

The Standards must be read in conjunction with the Rules Governing the State Bar of California Program for Certifying Legal Specialists, which govern the Program requirements.

**THE STANDARDS FOR CERTIFICATION AND RECERTIFICATION
IN BANKRUPTCY LAW**
(last revised effective 5/16/08)

1.0 DEFINITION

Bankruptcy law is the practice of law under the United States Bankruptcy Code (11 U.S.C. §101, et seq.) ("Code"). It includes, but is not limited to, representation of debtors, creditors, trustees, committees, and all other interested parties under the Code.

2.0 TASK REQUIREMENT FOR CERTIFICATION

An applicant must demonstrate that, within the five years immediately preceding submission of the written application, he or she has been substantially involved in the practice of bankruptcy law. Substantial involvement in the area of bankruptcy law would be shown if he or she had principal responsibility for representation of, and has personally appeared on behalf of, a client or clients in 100 or more chapter 7, 11, 12, or 13 bankruptcy cases, contested matters, and/or adversary proceedings under the Code.

3.0 EDUCATIONAL REQUIREMENT FOR CERTIFICATION

An applicant must show that, within the three years immediately preceding the application for certification, he or she has completed not less than 45 hours of approved educational activities relevant to bankruptcy law.

4.0 INDEPENDENT INQUIRY AND REVIEW REQUIREMENT FOR CERTIFICATION

- 4.1 An applicant shall submit the names and mailing addresses of the following:
 - 4.1.1 Three lawyers who practice in the same geographic area as the applicant, and one judge of the United States Bankruptcy Court or District Court, chosen by the applicant before whom the applicant has appeared as an advocate in bankruptcy proceedings within the five years immediately preceding application; and
 - 4.1.2 Two different opposing counsel in two contested or adversary proceedings conducted by the applicant within the five years immediately preceding application, if any; and
 - 4.1.3 One bankruptcy trustee whom the applicant has represented in a bankruptcy proceeding within the five years immediately preceding the application; or one bankruptcy trustee or one trustee's attorney in a case in which the applicant represented the debtor within the five years immediately preceding application.
- 4.2 The Commission may select from among the names of judges and lawyers who practice or preside in the same geographical area as the applicant for further

evaluation of the applicant's proficiency in the practice of bankruptcy law.

- 4.3 References may be asked to submit the names of additional references familiar with the applicant's proficiency.

5.0 TASK REQUIREMENT FOR RECERTIFICATION

An applicant for recertification must show that, during the current five-year certification period, he or she has had direct and substantial participation in the practice of bankruptcy law. Such showing shall be made by compliance with the requirements set forth in section 2.0 or, at the discretion of the Commission, by sworn statement that the applicant has engaged in the practice of bankruptcy law substantially to the same extent as described in the application for original certification.

6.0 EDUCATIONAL REQUIREMENT FOR RECERTIFICATION

An applicant for recertification must show that, during the current five-year certification period, he or she has completed not less than 60 hours of approved educational activities relevant to bankruptcy law specialists.

7.0 INDEPENDENT INQUIRY AND REVIEW REQUIREMENT FOR RECERTIFICATION

An applicant for recertification shall demonstrate proficiency in bankruptcy law through independent inquiry and review in the same manner as set forth in section 4.0 for certification.