



**National Board of Trial Advocacy**  
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### **General Principles for Certification of Truck Accident Advocates**

- (A) The National Board of Truck Accident Attorneys is dedicated to the identification of lawyers who possess an enhanced level of skill and expertise in truck accident law and have demonstrated integrity and dedication to the interests of their clients, thereby improving the professional competence of lawyers.
- (B) Application will be made to the National Board of Truck Accident Attorneys, on the forms supplied by the Board, and accompanied by the appropriate fee.
- (C) Applicant must complete all requirements, including the examination, within two years of application. If the certification process is not satisfactorily completed within the two-year period, the applicant will need to reapply and re-submit all required fees. An application can be denied at any time within the two-year application period for failure to successfully meet the requirements for certification.
- (D) A certificate will be issued upon a showing by the applicant, and by the National Board of Truck Accident Attorneys' own investigation, that the applicant complies with the standards and regulations for certification.
- (E) Certification shall be for five years, after which time the certificate cannot be used unless the lawyer is recertified. Certification may be revoked at any time for violations of the General Principles or Standards of the National Board of Truck Accident Attorneys (a division of the National Board of Trial Advocacy).
- (F) No standards shall in any way limit the right of a truck accident lawyer to practice law in all fields.
- (G) No lawyer shall be required to obtain a certificate in truck accident law before he or she can practice.
- (H) Certification is individual and voluntary. Certification is open to all who qualify.
- (I) All applications and other information submitted to the National Board of Truck Accident Attorneys shall be privileged and confidential, except as compelled by law and, except that the Board may reveal the fact of an application for the purpose of verifying information submitted by the applicant, and for the purpose of making such inquiries with respect to the character and professional reputation of the applicant as may be authorized by its rules.
- (J) The National Board of Truck Accident Attorneys does not discriminate against any lawyer seeking certification on the basis of race, religion, gender, sexual orientation, disability, or age.
- (K) A qualified lawyer may have more than one board certification, whether from other divisions of the National Board of Trial Advocacy, other ABA accredited national attorney board certification programs, or state sponsored attorney board certification programs.

### **Standards for Truck Accident Law Certification-rev. 8/2018**

#### **A. Good Standing and Period of Practice**

- (1) The applicant shall furnish evidence of his or her good standing in the state of his or her admission, or if admitted in more than one state, in the state of his or her principal practice.
- (2) Immediately preceding application, the applicant must have spent five years in the actual practice of Truck Accident Law

#### **B. Substantial Involvement**

Instructions:

In this section you are providing information to satisfy both the substantial involvement requirements and the required experience requirements for Board eligibility. Your proof of satisfying any criteria can be counted to satisfy other criteria as well as applicable. For example, if you were lead counsel in a commercial motor vehicle case and in handling that case you were substantially involved in a vehicle inspection, several depositions and hearings, and you ultimately settled the case, you can use that single case to satisfy elements of paragraphs 2(a), 2(b), 2(d), 2(e), and several matrix criteria under 2(f). Anything used to satisfy the requirements of 2(a)-2(d) that also falls within the definition of an adversarial event, can also be counted toward the 100 adversarial events required under paragraph 2(e). Anything used to satisfy the requirements of paragraph 2(a)-2(e) that also meets any line item in the Truck Accident Law Experience Matrix, can also be counted under paragraph 2(f).

Notes: "CMV Cases" include all cases where a defendant was operating a vehicle that qualifies under the FMCSRs and/or applicable state trucking regulations as a "Commercial Motor Vehicle." "Lead Counsel" shall mean the lead lawyer primarily responsible for the handling of the case. All other lawyers involved in the case would be considered "counsel of record".

- (1) The applicant must make a satisfactory showing of substantial involvement relevant to truck accident law with at least thirty percent of his or her time spent practicing truck accident law, during the three years preceding the filing of the application.
- (2) Within the applicant's career, the applicant must make a satisfactory showing of substantial involvement relevant to truck accident law by checking yes to the following: (a-e) and then completing (f) the Truck Accident Law Experience Matrix.
  - (a) Being substantially involved in at least 25 litigated matters that have been brought to conclusion (settlement or verdict) in the past 7 years including at least 12 litigated truck accident cases. Substantially involved means serving as counsel of record of having been retained for a fee or fee interest as a consulting attorney to handle trucking law aspects of case.
  - (b) Being substantially involved in at least 3 current open litigation cases involving truck accident law,
  - (c) Be substantially participated in at least 5 jury trial cases that went to verdict. This is a general experience criterion and therefore the cases do not have to have involved truck accident law,
  - (d) Examination of at least 30 witnesses, including at least 10 liability expert witnesses (standard of care, accident reconstruction, conspicuity, human factors, biomechanics, or the like). These examinations can be at trial or in deposition. In the alternative, demonstrate primary authorship of at least 15 trucking law specific motions/briefs that were filed in litigation cases.

- (e) The applicant must have actively participated in at least one hundred adversarial events in their career as an attorney. You may count anything that satisfies the definition of an adversarial event even if you are also using that event to count toward other criteria under paragraphs 2(a)-2(d) and/or the paragraph 2(f) Matrix. An adversarial event is any event where you appeared as a lawyer for one side and another lawyer appeared at the event for another party. This would include but is not limited to any trial, hearing, deposition, mediation, settlement conference, pre-trial conference, judicial status conference, or jury charge conference.
- (f) Scoring a minimum of 125 points on the Truck Accident Law Experience Matrix. (Please do not fill in this graph and use the separate Matrix form.

Truck Accident Law Experience Matrix

In the past 7 years, how many of the following can you verify	Number	Multiplier	Total	Max Points
Lead counsel at trial of CMV case		x 5 =		40
Counsel of record (not lead) at trial of CMV case (e.g., second chair)		x 3 =		30
Primarily responsible for settlement of CMV case (under \$3 million)		x 1 =		20
Primarily responsible for settlement of CMV case (\$3 million or more)		x 2 =		20
Primarily responsible for initial investigation of CMV case		x 1 =		5
Draft Complaint/Petition for CMV case		x 1 =		5
Draft initial discovery for CMV case		x 1 =		5
In CMV case, take deposition of truck driver		x 1 =		10
In CMV case, take deposition of corporate safety director/manager		x 1 =		10
In CMV case, take deposition of 30(b)(6) designee		x 1 =		10
In CMV case, take deposition of defense standard of care expert		x 1 =		10
In CMV case, take deposition of defense accident reconstruction expert or police accident reconstructionist		x 1 =		10
In CMV case, take deposition of defense human factors/conspicuity expert		x 1 =		5
In CMV case, personally attend inspection of CMV		x 1 =		5

In CMV case, defend Daubert challenge to a plaintiff liability expert		x 1 =	5
In CMV case, draft and pursue Daubert challenge of a defense liability expert		x 1 =	5
In CMV case, author a brief on discovery issue(s)		x 1 =	5
In CMV case, argue a discovery issue to a judge		x 1 =	5
In CMV case, author brief regarding trucking specific legal issue (e.g., application of FMCSR, broker liability, shipper liability, preemption, self-critical analysis, etc.)		x 2 =	10
In CMV case, prepare a Rule 26 Expert Report for your liability expert		x 1 =	5
In CMV case, prepare and/or argue any other CMV related substantive brief for court		x 1 =	5
Member in Good Standing of AAJ TLG ATAA, TIDA, DRI or other approved CMV specific organization (1 point for each year up to 3 years) (last 7 years only)		X 1	3
Leadership position in AAJ TLG, ATAA, TIDA or other approved CMV specific organization		x 1	10
Attend approved CMV Specific CLE Program(s) (up to 10 programs)		x 1	10
Speaker at CLE program on CMV specific subject (up to 10 programs and topics)		x 2	20
Primary author of book on CMV/trucking		x 10	20
Author book chapter on CMV/trucking topic (do not include book for which credit given above as primary author)		x 3	12
Author article on CMV/trucking topic in peer reviewed journal (e.g. State TLA, AAJ Trial Magazine, AAJ TLG Journal, etc.)		x 2	10
Hired as a paid consultant by other attorneys handling CMV cases (this is not intended to include cases that are referred to you to handle as lead counsel, but rather cases where you are paid to handle specific CMV aspects of a case or to consult on the approach to a CMV case)		x 2	10
For how many of the past 7 years can you certify that you spent at least 30% of your time practicing law handling cases involving CMVs?		x 1	7
For how many of the past 7 years can you certify that you spent at least 50% of your time practicing law handling cases involving CMVs?		x 1	7
For how many of the past 7 years can you certify that you spent at least 75% of your time practicing law handling cases involving CMVs?		x 2	14

Are you presently actively involved as lead counsel or counsel of record in 10 or more MV cases? If yes, insert 10 points in	Xxxxxxx	xxxxxxxxx		10
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**C. Educational Experience**

- (1) The applicant must demonstrate substantial participation in continuing legal education and the development of the law with respect to the specialty, in the three-year period immediately preceding application either:
  - a. By attendance and/or electronic participation in not less than forty-five hours in programs of continuing legal education in the specialty or ethics, approved by the Standards Committee, or
  - b. By equivalent participation through, but not limited to, the following means, approved by the Standards Committee:
    - (I) Teaching courses or seminars in truck accident law or ethics;
    - (II) Participation as panelist, speaker, or workshop leader, at educational or professional conferences;
    - (III) Authorship of books, or of articles published in professional journals, on truck accident law;
    - (IV) By combination of the three subsections above.

**Please note: Florida, South Carolina and Ohio require a higher number of CLE credit hours in order to advertise or communicate the NBTA certification. Check with your local rules or the NBTA for more details.**

**NBTA does not recognize an age or years in practice exemption for CLE.**

**D. Peer Review**

- (1) The applicant shall submit with application the names of twelve references who are not present partners, associates, or relatives. Such references should be familiar with the applicant's practice in the relevant field within the past three years and who can attest to the applicant's proficiency in handling commercial motor vehicle cases. References satisfactory to the NBTA must be received from at least one judge before whom you have practiced before, one opposing counsel against whom you have worked, one truck accident expert you have worked with or against, one lawyer who has handled a commercial motor vehicle case and two which are either judges or attorneys.
- (2) The National Board of Truck Accident Attorneys will solicit confidential statements from all persons listed as references and may solicit confidential statements of reference from other persons, familiar with the applicant's practice, not specifically named by the applicant. All reference statements received will be reviewed by the National Board of Truck Accident Attorneys to assess whether the applicant has demonstrated an enhanced level of skill and expertise in the practice area, integrity and consideration for the interests of clients.

**E. Examination**

The applicant must pass a written examination to test his or her proficiency, knowledge, and experience in truck accident law, so that the applicant may justify his or her representation of specialization to the public.

**F. Legal Writing Document**

The applicant shall submit a copy of a legal writing document, no more than three years before the date of application which he or she has prepared, but not necessarily published. This will be a substantial document in the area of truck accident law, containing concise and accurate writing, stating facts (either actual or hypothetical), stating applicable law, analysis of how the law applies to the facts, written in an appropriately argumentative manner and well-constructed (i.e. organized, grammatical, demonstrative of good syntax and usage) . Acceptable documents include, but are not limited to: briefs (trial or appellate), motions for summary judgment, bar journal, law review and legal magazine articles, motions in limine, etc. The quality of the legal document will be evaluated on those criteria and will determine whether the applicant is qualified for certification.

**G. Disclosure of Conduct**

- (1) In order to assist the evaluation of whether the applicant possesses an enhanced level of skill and expertise in trial advocacy and has demonstrated integrity and dedication to the interest of clients, the applicant shall, to the extent known, disclose to the National Board of Truck Accident Attorneys as soon as permitted by law:
  - (a) The filing of any criminal charges against the applicant together with all details called for by the Disclosure of Conduct Form;
  - (b) The filing or submission of any allegation of unethical or inappropriate professional conduct with any court, grievance committee or disciplinary board or body together with all details called for by the Disclosure of Conduct Form.
  - (c) The assertion of any claim of professional negligence or professional liability, whether or not suit has been filed, which is based in any part on alleged acts or omissions of the applicant or member or on the acts or omissions of any other attorney over whom the applicant or member had any responsibility together with all details called for by the Disclosure of Conduct Form.
- (2) The National Board of Truck Accident Attorneys shall determine, in accordance with its standards and procedures whether the conduct is such that certification should be granted, denied, suspended or revoked, or whether action should be deferred pending receipt of additional information. The National Board of Truck Accident Attorneys will take into consideration any findings made by other bodies concerning such conduct, but is not bound by any such findings and will make its own independent assessment concerning how such conduct bears on whether an attorney is qualified to obtain or maintain certification.
- (3) The failure of an applicant to disclose such conduct is a material misrepresentation and may be cause for rejecting an application or refusing to grant certification, or for suspending or revoking a certificate. The applicant shall have a continuing duty to disclose such matters to the board.

### **Annual Reporting**

Annually, members will be required to submit a Disclosure of Conduct/Liability and annual dues. The applicant's annual dues and Disclosure of Conduct (Part G of the Certification Standards) must be current before an application for recertification will be granted. Disclosures of Conduct/Liability shall be submitted to the Standards Committee to determine if certification should be continued.

### **Denial or Revocation of Certification**

- (A) An application for certification may be denied for failure to comply with any of the requirements relating to good standing, substantial involvement, educational experience, peer review, examination, legal writing document, disclosure of conduct, financial responsibility, or any other failure to demonstrate possession of an enhanced level of skill and expertise in trial advocacy and demonstrated integrity and dedication to the interests of clients.
- (B) An application for recertification may be denied for failure to comply with any of the requirements relating to good standing, substantial involvement, educational experience, peer review, disclosure of conduct or any other failure to demonstrate possession of an enhanced level of skill and expertise in trial advocacy and integrity and dedication to the interests of clients.
- (C) An existing certification may be revoked for failure to demonstrate maintenance of an enhanced level of skill and experience in trial advocacy and integrity and dedication to the interests of clients as required for certification or for failure to maintain compliance with the financial responsibility requirements.
- (D) Decisions of the Examination Committee and the Legal Writing Review Committee are final and not subject to further review or appeal. An attorney who is refused certification for any other reason, or who is refused recertification or whose certification is revoked may pursue review under the Appeal Procedures of the NBTA. Exhaustion of this right shall be a condition precedent to judicial review.
- (E) A lawyer who is refused certification or recertification, or whose certification is revoked, may not apply for certification until one year after the date of such refusal, denial or revocation.
- (F) Suspension of the license to practice law shall operate as an automatic revocation of certification.
- (G) A lawyer who publicizes a certification or application for certification prior to its being granted, or continues to publish a certification after it has been revoked or suspended, may be barred from certification.

