## 112. Threshold Criteria for Agency Authority to Certify

An agency applying to the Board for accreditation in a field of law must complete an agency application form and submit it along with necessary documentation and fees to the Board office. An applicant agency must meet the following criteria:

a. Have among its permanent staff, operating officers, or Board of Directors at least three (3) legal practitioners not from the same law firm or business whose daily work includes "substantial involvement" in the field of law, and whose role in the agency includes evaluating the qualifications of certified specialists.

b. Have a written definition of the field of law and written standards for lawyer certification in that field of law that are consistent with the requirements of these Rules.

c. Provide evidence that the certification program is available to lawyers without discrimination because of a lawyer's geographic location or non-membership in an organization.

d. Provide evidence that the agency is an ongoing entity capable of operating an acceptable certification program for an indefinite period of time.

e. Agree to publicize the certification program in a manner designed to reach lawyers licensed to practice in Minnesota who may be interested in the field of law.

f. Agree to be subject to Minnesota law and rules regulating lawyers.

g. Agree to keep statistical records concerning certified specialists and to report such numbers to the Board on an annual basis.

h. Agree to provide written notice to each certified specialist stating that if the specialist communicates regarding specialization or certification, the specialist shall do so in a manner consistent with the requirements of Rule 119 of these Rules, as well as with the requirements of Rule 7.2(c) of the Minnesota Rules of Professional Conduct.

i. Provide evidence that the following have been adopted and are in use in the agency:

(1) Procedures that will assure the periodic review and recertification of certified specialists.

(2) Due process procedures for lawyers denied certification.

(3) Procedures that will assure the periodic evaluation of the certification program.

(4) Procedures that will assure accurate ongoing reporting to the Board concerning the certification program.

(Amended effective September 14, 2023.)