

**Specialist Certification Initial Application and Attachment 2019**

**General Information**

1. **Standards and Policies.** Before completing this Application, please read the Standards and Requirements for Certification and Recertification of Lawyers which govern the Certified Labor and Employment Law Specialist Program. (<http://www.mnbar.org/docs/default-source/certification/standards-le.pdf>)
2. **Professionalism and Ethics.** The Standards include consideration of character, ethics, and reputation for professionalism. The application requires disclosure of conduct. If there are any changes in the information you provided on this application during the application period, or after certification and before the first required Annual Audit, advise our office in writing.
3. **Application Processing and Review.** If your Application is accepted, you will be notified in writing.
4. **Examination.** If your initial application is approved, an examination agreement will be sent to you before the next scheduled examination. The examination fee will be due at that time. The examination will be offered bi-annually at a date and time announced by the Labor and Employment Law Certification Board.
5. **Fees.** The application fee must accompany the Application and Attachments.

Private Attorney		Public Attorney <i>(Lawyer employed exclusively by a government agency full or part-time, includes faculty at public universities and colleges.)</i>	
MSBA Member	not a MSBA Member	MSBA Member	not a MSBA Member
<input type="checkbox"/> \$300	<input type="checkbox"/> \$315	<input type="checkbox"/> \$175	<input type="checkbox"/> \$190

Applicant Lawyer Full Name \_\_\_\_\_

Firm Name \_\_\_\_\_

Business Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Business Phone \_\_\_\_\_ Website \_\_\_\_\_ eMail \_\_\_\_\_

Check made payable to MSBA

(Office Use Only)	Application No.	Payment	Date Filed	Date Notified
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**Mail this Application, Attachments and fee to the following address, no later than October 10, 2019:**

Minnesota State Bar Association  
Certified ▲ Specialist

600 Nicollet Mall, Suite 380  
 Minneapolis, MN 55402-1039  
 612-278-6318 | www.mnbar.org

If you have questions, please contact Sue Koplin, Certified Legal Specialists Director, (612) 278-6318 or [skoplin@mnbars.org](mailto:skoplin@mnbars.org).

**CONFIDENTIAL**

**RETAIN A COPY FOR YOUR FILES**

Dear Candidate for Board Certification:

Legal Specialist Certification was developed primarily to assist legal consumers in identifying and evaluating the credentials of lawyers and to assist the match of the lawyer with their needs. Certification allows the attorney to use the term “Labor and Employment Law Specialist” if the lawyer complies with the requirements in Rule 7.4 of the Minnesota Rules of Professional Conduct. In a statewide survey of Minnesotans conducted by our program, respondents demonstrated overwhelming support for legal specialist certification. Your Specialist certification will be a sign to the legal community and to your clients that you are willing to submit your knowledge and experience for objective verification by your peers.

Your pursuit of Labor & Employment Law Specialist certification demonstrates your commitment to quality and professionalism in the delivery of legal services and we wish you success.

*Labor and Employment Law Specialist Certification Board  
Labor & Employment Law Section of the Minnesota State Bar Association*

*Print or type information. Provide information for all blanks and check all boxes that apply.*

*Applicant Lawyer Full Name*

*Name as it should appear on Specialist Certificate*

I hereby apply for certification as a Labor and Employment Law Specialist under the Certified Legal Specialists program of the Labor & Employment Law Section of the Minnesota State Bar Association (MSBA) approved by the Minnesota State Board of Legal Certification (MBLC) and overseen by the Labor and Employment Law Certification Board.

I agree to abide by all Rules and Regulations of the MBLC and the Labor and Employment Law Certification Board as amended from time to time, and to furnish the MBLC and the Labor and Employment Law Certification Board the information required to determine my entitlement to Specialist Certification.

**Active License**

I am admitted to practice law in the following state(s):

State	Year Admitted	License No.	Status (Active/Inactive)
MN			

### Definition of Specialty Field

The Labor and Employment specialty field is the practice of law dealing with relationships among employers, employees, and labor organizations, except workers' compensation. It includes all aspects of labor relations and employment law, both public and private, employment-related statutes, employment-related torts and contracts, and employment discrimination. This definition includes all forms of labor and employment litigation, advice, counseling, negotiations, arbitration, mediation, and other forms of alternative dispute resolution before all tribunals.

### Substantial Involvement Requirement

Standard II.B. requires that a lawyer must demonstrate substantial involvement in the Specialty field as defined in the Standards by spending a required percentage of annual practice time working in labor and employment law.

An applicant must certify a specified percentage of practice time devoted to labor and employment matters in the specified number of years immediately prior to application:

Labor and employment law experience may include, but is not limited to,

- counseling or advice;
- teaching or speaking;
- representation before tribunals including Equal Employment Opportunity Commission; state fair employment practices agencies, National Labor Relations Board, state labor agencies, state and federal courts,
- investigation;
- mediation/arbitration

1. Please check one of the following:

Attorneys admitted to practice **for at least six (6) years** immediately preceding September 30, 2019, shall have spent at least 75% of the attorney's practice in each of those years working in this Specialty field.

I certify I have spent at least 75% of my annual legal practice working in this Specialty field.

Or, in the alternative,

Attorneys admitted to practice **for at least ten (10) years** immediately preceding September 30, 2019 shall have spent at least 60% of the attorney's practice in each of those years working in this Specialty field.

I certify I have spent at least 60% of my annual legal practice working in this Specialty field.

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2. Place a checkmark next to any of the matters on the following list that you have handled in your labor and employment law practice and that are part of the practice percentage indicated above:

<b>Employment Law Experience</b>	
Employment discrimination (Title VII, Americans with Disabilities Act, Age Discrimination In Employment Act, Equal Pay Act, MHRA, all state and federal employment discrimination statutes )	<input type="checkbox"/>
Employment Contracts, Non-compete/Restrictive Covenants, Executive Compensation	<input type="checkbox"/>
Family and Medical Leave Act and state law equivalents	<input type="checkbox"/>
Wage and Hour (Fair Labor Standards Act, state wage and hour laws) and prevailing wage (federal and state)	<input type="checkbox"/>
Minn. Stat. §181.01 et seq.	<input type="checkbox"/>
Whistleblower/Reprisal/Retaliation, all federal and state reprisal/retaliation claims, (Reductions in Force, WARN Act OWBPA)	<input type="checkbox"/>
Employment Torts (Tortious interference, Defamation and Negligence)	<input type="checkbox"/>
Occupational Safety and Health (OSHA and state health and safety laws)	<input type="checkbox"/>
Unemployment Compensation	<input type="checkbox"/>
Employment Related ERISA litigation	<input type="checkbox"/>
State and Federal Veterans Rights	<input type="checkbox"/>
Employment-related benefits claims	<input type="checkbox"/>
Strategic Employment Advice, and Counseling regarding employment and/or union issues	<input type="checkbox"/>
DOL/OFCCP (Federal, state and local affirmative action and Federal Contract Compliance)	<input type="checkbox"/>
MLRDA, Immigration, I9	<input type="checkbox"/>
Other: <i>(List and explain)</i>	<input type="checkbox"/>
<b>Labor Law Experience</b>	
Federal and state labor laws, Organizing, Representation, and unfair labor practice	<input type="checkbox"/>
Arbitrations	<input type="checkbox"/>
Public Sector Labor laws	<input type="checkbox"/>
Collective Bargaining	<input type="checkbox"/>
Duty of Fair Representation Claims	<input type="checkbox"/>
LMRDA	<input type="checkbox"/>
Labor disputes	<input type="checkbox"/>
Other <i>(List and explain)</i>	<input type="checkbox"/>

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3. The following is a complete statement of my employment since my admission to practice law: List most recent employment first.  Check here if additional sheets are attached.

\_\_\_\_\_  
*Employer Name* *Date employed from*   *Date employed to*

\_\_\_\_\_  
*Business Address*

\_\_\_\_\_  
*Nature of Employment (summarize nature of work performed)*

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\_\_\_\_\_  
*Employer Name* *Date employed from*   *Date employed to*

\_\_\_\_\_  
*Business Address*

\_\_\_\_\_  
*Nature of Employment (summarize nature of work performed)*

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\_\_\_\_\_  
*Employer Name* *Date employed from*   *Date employed to*

\_\_\_\_\_  
*Business Address*

\_\_\_\_\_  
*Nature of Employment (summarize nature of work performed)*

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**Narrative**

- Check if additional comments are written on the reverse side or attached.

1. Please describe contributions you believe you have made to labor and employment law practice and to the legal profession. These contributions may have, but are not required to have, garnered outside recognition or acknowledgment. They may be internal motivated actions and values regarding your labor and employment law practice that you feel have contributed to the profession.

2. Identify any honors or other recognition you have received in the labor and employment law area or in the profession.

3. Identify teaching/speaking/writing/other instruction you have offered in the area.

4. Describe your participation in any conferences, workshops or other advanced educational experiences in the area (beyond regular CLE seminars or Institutes).

5. Explain why you are seeking certification as a Labor and Employment Specialist.

**Disclosure of Conduct**

1. Since your admission to practice in Minnesota:

- a. Have you ever been convicted of a felony or any lesser offense, an element of which involved improper attorney conduct or dishonesty?  YES  NO
- d. In the past ten years, has any malpractice claim been made and concluded against you (or against your firm that relates to you)?  YES  NO
- e. Have you been disbarred, suspended or publicly reprimanded, sanctioned or disciplined by the Lawyers Board of Professional Responsibility in Minnesota or in another state in which you are licensed?  YES  NO

If you answer **YES** to any of the questions above, you must complete and attach the Disclosure of Conduct statement. (<http://www.mnbar.org/members/certification/certification-forms#LE>)  
A record of discipline or failure to disclose any of the information requested above may constitute grounds for denial of your application or subsequent decertification.

2. I agree to notify the Director of the MSBA Certified Labor and Employment Law Specialist Program at the MSBA, in writing, in the event of any change in my status that relates to Standards and Requirements for Certification and Recertification of Lawyers prior to my certification, including:  YES  NO
- Matters requiring disclosure
  - Change in my employment status

**Examination**

I agree to take the Certified Labor and Employment Law Specialist examination on October 26, 2019. I understand that if I do not, I will have to re-submit this Application and Attachments along with another Application processing fee.

**CLE Requirements**

Certified Labor and Employment Law Specialists requires completion of thirty (30) credit hours of continuing legal education (CLE) in the specialty area within the three (3) years immediately preceding submission of this Application and every three years while certified. These credits are listed below. *Attach additional pages if necessary.*

**You may submit a copy of the report or reports submitted to the Minnesota State Board of Continuing Legal Education or your OASIS printout for this period instead of this list.**

Course Name	Sponsor
Date(s) Attended	Hours Approved/Attended
Course Name	Sponsor
Date(s) Attended	Hours Approved/Attended
Course Name	Sponsor
Date(s) Attended	Hours Approved/Attended
Course Name	Sponsor
Date(s) Attended	Hours Approved/Attended
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Date(s) Attended	Hours Approved/Attended
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Date(s) Attended	Hours Approved/Attended
Course Name	Sponsor
Date(s) Attended	Hours Approved/Attended
Course Name	Sponsor
Date(s) Attended	Hours Approved/Attended

**VERIFICATION**

I, \_\_\_\_\_, being duly sworn, certify that I have carefully read the foregoing application and that all information contained therein is true. I fully understand that failure to make a truthful disclosure of any required fact or item of information may result in the denial of my application, or revocation of my Specialist Certification if granted.

Date: \_\_\_\_\_  
Signature of Applicant Lawyer

State of Minnesota, County of \_\_\_\_\_

Signed and sworn to before me on \_\_\_\_\_, by \_\_\_\_\_  
(month/day/year)

\_\_\_\_\_  
(insert name of Applicant Lawyer)

(Seal, if any)

\_\_\_\_\_  
(signature of notarial officer)

Title (and Rank): \_\_\_\_\_  
\_\_\_\_\_

My commission expires: \_\_\_\_\_  
\_\_\_\_\_ (month/day/year)



**RELEASE**

I agree to abide by all rules and regulations adopted by the Labor and Employment Law Specialist Certification Board ("Certification Board") as amended from time to time and to pay all fees required by the Certification Board as due.

In making and filing this application for certification, I authorize all persons, firms, officers, corporations, associations, organizations, educational institutions, governmental agencies and instrumentalities (including bar associations, bar examiners, and boards of professional responsibility), employers, references, business and professional associates (past and present), to release to the Certification Board and assigned Minnesota State Bar Association staff, and to the Minnesota State Board of Legal Certification (MBLC), all relevant documents, records or other information that may be requested in the investigation of this application or in the investigation of my continuing satisfaction of the standards for certification.

I agree that all information received by the Certification Board may be treated confidentially by the Certification Board. I hereby waive that confidentiality with regard to any State agency with jurisdiction over legal specialization and also with regard to any organization or entity approved by the State to certify legal specialists to which I have applied or which I am certified.

I specifically waive any right to review any statements of Independent Reference and Peer Review or other evaluations and references made to the Certification Board, whether solicited by me or by the Certification Board. In addition, I agree not to seek discovery of such references and evaluations, formally or informally, in any legal proceeding or otherwise.

I release, discharge and exonerate the Certification Board, the Labor & Employment Law Section of the MSBA, the Minnesota State Bar Association and its officers, staff, agents, employees and representatives, and any person furnishing information or evaluations to the Certification Board, from any and all liability of every nature and kind arising from the investigation and evaluation of my application or my continuing satisfaction of the standards for certification.

I agree that in the event my certification is suspended or revoked or I am not recertified, I shall cease to hold myself out in any way as certified by the Labor & Employment Law Section of the MSBA, and will remove my certificate from public display.

I agree to defend or pay the costs of defense, at the discretion of the Certification Board, for any suit or claim initiated, and to indemnify the Certification Board, the Labor & Employment Law Section of the MSBA, and the Minnesota State Bar Association for any judgment or settlement ordered or paid as a result of any legal action arising from my application or from my certification by the Labor & Employment Law Section.

I hereby certify that I have reviewed each part of my Application and Attachments carefully and made each statement and representation therein, and answered each question therein, fully and frankly and without concealment or reservation. Such questions and answers are, within my personal knowledge, true and complete.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant Lawyer

\_\_\_\_\_  
Printed Name of Applicant Lawyer

## Attachment A: List of Reference Names

**CONFIDENTIAL**

*Print or type all information.*

*Lawyer Applicant Name*

*Date*

I understand that five positive references are necessary to become certified as a Labor and Employment Law Specialist: two (2) neutrals, two (2) opponents and one (1) attorney generally familiar with my skills as a labor and employment attorney. The Neutrals and opponents do not need to be licensed attorneys.

For Applicants who have been in-house counsel for at least five years and whose practice does not involve regular contact with Neutrals or opposing counsel, the Applicant may substitute the name of a former colleague or supervisor or the name of in-house counsel at another organization who is generally familiar with the applicant's labor and employment law practice and skills for one of the Neutrals or one of the opponents/opposing counsel.

- Check here if you certify that you have been in-house counsel for the previous five (5) years and if your practice does not involve regular contact with Neutrals or opponents/opposing counsel.

Completed references shall be kept strictly confidential by the Certification Board. All references, communications, reference forms, and information gathered pertaining to the applicant will be confidential and neither the forms nor any information concerning them will be provided to the Applicant.

I submit the names and addresses of the following seven (7) individuals who can attest to my proficiency in the practice of labor and employment law: two (2) neutrals before whom I have appeared as a labor and employment law advocate, three (3) lawyers who have been opposing counsel in a contested labor and employment law matter, and two (2) lawyers generally familiar with my labor and employment law practice and skills. None of these individuals are related to me or currently engaged in legal practice with me.

*Neutral Name*

*Court/Company*

*Address*

*Neutral Name*

*Court/Company*

*Address*

*Opposing Counsel Name*

*Firm*

*Address*

*Opposing Counsel Name*

*Firm*

*Address*

*Opposing Counsel Name*

*Firm*

*Address*

**[Civil Trial] Law Specialist [Recertification Application and Attachments] [2010]**

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*Lawyer familiar with practice*

Firm

Address

---

*Lawyer familiar with practice*

Firm

Address

---

## Disclosure of Conduct: Specialist Certification and Recertification 2019

Lawyer Full Name

MN License No.

Disclosure Date

Board Certified Labor and Employment Law Specialists and Specialist Certification Applicants have an obligation to disclose and report the following matters at any time during the certification period or certification application process:

- any conviction of a crime, excluding misdemeanor traffic offenses, regardless of whether the conviction was the result of a plea of guilty or *nolo contendere*, or of a verdict after a trial, and whether such conviction resulted in imprisonment, probation, fine, or suspension of sentence.
- any concluded claim of malpractice brought against you at any time during a Certification period. If this disclosure is being filed with Initial Application, the disclosure period is in the ten (10) years before Application. Attach copies of any orders, judgments, or other pertinent documents you wish the Certification Board to consider.
- any proceeding which resulted in the Applicant or Specialist being disbarred, suspended, publicly reprimanded, sanctioned or otherwise subjected to public discipline by any disciplinary board in any jurisdiction in which you have an active license.

**All such matters must be reported to the MSBA Certified Legal Specialists Manager within thirty (30) days after they are imposed or entered. Failure to do so may be grounds for denial of certification or recertification or decertification.**

I am filing this Disclosure of Conduct form in conjunction with:

Initial Application    Annual Audit    Recertification    Other: \_\_\_\_\_

### INSTRUCTIONS

Complete the appropriate section(s). Provide any explanation that you wish to be considered in the review of the matter. Use additional sheets if necessary. **You must provide copies** of all relevant documents, including orders and pleadings, judgments, disciplinary findings, or other documents pertaining to this disclosure.

If you have any questions, please contact Sue Koplin, Certified Legal Specialists Director, (612) 278-6318 or [skoplin@mnbars.org](mailto:skoplin@mnbars.org).

**CRIMINAL CONVICTION**

Crime	Conviction Date	Judge/Court	Disposition

**CONCLUDED MALPRACTICE CLAIM**

Case	Date	Judge/Court	Description, including manner of resolution

**PUBLIC DISCIPLINE**

Public Discipline Type	Date	State/ Disciplinary Board	Description

Mail this form along with all requested documents and the application fee to the following address:

Minnesota State Bar Association

**Certified ▲ Specialist**

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Minneapolis, MN 55402-1039  
612-278-6318 | www.mnbar.org