



Public Law Specialty Certification Committee Report

Thursday, May 4, 2017 General Session; 10:45 – Noon

Craig Labadie, Committee Chair, City Attorney, Albany

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Memorandum

TO: City Attorneys Department Members

FROM: Craig Labadie, Albany City Attorney and Committee Chair

DATE: April 25, 2017

RE: Public Law Specialty Certification Committee

Earlier this year, the City Attorneys Department Officers authorized creation of an ad hoc committee to explore options for creating a certification program for municipal law practitioners. The committee's charge is described in greater detail in the attached memorandum from Department President Greg Stepanicich. Also attached is the committee roster.

As a preliminary step toward gauging member interest in creating a certification program and determining how such a program might be structured and administered, the committee recently circulated a member survey. The survey responses indicated support for creating a certification program and provided valuable input that will help to guide the committee's efforts if the determination is made to move forward.

At this stage of the process, the committee members would like to invite additional input from Department members. I will be providing a brief committee report during the Department business session on Thursday, May 4th at the City Attorneys Conference, followed by a concurrent group discussion beginning at 4:45 pm that day for those who would like to discuss this effort in a round-table format. Additionally, please feel free to contact any of the committee members directly to ask questions or express your views on this topic.

I'm looking forward to seeing many of you at the Conference.



MEMORANDUM

TO: Members of Ad Hoc Public Law Specialization Certification Committee

CC: Patrick Whitnell, General Counsel, City Attorneys Department

FROM: Greg Stepanicich, President, City Attorneys Department

DATE: January 18, 2017

SUBJECT: Charge for Ad Hoc Public Law Specialization Certification Committee

CHARGE FOR AD HOC PUBLIC LAW SPECIALIZATION CERTIFICATION COMMITTEE

Purpose

The purpose of the Ad Hoc Public Law Specialization Certification Committee (the “Committee”) is to explore possible options for establishing a public law specialization certification program with the end result being the establishment of a certification program that most benefits the members of the City Attorneys Department. This program would provide a public law certification for those Department members that meet specified criteria such as years of practice, completion of required educational courses, and passing a required written test. Periodic recertification likely would be a component of a specialization certification program.

The goals of the certification program would be to bring greater recognition to the complexities of our practice, promote and foster attorney proficiency and competency in our Department, and provide a reliable and useful benchmark for City Councils to determine the experience and knowledge of a City Attorney they wish to hire. The program also would provide special recognition to individual members of our Department who are certified.

Background

There are existing models for the Committee to study such as the California State Bar Legal Specialization program and the International Municipal Lawyers Association (“IMLA”) Fellows program. The State Bar has established eleven practice areas of specialization administered by the California State Bar Board of Legal Specialization. This Board both administers the certification requirements for established specialties and recommends to the Board of Governors new areas of specialization. Examples of existing practice areas that attorneys can be certified in are appellate law, criminal law, estate planning law, family law and taxation law. In order to be certified by the Board of Legal Specialization, an attorney must

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specialize in the practice area for a specified number of years completing specialized tasks and meet educational requirements involving coursework in the Specialization. This coursework for appellate lawyers for example requires 45 hours of educational courses or activities. In addition, the Board of Legal Specialization administers a written examination for each Specialization that must be passed by the applicant. The certification lasts for five years and attorneys must recertify with additional courses to maintain their Specialization certification.

The State Bar also has approved eleven practice areas that may be certified by accredited national organizations such as the American Board of Certification and the National Board of Trial Advocacy. These national organizations establish their own certification requirements that include years of practice and successfully passing a written test.

In addition to being subject to the uncertainties of obtaining approval of the State Bar Board of Governors for a new Public Law Specialization, a challenge for this program is that the Public Law Section of the State Bar includes all lawyers representing government from the state to the local level. The knowledge requirements for lawyers at these different levels of government are very different and do not lend themselves to a common certification program. However, the criteria used by the State Bar Board of Legal Specialization can provide a useful guide for a certification program established by our Department.

The IMLA Fellows program is administered by the Board of Directors of IMLA. To become a certified Fellow, the applicant must meet the following requirements:

1. Member of IMLA.
2. Five years of practice in local government law.
3. Completion of a specified number of hours of local government law classes.
4. Successfully passing a take-home examination.

The certification as a Fellow lasts for five years and there is a process for recertification. This program seems to provide a good model for consideration that would be tailored to the standards we would like to achieve and the structure of our Department for implementation. The background discussion of the State Bar and IMLA certification programs is not intended to limit the certification programs to be studied by the Committee, and the Committee is encouraged to review any other relevant certification programs for attorneys.

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Questions to be Considered

We recommend that the following questions be considered by the Committee in addition to any other questions or inquiries that the Committee considers relevant:

1. Should a Public Law Specialization certification program be established?
2. Should the certification program be pursued as part of an existing attorney certification program such as the State Bar or should the program be an independent program established and administered by the City Attorneys Department?
3. How many years of practice as a City Attorney or Assistant City Attorney should be required?
4. Should the certification be available to public law attorneys who have not served as a City Attorney or Assistant City Attorney?
5. How many hours of local government law education should be required?
6. Should specialized classes be developed and required outside of the normal Department education programs?
7. Should a written test be required?
8. For how long should the certification last and what requirements should be established for recertification?
9. How will the program be administered? Would a new specialization certification committee be established?
10. What name should be given to the certification program?

Timeline

We see the work of the Committee to be a two year effort with the following suggested benchmarks:

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1. Committee Report delivered at Spring 2017 City Attorneys Conference that discusses the purpose and work of the Committee. At this time, we hope that the Committee will have narrowed down the possible options to a single concept that will be pursued for further study and development.
2. Department Officer approval of the concept delivered at the Spring Conference after receiving input on the concept from members of the Department.
3. Report delivered at the Fall 2017 Annual Conference on the proposed details of a certification program including certification criteria and method of program administration.
4. Department Officer approval of certification program after receiving input from members of the Department.
5. Implementation of certification program in the following year after the 2017 Fall Conference.

This proposed timeline is premised on the Department administering its own certification program. If a certification program is established as part of a program administered by another entity such as the State Bar, the approval and implementation dates are subject to the uncertainties of the approval process of the administering entity.



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**Ad Hoc Public Law Specialization Certification Committee
2017**

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