

**CRIMINAL LAW CERTIFICATION
STANDING COMMITTEE POLICIES**

100	ADMINISTRATION
200	DEFINITIONS
300	CONTINUING LEGAL EDUCATION

100 ADMINISTRATION

- 1.01 Meetings. The committee chair will designate the meeting times and places and disseminate a calendar of the meeting dates to the members at the beginning of each fiscal year.
- 1.02 Quorum. Five members will constitute a quorum of the committee for the transaction of business.
- 1.03 Attendance. Members must make every effort to attend in-person meetings and conference calls to participate in the responsibilities of the committee. All requests for excused absences must be approved by the committee chair.
- 1.04 Application Review. At least two members of the committee must review each application submitted. If approval is not recommended, the committee must discuss and identify the basis upon which it recommends denial. Review must follow the application review process set forth in the BLSE Policies.

200 DEFINITIONS

The definitions below are provided for guidelines. Once amendments to Subchapter 6-8, Rules Regulating The Florida Bar, are completed, the definitions herein will be removed.

- 2.01 Definitions of the certification committee, criminal law, a trial, Jimmy Ryce cases, and protracted litigation are provided in Rule 6-8.2, Rules Regulating The Florida Bar.
- 2.02 Dismissal of Charges. A case which results in a "dismissal of charges" by the court on a motion for judgment of acquittal at the close of the prosecution's case or thereafter may be considered a trial for initial certification or recertification.
- 2.03 Mistrials and Pleas. A case which results in a "mistrial" or "plea," after the presentation of testimony or evidence and/or cross examination of witnesses in an adversarial proceeding before a trier of fact, may be considered a trial for initial certification or recertification at the discretion of the criminal law certification committee, provided the applicant offers sufficient information demonstrating substantial courtroom activity.

- 2.04 Violations of Probation. A "probation violation hearing" may be considered to fulfill 1 trial under the trial requirement for initial certification or recertification set forth in the rules, but may not be used to meet the jury or felony trial requirements.
- 2.05 Military Trials. A court martial before a judge may be considered a jury trial for initial certification or recertification; however, a discharge board may not be used to meet the jury trial requirement.
- 2.06 Appellate Action. An "appellate action" is defined as:
- (a) State and Federal Appeals. The filing of an initial brief, answer brief, or reply brief in a Florida or federal court of appellate jurisdiction in a criminal matter. This includes direct defense and state appeals as well as appeals from orders denying or granting motions for post-conviction relief. The filing of both an initial and reply brief in the same case will count as 1 appellate action.
 - (1) *Limitation.* No more than 10 percent of the total requirement for criminal appellate certification or recertification may be based on appellate actions involving the filing of only a reply brief or an initial brief filed under *Anders v. California*.
 - (b) Supreme Court. The filing of a jurisdictional brief, initial brief, answer brief, and/or reply brief with the Supreme Court of Florida in capital cases or cases brought under a petition for discretionary review of a decision of a district court of appeal.
 - (c) Extraordinary Writs. The filing of a petition for writ of mandamus, prohibition, quo warranto, certiorari, or any other extraordinary writ in a Florida or federal court of appellate jurisdiction, or the filing of a response thereto if ordered to do so by the court.
 - (d) Miscellaneous Other. Any other criminal appellate actions that the criminal law certification committee, in its discretion, considers substantive.
- 2.07 Post-Conviction Relief. The filing of a motion for post-conviction relief or the filing of a response thereto, and conducting an evidentiary hearing, may be considered a jury trial for initial certification or recertification. The filing of a motion for post-conviction relief or the filing of a response thereto, may be considered an appellate action for initial certification or recertification.
- (a) Limitation. No more than 30 percent of the total requirement for criminal trial or criminal appellate initial certification may be based on actions involving post-conviction relief.

300 CONTINUING LEGAL EDUCATION

3.01 Course Accreditation

(a) **Course Sponsors.** A sponsor seeking approval of criminal law certification CLE credits must demonstrate that the course meets the guidelines established in the BLSE policies and is of benefit to attorneys certified in criminal law.

(b) **Credit Limit.** No single project may be awarded credit hours in excess of 45, or the minimum number of hours needed to initially apply for criminal trial and/or criminal appellate law certification.

3.02 Course Approval Standards

(a) **Advanced.** Courses submitted for full credit toward criminal law certification must meet the criteria of advanced CLE, defined as CLE that challenges the intellect of and/or conveys new material and information to an active practitioner who meets the substantial involvement requirement for criminal law certification. The course must require and reflect substantial analysis and preparation, and be of such quality to enhance the proficiency of a board certified criminal lawyer.

(b) **Intermediate.** A course addressing substantive or procedural law determined to be at an intermediate level will be granted full credit toward criminal law certification.

(c) **Basic.** Courses determined to be at a basic level are not eligible for criminal law certification credit.

3.03 Credit for Other CLE Activities

(a) **Lectures, Panels, and Workshops.** Lecture credit will be determined by the guidelines established in the BLSE policies, except where noted below. Certification credit will only be granted for lectures and workshops specific to criminal law.

(1) *Calculation.* Credit will be calculated based on the following:

(A) **Basic Courses.** Lecturing at a basic seminar entitles an attorney to 3 credit hours for each 50 minutes of lecture time.

(B) **Intermediate and Advanced Courses.** Lecturing at an intermediate or advanced seminar entitles an attorney to 5 credit hours for each 50 minutes of lecture time. Additional credit for extraordinary effort may be granted by the committee at its discretion.

(b) Teaching. University teaching credit will be determined by the guidelines established in the BLSE policies, except where noted below. Certification credit will only be granted for university courses specific to criminal law.

(1) *Limitations.* Graduate non-law courses and undergraduate courses are not eligible for criminal law certification credit.

(c) Writing and Publication. Publication credit will be determined by the guidelines established in the BLSE policies, except where noted below. Certification credit will only be granted for publications specific to criminal law.

(1) *Credit Amounts.* The amount of credit awarded for writing will be determined by the criminal law certification committee based on the individual facts and circumstances, including time devoted to preparation, quality, originality, and level of material.

(2) *Limitations.* In no event may the amount of credit awarded to a single publication exceed 50 percent of the total hours required for certification or recertification.

(d) Steering Committee Membership. No credit will be awarded for service as a steering committee member unless that service contributed substantially to an attorney's knowledge of criminal law.

(e) Individual Study. An attorney may be entitled to credit for listening to or viewing an approved audio or video recording.

(1) *Recordings of Live Programs.* If the recording was produced at an approved live program, the credit award will be the same as that given to those in attendance at the live program.

(f) Online CLE. An attorney may be entitled to credit for participating in online CLE programs.

(1) *Interactive CLE.* If an online course allows for interaction and communication between remote participants, it will be considered a live course.

(g) Miscellaneous. Requests for certification credit for any other type of educational activity not addressed in these policies will be reviewed and evaluated on an individual basis by the criminal law certification committee.