

**ASIAN AMERICAN BAR ASSOCIATION
OF
NEW YORK**

LEGAL REFERRAL AND INFORMATION SERVICE

PANEL REQUIREMENTS

200 Business Law

201 Formation of Business Entity/Advice
202 Not-for-Profit Organizations
203 Dissolution of Business
204 Buying and Selling Businesses
205 Business/Commercial Litigation
206 Franchise

207 Anti-trust
208 Trade Secrets/ Unfair Competition
209 Employment Contracts
210 Complex Litigation
215 Sale of Professional practice
216 Civil RICO

STANDARDS

201 Formation of Business Entity/Advice :

Applicant has handled the formation of, at least five business entities within the last 3 years, including the formation of corporations and general partnerships. Applicant must be prepared to discuss the mechanics and issues involved in the formation of businesses, including LLC's and awareness of issues relating to micro-entrepreneurs.

202 Not-for-Profit Organizations :

Applicant obtained not-for-profit status for at least 2 entities in the past 5 years and demonstrates familiarity with Not-For-Profit Law and the rules and regulations of the Attorney General's Bureau of Charities.

203 Dissolution of Business :

Applicant has completed dissolution of at least 4 businesses within the past 10 years.

204 Buying and Selling Businesses :

Applicant completed the buying or selling of five businesses within the past five years, including the transferring/obtaining of appropriate licences. Applicant must be able to analyze different hypothetical situations representing buyers and sellers and be familiar with ways to protect good will and to protect buyers from sellers' liabilities.

205 Business/Commercial Litigation:

Applicant has handled thru trial or settlement 5 business disputes in the past 5 years, such as breach of contract, employment contracts, UCC disputes. Applicant must have trial experience. Applicant must be prepared to discuss evaluation, strategy, issues and results, including discovery and post judgment proceedings. Applicant should be familiar with Alternate Dispute Resolution mechanisms available.

206 Franchise:

Level 1 : Applicant has represented at least 3 Franchisees in the past 5 years;
Level 2 :Applicant has represented at least 2 Franchisors in establishing franchises

207 Antitrust:

Applicant must qualify for category 210 Complex Litigation and demonstrate familiarity with and ability to analyze antitrust issues. Applicant must have represented clients in at least two litigated anti-trust matters and have the staff capacity to handle such matters.

208 Trade Secrets/Unfair Competition:

Applicant has represented or advised at least 3 clients regarding the enforcement of restrictive covenants and meets the requirements of subcategory 205

209 Employment Contracts:

Applicant has represented 4 professionals or business executives in negotiating the terms of an employment contract.

210 Complex Litigation :

Applicant has handled through trial or settlement, after substantial discovery has been completed, at least 5 matters in Supreme Court or Federal District Court. Applicant has brought or defended against, at least two summary judgment motions. Applicant demonstrates familiarity with provisional remedies, including injunctions, restraining orders, etc. and with declaratory judgment actions. Applicant must also qualify for 205 Business/Commercial Litigation and be experienced in discovery and post-judgment enforcement proceedings.

215 Sale of a Professional Practice:

Applicant has completed the sale of at least 3 professional practices.

216 Civil RICO :

Applicant has represented 2 plaintiffs or defendants through discovery in RICO actions and meets the requirements of subcategory 210.

300 Family and Matrimonial Law

301 Adoptions (Family or Agency)	312 Separation/Premarital Agreements
302 Kinship/Foster Care Adoption	313 Contested Family Court Support Proceedings
303 Small Uncontested	314 Guardianship
304 Divorce/Annulment	315 Supreme Court Family Law Appeals
305 Custody Supreme Court	316 Family Court Orders of Protection
306 Paternity	317 Family Court Custody and Visitation Proceedings
307 Post Judgment Mod/Enforcement	318 PINS/Neglect and Abuse Proceedings/ Termination of Parental Rights
308 Fee From Spouse	319 Family Court Appeals
310 Interstate/International	

STANDARDS

301 Adoptions (Family or Agency) :

Applicant has handled at least two of the type of adoption requested within the past 5 years and demonstrates familiarity with the procedures for adoptions in Surrogate's Court and Family Court. Applicant should also demonstrate familiarity with practical and ethical issues regarding the termination of parental rights.

Level 1: Stepparent adoption

Level 2: Agency or other domestic adoption

Level 3: International Adoption

302 Kinship Foster Care Adoption:

Applicant has handled at least two kinship/foster care adoptions in the past 5 years

303 Small Uncontested :

Applicant has handled at least 3 uncontested divorces and 1 contested support proceedings

304 Divorce/Annulment :

Level 1 : Cases with income under \$130,000 and assets under \$100,000

Applicant has handled at least 5 contested matrimonial matters, at least 2 involving contested custody/visitation matters and at least 2 involving contested support matters

Level 2 : Cases with income between \$130,000- \$250,000; assets between \$100,000- 250,000

Applicant meets the requirements of Level 1, has handled at least 10 matrimonial matters, of which 3 involved contested hearings regarding equitable distribution or support. In addition, applicant must have prepared at least 5 separation agreements and has given or attended CLE in the field recently.

Level 3 : Cases with income in excess of \$250,000 and/or substantial assets, evaluation or distribution problems such as matters involving business interests, professional, practical and licenses. Applicant complies with the requirements of Level 2.

305 Custody :

Applicant has handled at least 4 contested custody matters.

306 Paternity :

Applicant has handled at least 2 Paternity matters and 2 contested support proceedings.

Level 1 : Respondent's income under \$130,000

Level 2 : Respondent's income between \$130,000 and \$250,000 or assets between \$50,000 and \$250,000

Level 3: Respondent's income over \$250,000 or assets over \$250,000

307 Post Judgment Enforcement/ Modification

Applicant has experience and is knowledgeable in techniques to discover hidden assets and with the collection of judgments.

308 Fee from Spouse

Applicant meets the requirements for 304 and is willing to represent clients depending upon court ordered attorney's fees.

310 Interstate/International :

Applicant demonstrates experience and knowledge of the USD Law and the Hague Convention as well as cases involving custodial interference. Applicant meets the requirements of 304 Level 2

312 Separation/Premarital Agreements :

Applicant has drafted at least 5 separation agreements on the level requested.

Level 1 : Income under \$130,000 and assets less than \$100,000

Level 2 : Income between \$130,000-\$250,000 or assets between \$50,000-250,000

Level 3 : Income over \$250,000 or assets over \$250,000

313 Contested Family Court Support Proceedings

Applicant has handled at least 3 contested hearings before a Hearing Examiner; has handled at least 3 enforcement or modification petitions and demonstrates familiarity with the procedures of the CSCU.

314 Guardianship

Applicant has handled at least 3 guardianship proceedings in the Family Court.

315 Supreme Court Matrimonial Appeals

Applicant has handled 5 appeals in this area in the past 5 years.

316 Family Court Orders of Protection

Applicant must demonstrate experience enforcing and/or defending petitions for Orders of Protection and be knowledgeable concerning Domestic Violence issues and resources.

317 Family Court Custody and Visitation Proceedings

Applicant must have handled at least 3 contested custody petitions or enforcement/modification proceedings and must demonstrate knowledge of supervised visitation programs and alternatives.

318 PINS/Neglect and Abuse Proceedings/Termination of Parental Rights

Applicant must demonstrate experience and knowledge of the Child Welfare Reform Act and section 384 of the Social Services Law and Orders of Removal.

319 Family Court Appeals

Applicant has handled 5 appeals from Family Court determinations within the past 5 years.

400 Wills, Trusts & Estates

401 Will Drafting
402 Probate & Estate Administration
403 Estate & Trust Planning
404 Complex Estate Litigation
(Contested Probate, Accounting
& Discovery Proceedings)

405 Article 81 Guardianship
406 Reduced Fee Wills
407 Elder Law

STANDARDS

Will Drafting :

Level 1: Estates of \$1,000,000 or less; Substantially all assets are in New York; Substantially all assets are liquid, except residential real property. Applicant must have drafted and supervised execution of at least five wills and probated at least 2 estates.

Level 2: Estates over \$1,000,000 and under \$5,000,000; Applicant must demonstrate familiarity with Estate tax issues under New York State Estate Tax law and familiarity with valuation issues, capital gains tax issues and transfers of assets, such as commercial property and/or small business interests. Applicant must meet requirements of Level 1

Level 3: Estates over \$5 million; Applicant must demonstrate familiarity with Federal Estate tax laws and regulations. Applicants must meet the requirements of Level 1 and 2

Probate and Estate Administration :

Level 1: Applicant must meet the requirements of 401; applicant must have completed the probate/administration of three estates.

Level 2: Estates over \$1,000,000 and/or estates involving buy/sell agreements, family business, rental property, multiple jurisdictions. Applicant must have completed probate or administration of five estates with assets of more than \$1,000,000, at least two of which involved level two issues;

Level 3: Estates over \$5 million and/or unusual asset transferability/valuation issues.

Applicant must have practiced law for at least five years, completed five estates at Level 3 (\$5,000,000+ in assets), attend CLE and/or lectures in field, and/or subscribes to various publications and attends seminars in this field. Also, must devote at least 20% of practice to 0400 matters and have \$1,000,000 in liability insurance.

Estate and Trust Planning

Level 1: Estates up to \$1,000,000. Applicants must qualify for 401 plus have completed at least three plans

Level 2: Estates up to \$5 million. Applicant must qualify for Level 1 plus have completed at least two plans involving assets in excess of \$1 million and have liability insurance of \$1,000,000.

Level 3: Estates over \$11 million and/or substantial multinational assets and/or international income and estate planning. Applicant must have practiced law for at least five years, completed five estate plans, two of which were at Level 3; attends CLE and/or lectures in field and/or subscribes to various publications and attends seminars in this field. Devotes 25% of practice to 0400 matters and has \$1 million or more liability insurance.

Complex Estate Litigation :

Applicant has litigated three contested proceedings in Surrogate's Court within the last five years.
Applicant must be prepared to discuss evaluation, strategy, issues and results.

Article 81 Guardianship :

Applicant has handled three Article 81 proceedings within the last three years. Applicant must provide a written narrative of their practice experience and additional training (if any) in the specialty area

Reduced Fee Wills :

Applicant meets the requirements of 401.

Elder Law:

Applicant has handled three estate plans involving planning for Medicaid qualification, as well as, handled, at least three Medicaid applications, combination of community-based or institutional-based Medicaid within the last three years. Applicant must be familiar with a wide variety of elder law issues.

Level 1: Estates under \$1,000,000; Applicant has handled three estate plans (either Wills with testamentary trusts with Medicaid provisions or Medicaid asset transfer plans with irrevocable trusts) involving planning for Medicaid qualification, as well as, handled, at least three Medicaid applications within the last 3 years. Applicant must be familiar with a wide variety of elder law issues, including home care and nursing home applications, supplemental needs trusts, health care proxies, living wills and powers of attorney and spousal refusal. Applicant should have experience with Fair Hearings and the Medicaid application process. Meets requirements for Level 1, 401, and 403.

Level 2: Estates over \$3,000,000; Applicant meets criteria for 407 Level 1 and 401, 403 Level 2; Has done at least 10 plans within the past 2 years with experience in community (home care) and institutional (nursing homes) applications and spousal refusals.

600 Immigration & Naturalization

602 Visa Petition/ Application

603 Naturalization

604 Labor Certification

605 Fraud Investigation

606 Deportation and Exclusion

608 Political Asylum

609 Appeals

610 Representation of detained clients

611 I-9 compliance

STANDARDS

602 Visa Petition/Application :

I-130 petition for alien relative – at least 10 petitions within last 3 years

I-140 petition for alien worker – At least 10 approved within last 3 years.

NIV petitions:

H-1B specialty occupation work visa: at least 10 approved within last 3 years

O-1 extraordinary ability work visa: NOTE - At least 10 approved within last 3 years

Other work visas such as: TN, E treaty/investor visas, L-1's – same criteria as above

603 Naturalization :

Applicant must have completed at least 6 applications for naturalization within the past 3 years and demonstrate a thorough familiarity with immigration laws and procedures.

604 Labor Certification :

Applicant must have completed at least 20 applications for labor certification within the past 3 years and demonstrate a thorough familiarity with immigration laws and procedures.

605 Fraud Investigation

Applicant meets the requirements for 602 and has handled more than 2 fraud investigations in the past 3 years.

606 Deportation :

Applicant has handled at least 20 deportation matters within the past 5 years and demonstrates a thorough familiarity with immigration laws and procedures. The panel member should have previous experience handling defensive asylum matters (i.e. seeking asylum in immigration court / removal proceedings as opposed to affirmative asylum, which is seeking asylum before USCIS / not in removal).

608 Political Asylum :

Applicant has completed at least 5 asylum applications in the past 2 years and demonstrates a thorough familiarity with immigration laws and procedures.

609 Immigration Appeals :

Applicant has completed at least 10 appeals in immigration matters within the past 3 years and demonstrates a thorough familiarity with immigration laws and procedures. This is too vague / broad. Depending on the underlying type / nature of case, the appeal process varies. Some cases are appealed to the BIA (Board of Immigration Appeals, while others are filed with the AAO (Administrative Appeals Office); federal district courts, or circuit courts of appeal. Perhaps a better way to screen for competence is to go by the underlying immigration matter that gave rise to the appeal. For example, the procedure of appealing a deportation order is different from the procedure to appeal an H-1B denial.

610 Representation of detained clients – Minimum of 10 cases handled in the last 2-3 years.

611 I-9 Compliance – Minimum of 10 cases in last 3 years.

700 Workers' Compensation

- 701 State Workers' Compensation
- 702 Federal Workers' Compensation
- 703 Appeals

STANDARDS

701 State Workers' Compensation :

Applicant has handled at least 20 State Workers' Compensation cases within the past 4 years. Applicant demonstrates a thorough familiarity with Workers' Compensation law, procedures and appeals.

702 Federal Workers' Compensation :

Applicant has handled at least 3 Federal Workers' Compensation cases within the past 3 years. Applicant demonstrates a thorough familiarity with Workers' Compensation law, procedures and appeals.

800 Torts/Negligence

- 801 Car Accidents/Slip & Fall/ Premises Liability
- 802 Assault & Battery, False Arrest,
False Imprisonment, Police Brutality,
Malicious Prosecution
- 803 Defamation, Libel and Slander
- 804 Property Damage
- 805 No-fault Insurance
- 806 Tavern Owners Liability, Dram Shop
- 807 Constitutional/Civil Rights

STANDARDS

- 801 Car Accidents/Slip & Fall/Premises Liability
- 808 Un/under insured
- 809 Medical Malpractice
- 810 Legal Malpractice
- 811 Aviation Accidents/Mass Disasters
- 812 Products Liability
- 813 Dental Malpractice
- 814 Paralysis /Death
- 820 Tort Defense
- 821 Appeals

801 Car Accidents/Slip & Fall/Premises Liability:

Level 1 : Probable Damage Evaluation Less than \$50,000

Applicant must have trial experience in Civil Court of the City of New York, or court of similar or greater jurisdiction; have presented plaintiff's case in at least 2 matters involving physical/emotional injuries; and has settled a minimum of 5 matters in excess of \$15,000, at least 4 of which were in suit.

Level 2 : Probable Damage Evaluation of Up to \$500,000

Applicant must meet the requirements of Level 1 and have trial experience in State Supreme Court or court of similar jurisdiction; have completed plaintiff's case and cross examination of defense experts in a minimum of 3 cases; in addition to the requirements of level 1 applicant must have resolved a minimum of 5 cases in excess of \$75,000.

Applicant must have obtained a jury verdict or settlement after presentation of plaintiff's case in at least 3 cases, one of which was favorably decided in excess of \$200,000.

Level 3 : Probable Damage in Excess of \$500,000

Applicant must have trial experience in State Supreme Court or court of similar jurisdiction, have completed plaintiff's case and cross examination of defense experts in a minimum of 8 cases. Applicant must meet the requirements of Level 2 and have resolved a minimum of 3 cases in excess of \$500,000 and resolved a minimum of 5 cases in excess of

\$200,000 within the past 4 years. Applicant must have obtained jury verdicts or settlement after presentation of plaintiff's case in a minimum of three cases favorably decided in excess of \$500,000. Applicant must have devoted a substantial portion of their practice to personal injury litigation for at least 5 years.

802 Assault & Battery/False Arrest/False Imprisonment/Police Brutality/Malicious Prosecution :

Applicant has handled at least 3 cases in this subcategory at the level for which application is being made and

Level 1 : Applicant meets the requirements of 801 Level 1

Level 2 : Applicant meets the requirements of 801 Level 2

Level 3 : Applicant meets the requirements of 801 Level 3

803 Defamation/Libel & Slander :

Applicant has handled at least 3 cases in this subcategory at the level for which application is being made and

Level 1 : Applicant meets the requirements of 801 Level 1

Level 2 : Applicant meets the requirements of 801 Level 2

Level 3 : Applicant meets the requirements of 801 Level 3

804 Property Damage :

Applicant has handled at least 3 cases in this subcategory at the level for which application is being made and

Level 1 : Applicant meets the requirements of 801 Level 1

Level 2: Applicant meets the requirements of 801 Level 2, but probable damage evaluation of up to \$250,000.

Level 3 : Applicant meets the requirements of 801 Level 2

Level 4 : Applicant meets the requirements of 801 Level 3

805 No-Fault Insurance :

Applicant has handled at least 3 cases in this subcategory at the level for which application is being made and

Level 1 : Applicant meets the requirements of 801 Level 1

Level 2 : Applicant meets the requirements of 801 Level 2

Level 3 : Applicant meets the requirements of 801 Level 3

806 Tavern Owners Liability, Dram Shop :

Applicant has handled at least 3 cases in this subcategory at the level for which application is being made and

Level 1 : Applicant meets the requirements of 801 Level 1

Level 2 : Applicant meets the requirements of 801 Level 2

Level 3 : Applicant meets the requirements of 801 Level 3

900 Intellectual Property Rights

- 901 Trademarks
- 902 Copyrights
- 903 Patents
- 904 Unfair Competition
- 905 Computer Law (Software, Contract Development, Licensing)

- 906 Intellectual Property Litigation

STANDARDS

901 Trademarks :

Applicant has prepared and filed at least 2 Federal trademark applications within the past 3 years or has handled 3 matters concerning the clearance, use, registration, transfer or infringement of Federal trademarks or Service Marks.

902 Copyrights :

Applicant has filed 2 Federal copyright applications or handled 2 matters concerning the use, registration, transfer, licensing, renewal, validity or infringement of copyrights and demonstrates familiarity with issues related to literary works, musical works, dramatic works, choreographic works, motion picture/audiovisual works, sound recordings, computer software or other copyrightable subject matter.

903 Patents :

Applicant must be licensed to practice before the U.S. Patent and Trademark Office and prepared and filed 2 utility patent applications (or 3 for design patent applications), or has handled 3 matters relating to patent prosecution or post-grant proceedings before the USPTO within the past 3 years, or concerning patentability, freedom-to-operate, inventorship, transfer, license or infringement of U.S. patents.

904 Unfair Competition :

Applicant meets the requirements of subcategory 210 and has handled at least 3 contested unfair competition or trade secret cases. Applicant must demonstrate extensive experience with discovery rules and procedures in Federal and State courts.

905 Computer Related Law :

Applicant must have reviewed or prepared contracts or handled at least 3 different matters involving computer software or hardware and represented or opposed vendors, purchasers or developers.

906 Intellectual Property Litigation :

Applicant meets the requirements of subcategory 210 and, at least, 3 of the matters involved intellectual property issues.

1000 Real Property

- 1003 Co-op and/or Condo Closings
- 1004 Coop Boards
- 1007 Easements, Zoning, Variances
- 1008 Complex Transactions/Subdivisions
- 1009 Foreclosures
- 1010 Real Property Litigation
(Fraud, Rescission, Specific Performance etc)
- 1011 Eminent Domain/Condemnation
- 1012 Tax Certiorari
- 1015 One & Two-Family Homes
- 1016 Housing Discrimination

1003 Co-op and/or Condo Closings

Applicant has handled at least 4 co-op and/or condo closings within the past 2 years and demonstrates familiarity with requirements of due diligence, contract and financing issues existing at the time. [Bart, I think the 2 years' minimum years requirement is necessary to make sure that the attorneys are experienced and qualified. And, 4 matters in 2 years should be sufficient for your run of the mill closing-which the majority of them are.

1004 Coop Boards:

Applicant demonstrates experience with disputes between coop boards and shareholders and has handled at least 3 matters in the past 3 years.

1007 Easements, Zoning, Variances:

Applicant demonstrates familiarity with Community Board and NYC procedures to obtain zoning variances and has represented at least 2 matters relating to easement or zoning disputes. Applicant demonstrates relevant litigation and/or administrative hearing experience.

1008 Complex Transactions/Subdivisions:

Applicant has been lead attorney in at least 3 complex transactions in the last 5 years.

1009 Foreclosures :

Applicant has represented homeowners in at least 3 home foreclosures in the past 3 years and demonstrates familiarity with issues existing at the time.

1010 Real Property Litigation :

Applicant has handled at least 3 matters within the last 3 years through discovery or motion practice involving all manners of disputes, such as, without limitation, real estate brokers' commissions, specific performance, partition, enforcement or defense against a liquidated damages clause, action to quiet title, breach of contract, etc. excluding landlord/tenant matters.

1011 Eminent Domain/Condemnation:

Applicant has handled at least 2 cases within the last 3 years involving eminent domain or condemnation issues.

1012 Tax Certiorari :

Applicant has handled at least 3 tax certiorari petitions.

1015 One and Two Family Homes :

Applicant has handled at least 4 residential home closings within the last 2 years and demonstrates familiarity with requirements of contract and financing issues existing at the time, as well as with title and survey matters.

1016 Housing Discrimination

Applicant has handled least 3 housing discrimination matters in the past 3 years through the discovery process.

1100 Criminal

1101	Misdemeanors	1107	Property Forfeiture
1102	Felonies	1108	Juvenile Delinquency
1103	Homicide	1110	DWI/DUI
1104	White Collar	1111	Parole Violation
1105	Traffic	1112	Federal Criminal
1106	Criminal Appeals	1114	Criminal RICO
		1115	Immigrant Criminal Defense

STANDARDS

1101 Misdemeanors :

Applicant must have handled at least 3 criminal jury trials and 5 misdemeanor matters OR applicant qualifies for membership under 1102 and qualifies for membership on the 18b misdemeanor panel. Applicant must demonstrate experience as a defense attorney and be familiar with the unique ethical issues of defense counsel.

1102 Felonies :

Applicant must have handled at least 3 felony jury trials and five preliminary hearings or motions to suppress evidence or identification and qualify for the 18b felony panel. Applicant must demonstrate experience as a defense attorney and be familiar with the unique ethical issues of defense counsel.

1103 Homicide :

Applicant must have handled at least one homicide case and qualify for category 1102.

1104 White Collar :

Applicant must have handled at least 3 white collar matters in the past 2 years and qualify for category 1102.

1105 Traffic :

Applicant has handled at least 5 moving violations and has completed at least 2 bench trials.

1106 Criminal Appeals

Applicant must have completed three criminal appeals within the last 5 years.

1107 Property Forfeiture :

Applicant must have handled at least 3 property forfeiture cases in state or federal court within the past 5 years and qualify for category 1102

1108 Juvenile Delinquency :

Applicant must have handled at least 3 juvenile criminal matters in Family court or Criminal court and qualify for category 1102

1110 DWI/DUI :

Applicant must have handled at least 3 DWI/DUI matters and qualify for category 1101

1111 Parole Violation :

Applicant meets the requirements for category 1102 and has handled at least 1 parole violation hearing.

1112 Federal Criminal :

Applicant must have handled at least 3 criminal matters in Federal Court within the past 5 years and qualify for category 1102. Applicant must demonstrate familiarity with Federal Sentencing guidelines and motions for downward departure.

1114 Criminal RICO

Applicant qualifies for category 1112 and has represented clients in, at least, 2 RICO matters.

1115 Immigrant Criminal Defense

Applicant meets the requirements of category 1102, has represented immigrants in, at least, 3 matters and demonstrates familiarity with the consequences of criminal convictions and plea agreements on immigration status.

1300 Consumer Law

- 1301 Home Improvement/Repair
- 1302 Consumer Fraud
- 1303 Lemon Law

- 1305 Credit

STANDARDS

- 1301 Home improvement/Repair :
- 1308 General Consumer Problems
- 1309 Name Change
- 1315 Utility Disputes

1301 Home Improvement/Repair :

Applicant has handled through discovery or motion practice 2 matters involving home improvement contracts or consumer issues within the past 3 years or has handled 5 nontrial dispositions of such matters in the last 3 years and has civil litigation experience in other areas of law.

1303 Consumer Fraud :

Applicant has handled through discovery, motion practice or administrative hearings 2 matters involving consumer fraud issues within the past 3 years or has handled 5 non-trial dispositions of such matters in the last 3 years and has civil litigation experience in other areas of law.

1304 Lemon law :

Applicant has resolved 2 matters involving “Lemon Law” issues within the past 3 years or has handled 5 non-trial dispositions of such matters in the last 3 years and has civil litigation experience in other areas of law.

1305 Credit :

Applicant has resolved through discovery, motion practice or administrative hearings 2 matters involving credit issues within the past 3 years or has handled 5 non-trial dispositions of such matters in the last 3 years and has civil litigation experience in other areas of law.

1308 General Consumer Problems :

Applicant has resolved through discovery, motion practice or administrative hearings 2 matters involving consumer issues within the past 3 years or has handled 5 non-trial dispositions of such matters in the last 3 years and has civil litigation experience in other areas of law.

1309 Name Change :

Applicant has handled 2 petitions for name change within the past 3 years and has civil litigation experience in other areas of law.

1315 Utility Disputes :

Applicant has handled 2 utility disputes within the past 3 years and has administrative law hearing or civil litigation experience in other areas of law. Applicant demonstrates familiarity with proceedings before the Public Service Commission.

1600 Tax Law

- 1601 Federal, State & Local Personal or Estate Income Taxes
- 1602 Business or Professional
- 1603 Interstate/International
- 1604 Audits and Tax Litigation
- 1610

TaxClinic

- 1611 Appeals

STANDARDS

1601 Federal , State & Local Personal or Estate Income Tax :

Level 1 : Matters involving basic knowledge of tax laws, regulations, rulings and case law and involving potential taxes of less than \$25,000 for an individual and no tax fraud issues. Applicant must have at least 2 year's experience with the IRS or state tax authority; or at least one year's experience in tax matters in private practice.

Level 2 : Matters involving detailed working knowledge of the tax laws, regulations, rulings and case law involving potential taxes of less than \$100,000 and no allegations of fraud. Applicant must have an LLM in taxation or be licensed as a CPA (MBA in taxation or finance and substantial CLE in area will be considered). In addition, applicant must have either a) at least 2 years Tax Court experience or experience with a state tax authority; or, b) 3 years experience in tax matters in private practice. Applicant must demonstrate attendance at or presentations at CLE programs, at least every 2 years.

Level 3 : Matters involving potential taxes of \$100,000 or more or matters involving allegations of tax fraud. Applicant must have malpractice insurance of at least one million dollars. Applicant must have an LLM in taxation or be licensed as a CPA(MBA in taxation or finance and substantial CLE in area will be considered). In addition, applicant must have either a) at least 2 years Tax Court experience or experience with a state tax authority; or, b) 5 years experience in tax matters in private practice. Applicant must demonstrate attendance at or presentations at CLE programs, at least every 2 years.

Applicant must have been involved in at least 10 matters at Level 3. An alternative to handling tax matters could include writing tax opinion letters, substantial related published writing, lecturing at CLE or teaching at an accredited law school or substantial reputation in the field.

1602 Business or Professional :

Level 1 : Matters involving potential business tax liability under \$50,000 and no allegations of fraud. Applicant must meet the requirements of subcategory 1601 Level 1.

Level 2 : Matters involving potential business tax liability under \$100,000 and no allegations of fraud. Applicant must meet the requirements of subcategory 1601 Level 2

Level 3 : Complex matters involving potential business tax liability of over \$100,000 or matters involving tax fraud. Applicant must meet the requirements of 1601 Level 3.

1603 Interstate/International :

Applicant must meet the requirements of 1601 Level 3 and demonstrate the availability of resources to manage matters in multiple jurisdictions.

1604 Audits and Tax Litigation :

Level 1 : Applicant must meet the requirements of 1601 Level 1. Applicant must be admitted to the Tax Court and must have handled at least 5 audits or litigated matters in the past 3 years , of Level 1 matters achieving favorable results in at least 3 of those cases.

Level 2 : Applicant must meet the requirements of 1601 Level 2. Applicant must be admitted to the Tax Court and must have handled at least 5 audits or litigated matters in the past 3 years, of Level 2 matters, achieving favorable results in at least 3 of those cases.

Level 3 : Applicant must meet the requirements of 1601 Level 3. Applicant must be admitted to the Tax Court and must have handled at least 5 audits or litigated matters in the past 3 years, of Level 3 matters, achieving favorable results in at least 3 of those cases.

1610 Tax Clinic : Reserved for Law School Clinics and Pro Bono Programs

1611 Appeals :

Applicant has tried at least 2 District Court cases and has handled at least 2 tax appeals in the past 5 years

1700 Labor and Employment Law

1701 Employer Representation

1702 Employee Wrongful Termination

1703 Civil Service

1704 Pensions

1705 Employee Other

1706 ERISA

1710 Sex Discrimination/Harassment

1711 Age Discrimination

1712 Race/Religion Discrimination

1713 Disability Discrimination

1714 Cancer Clinic

1715 State/Municipality Disability Pension

1716 Wage, Hour & Overtime Claims

1717 Family Medical Leave Act

STANDARDS

1701 Employer Representation :

Applicant has represented employers in at least 10 matters in the past 5 years involving:

- a) Negotiation of a collective bargaining agreement; and/or
 - Significant experience regarding organizational or election issues; and/or
 - Defense of discriminatory labor practice claims; and/or
 - Employer representation in employment/executive compensation agreements; and/or
 - Experience with improper labor practices; and/or
 - Counseling on layoffs, knowledge of state requirements; and/or
 - Preparation of severance agreements; and/or
 - Handling grievances and contract arbitrations.

1702 Employee Wrongful Termination :

Applicant must have been principally involved in resolving at least 8 matters on behalf of employees in discipline and termination actions within the past 5 years, including at least 3 wrongful/abusive discharge matters and must have handled any 20 filings or active lawsuits matters in federal or state court within the past 5 years.

1703 Civil Service :

Applicant must have represented at least 5 civil service matters in the past 5 years, at least 2 of which involved contested hearings.

1704 Pensions :

Applicant must demonstrate familiarity with pension and ERISA issues and have represented employees in at least 5 matters involving the payment of a pension.

1705 Employee Other :

Applicant meets the requirements of 1702

1706 ERISA :

Applicant has handled at least 5 ERISA matters through motions for summary judgement in the past 3 years and has obtained “judgment on the papers” in at least 2 matters in the past 3 years. Applicant demonstrates familiarity with ERISA law and procedures and demonstrates a means of staying current with ERISA case law and issues.

1710 Sex Discrimination/Harassment :

Applicant meets the requirements of 1702 and must have represented clients as principal attorney of record in 3 matters involving any discrimination/protected area.. Applicant demonstrates familiarity with substantive law of the area and the rules and procedures of the relevant administrative agencies, state courts and federal courts having jurisdiction over these matters.

1711 Age Discrimination :

Applicant meets the requirements of 1702 and must have represented clients as principal attorney of record in 3 matters involving any discrimination/protected area.. Applicant demonstrates familiarity with substantive law of the area and the rules and procedures of the relevant administrative agencies, state courts and federal courts having jurisdiction over these matters.

1712 Race/Religion Discrimination :

Applicant meets the requirements of 1702 and must have represented clients as principal attorney of record in 3 matters involving any discrimination/protected area.. Applicant demonstrates familiarity with substantive law of the area and the rules and procedures of the relevant administrative agencies, state courts and federal courts having jurisdiction over these matters.

1713 Disability Discrimination :

Applicant meets the requirements of 1702 and must have represented clients as principal attorney of record in 3 matters involving any discrimination/protected area.. Applicant demonstrates familiarity with substantive law of the area and the rules and procedures of the relevant administrative agencies, state courts and federal courts having jurisdiction over these matters.

1714 Cancer Clinic :

This category involves direct referrals from another program in the Bar Association. The consultation fee generally charged for a Legal Referral Service referral is waived. Applicant must qualify for category 1713 1715 State/Municipality Disability Pension

1716 Wage and Hour Matters

Applicant meets the requirements of category 1702 and must have represented clients as principal attorney of record in, at least, 3 matters involving the wage and hour disputes. Applicant demonstrates familiarity with substantive law of the area and the rules and procedures of the relevant administrative agencies, state courts and federal courts having jurisdiction over these matters.

1717 Family Medical Leave Act

Applicant meets the requirements of category 1702 and must have represented clients as principal attorney of record in, at least, 3 matters involving the Family Medical Leave Act

Applicant demonstrates familiarity with substantive law of the area and the rules and procedures of the relevant administrative agencies, state courts and federal courts having jurisdiction over these matters.

1718 Management Representation

Applicant has at least 3 years of experience representing management and has appeared to defend at least 5 FLSA claims.

1800 International Law

STANDARDS

1801 International Trade:

Applicant must demonstrate a minimum of three years' experience in international commercial transactions, contracts and business law including experience in at least ten international trade matters, including but not limited to:

- ! International trade agreements
- ! Customs classification, valuation, and rules of origin matters
- ! Tariff matters
- ! Due diligence in international transactions
- ! Compliance with international trade rules
- ! Section 337 import investigations
- ! Distributorship and licensing agreements
- ! Acquisitions involving the Committee on Foreign Investment in the United States (“CFIUS”) review
- ! Representation before the ITC, the Department of Commerce (“DOC”), or other authorities regarding disputes related to import laws and remedies
- ! Dumping or countervailing duties cases
- ! International trade legislative matters
- ! Trademarks/copyrights involving international trade deals
- ! Letters of credit
- ! Shipping cases

It is preferable that the applicant is a member of a recognized professional group dealing with international trade matters.

Applicant must also demonstrate a network of co- counsel in foreign jurisdictions.

1802 International Dispute Resolution:

Applicant must demonstrate a minimum of three years' experience in international dispute resolution, including experience in at least ten international dispute resolution matters, including but not limited to:

- ! International commercial arbitration
- ! International investment arbitration
- ! Enforcement of foreign judgment or arbitration award
- ! Litigation/mediation/negotiation involving international parties, venues, or governing laws
- ! Government enforcement defense on-behalf of international parties
- ! Cross-border investigation
- ! Offshore asset recovery

It is preferable that the applicant is a member of a recognized professional group dealing with international dispute resolution matters.

Applicant must also demonstrate a network of co- counsel in foreign jurisdictions.

1803 Reparations:

Applicant must demonstrate a minimum of three years' experience in international human rights matters, including experience in at least ten matters in relation to the *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* and other human rights related laws and rules, such as restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, etc.

It is preferable that the applicant is a member of a recognized professional group dealing with human rights matters.

2400 Education Law

- 2402 Teachers
- 2403 Schools
- 2404 Special Education
- 2405 Student Rights/Discipline-Elementary through High School

STANDARDS

2402 Teachers :

- 2406 Student Discipline/Grades - Higher Education
- 2407 School Staff Issues - Civil Service and Non-Professional Staff
- 2408 NYC/NYS Teacher's Retirement Issues
- 2409 School Zoning

2402 Teachers :

Applicant has handled at least 6 labor arbitrations of which 3 were disciplinary issues within the past 5 years. Applicant has handled at least one disciplinary hearing involving a teacher or administrator in the past 5 years. Applicant has handled at least 2 Article 78 proceedings involving issues of seniority, denial of tenure, termination before tenure or first amendment issues. Applicant must demonstrate familiarity with faculty advancement process in public and private institutions.

2403 Schools :

Applicant must demonstrate experience within the past 3 years representing, as attorney of record or principal attorney, urban or suburban school districts or representing private and/or vocational schools, private colleges or religious schools. Or applicant must demonstrate experience within the past 2 years representing, as attorney of record, principal attorney or co-counsel, urban or suburban school districts or representing private and/or vocational schools, private colleges or religious schools and at least four years experience as general counsel, deputy general counsel or associate general counsel representing a for profit or not-for-profit corporation.

2404 Special Education :

Applicant must have handled at least 2 impartial hearings involving special education services. Applicant's should have litigation experience and must have handled cases before New York State Supreme Court or Federal District Courts. Applicant must demonstrate familiarity with laws and regulations relating to student rights and special education laws and procedures. Applicant should be familiar with meetings with the Committee on Special Education/school based individualized education program (IEP) teams and procedures for an appeal to the Commissioner of Education.

2405 Student Rights/Discipline- Elementary through High School :

Applicant has handled 3 cases representing public school students in disciplinary hearings and is familiar with placement, registration and vaccination issues. Or the applicant has handled one case representing a public school student in a disciplinary hearing and has knowledge and experience with criminal procedure and direct and cross examinations.

2406 Student Discipline/Grades - Higher Education :

Applicant has handled at least 3 disciplinary proceedings in public or private institutions.

2407 School Staff Issues - Civil Service and Non-Professional Staff :

Applicant must have handled at least 3 matters in the past 5 years involving Article 78 proceedings and has experience with arbitration proceedings. Applicant must demonstrate familiarity with proceedings under the Civil Service law including provisions relating to disability re-instatement, disciplinary removal and collective bargaining agreement procedures.

2408 NYC/NYS Teacher's Retirement Issues :

Applicant must have handled at least 3 matters involving disability retirement.

2409 School Zoning :

3200 Landlord/Tenant Law

3201 Tenants

3202 Landlords

3203 Commercial Landlord/Tenant

3204 Tenant Groups

3205 Loft Law

3206 Mitchell Lama

STANDARDS

IN ALL CASES, THE APPLICANT MUST HAVE COMPLETED A CLE COURSE OR EQUIVALENT ON THE HOUSING STABILITY AND TENANT PROTECTION ACT OF 2019.

3201 Tenants :

Applicant has practiced in the area of Landlord/tenant law for at least 3 years and has represented tenants in at least 4 contested matters in the past year. Applicant must demonstrate substantial knowledge of the law related to eviction, habitability, repairs and services. Applicant must be familiar with issues of primary residency, rent control and rent stabilization.

3202 Landlords :

Applicant has practiced in the area of Landlord/tenant law for at least 3 years and has represented landlords in at least 4 contested matters in the past year. Applicant must demonstrate substantial knowledge of the law related to eviction, habitability, repairs, leases and services. Applicant must be familiar with issues of primary residency, rent control and rent stabilization.

3203 Commercial Landlord/Tenant :

Applicant must have represented parties in preparing and/or litigating 3 commercial leases in the past 5 years and be familiar with the law relating to renovation, options, liability, subleasing and other issues likely to be involved in such leases.

3204 Tenant Groups :

Applicant must meet the requirements of subcategory 3201 and have organized and/or represented at least 3 tenant groups in the past 10 years.

3205 Loft Law :

Applicant must meet the requirements of subcategory 3201 and must have handled at least 3 Loft Law matters in the past 10 years.

3206 Mitchell Lama :

Applicant must meet the requirements of subcategory 3201 and must have handled at least 3 Mitchell Lama matters in the past 10 years.