

Four Jacksonville attorneys part of inaugural classes

by Mike Sharkey
Staff Writer

Across the state, 136 attorneys were the first to receive two new Florida Bar board certifications. Locally, four are on the list.

Tad Delegal and Wayne Flowers are now board certified in state and federal government and administrative law while Karen Koster-Burr and Jim Menker earned their board certification in intellectual property.

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Certified attorneys are the only Florida lawyers allowed to identify or advertise themselves as specialists or experts. Certification is the highest level of evaluation by The Florida Bar of the competency and experience of attorneys in areas of law approved for certification by the Supreme Court of Florida.

Florida currently offers 22 specialty areas of practice for which board certification is available – the greatest number of state-approved certification areas in the nation.

Intellectual property lawyers practice primarily in the areas of patent application prosecution, patent infringement litigation, trademark law and copyright law. Attorney James A. Gale of Feldman Gale P.A. in Miami chairs The Florida Bar's intellectual property certification committee.

"There are a host of new problems out there for companies and individuals trying to protect customer lists, proprietary data, Web site content, trademarks and slogans because of the complexity of this area of law," said Gale. "As the practice area has grown, so has the public's need to identify legal experts in the field."

"Board certification is a valuable credential that is becoming a significant trend in the legal profession," said Florida Bar President Francisco Angones. "Specialization recognizes lawyers' expertise and professionalism, and is a natural progression for lawyers who can demonstrate high skill levels in particular areas of law."

In addition to his recent certification, Delegal has set himself apart in another way.

"I am the only one in the state cer-

tified in both labor and employment law and state and federal government and administrative law," said Delegal, who has his own practice. "It's a very difficult process. I think it's a great process for attorneys and the public. It gives the consumer knowledge of knowing who specializes in what field. It also forces us to develop the specialty and make sure we are familiar with all aspects of that specialty."

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The Florida Supreme Court in July 2006 amended Florida Bar rules to add intellectual property law to the existing certification program. The opinion states that standards "identify those lawyers who practice intellectual property law and have the special knowledge, skills, and proficiency, as well as the character, ethics, and reputation for professionalism, to be properly identified to the public as certified intellectual property lawyers."

Applications were due Feb. 28, 2007; the exam was Oct. 1. One hundred seven lawyers submitted applications for the newly established area.

Koster-Burr of Brennan Manna & Diamond said she's been focusing on intellectual property law for the past decade.

"I was looking for an opportunity to seek certification," she said. "It's a way of distinguishing myself and showing my qualifications. I was very interested in it because intellectual property law changes all the time and that requires a lot of creativity. I am hoping people will think I have some level of expertise and seek me out. Obviously, I hope it means more business."

Menker, who has a practice in Atlantic Beach, said board certification helps show an attorney is willing to work hard to improve themselves professionally, which will ultimately benefit the client.

"It acknowledges that an attorney spent a significant portion of their time and energy in intellectual property law," said Menker, adding that 50 of the 107 attorneys that took the exam passed. He also said being a member of the inaugural class was noteworthy. "I think it's a pretty significant thing and I think other states will follow. Like anything, this is a self-congratulatory pat on the back. To the layman, it may be more significant."

Flowers of Lewis Longman & Walker said the certification is affirmation of an expertise in a certain area of law. He said he's proud to be one of 56 attorneys in

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the state and just two locally to earn the designation.

"It does not make me a better lawyer, a smarter lawyer or a richer lawyer or any of that stuff," said Flowers. "It's an assurance that you know what you are doing."

State and federal government and administrative practice includes but is not limited to rulemaking, adjudication or advocacy for state or federal government contracts, licenses, orders, permits, policies, or rules. The specialty also includes appearing before or presiding as an administrative law judge, arbitrator, hearing officer, or member of an administrative tribunal or panel over a dispute involving an administrative or government action. The area can encompass environmental regulation and land use planning.

Attorney Bill Williams of Gray Robinson in Tallahassee chairs The Florida Bar's SFGAP certification committee.

"State and federal government law and administrative practice are distinct legal practice areas, and differ greatly from local or municipality law," said Williams.

professionalism in the practice of law.

- At least 45 hours of continuing legal education within the three years preceding application.

- Passage of a written examination demonstrating knowledge, skills and proficiency in the field.

- Board certification is valid for five years, during which time the attorney must continue to practice law and attend Florida Bar-approved continuing legal education courses.

Minimum requirements for SFGAP board certification include:

- At least five years of SFGAP law practice preceding application. Years of law practice need not be consecutive.

- Substantial involvement in state and federal government and administrative practice during three of the five years immediately preceding application.

- Experience during the five years immediately preceding

"Rule-making, licensing and regulatory matters are becoming increasingly more complex; as the practice area has grown, so has the public's need to identify legal experts in the field."

Minimum requirements for intellectual property law board certification include:

- At least five years of law practice immediately preceding application. Practicing patent application prosecution before the U.S. Patent and Trademark Office qualifies if the lawyer is a registered patent attorney or registered patent agent.

- At least 30 percent of practice in matters related to intellectual property law during the three years immediately preceding application.

- Experience requirements during the five years immediately preceding application for at least one of the following categories: patent application prosecution, patent infringement litigation, trademark law and copyright law.

- Satisfactory peer review assessment of competence in the intellectual property law field as well as character, ethics and pro-

application as lead advocate for a private client or government entity in one or more categories (details at FloridaBar.org/certification) based on a points system. Examples include administrative hearings, administrative actions or rulemaking proceedings; legislative or Florida Legislature Joint Administrative Procedures Committee staff service, or service to an administrative law judge, arbitrator, hearing officer, or other administrative panel.

- Satisfactory peer review assessment of competence in the state and federal government and administrative practice field as well as character, ethics and professionalism in the practice of law. At least 50 hours of continuing legal education within the three years preceding application; and

- Passage of a written examination demonstrating knowledge, skills and proficiency in the field.