

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 WORKERS' COMPENSATION LAW

(last revised effective 7/24/04)

(Amended by the Board of Governors May 16, 2008.)

1.0 DEFINITION

Workers' compensation law involves the representation of parties in connection with industrial injury and disease claims.

2.0 TASK REQUIREMENT FOR CERTIFICATION

2.1 An applicant must demonstrate that within the five ~~(5)~~ years immediately preceding the initial submission of the written application, he or she has been substantially involved in the practice of workers' compensation law, which shall include handling matters in the following areas:

2.1.1 Pretrial practice and procedures;

2.1.2 Trial;

2.1.3 Appellate;

2.1.4 Medical;

2.1.5 Rating; and

2.1.6 Rehabilitation.

2.2 A prima facie showing of substantial involvement in the area of workers' compensation law is made by performance of the following activities:

2.2.1 One Hundred ~~(100)~~ in combination of any of the following:

2.2.1.1 Participation in depositions of witnesses other than physicians;

2.2.1.2 Pretrial conferences;

~~2.2.1.3 Petition for or opposition to preapplication discovery orders;~~

2.2.1.4~~3~~ Petition for removal (Labor Code Section 5310).

2.2.2 Twenty ~~(20)~~ trials to submission of workers' compensation cases, including expedited hearings;

2.2.3 Preparation of five ~~(5)~~ of the following or any combination:

2.2.3.1 Petitions for reconsideration, or answers thereto;

- 2.2.3.2 Petitions for appellate proceedings, or answers thereto;
- 2.2.3.3 Amicus briefs;

2.2.4 Ten ~~(10)~~ examinations of physicians by trial or deposition;

~~2.2.5 Participation in five (5) formal hearings before the Rehabilitation Unit or appeals, or answers thereto, from formal determinations of the Rehabilitation Unit.~~

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 educational activities specifically approved for workers' compensation law specialists. A minimum of ~~ten (10)~~ hours of the educational requirement for certification shall be satisfied by approved educational activities dealing with the mechanics of rating permanent disability. A maximum of ~~ten (10)~~ hours may be satisfied by approved medical educational activities.

4.0 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 workers' compensation 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 workers' compensation law substantially to the same extent as described in the application for original certification.

5.0 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 educational activities specifically approved for workers' compensation law specialists.