

ASSOCIATION OF BANKRUPTCY JUDICIAL ASSISTANTS RULES AND REGULATIONS FOR BANKRUPTCY CERTIFICATION

SECTION I. Administration

1.1 Standards Committee. The Standards Committee (“Committee”) will: (1) review and approve the format of all applications and reference forms used by the Association; (2) determine whether particular applicants have met the standards for certification; (3) decide all requests for reconsideration of denials of, or revocations of, certification, except reconsideration requests relating to the certification examination.

1.2 Committee. The Committee shall be composed of the Continuing Legal Education Committee (“CLE”) for the Association of Bankruptcy Judicial Assistants (“ABJA”).

1.3 Meetings. The ABJA holds an Annual Educational Conference each fall. The certification training and examination are offered for first time certification applicants just prior to the official start date of the Annual Educational Conference. Advanced educational training is offered as a part of each Annual Educational Conference for those Certified Bankruptcy Assistants who are interested in obtaining continuing legal education units or continuing educational units toward maintaining their bankruptcy certification, and will be applied to the two-year requirement. (See Rule 3.1.1).

1.4 ABJA Membership. Certified Bankruptcy Assistants who are not employed as a judicial assistant to a United States Bankruptcy Judge will be determined by the Committee whether they can become an associate member. Associate CBA members have no voting privileges, cannot hold office, and not eligible to attend the ABJA business meetings.

SECTION II. Application Procedures and Fees

2.1 Application Forms. Applications for certification will be made in writing on such forms as the Committee may approve. Applicants must work for or under the guidance of a judge or an attorney with at least one year experience in bankruptcy law. If an applicant does not qualify and the attorney or judge does not sign the application, a certified letter of rejection will be sent to the applicant explaining why they do not meet the standards for certification, and the application fee (which is included in the exam fee) will be returned to them. The applicant will have 30 days to respond. The applicant may not reapply for at least one year. (See also Section III, Minimum Standards for Certification). The Committee reserves the right to call the attorney for verification of information provided by the applicant.

2.2 Seminar Registration Fee. The seminar registration fee is generally \$250.00 but is subject to change each year depending on hotel fees and expenses. The fee is determined by the ABJA Conference Committee prior to each seminar. This fee covers the cost of the study guide, the live educational program to prepare you for the examination, and also includes break refreshments on the first two days, and lunch on the last day.

2.3 Examination Fee. Each applicant must pay a non-refundable application and examination fee of \$149.00 as a prerequisite to taking the certification examination. It is a one-time fee. The fee should be submitted with a completed examination registration form, and both fee and examination registration form must be received by the Continuing Legal Education Committee at least 15 days before the date on which the applicant wishes to take the certification examination. **In the event any applicant does not pass all sections of the certification examination on the first attempt, the applicant may retake the failed section, one additional time, at no cost.** If the applicant does not pass all sections of the certification exam by the second anniversary of the initial testing date when his/her application was accepted, the applicant’s file will be closed. If the applicant wishes to become certified after the second anniversary of the initial testing date, he/she must begin the application process all over again and will not receive credit for the sections of the certification examination previously passed.

2.4 Recertification Fee. Each application for recertification and a recertification fee will be reviewed by the Board. The recertification fee is non-refundable. The failure to include the recertification fee will not invalidate an otherwise timely recertification application. However, no recertification application will be processed until the recertification fee has been paid. If the recertification fee is not received within six months of the receipt of the recertification application, the recertification application will be denied. The denial will be without prejudice and the certificate holder may file a new application for recertification subject to the time limitations under “Application for Recertification” in the next section.

2.5 Procedures

2.5.1 Opening Files. Upon receipt of the completed application, the members of the Continuing Legal Education Committee will review the application to determine whether (1) the information disclosed on the application form indicates that the applicant may be able to meet the minimum standards for certification (See 2.1), and (2) the appropriate application fee has been paid. The application form will be accepted and a file will be opened for the applicant. If the information disclosed on the application form indicates that the applicant will not be able to meet the minimum standards for certification, the application form will be rejected. Applicant will be sent a certified letter of rejection explaining why the applicant does not meet the standards of certification, and the application fee will be refunded to the applicant. (See Rule 2.1)

2.5.2 Completion of File. The applicant must complete an application and an examination registration form, and send to the Chair of the ABA Continuing Legal Education Committee. The applicant must complete his/her file and must pass all four sections of the certification examination by the second anniversary of the date on which his/her application form was accepted. The applicant may complete these requirements in any order. If the applicant has not met all of the requirements for certification by the second anniversary of the date on which his/her application was accepted, then the application for certification will be denied. The applicant may re-apply for certification, but will receive no credit for requirements that were satisfied in connection with the earlier application.

2.5.3 Application for Recertification. The period of certification is two years. If the standard of continuing educational training (see Rule 3.1.1) and an application for renewal of certification are not fulfilled in accordance with the Standard Rules and Regulations (see Rule 3.1.1), a certificate of certification will expire two years after the date thereon. It is the certificate holder's responsibility to keep up with his/her certification training each period. A properly completed application for must be received by the Association of Bankruptcy Judicial Assistants' Continuing Legal Education Committee not more than two years after the expiration date, nor less than two months before the expiration date of the certificate of certification. In addition, the application must be accompanied by the appropriate re-application fee. If the recertification fee is not received within six months of the receipt of the application for recertification, the application for recertification will be denied. The denial will be without prejudice and the certificate holder may file a new application for recertification subject to the time limitations contained in this section.

2.5.4 Revocation of Certification. The applicant must have participated in at least six hours of continuing education during the period of the initial certification and the Certificate of Attendance, which should attach the necessary documents for continuing education. (See Section III). Applicants must complete an application for renewal of certification to be signed by the applicant's attorney. The Association of Bankruptcy Judicial Assistants may revoke a certificate for the following reasons:

- (a) The certificate was granted contrary to the rules and regulations of the Association of Bankruptcy Judicial Assistants.
- (b) The certificate was granted to an applicant who was not eligible to acquire a certificate or who made any false representation or misstatements of material fact to the Association of Bankruptcy Judicial Assistants.
- (c) The certificate holder has failed to abide by all rules and regulations covering the certification program promulgated by the Association of Bankruptcy Judicial Assistants.
- (d) The certificate holder has failed to pay any fee established by the Association of Bankruptcy Judicial Assistants.
- (e) The certificate holder no longer meets the qualifications established by the Association of Bankruptcy Judicial Assistants. A certified letter will be sent to the CBA advising same. He/she will have 30 days to respond. (See 2.4.4(f)).
- (f) The ABA may revoke or suspend the certification of any certificate holder who has been disciplined or sanctioned for any reason by any United States Bankruptcy Court and/or any other entity. If such information is not provided at the time an application is filed, the ABA will revoke the certification.

Prior to revocation of a certificate of certification, the Continuing Legal Education Committee will advise the certificate holder of the proposed action, the reasons therefor, and the certificate holder's right to file a written response. Said notice will be in writing, sent by certified mail, to the certificate holder's last known address on file with the Association of Bankruptcy Judicial Assistants. The certificate holder's written response must be received by the Association of Bankruptcy Judicial Assistants within 30 days after the date of the notice. After the 30-day response period has passed, the Committee

will decide whether to revoke the certificate after considering the grounds for revocation, the certificate holder's response, if any, and any additional information obtained by the committee. The certificate holder will be advised, in writing, of the Committee's decision within 15 days after the decision has been made.

The failure of a certificate holder to apply for recertification will result in a lapse of certification. Following such lapses, the former certificate holder may re-apply for certification, but the application will be treated as an initial application and the applicant will receive no credit for requirements that were satisfied in connection with the earlier, successful application for certification. The certification exam will have to be taken.

It is the duty of the certificate holder to provide the Association of Bankruptcy Judicial Assistants with written notice of any change of address. (Application for Renewal of Certification every two years.)

2.5.5 Re-Application for Certification. An applicant denied certification, denied recertification, or a certificate holder whose certification is revoked may re-apply for certification at any time. The applicant must file another application form and pay the appropriate application fee (to be determined by the CLE Committee). In addition, the applicant must disclose that he/she has previously been denied certification or recertification, or had his/her certificate revoked, and the reasons why certification or recertification was denied or the certificate revoked. The applicant will receive no credit for requirements that were satisfied in connection with the earlier application. However, the applicant's prior file will be available to the Committee, and the applicant may be required to provide additional information relating to the denial of revocation. Committee reserves the right to call the attorney for verification of information provided by the applicant.

2.5.6 Confidentiality. By filing an application, the applicant agrees that the reference forms submitted in connection with the application will remain confidential. Committee reserves the right to call the attorney for verification of information provided by the applicant. The identity of applicants and the results of the certification examinations will not be disclosed to the officers, directors of the Association of Bankruptcy Judicial Assistants, or anyone other than the applicant, except as necessary for the fulfillment of their functions and duties.

(a) If a certificate is revoked by the ABJA, or the certificate holder does not fulfill the required six hours every two years (see 3.1.1), he/she cannot represent to the public that they are a "Certified Bankruptcy Assistant."

* * * *

SECTION III. Minimum Standards for Certification.

3.1 Standards for Initial Certification. In order to qualify for certification, the applicant must pay all required fees and must meet the following minimum standards.

(a) Applicants seeking certification must demonstrate substantial background and experience in bankruptcy law, performed at least one year, while acting under the direct supervision of a bankruptcy judge or licensed attorney.

Applications from Certified Bankruptcy Assistants must contain the signature of a supervising attorney certifying that the applicant meets criteria.

Notwithstanding the signature of an attorney, the Committee may, in its sole discretion, deny an application if it does not find that the applicant has demonstrated the background and experience contemplated by this provision. If denied or rejected, applicant will have 30 days to respond.

(b) The applicant must be a person of professional integrity, as that concept is interpreted by the ethical codes and rules of professional conduct applicable to the legal profession. By filing an application, the applicant agrees to disclose to the ABJA any pending or prior formal or informal reprimand, disciplinary action, or sanctions by a bankruptcy court and/or any other supervising or regulatory entity or agency. The Committee may deny an application if it concludes that the applicant does not meet the ABJA's standards for professional integrity.

(c) Additionally, at any time, the ABJA may initiate its own inquiry and applicant agrees that the application authorizes the ABJA to obtain confidential information from any person or association having knowledge of facts that are relevant to the applicant's personal integrity. ABJA may suspend the processing of an application while any of the above proceedings are pending. The ABJA will accept, as final, the findings of any court or body authorized to impose professional discipline. In such instances, the application shall be denied and the applicant may not reapply for certification for a period of three (3) years following the imposition of formal or informal discipline. The Committee may deny an application for other good cause related to an alleged misconduct or disciplinary violation.

(d) The application must name at least one reference of a bankruptcy attorney, preferably the attorney applicant works for with his/her name, address, phone number, and signature. Committee reserves the right to call the attorney for verification of information provided by the applicant. Should the applicant not be able to obtain the necessary reference(s), the application will be denied. If an application is denied, the applicant may respond within 30 days. If not, the applicant may not reapply for at least one year (see Rule 2.1).

3.1.1 Continuing Legal Education. The required hours to continue and maintain certification for the period of two years are **.6 Continuing Legal Education Units, which is equivalent to 6 classroom hours**. To maintain these hours, the applicant can attend the educational conference at the ABA annual conference each year in the Fall. The attendance of this educational conference meets the CLE/CEU credits to fulfill the requirement of this rule. In the event an applicant cannot attend, it is his/her duty, at any time during that two-year period to attend another educational training seminar that offers Continuing Education Units. A copy of the **CBA Certificate of Attendance, certificate with the credit hours on it (see 3.1.1(a))**, and proof of the courses taken, should be sent to the Chair of the Continuing Legal Education Committee to be put in his/her file. If the CLE or CEU credit hours are not on the certificate of attendance, it **will not** be accepted by itself.

For first time applicants who are taking the certification exam, it is to the applicant's advantage to attend the CBA seminar that is presented each year at the ABA's annual meeting. The exam will be given on the Bankruptcy Code and Bankruptcy Rules, Legal Ethics, Legal Research, and Grammar/Usage and Writing. (See Section III, 3.1.2 Examination). The study guide will be offered at a cost of **\$35.00**. The cost of the study guide is usually included in the CBA's educational seminar registration fee. **The study guide, all written materials, and all communications from the materials are to be used ONLY at the CBA seminar. The study guide and any written materials are prohibited for outside use for any purpose whatsoever.**

(a) After a person is certified with the CBA Program, courses offered by the Fred Pryor Group, National Seminar Groups, or similar private training seminar groups will be accepted as CEU credits. A Certificate of Completion with the credited hours on it will be accepted from any accredited program offering accredited courses. An example is from a college or university or any accredited program. It is not a requirement that the applicant be a member of the ABA or that the applicant attends the ABA Conference every year.

3.1.2 Examination. The applicant must make a satisfactory showing of competence in the specialty area by successfully completing a written examination prepared and graded by a bankruptcy attorney and the Chair of Committee. The examination will be divided into four sections: (1) U. S. Bankruptcy Code and U. S. Bankruptcy Rules consisting of general bankruptcy law, (2) Legal Ethics and Skills of Judgment, (3) Legal Research, (Examples from: *The Bluebook*), and (4) Grammar/Usage and Writing. Each section will be graded separately, and applicants must pass all four sections in order to qualify for certification. In the event that the applicant does not pass one or more of the four sections of the certification examination on the first attempt, the applicant may retake the failed portion(s) at no additional cost (only one time). If the applicant does not pass all four sections of the certification examination by the second anniversary of the date on which his/her application form was accepted, the applicant's file will be closed.

3.1.3 Peer Review. It is mandatory that each applicant advise the Committee of the status of his/her certification on the anniversary of the certification. If the proper procedures are not followed, their CBA certification will not be renewed according to the Rules and Regulations of the Association of Bankruptcy Judicial Assistants and the certified bankruptcy assistant will have to be recertified (see Section 3.1.4).

3.1.4 Standards for Recertification. The period of certification is every two years. No examination will be required for recertification within the appropriate time limit, as stated above. In order to qualify for recertification, the certificate holder must pay all required fees.

SECTION IV. Amendments.

4.1 Procedure. These Rules and Regulations may be amended from time to time as provided in the Association of Bankruptcy Judicial Assistants' Bylaws or as needed.

(a) Any applicant or applicant holding a certification is **not** allowed to solicit or advertise under the ABA's name or at the ABA Annual Conference. The Association of Bankruptcy Judicial Assistants is **not** a public entity. The Judicial

Assistants follow the Code of Conduct for Judicial Employees.

There are no written ethical procedures for non-attorneys, but the Certified Bankruptcy Assistants are to abide by the ethical behavior (as stated in Section III above) under the supervision of their attorneys.

(b) ABA Logo -- Policy Regarding Use of the Logo:

The use of the ABA logo is restricted and **only** for the purposes of the Association.

Any applicant holding a certification is not allowed to use the ABA's logo for any advertisement, for use on any website, on any letterhead, nor for any other purpose. Any applicant holding a certification using this logo will be suspended or certification will be revoked.

SECTION V. Communication of Certification.

5.1. Written Disclosure. The Certified Bankruptcy Assistant's Program provides a general background in bankruptcy law and writing skills to assist individuals in their jobs as professionals and for work skill enhancement. All requirements for and all benefits to be derived from recognition as a certified bankruptcy assistant and/or a successful graduate of the Program are for use in personal skill enhancement and for development of increased training qualifications for private or public employment in the bankruptcy field.

The Program and its certification are not designed or intended to qualify individuals to practice law, sign any legal documents, and/or teach the course materials to anyone else for any purpose.

(rev'd 2011)