



The Supreme Court of South Carolina

COMMISSION ON CONTINUING LEGAL EDUCATION AND SPECIALIZATION

EMPLOYMENT AND LABOR LAW SPECIALIZATION ADVISORY BOARD

APPLICATION FOR RECERTIFICATION

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. I was last certified as a specialist in Employment and Labor Law on:

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.

H. Have you ever applied for and been denied certification or recertification by 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. During the five years since my original or most recent recertification, I have been substantially involved in the practice of Employment and Labor Law (as defined in the Board's S&Ps).

Yes _____ No _____

B. Since my original or most recent recertification, the nature of my practice has not changed substantially and the percentage of my time devoted to Employment and Labor Law, as shown in my original or most recent application for recertification as an Employment and Labor Law Specialist (which I have reviewed) is substantially the same.

Yes _____ No _____

An affirmative answer relieves the applicant for recertification of the necessity to complete Section IV.

If an applicant for recertification answers **No**, Section IV must be completed in its entirety.

C. 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. Legal work is considered to be full-time if substantially all of the applicant's professional activity is devoted thereto with only insubstantial time devoted to another occupation or profession. Attach separate sheets if necessary.

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

Yes ___ No ___

E. 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 Law 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(A), 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).

| Type of Matter | No. of Cases | Nature of Involvement |
|---|--------------|-----------------------|
| 1. NLRB Elections | | |
| 2. Unfair Labor Practices | | |
| 3. EEOC/SCHAC Charges of Discrimination | | |
| 4. OFCCP Compliance Audits | | |

| Type of Matter | No. of Cases | Nature of Involvement |
|----------------|--------------|-----------------------|
|----------------|--------------|-----------------------|

5. Affirmative Action Plan Development

6. Collective Bargaining

7. Arbitration

8. Contract Administration

| Type of Matter | No. of Cases | Nature of Involvement |
|---|--------------|-----------------------|
| 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. Regardless of when the event(s) to which the claims relate may have occurred, have any malpractice claims been paid by you or anyone on your behalf since your most recent certification or recertification?

Yes _____ No _____

Are there any such claims or complaints now pending against you?

Yes _____ No _____

If you answer **YES** to either question, disclose all pertinent matters relating to such claims or complaints and enclose with your application copies of all pleadings and other appropriate documents pertaining thereto. Attach additional sheets if necessary.

C. Since your original or most recent certification, 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 pendency 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 recent 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

_____ See Reports Filed in Previous Five (5) Years with the Commission on CLE and Specialization.

In addition, the following courses have been attended since filing the last Report of Compliance with the Commission on CLE and Specialization.

VII. PEER REVIEW (see §I 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 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) before whom I have appeared or practiced 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. Pursuant to Section I(K) of the Standards and Procedures, references must be engaged in the "practice of law" as defined by Section II(B) of the Standards and Procedures. "Practice of law" is defined as full-time legal work done primarily for the purpose of legal advice or representation.

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, SCACR, and Commission Regulations and I certify that I believe I am fully qualified for and know of no reason why I should not be entitled to recertification.

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, SCACR, and Commission on Continuing Legal Education and Specialization Regulations, 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 _____

- D. I understand that my specialization certification fee totaling \$300.00 (which includes the application and certification fees) must accompany this application and that I must pay an annual filing fee of \$100.00 when I file my report of compliance with the CLE requirements of the Employment and Labor Law Specialty.

Yes _____ No _____

- E. I agree that I shall surrender any certificate held by me upon revocation or resignation of my recertification or upon my failure for any reason to recertify.

Yes _____ No _____

- F. 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 recertification.

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**, please indicate your coverage _____ and deductible _____.

- J. In making and filing this application for recertification, 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 recertification 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: _____