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ABC Update

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Top Myths Regarding Bankruptcy Certification Debunked

As the nature of bankruptcy practice and engagement evolves, it has become increasingly critical for practitioners to adapt and to further distinguish themselves. Bankruptcy certification, especially through the American Board of Certification (ABC), provides an objective measure of knowledge and experience in the specialized field of bankruptcy law, and is readily accessible to qualified practitioners.

Certification recognizes attorneys that have committed themselves to bankruptcy practice and provides real-world benefits. Congress also acknowledged the benefits through the adoption of § 330(a)(3) of the Bankruptcy Code, which expressly identifies board certification as among the factors to be considered in reviewing professionals' compensation requests. Given the scrutiny to which compensation is subject, certification provides concrete benefits by bolstering the foundation for compensation requests. In addition, certification signals proficiency and commands respect within the bankruptcy and broader legal community. It also provides an additional credential that may support expert-witness and other engagements.

Significantly, certification provides confidence and comfort to prospective clients that an attorney has met rigorous standards relating to experience, continuing legal education, integrity and peer review, as well as confirmation of a sophisticated understanding of the bankruptcy specialty area. Certification therefore directly aids attorneys in marketing their services and demonstrates competence to potential referral sources. Certification may also facilitate discounts on professional liability insurance.

Finally, certification also makes the ABC's substantial marketing-support system available to successful applicants through its website, www.abcworld.org,

including its certification directory, branded brochures and marketing tips. The ABC board has uncovered some myths that might be causing some attorneys to pass up certification.

Myth #1: I am too busy to sit for the ABC examination. Over the next nine months, the examination will be offered 13 times at various conferences serving the professional bankruptcy and credit communities, including various ABI conferences (all exam locations are listed on the ABC website). In addition, attorneys may request that the examination be administered in their own offices. When several attorneys or even a few firms coordinate, the cost of an in-office examination becomes very modest. In other words, when you are not in your office, you may already be attending a conference where the examination is offered.

Myth #2: Certification is too expensive. The application fee is \$495, and the examination fee is \$125. For those attorneys who have practiced 10 years or less, the application fee is \$295. Any attorney with a tablet computer or a smartphone can afford the examination. With all these benefits, what qualified attorney can *not* afford to become certified?

Myth #3: The CLE commitment is overly burdensome. Many states require an average of between 10 and 15 hours of mandatory continuing legal education every year. To become and remain certified, an attorney must complete an average of just 20 hours of CLE every year. This modest additional requirement above what most attorneys must perform to maintain their license is necessary to ensure the special credentials that accompany certification.

Myth #4: What if I fail? Just like the test you took to obtain a driver's license, this is a pass-fail test, and the success rate is more than 75 percent.



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The examination is not designed to rank attorneys in the area of bankruptcy law. Rather, it is designed to confirm that an attorney deserves the title of specialist.

The test is comprised of three parts, including a 50-question multiple-choice section on general bankruptcy knowledge, an ethics essay section and a specialty area section (*i.e.*, business bankruptcy, consumer bankruptcy or creditors' rights). For both of the essay sections, examinees have a choice of which questions to tackle; examinees must answer two of four questions for the ethics section and two of three questions for the specialty section. Examinees are afforded plenty of time to answer all questions, and the examination is open-book. In other words, if you are not afraid of having a new client walk into your office or call you on the telephone and ask you for advice based on a specific fact pattern, you should have no trouble with the examination.

Beyond the nuts and bolts of certification outlined here, the ABC prides itself on a collegial atmosphere as well as a commitment to excellence in the field of bankruptcy law. Every professional, whether striving to improve their craft or simply going about the business of trying to generate business, should give certification serious consideration. **abi**

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