

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 PERSONAL AND SMALL BUSINESS BANKRUPTCY LAW

1.0 DEFINITION

~~Personal and small business 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: (1) individual debtors, under chapter 7, 11 or chapter 13 of the Code, whether or not engaged in business; (2) corporate or partnership debtors under chapter 7 or 11 of the Code; (3) creditors, of such debtors; (4) trustees, committees and who serve in bankruptcy cases concerning such debtors; (5) all other interested parties in bankruptcy cases under the Code.~~

2.0 TASK REQUIREMENT FOR CERTIFICATION

An applicant must demonstrate that, within the five (5) years immediately preceding the initial application, he or she has been substantially involved in the practice of ~~personal and small business~~ bankruptcy law. Substantial involvement in the area of ~~personal and small business~~ 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 (3) years immediately preceding the application for certification, he or she has completed not less than forty-five (45) hours of approved educational activities relevant to ~~personal and small business~~ 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 (3) lawyers who practice in the same geographic area as the applicant, and one (1) 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 (5) years immediately preceding application; and
 - 4.1.2 Two (2) different opposing counsel in two (2) contested or adversary proceedings conducted by the applicant within the five (5) years immediately preceding application, if any; and
 - 4.1.3 One (1) bankruptcy trustee whom the applicant has represented in a bankruptcy proceeding within the five (5) years immediately preceding the application; or one (1)

bankruptcy trustee or one (1) trustee's attorney in a case in which the applicant represented the debtor within the five (5) 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 (5) year certification period he or she has had direct and substantial participation in the practice of ~~personal and small business~~ 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 ~~personal and small business~~ 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 (5) year certification period he or she has completed not less than sixty (60) hours of approved educational activities relevant to ~~personal and small business~~ bankruptcy law specialists.

7.0 INDEPENDENT INQUIRY AND REVIEW REQUIREMENT FOR RECERTIFICATION

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