

**CIVIL TRIAL LAW CERTIFICATION  
STANDING COMMITTEE POLICIES**

**100 ADMINISTRATION**

**200 CONTINUING LEGAL EDUCATION**

**300 DEFINITIONS**

**100 ADMINISTRATION**

**1.01 Meetings.** The committee chair will designate meeting times and places and disseminate a calendar of 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.

**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. The application process must then be followed as set forth in BLSE Policy 2.14.

**1.05 Judicial officers.** In addition to the waiver of compliance stated in Rule 6-4.4(f)(2) on special application, for good cause shown, the civil trial certification committee may also waive minimum standard requirements for education pursuant to Rule 6-4.3(c) and Rule 6-4.4(e) and may accept Continuing Judicial Education in its place.

## 200 CONTINUING LEGAL EDUCATION

### 2.01 Accreditation Standards

(a) **Standards.** To be eligible for civil trial certification, a course or activity must be devoted to matters involving the:

- (1) courts of general jurisdiction;
- (2) practice of law dealing with litigation of civil controversies in all areas of substantive law;
- (3) legal issues regarding constitutional, decisional, statutory, and regulatory statutes;
- (4) investigation and evaluation of civil litigation disputes; and
- (5) issues regarding evidence, ethics, and civil procedure.

(b) **Credit Assignments.** The course or activity level will govern the credit assigned. For:

- (1) advanced education, 100% of the maximum number of CLE hours available;
  - (2) intermediate education, 100% of the maximum number of CLE hours available;
- and
- (3) basic education, no credit will be awarded.

**2.02 Individual Activities.** Credit may be awarded. For:

(1) participation in approved online CLE programs, recordings of live programs, and audio or video recordings.

(b) **Lectures.** Performance as a lecturer on civil trial law matters will qualify for credit. The activity:

- (1) will qualify for 3 credit hours per 50 minutes of lecturing for basic level courses;
- and
- (2) will qualify for 5 credit hours per 50 minutes of lecturing for intermediate or advanced level courses;

(c) **Workshop Leader.** Satisfactory performance as a workshop leader on “Trial Advocacy,” will qualify for credit. The activity:

- (1) will qualify for maximum credit allowed for participation or attendance in the entire program; and
- (2) will qualify for maximum of 10 hours for participation or attendance of the program.

(d) **Teaching.** Teaching civil trial law courses in an approved law or graduate school will qualify for credit. The activity:

(1) will qualify for 4 times the university assigned credit hours for classes on a quarter schedule; and

(2) will qualify for 5 times the university assigned credit hours for classes on a semester schedule.

**(e) Writing.** Writing articles, books, journals, or other published publications on civil trial law topics will qualify for credit. The activity:

(1) will be evaluated for credit by the Civil Trial Law Certification Committee on an ad hoc basis only after publication;

(2) will qualify automatically for credit if published by The Florida Bar; and

(3) will be evaluated for credit in consideration to preparation time, quality of and depth of information, and requested amount of credit.

**(f) Ethics.** Ethics credit may be obtained through the accumulation of trial “ethics” hours. The activity:

(1) will be evaluated for credit and awarded no more than a maximum of 5 credit hours.

**(g) Denial of Credit.** Credit will not be awarded for any of the following activities:

(1) participation on the Tort Litigation Review Commission;

(2) rules of Civil Procedure Committee;

(3) service on the Standard Jury Instructions Committee; and

(4) research, analysis and/or preparation of state bar examination questions; and

(5) steering committee membership unless that service contributed substantially to an attorney’s knowledge of civil trial.

## 300 DEFINITIONS\*

*The definitions below are provided for guidelines. Once amendments to Subchapter 6-4.3 and Subchapter 6-4.4, Rules Regulating The Florida Bar, are completed, the definitions herein will be removed.*

### **4.01 Civil Trial law includes:**

- (a) practice of law dealing with litigation of civil controversies in all areas of substantive law before courts of general jurisdiction; and
- (b) pretrial and trial process, “civil trial law” which includes evaluation, handling, and resolving civil controversies prior to the initiation of suit.

### **4.02 Substantial Involvement includes:**

- (a) active Participation in the litigation process, including the investigation and evaluation; of civil disputes;
- (b) involvement in the pretrial processes such as preparation of pleadings, discovery and motion practice;
- (c) the planning and review of strategy and tactics for trial;
- (d) participation in the process of mediation and settlement;
- (e) participation of voir dire questioning, opening statement, direct examination, cross examination, and closing statement; and
- (f) taking of testimony, presentation of evidence, and argument of jury or non jury trials.

### **4.03 Jury Trial includes:**

- (a) a case which the jury has been “sworn and testimony has been taken,” prior to concluding or settling a matter.

### **4.04 Trial includes:**

- (a) the actual commencement of in-court or in-chambers adversarial proceedings before the trier of fact on which testimony was taken.

### **4.05 Courts of General Jurisdiction includes:**

- (a) circuit court;
- (b) federal district court; and
- (c) court of similar jurisdiction in another state.

**4.06 Lead Counsel includes:**

- (a) conducting a minimum of 50 percent of in-court proceedings.

**4.07 Trial Substitutions includes:**

(b) evidentiary hearings, injunctions or adversarial proceedings binding on the parties that involved the taking of testimony and submission of evidence that last at least 1 trial day (minimum of 6 hours) involved in substantial legal and factual areas, as determined by the civil trial certification committee; and

(c) trial advocacy seminar, approved by the civil trial certification committee, either through teaching or attendance, that includes active participation by the applicant in simulated courtroom proceedings. This substitution will count as no more than 1 jury or non-jury trial per application.

**4.08 Unacceptable Trials include:**

- (a) mortgage foreclosures tried in less than 1 day;
- (b) bankruptcy;
- (c) family law;
- (d) criminal law;
- (e) worker's compensation;
- (f) mediations and arbitrations;
- (g) administrative hearings under Chapter 120, Florida Statutes;
- (h) summary judgments;
- (i) evidentiary hearings;
- (j) preliminary injunctions; and
- (k) appellate proceedings.

\*Rule Amendments in process to include these definitions.