

# **THE INTERNATIONAL MUNICIPAL LAWYERS ASSOCIATION LOCAL GOVERNMENT FELLOWS PROGRAM**

## **RULE 1-1. CERTIFICATION POLICIES**

### **RULE 1-1.1 Administration**

- A. The International Municipal Lawyers Association (IMLA) Board of Directors bears ultimate responsibility in the certification of applicants. Its involvement, however, should be no more extensive than necessary to ensure that the minimum standards of the program are met.
- B. The IMLA Certification Committee ("Committee") shall be appointed by the IMLA President and its duties shall include, but not be limited to:
  - 1. reviewing applications and references;
  - 2. establishing examination procedures;
  - 3. preparing, overseeing, administering, and grading the examination;
  - 4. recommending the issuance, renewal, and/or denial of certificates;
  - 5. attending all Committee meetings and conference calls;
  - 6. performing other duties as deemed appropriate.

### **RULE 1-1.2 Area of Certification**

The area of certification shall be the field of local government law.

### **RULE 1-1.3 Applications for Certification**

- A. Form and Content. Applications shall be submitted on forms approved by the Committee. Each question shall be answered or shown as "not applicable." All applications and required information contained therein, shall be sworn to by the applicant as being true and complete.
- B. Completion of Requirements. An applicant shall complete all continuing legal education, substantial involvement, and peer review requirements prior to filing an application; provided however:
  - 1. the examination shall be completed after application filing;
  - 2. certain continuing legal education requirements may be completed after application filing, if satisfactory proof of completion of the educational program is furnished to the Committee prior to designation as a Fellow; and
  - 3. the 5-year practice of law requirement must be completed no later than six months after the filing of the application.

- C. Supplemental Information. To ascertain entitlement to certification, the Committee may require an applicant to provide information in addition to that called for on the form of application, including requiring an applicant to attend a personal interview before the Committee, any of its individual members, or any authorized representative.
- D. Timeliness of Filing. The application filing period shall be determined by the Committee. Unless an extension is granted by the Committee, all applications must be postmarked by midnight of the last day of the application filing period to be considered for that annual class.
- E. Annual Cycle. An applicant must complete all components for certification within an 11-month cycle beginning with the application filing date and ending with the date of certification, unless otherwise provided in these Policies.
- F. Preparation and Administration of Exam. The examination shall be prepared and administered on a voluntary basis by Committee members with assistance from experienced IMLA members.
- G. Record of Professional Ethics and Competence.
  - 1. Each applicant shall be required to submit information concerning:
    - a. all instances of discipline regarding ethical violations in which the sanction imposed was a public reprimand or greater; and
    - b. all disciplinary complaints currently pending.
  - 2. The Committee or a designee shall conduct a preliminary review of each applicant's disciplinary record. All unresolved disciplinary complaints shall be verified by the Committee.
  - 3. Committee members shall review and investigate all instances of discipline in which the sanction imposed was a public reprimand or greater as well as any unresolved complaints. Available files shall be reviewed and a hearing before the Committee may be scheduled if necessary.
- H. Malpractice. An applicant shall be required to submit information concerning any malpractice claims made against the applicant (or against the applicant's employer or firm that relate to the applicant's negligence) which resulted in a lawsuit being filed, settlement paid, or appointment of an attorney by the malpractice carrier to defend the applicant or the applicant's firm.
- I. Peer Review. Each applicant shall submit as references the names and addresses of persons who can attest to the applicant's competence in the practice of law in accordance with rule 2-3.5(c)(6).
  - 1. The Committee may solicit statements from other persons in its discretion.
  - 2. Statements of reference concerning applicants shall be submitted on forms furnished by the Committee.
  - 3. No member of the Committee shall submit a reference for an applicant.
- J. Processing. The Committee or its designee shall conduct a preliminary review of each application. An applicant with an incomplete or deficient application will be notified in writing of such by the Certification Committee and the application returned.

- K. Application Retention. Applications will be retained for a period of one (1) year from the date of certification or recertification, at which time they will be disposed of in a confidential manner.

#### **RULE 1-1.4 Certification Fees**

- A. Filing Fee. A fee of \$250 must accompany each application submitted. Rejection or withdrawal of an application will not entitle an applicant to a refund of the fee or any part thereof.
- B. Examination Fee. A fee of \$100 shall be due and payable after an applicant has been notified of exam eligibility. The payment of such fee is a prerequisite to the taking of an examination.

#### **RULE 1-1.5 Substantial Involvement**

Substantial involvement is as defined in rule 2-1.3(b).

#### **RULE 1-1.6 Approved Continuing Legal Education (CLE)**

- A. Criteria for Approval. The Committee shall establish the criteria for approval of CLE courses.
- B. Proof of Completion. Applicants shall certify attendance and completion of all programs which they list toward meeting the continuing legal education requirements on the application.

#### **RULE 1-1.7 Examinations**

- A. Location. Examinations shall be conducted at least annually in such place(s) and on such date(s) as determined by the Committee.
- B. Examinee Identification. If requested by the Committee, persons taking the exam may be required to verify their identity by demonstrating photographic identification upon receipt of the exam materials.
- C. Eligibility. Only applicants approved by the Committee are eligible for examination. Except as provided herein:
  1. Applicants shall have two (2) consecutive opportunities to attain a passing grade on the examination. The first opportunity shall be during the cycle in which the application was filed. The second opportunity shall be subject to approval by the Committee after review of an abbreviated application accompanied by payment of a re-application fee of \$100.
  2. An applicant who does not attain a passing score on the exam after two consecutive attempts is ineligible to re-apply for two (2) consecutive years following the second failure.
  3. The Committee chair may permit an "unapproved" applicant to sit for an exam in

instances which:

- a. the Committee requires additional time to investigate the applicant's qualifications; or
  - b. a disciplinary case against the applicant is pending.
4. If an "unapproved" applicant is granted permission to take an exam:
- a. the exam fee must be paid in advance and may not be refunded;
  - b. the exam results may be released to the applicant but may not be used as a basis to justify eligibility; and
  - c. the applicant must acknowledge, in written form, understanding of, and agreement with, the above conditions prior to taking the exam.
- D. Grading. The Committee shall oversee the grading of all examinations. Automatic re-grading of all failing papers shall be conducted by two separate members of the Committee within the time period established by the Committee before the results are announced.
1. Approved applicants who are successful on the exam shall be certified as "Local Government Fellows" but shall not be entitled to see their grades or to review their exams.
  2. "Approved" applicants who are unsuccessful may:
    - a. review their grades upon written request;
    - b. proceed with an exam review in preparation for the petition for grade review.
- E. Initial Exam Review.
1. If requested, the initial exam review shall occur within thirty (30) days of notification of failure. The review shall take place at a location to be determined by the Committee.
  2. At the initial review, the examinee shall be required to sign and submit an acknowledgment of non-disclosure and confidentiality. The initial review shall consist of permitting the examinee to inspect the following materials: a copy of the examination; the model answers, if any; and the examinee's answer/test paper(s). None of the above referenced materials may be copied or retained by the examinee unless a petition for grade review is filed as set forth under I-1.7(f).
  3. Upon completion of the initial exam review, the examinee may, within three (3) days of the initial review, file a notice of intent to petition for grade review with a member of the Committee. The petitioning examinee (hereinafter petitioner) shall be furnished with a copy of the questions, model answers, if any, and petitioner's answers, for the purpose of preparing the petition. These documents shall be identified as the "record" for the review. Upon completion of the petition for grade review process, the petitioner must return the record and acknowledge that no copies have been retained or published in any manner.
- F. Petition for Grade Review Process.
1. Within twenty (20) days of receipt of the record, the petitioner shall submit an original and three (3) copies of a written petition detailing the claimed grading error(s) to the Committee.
  2. The petition shall state in detail the areas which, in the opinion of the petitioner, have been incorrectly graded and why. The petitioner may provide any additional

- supporting authority deemed appropriate to substantiate the claim of incorrect grading.
3. Within ninety (90) days of notification of exam results, a grade review panel shall convene and issue a written opinion on each petition filed. The panel shall consist of three (3) Committee members appointed by the Committee chair.
  4. The responsibility of the panel shall be to review the substantive basis for each petition filed. All information submitted to the panel shall be in "blind form," so as to delete all information that would identify the petitioner.
  5. Panel decisions shall be final and shall close the grade review process.
- G. Ex Parte Contacts. The grade review process shall occur in an atmosphere free of bias or pressure and ex parte contacts by anyone with members of the grade review panel, the Committee, or the IMLA Board of Directors are prohibited.
- H. Exam Retention. Certification examination booklets will be retained for a period of one (1) year from the date of certification, or completion of the grade review process, at which time they will be disposed of in a confidential manner.

#### **RULE 1-1.8 Review Process for Applicant Disqualification**

- A. Explanation of Disqualification. If the Committee's designee recommends denial of exam eligibility on the basis of peer review or insufficient substantial involvement, the designee shall submit the matter to the Committee detailing the basis for the denial. The Committee may affirm, deny, or remand the designee's recommendation.
- B. Notice of Disqualification. If the Committee affirms the designee's recommendation, the applicant shall be notified in writing of the nature and substance of the information upon which the decision is based.
- C. Notice of Challenge. Upon receipt of the notice of disqualification, the applicant may, within 10 days, file a written response to the Committee. Failure to file a timely response shall constitute acceptance of the decision without further right of appeal.
- D. Review. If the Committee's decision is challenged, the Committee chair shall appoint a review panel. The review panel shall be chaired by a member of the Committee and consist of two other Committee members. The review panel, after reviewing the applicant's response, shall issue a written decision. Such determination shall be final.
- E. Ex Parte Contacts. The review process shall occur in an atmosphere free of bias or pressure and ex parte contacts by anyone with members of the review panel, the Committee, or the IMLA Board of Directors are prohibited.

#### **RULE 1-1.9 Notice of Certification**

Applicants obtaining a passing grade on the examination, and meeting all of the other necessary criteria, will receive a certificate designating the lawyer as an IMLA Local Government Fellow and conferring upon the lawyer all of the rights, benefits, privileges, and obligations consistent with this designation.

#### **RULE 1-1.10 Annual Audit**

- A. Each certified lawyer shall file an annual audit on a form designed by the Committee.
- B. The form is intended to update the original application by verifying: continuous substantial involvement; and an unblemished professional ethics record.

**RULE 1-1.11 Reapplication for Certification**

- A. An "approved" applicant who declines to take or fails the exam may only reapply during the next annual filing cycle.

**RULE 1-1.12 Recertification**

Certification shall be for a period of five (5) years after which time recertification shall be required in accordance with the standards set forth in Rule 2-1.4 of the Certification Standards.

**RULE 1-1.13 Revocation of Certification**

- A. The Board of Directors may revoke a Fellow's certification in instances of:
  - 1. disciplinary suspension; or
  - 2. disciplinary reprimand.