five (5) calendar years immediately preceding the date of this application.

<u>YEAR</u>	<u>PERCENTAGE</u>
1. _____	_____ %
2. _____	_____ %
3. _____	_____ %
4. _____	_____ %
5. _____	_____ %

B. Describe how you determined the percentage of your time devoted to employment and labor law during the five (5) years indicated in § IV C, above. (Attach additional sheets if necessary.)

C. Please describe in narrative fashion the nature of that portion of your practice over the past five (5) years, listed in §IV A, above, as being substantially involved in the practice of employment and labor law. Indicate the type of clients you represent and if you engage in a group practice, include a description of the size of the firm in which you practice and the principal areas of practice by other lawyers in the firm. (Attach additional sheets if necessary.)

D. I have been involved in the following number of matters in which employment and labor law issues were significant factors and in which I personally handled employment and labor law issues during the period covered by §IV A.

<u>Type of Matter</u>	<u>No. of Cases</u>	<u>Nature of Involvement</u>
1. NLRB Elections		
2. Unfair Labor Practices		
3. EEOC/SCHAC Charges of Discrimination		
4. OFCCP Compliance Audits		
5. Affirmative Action Plan Development		
6. Collective Bargaining		
7. Arbitration		

Type of Matter	No. of Cases	Nature of Involvement
8. Contract Administration		
9. Fair Labor Standards Act		
10. Title VII Litigation		
11. Age Discrimination in Employment Act Litigation		
12. Employment-at-Will		
13. Miscellaneous (OSHA, ERISA, Davis-Bacon Act, Railway Labor Act, etc.)		

E. Was any of the involvement in employment and labor law reported in this section during employment in government service?
Yes_____No_____. If **YES**, give full information about your involvement in employment and labor law while so employed. (Attach additional sheets if needed.)

F. Was any of the involvement in employment and labor law reported in this section teaching law courses?
Yes_____No_____. If **YES**, give a description of the course(s) the institution, and the credited hours.

G. If any explanation would be helpful in analyzing the number of employment and labor law matters reported in this section, give that explanation here. (Attach additional sheets if needed.)

V. RECORD OF DISCIPLINE

A. Have you ever been disciplined or suspended by the Bar of any state or other body authorized to impose professional discipline or suspension?
Yes_____No_____. If **YES**, list all instances of discipline to include (1) title of the disciplinary action, (2) action number, (3) nature of the charge, (4) nature of sanction, (5) date sanction was imposed, and (6) date sanction was terminated. A failure to report a record of discipline and/or suspension may constitute grounds for denial of an application or for revocation of a certificate. (Attach separate sheets if necessary.)

B. Have any malpractice claims been paid by you or anyone on your behalf or are there any such claims or complaints now pending against you?
Yes_____No_____. If **YES**, disclose all pertinent matters relating to such claims or complaints. (Attach additional sheets if necessary.)

C. Have you ever been convicted, given probation, or fined for a crime (excluding minor traffic offenses), whether resulting from a guilty plea, nolo contendere or from a verdict after trial, or otherwise, regardless of the dependency of an appeal?
Yes_____No_____. If **YES**, give full details. (Attach additional sheets if necessary.)

D. Have you filed all state and federal income tax returns for all past years, including the most recently ended calendar year (or fiscal year if appropriate) and are you currently in good standing with the State Department of Revenue and the IRS?

Yes _____ No _____. If **NO**, explain fully (attach additional sheets if necessary).

VI. CONTINUING LEGAL EDUCATION

List the courses you have attended in the five years immediately preceding this application for certification. A minimum of 60 hours of approved specialization credit is required for certification. Please note no more than 20 of those 60 hours may be devoted to trial advocacy. Attach additional sheets if necessary

1, REPORTING PERIOD: _____ - _____

<u>Date</u>	<u>Sponsor</u>	<u>Name of Course</u>	<u>Total ELL Hours</u>	<u>Total Trial Advocacy Hours</u>
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TOTAL HOURS FOR REPORTING PERIOD: _____

2. REPORTING PERIOD: _____ - _____

Date	Sponsor	Name of Course	Total ELL Hours	Total Trial Advocacy Hours
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TOTAL HOURS FOR REPORTING PERIOD: _____

3. REPORTING PERIOD: _____ - _____

Date	Sponsor	Name of Course	Total ELL Hours	Total Trial Advocacy Hours
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TOTAL HOURS FOR REPORTING PERIOD: _____

4. REPORTING PERIOD: _____ - _____

Date	Sponsor	Name of Course	Total ELL Hours	Total Trial Advocacy Hours
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TOTAL HOURS FOR REPORTING PERIOD: _____

5. REPORTING PERIOD: _____ - _____

Date	Sponsor	Name of Course	Total ELL Hours	Total Trial Advocacy Hours
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TOTAL HOURS FOR REPORTING PERIOD: _____

TOTAL HOURS FOR FIVE-YEAR PERIOD: _____

VII. PEER REVIEW (see § II K, Standards & Procedures)

I submit the names, addresses and telephone numbers of two or more judges (federal only) or federal administrative law judges, hearing officers, arbitrators or mediators before whom I have appeared or practiced (at least one (1) reference from a federal judge or US District Court magistrate judge is preferred; however the other references listed are acceptable) and of five (5) lawyers, at least one (1) of whom is currently certified as a specialist in employment and labor law, who may be contacted to attest to my competence in employment and labor law. (References may not include a partner, associate, employer, member of the Employment and Labor Law Specialization Advisory Board or Commission on Continuing Legal Education and Specialization.)

VIII. UNDERSTANDINGS AND DECLARATIONS

A. I have read the Standards and Procedures for Certification, Recertification and Decertification promulgated by the Employment and Labor Law Specialization Advisory Board, Supreme Court of South Carolina Rule 408 and Commission Regulations on Mandatory Continuing Legal Education and I certify that I believe I am fully qualified for and know of no reason why I should not be entitled to certification.

Yes _____ No _____

B. I agree to abide by the Standards and Procedures for Certification, Recertification and Decertification promulgated by the Employment and Labor Law Specialization Advisory Board, Supreme Court of South Carolina Rule 408 and Commission on Continuing Legal Education and Specialization Regulations on Mandatory Continuing Legal Education, as amended from time to time.

Yes _____ No _____

- C. I agree to pay all fees required by the Employment and Labor Law Specialization Advisory Board and the Commission on Continuing Legal Education and Specialization when due.
 Yes _____ No _____
 I understand that an application fee (**currently \$150.00**) must accompany this application, that a certification fee (**currently \$150.00**) must be paid upon notice of my certification, and that I must pay an annual filing fee (**currently \$100.00**) when I file my report of compliance with the CLE requirements of the Employment and Labor Law Specialty.
 Yes _____ No _____
- D. I agree that I shall surrender any certificate held by me upon revocation or resignation of my certification or upon my failure for any reason to recertify.
 Yes _____ No _____
- E. I agree to submit to an oral interview/examination before the Employment and Labor Law Specialization Advisory Board, any of its individual members, or any authorized representatives of the Board for the purpose of testing whether my knowledge, proficiency, competency, and experience in employment and labor law warrants my certification.
 Yes _____ No _____
- F. I agree to submit to a written examination to test my competence and qualifications for certification. I understand that I must make a passing score, as determined by the Employment and Labor Law Specialization Advisory Board, that I must complete the written examination within two (2) years of the date of this application and that the examination will be given at a time and place specified by the Board.
 Yes _____ No _____
- G. I agree to notify the Employment and Labor Law Specialization Advisory Board if I cease to practice law or to be substantially involved in the practice of employment and labor law.
 Yes _____ No _____
- H. I agree to supply all relevant documents, records, or other information that may be requested from me in the investigation of this application.
 Yes _____ No _____
- I. I certify that I am covered by malpractice insurance.
 Yes _____ No _____
 If **YES**, indicate your coverage _____ and deductible _____
- J. In making and filing this application for certification, I authorize all persons, firms, officers, corporations, associations, organizations, state or federal agencies, and institutions to furnish to the Commission, Employment and Labor Law Specialization Advisory Board, or any of their authorized representatives, all documents, records or other information that may be requested in the investigation of this application, specifically including the

records of grievances in possession of any grievance committee or commission. As provided in Rule 12(c)(3) of Rule 413, SCACR, I hereby expressly authorize and permit the disclosure of disciplinary information by The Supreme Court of South Carolina, the Commission on Lawyer Conduct, the Commission on Judicial Conduct, the Office of Disciplinary Counsel, the Office of the Attorney General of South Carolina, and similar federal entities.

I further agree and understand that all information received by the Commission or Employment and Labor Law Specialization Advisory Board may be treated confidentially by the Commission or Board and I specifically waive any right to review any and all Statements of References made to the Commission or Board which become a part of my official file.

Signature of Applicant

State of South Carolina
County of _____

I, _____, being duly sworn, state that I have read the foregoing application for certification and its attached exhibits, if any, and have made each statement and representation therein and answered each question therein fully and frankly and without concealment or reservation, and such questions and answers are, within my personal knowledge, true and complete.

Signature of Applicant

SUBSCRIBED and SWORN to before me on this ____ day of _____, ____.

_____(SEAL)

Notary Public for: _____

My Commission expires: _____