

1 **6-21 STANDARDS FOR BOARD CERTIFICATION IN ~~OF A BOARD CERTIFIED~~**
2 **INTERNATIONAL LAWYER- LAW AND INTERNATIONAL LITIGATION AND**
3 **ARBITRATION**

4 **RULE 6-21.1 GENERALLY**

5 A lawyer who is a member in good standing of The Florida Bar, eligible to practice law in
6 Florida, and ~~who~~ meets the standards prescribed below may be issued an appropriate certificate
7 identifying the lawyer as a "Board Certified in International Lawyer Law or "Board Certified in
8 International Litigation and Arbitration." An applicant may qualify for either or both
9 certifications provided that the applicant meets the applicable standards. The purpose of the
10 standards is to identify those lawyers who ~~practice in the area of international law~~ and have the
11 special knowledge, skills, and proficiency, as well as the character, ethics and reputation for
12 professionalism, to be properly identified to the public as board certified in international lawyers
13 law or board certified in international litigation and arbitration, or both.

14
15 **RULE 6-21.2 DEFINITIONS**

16 **(a) International Law.** "International law" is the practice of law dealing with transactions
17 issues, problems, or disputes arising from any and all aspects of the relations between or among
18 states (i.e. countries) and international organizations as well as the relations between or among
19 nationals of different ~~states~~ countries, or between a state and a national of another state,
20 including transnational business transactions, multinational taxation, customs, and trade. The
21 term "international law" includes foreign and comparative law.

22 **b) International Litigation and Arbitration.** "International litigation and arbitration" is the
23 practice of law dealing with disputes in court or arbitration arising from any and all aspects of
24 the relations between or among states and international organizations as well as the relations
25 between or among nationals of different states, or between a state and a national of another state.
26 The term "international litigation and arbitration" includes foreign and comparative law.

27 ~~(b)~~ **(c) Practice of Law.** The "practice of law" for this area is defined as set out in rule 6-
28 3.5(c)(1). Practice of law that otherwise satisfies these requirements but that is on a part-time
29 basis will satisfy the requirement if the balance of the applicant's qualifying activity is spent as a

30 teacher of international law or international litigation and arbitration subjects in an accredited
31 law school.

32 **(d) International Law Certification Committee.** The international law certification committee
33 will consist of 15 members, including at least 7 members certified in international law and at
34 least 7 members certified in international litigation and arbitration. To reach the required
35 minimum of 7 committee members certified in international litigation and arbitration, members
36 will initially be appointed according to the criteria set forth in rule 6-3.2(a).

37

38 **RULE 6-21.3 INTERNATIONAL LAW; MINIMUM STANDARDS**

39 **(a) Minimum Period of Practice.** The applicant ~~must~~ shall have been engaged in the practice of
40 law, either in the United States or abroad, and ~~must~~ shall have been a member in good standing
41 of the bar of any state of the United States or the District of Columbia, for a period of not less
42 than 5 years as of the date of application. The years of law practice need not be consecutive.
43 Receipt of an LL.M. degree in international law, as defined in rule 6-21.2(a), or in ~~such other~~
44 another field as may be approved by the international law certification committee, will shall be
45 ~~deemed to constitute 1 year of the practice of law requirement, but not the 5-year bar~~
46 membership requirement, specified in this subdivision section.

47 **(b) Substantial Involvement.** The applicant ~~must~~ shall demonstrate substantial involvement in
48 the practice of international law during each of the 3 years immediately preceding the date of
49 application. ~~Except for the 2 years immediately preceding application, receipt of an LL.M.~~
50 degree, as defined in rule 6-21.2(a), may substitute for 1 year of substantial involvement.
51 Substantial involvement shall mean that the applicant has devoted 50 percent or more of the
52 applicant's practice to matters in which issues of international law played a significant role and in
53 which the applicant had substantial and direct participation. For purposes of this ~~subdivision~~
54 section, time devoted to lecturing on or writing about international law may be included.
55 Although demonstration of compliance with this requirement ~~must~~ shall be made initially
56 through the completion of a form in the application approved by the international law
57 certification committee, the international law certification committee may ~~at its option~~ require
58 the applicant to submit additional written or oral supplementation.

59 **(c) Matters.** Within the 3 years immediately preceding application, the applicant must have
60 participated in at least 10 international law matters. The international law certification committee

61 may also consider involvement in protracted international law matters to satisfy this requirement
62 for good cause shown. A “protracted international law matter” is a matter which, by its very
63 nature, is so time consuming as to preclude an applicant from meeting the numeric requirements
64 of this section. Demonstration of compliance with this requirement must be made initially
65 through the completion of a form in the application approved by the international law
66 certification committee. The international law certification committee may require the applicant
67 to submit written or oral supplementation.

68 **(e) (d) Education.** The applicant must shall demonstrate that during the 3-year period
69 immediately preceding the date of application, the applicant has completed at least 60 hours of
70 continuing legal education in the field of international law. This requirement can be met through:
71 attendance at continuing legal education seminars on international law; satisfactory completion
72 of graduate level law school courses while enrolled in an LL.M. program in international law or
73 comparative law; satisfactory completion of graduate level law school courses involving
74 international law aspects while enrolled in a graduate law program; lecturing at continuing legal
75 education seminars on international law; authoring articles or books on international law; or
76 teaching courses on international law at an accredited law school. Accreditation of education
77 hours is subject to policies established by the ~~The~~ international law certification committee shall
78 promulgate uniform regulations for the operation of the subdivision or the board of legal
79 specialization and education.

80 **(d) (e) Peer Review.** The applicant must shall submit the names and addresses of 5 other
81 ~~attorneys~~ lawyers or judges who are neither relatives nor current associates or partners of the
82 applicant to attest to ~~familiar with~~ the applicant's substantial involvement, practical experience,
83 and ~~special competence practice, excluding individuals who currently are employed by the same~~
84 ~~employer as the applicant, and who can attest to the applicant's special competence and~~
85 ~~substantial involvement~~ in international law, as well as the applicant's character, ethics, and
86 reputation for professionalism. The international law certification committee may, at its option,
87 send reference forms to other ~~attorneys~~ lawyers and judges.

88 **(e) (f) Examination.** The applicant must shall take and pass an examination administered
89 uniformly to all applicants ~~designed~~ to demonstrate sufficient knowledge, skills, and proficiency
90 in international law to justify the representation of special competence to the legal profession and
91 the public.

92

93 **RULE 6-21.4 INTERNATIONAL LAW RECERTIFICATION**

94 During the 5-year period immediately preceding the date of application for recertification, the
95 applicant must satisfy~~Recertification shall be pursuant to the following standards requirements~~
96 for recertification:

97 **(a) Substantial Involvement.** The applicant must ~~shall~~ demonstrate continuous and substantial
98 involvement in the practice of international law throughout the period since the last date of
99 certification or recertification. The demonstration of substantial involvement must ~~shall~~ be made
100 in accordance with the standards set forth in rule 6-21.3(b).

101 **(b) Matters.** The applicant must demonstrate participation in at least 10 international law matters
102 since the last date of certification or recertification. The international law certification committee
103 may also consider involvement in protracted international law matters to satisfy this requirement
104 for good cause shown. A “protracted international law matter” is a matter which, by its very
105 nature, is so time consuming as to preclude an applicant from meeting the numeric requirements
106 of this section. Demonstration of these matters must be made in accordance with the standards
107 set forth in rule 6-21.3(c).

108 ~~(b)~~ **(c) Education.** The applicant must ~~shall~~ show completion of at least 75 hours of approved
109 continuing legal education in international law since ~~the filing of~~ the last application for
110 certification or recertification. In determining whether an applicant has satisfied this requirement,
111 the standards set forth in rule 6-21.3~~(e)~~(d) shall be followed.

112 ~~(e)~~ **(d) Peer Review.** The applicant must ~~shall~~ submit the names and addresses of 5 other
113 ~~attorneys lawyers~~ or judges who are neither relatives nor current associates or partners of the
114 applicant as references to attest to familiar with the applicant's substantial involvement,
115 practical experience, and ~~special competence practice, excluding individuals who currently are~~
116 ~~employed by the same employer as the applicant, and who can attest to the applicant's special~~
117 ~~competence and substantial involvement~~ in international law, as well as the applicant's character,
118 ethics, and reputation for professionalism. The international law certification committee may, at
119 its option, send reference forms to other ~~attorneys lawyers~~ and judges.

120 ~~(d)~~ **(e) Examination.** If, after reviewing the material submitted for recertification, the
121 international law certification committee determines that the applicant ~~may~~ does not meet the
122 standards established by this chapter, it may require, as a condition of recertification, that the

123 applicant take and pass the examination specified in rule 6-21.3(e)-(f).

124

125 **RULE 6-21.5 INTERNATIONAL LITIGATION AND ARBITRATION; MINIMUM**
126 **STANDARDS**

127 **(a) Minimum Period of Practice.** The applicant must have been engaged in the practice of law,
128 either in the United States or abroad, and must have been a member in good standing of the bar
129 of any state of the United States or the District of Columbia, for a period of not less than 5 years
130 as of the date of application. The years of law practice need not be consecutive. Receipt of an
131 LL.M. degree in international law, as defined in rule 6-21.2(a), or in another field approved by
132 the international law certification committee, will constitute 1 year of the practice of law
133 requirement, but not the 5-year bar membership requirement, specified in this section.

134 **(b) Substantial Involvement.** The applicant must demonstrate substantial involvement in the
135 practice of international litigation and/or arbitration during each of the 3 years immediately
136 preceding the date of application. Receipt of an LL.M. degree, as defined in rule 6-21.2(a), may
137 substitute for 1 year of substantial involvement. Substantial involvement means that the applicant
138 has devoted 50 percent or more of the applicant's practice to matters in which issues of
139 international litigation or arbitration played a significant role and in which the applicant had
140 substantial and direct participation. For purposes of this section, time devoted to lecturing on or
141 writing about international litigation and international arbitration may be included.

142 Demonstration of compliance with this requirement must be made initially through completion
143 of a form in the application approved by the international law certification committee. The
144 international law certification committee may require the applicant to submit additional written
145 or oral supplementation.

146 **(c) Matters.** Within the 3 years immediately preceding application, the applicant must have
147 participated substantially as an advocate or arbitrator in at least 10 international litigation and
148 arbitration proceedings. The international law certification committee may also consider
149 involvement in protracted adversary proceedings to satisfy this requirement for good cause
150 shown. A “protracted adversary proceeding” is an international litigation or arbitration matter
151 which, by its very nature, is so time consuming as to preclude an applicant from meeting the
152 numeric requirements of this section. Demonstration of compliance with this requirement must
153 be made initially through a form in the application approved by the international law certification

154 committee. The international law certification committee may require the applicant to submit
155 additional written or oral supplementation.

156 **(d) Education.** The applicant must demonstrate that during the 3-year period immediately
157 preceding the date of application, the applicant has completed at least 60 hours of continuing
158 legal education in the field of international litigation and arbitration. This requirement can be met
159 through the following activities to the extent that they are focused on international litigation and
160 arbitration: attendance at continuing legal education seminars; satisfactory completion of
161 graduate-level law school courses while enrolled in an LL.M. program in international law or
162 comparative law; satisfactory completion of graduate-level law school courses involving
163 international law aspects while enrolled in a graduate law program; lecturing at continuing legal
164 education seminars; authoring articles or books or teaching courses at an accredited law school.
165 Accreditation of educational hours is subject to policies established by the international law
166 certification committee or the board of legal specialization and education.

167 **(e) Peer Review.** The applicant must submit the names and addresses of 5 lawyers or judges who
168 are neither relatives nor current associates or partners of the applicant to attest to the applicant's
169 substantial involvement, practical experience, and special competence in international litigation
170 and/or arbitration, as well as the applicant's character, ethics, and reputation for professionalism.
171 The international law certification committee may, at its option, send reference forms to other
172 lawyers and judges.

173 **(f) Examination.** The applicant must pass an examination administered uniformly to all
174 applicants to demonstrate sufficient knowledge, skills, and proficiency in international litigation
175 and arbitration to justify the representation of special competence to the legal profession and the
176 public. For the 2-year period following the implementation of these amended rules, the exam
177 will be prepared by the newly-appointed international litigation and arbitration committee
178 members and will be graded by those same members.

179 **(g) Matriculation.** Lawyers certified in international law prior to the implementation of these
180 standards may also designate themselves as certified in international litigation and arbitration,
181 without examination, upon compliance with the standards in rule 6-21.5 (a)-(d). Compliance
182 must be demonstrated by means of the submission of an application to be reviewed and approved
183 by the international law certification committee. This option is available only to those applicants
184 who apply within 2 years of the effective date of this amendment to these standards. Lawyers

185 who are certified in international law prior to the effective date of this amendment who pursue
186 this option successfully, may elect to retain their certification in international law if they
187 maintain the requirements for both certifications.

188

189 **RULE 6-21.6 INTERNATIONAL LITIGATION AND ARBITRATION**

190 **RECERTIFICATION**

191 During the 5-year period immediately preceding the date of application for recertification, the
192 applicant must satisfy the following requirements for recertification:

193 **(a) Substantial Involvement.** The applicant must demonstrate continuous and substantial
194 involvement in the practice of international litigation and arbitration throughout the period since
195 the last date of certification or recertification. The demonstration of substantial involvement must
196 be made in accordance with the standards set forth in rule 6-21.5(b).

197 **(b) Matters.** The applicant must have participated substantially in at least 10 international
198 litigation and arbitration proceedings as an advocate or arbitrator throughout the period since the
199 last date of certification or recertification. The international law certification committee may also
200 consider involvement in protracted adversary proceedings to satisfy this requirement for good
201 cause shown. A “protracted adversary proceeding” is an international litigation matter which, by
202 its very nature, is so time-consuming as to preclude an applicant from meeting the numeric
203 requirements of this section. Demonstration of these matters must be made in accordance with
204 the standards set forth in rule 6-21.5(c).

205 **(c) Education.** The applicant must show completion of at least 75 hours of approved continuing
206 legal education in international litigation and arbitration since the filing of the last application for
207 certification. In determining whether an applicant has satisfied this requirement, the standards in
208 rule 6-21.5(d) must be followed.

209 **(d) Peer Review.** The applicant must submit the names and addresses of 5 other lawyers or
210 judges who are familiar with the applicant's practice, excluding individuals who currently are
211 employed by the same employer as the applicant, and who can attest to the applicant's special
212 competence and substantial involvement in international litigation and arbitration, as well as the
213 applicant's character, ethics, and reputation for professionalism. The international law
214 certification committee may at its option send reference forms to other lawyers and judges.

215 **(e) Examination.** If, after reviewing the material submitted for recertification, the international

216 law certification committee determines that the applicant does not meet the standards established
217 by this chapter, it may require, as a condition of recertification, that the applicant take and pass
218 the examination specified in rule 6-21.5(f).