

THE INTERNATIONAL MUNICIPAL LAWYERS ASSOCIATION LOCAL GOVERNMENT FELLOWS PROGRAM

RULE 2-1. CERTIFICATION STANDARDS

RULE 2-1.1 GENERALLY

A lawyer who is in good standing of the bar of any state of the United States, the District of Columbia, or a province of Canada, and who meets the standards prescribed below, may apply for an appropriate certificate identifying the lawyer as IMLA certified in local government law. The purpose of these standards is to identify those lawyers who practice local government law and have special knowledge, skills, and proficiency to be properly identified to the public as certified local government lawyers.

RULE 2-1.2 DEFINITIONS

A. Local Government Law.

“Local Government Law” is the practice of law dealing with legal issues of county, regional, municipal or other local governments, such as, but not limited to, special districts, agencies and authorities, including litigation in the federal and state/provincial courts and before administrative agencies/tribunals; the preparation of laws, ordinances, bylaws, and regulations; and the preparation of legal instruments for, or in behalf of local governments.

B. Practice of Law.

The “practice of law” for this area is defined as set out in subsection (a). Notwithstanding the definition of local government law in subsection (a), legal work done primarily for a purpose other than providing legal counsel or representation (including, but not limited to, work related to the administration of local government or representing local government as an elected official or as a lobbyist at the state/provincial level) shall not be treated as the practice of local government law.

RULE 2-1.3 MINIMUM STANDARDS

A. Minimum Period of Practice

The applicant shall have: (1) been engaged in the practice of law in the United States or Canada, or engaged in the practice of United States or Canadian law while in a foreign country; (2) and shall have been a member in good standing of the bar of any state of the United States, province of Canada, or the District of Columbia for a period of five years as of the date of filing an application. The years of practice of law need not be consecutive.

Notwithstanding the definition of “practice of law” in Rule 2-1.2(b), receipt of an LL.M. degree in urban affairs (or such other related field approved by the IMLA Local Government Fellows Certification Committee (the “Committee”) from a recognized law school shall be deemed to

constitute 1 year of the practice of law for purposes of the 5-year practice requirement (but not the 5-year bar membership requirement) under this subsection.

B. Substantial Involvement.

The applicant must demonstrate substantial involvement in the practice of local government law during the three (3) years immediately preceding the date of application. Substantial involvement means the applicant has devoted 40 percent or more of the applicant's practice to matters in which issues of local government law are significant factors and in which the applicant has had substantial and direct participation in those issues. An applicant must furnish information concerning the frequency of the applicant's work and the nature of the issues involved. For the purpose of this subsection, the "practice of law" shall be as defined in Rule 2-1.2 (b) , except that it shall also include time devoted to lecturing and /or authoring books or articles on local government law if the applicant was otherwise engaged in the practice of law during such period. Demonstration of compliance with this requirement shall be made initially through a form of questionnaire approved by the Committee but written or oral supplementation may be required.

C. Peer Review.

The applicant shall submit as references five (5) lawyers who are familiar with the applicant's practice and who can attest to the applicant's reputation for special competence and substantial involvement in the field of local government law. At least three of the references should be from chief legal officers of local governments, practicing local government lawyers devoting 40% or more of their practice to matters in which issues of local government law are significant factors, a judge of general trial or appellate jurisdiction, a state league counsel, an IMLA State Chair, or an IMLA Regional Vice President. In lieu of one lawyer reference, the applicant may submit a letter of reference from a local elected official or a city or county manager or administrator. Committee members may not be used as references. The Committee may make such additional inquiries as they deem appropriate to complete peer review, as provided elsewhere in these rules. All references shall be submitted with the application in individual, sealed envelopes with the applicant's name on the envelope flap.

D. Education.

The applicant must demonstrate that during the two (2) year period immediately preceding the date of application, the applicant has completed twelve (12) hours of continuing legal education in the area of local government law (for U.S. Applicants, six (6) hours on national issues such as telecommunications and Section 1983, and six hours in the state of the applicant). The applicant must also have physically attended not less than one (1) IMLA Seminar, Annual Conference or other IMLA program during the three (3) year period preceding the taking of the written exam. Credit for attendance at continuing legal education seminars shall be given only for programs that are directly related to local government law. The education requirement may be satisfied by one (1) or more of the following:

1. attendance at continuing legal education seminars meeting the requirements set forth above;
2. lecturing at, and/or serving on the steering committee of, such continuing legal education seminars;
3. authoring articles or books related to local government issues published in

- professional periodicals or other professional publications;
4. teaching courses in local government law at an approved law school or other graduate level program presented by a recognized professional education association; or
 5. such other methods as may be approved by the Committee.

The Committee shall, by rule or regulation, establish standards applicable to this Rule, including, but not limited to, the method of establishment of the number of hours allocable to any of the above listed paragraphs. Such rule or regulations shall provide that hours shall be allocable to each separate but substantially different lecture, article, or other activity described in subsections (2), (3), and (4) above.

E. Examination.

The applicant must pass a written examination, uniformly administered to all applicants, designed to demonstrate sufficient knowledge, skills, and proficiency in the field of local government law to justify the representation of special competence to the legal profession and the public.

The examination shall be comprised of two parts. The first part requires the applicant to provide written responses to a predetermined number of hypothetical fact-patterns prepared by members of the Local Government Fellows Examination Subcommittee. The second part requires the applicant to prepare and submit an original article for publication in the Municipal Lawyer magazine or a substantive paper suitable for presentation at an IMLA seminar or conference. The grading of the examination shall be conducted anonymously.

The Committee shall establish the date for completion of the examinations each year. The Committee may extend the date for completion of examinations for good cause but may not extend the time for completion once one applicant has submitted a completed examination.

RULE 2-1.4 RECERTIFICATION

Certification shall be for a period of five (5) years after which time recertification shall be required according to the following standards:

A. Substantial Involvement.

A satisfactory showing, as determined by the Committee, of continuous and substantial involvement in the field of local government law throughout the period since the last date of certification (recertification). The demonstration of substantial involvement shall be made in accordance with the standards set forth in rule 2-1.3 (b), except that the Committee may accept an affidavit from the applicant attesting to the applicant's compliance with the substantial involvement requirement.

B. Education.

Completion of at least fifteen (15) hours of continuing legal education since the last date of certification (recertification). The continuing legal education must logically be expected to enhance the proficiency of lawyers in the area of local government law.

C. References.

The applicant shall submit a reference who is familiar with the applicant's practice and who can attest to the applicant's reputation for special competence and substantial involvement in the field of local government law. The reference may be from a lawyer familiar with the applicant's practice, from a local elected official or a city or county manager or administrator, or where the applicant is not the chief legal officer, the chief legal officer in the applicant's office. Committee members may not be used as references. The Committee may make such additional inquiries as they deem appropriate to complete peer review, as provided elsewhere in these rules. All references shall be submitted with the application in individual, sealed envelopes with the applicant's name on the envelope flap.

D. Examination.

If, after reviewing the material submitted by an applicant for recertification, the Committee determines that the applicant may not meet the standards in local government law established under these standards, the Committee may require, as a condition of recertification, that the applicant pass the written examination.