

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of: )  
)  
STATE BAR OF ARIZONA BOARD ) Administrative Order  
OF LEGAL SPECIALIZATION ) No. 2020 - 08  
CERTIFICATION STANDARDS )  
)  

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Pursuant to Rules 32(d)(10) and 44, Arizona Rules of the Supreme Court, the State Bar of Arizona Board of Governors may make recommendations to the Arizona Supreme Court to amend and publish rules, regulations, and standards to define the authority and duties of the State Bar of Arizona Board of Legal Specialization (BLS).

In compliance with Administrative Order No. 2018-63, the State Bar of Arizona conducted a review of all standards for certification and submitted proposed revisions to the standards for the following areas of specialization: Criminal Law, Real Estate Law, Tax Law and Workers' Compensation Law. No revisions were recommended in the areas of Bankruptcy Law, Estate and Trust Law, Family Law, and Personal Injury and Wrongful Death. Therefore,

IT IS ORDERED that the attached standards for certification are adopted effective the date of this Order.

Dated this 8th day of January, 2020.

FOR THE COURT:

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ROBERT BRUTINEL  
Chief Justice

Attachments



**STANDARDS FOR CERTIFICATION  
OF LAWYERS SPECIALIZING IN  
CRIMINAL LAW**  
Approved (1/8/2020)

Pursuant to the authority vested in the Arizona Board of Legal Specialization (“BLS”) by the Board of Governors of the State Bar of Arizona, the BLS prescribes the following standards and requirements for certification of lawyers specializing in criminal law in accordance with the Rules and Regulations of the Arizona Board of Legal Specialization established by the Board of Governors.

No provision herein contained shall in any way limit the right of a lawyer certified as specializing in criminal law to practice law in all fields or to act as counsel in every type of legal matter. Any lawyer, alone or in association with any other lawyer, shall have the right to practice in all fields of law, even though the lawyer is certified as specializing in criminal law.

No lawyer shall be required to be certified as specializing in criminal law before that lawyer can practice law in the field of criminal law or act as counsel in any particular type of criminal law matter. Any lawyer, alone or in association with another lawyer, shall have the right to practice in the field of criminal law and to act as counsel in every type of criminal law case, even if the lawyer is not certified as specializing in criminal law.

The Board of Legal Specialization is committed to promoting racial, ethnic, and gender diversity, and to assuring the rights of the disabled within all Board of Legal Specialization programs, committees, and activities, and will periodically monitor all existing programs, committees, and activities for compliance with the goal of diversity and with assurance of the rights of the disabled in every aspect of the Board of Legal Specialization.

**I. GENERAL REQUIREMENTS**

- A. Active Member of the State Bar.** An applicant for certification as a lawyer specializing in criminal law shall be an active member in good standing of the State Bar of Arizona.
- B. Application.** An applicant shall be required to complete an application in a form prescribed by the BLS to furnish such additional and supplemental information as may be required by the BLS or the Criminal Law Advisory Commission, and to comply with all applicable Rules and Regulations of the Arizona Board of Legal Specialization.
- C. Recommendation by Criminal Law Advisory Commission.** An applicant shall be recommended to the BLS for certification as a lawyer specializing in criminal law when the applicant is found to have complied with the applicable standards by no less than five (5) of the ten members of the Criminal Law Advisory Commission.
- D. Expiration of Certification.** A certificate of specialization shall expire five (5) years after the date thereon; provided, however, that if timely application for renewal of certification is made as provided under the Rules and Regulations of the Board of Legal Specialization, the certificate shall remain in effect until the BLS has acted upon the renewal application. Renewal of certification shall be required every five (5) years.

- E. Revocation/Suspension of Certification.** The BLS may revoke or suspend the certification of a lawyer recognized as specializing in criminal law for any reason specified in the Rules and Regulations of the Arizona Board of Legal Specialization, including but not limited to advice from the Criminal Law Advisory Commission that the certified lawyer no longer meets the criteria for substantial involvement in the field of criminal law as set forth in Section II hereof.
- F. Fees.** Every applicant shall pay application and testing fees as may be prescribed by the BLS.

## II. STANDARDS FOR CERTIFICATION

- A. Required Period of Law Practice.** An applicant shall have been admitted to the practice of law for a minimum of seven (7) years, of which at least two (2) years immediately preceding the application must have been in the practice of law within the State of Arizona, and after admission to practice shall have engaged in legal service (as defined in Section I of the Rules and Regulations of the Board of Legal Specialization) on an annual basis equivalent to at least 50% or more of a full-time practice.
- B. Substantial Involvement in Criminal Law.** An applicant shall make a satisfactory showing, as determined by the Board in accordance with objective and verifiable standards, based upon advice of the Criminal Law Advisory Commission, of substantial involvement in the field of Criminal Law. In so doing, the applicant shall demonstrate that the applicant has, since admission to practice, attained a basic level of experience, as set forth below, and is currently substantially involved in the field of criminal law. As used herein, the term *serious felony offense* means a single offense which, upon conviction, carries a mandatory impossible sentence of five (5) years or more imprisonment. Multiple lesser charges tried simultaneously may not be aggregated to meet this requirement. The term *principal counsel of record* means a lawyer who presents the case or proceeding to the jury and/or the court throughout its course, or during a substantial part thereof
- 1. Basic Experience Requirements.** Since admission to the practice of law, applicant shall have been principal counsel of record in the following:
- a. Ten (10) criminal felony jury trials, in at least five (5) of which a serious felony offense was tried.
  - b. Fifteen (15) evidentiary or other hearings *which involved substantial contested issues of law or fact*. Non - exclusive examples of types of hearings which may qualify, if substantial contested issues are involved, include:
    - (1) Motion to Suppress;
    - (2) Motion in Limine;
    - (3) Federal Sentencing involving difficult Guideline Sentencing issues;
    - (4) State Sentencing (non—routine);
    - (5) Admissibility of scientific evidence under Frye/Daubert;
    - (6) Admissibility of eyewitness identification under Dessureault;
    - (7) Admissibility of “prior bad acts” evidence under Rule 404(b) of Criminal Procedure (federal or state).

c. Any combination of at least five (5) of the following:

- (1) Petition or answer filed in special action proceedings in the Arizona Court of Appeals or the Arizona Supreme Court;
- (2) Appeal in the following courts in which briefs were filed by appellants and respondents: United States Supreme Court, United States Court of Appeals, Arizona Supreme Court or Arizona Court of Appeals;
- (3) Petition for post-conviction relief;
- (4) Petition for habeas corpus relief under Section 2254 of Title 28, United States Code;
- (5) Motion to vacate or set aside sentence under Section 2255 of Title 28, United States Code.

2. **Substantial Current Involvement.** During the five (5) years immediately preceding application, applicant shall have devoted, on an annual basis, time equivalent to at least 50% ~~approximately half~~ or more of a fulltime practice to matters in which issues of criminal law are significant factors. During that period, applicant shall have served as principal counsel of record in at least 125 additional criminal matters.

An applicant shall furnish the Board with information regarding the nature of the legal services in which he has been engaged and identifying the types of issues of criminal law with which applicant has dealt. This information shall be provided on forms provided by the Board but should be supplemented with additional sheets attached where necessary. Applicants should describe with particularity matters handled which involved exceptional complexity, or in which an exceptional result was obtained. Applicants may be required by the Board or by the Criminal Law Advisory Commission to supplement the information supplied orally or in writing.

**C. Competence and Integrity.** An applicant must demonstrate honesty, integrity, professionalism as defined by the Lawyer's Creed of Professionalism of the State Bar of Arizona, and a high degree of competence in the practice of criminal law. The required degree of competence is substantially higher than that possessed by a general practitioner in criminal law. For purposes hereof, a high degree of competence shall meet the following standards:

1. That the applicant demonstrate a substantially complete knowledge of substantive law and rules of practice, procedure, evidence and ethics pertaining to criminal law;
2. That the applicant demonstrate a high degree of skill, thoroughness, preparation, effectiveness, professionalism and judgment in the field of criminal law;
3. That the applicant pass a written examination in the topics specified in paragraphs (1) and (2) above. This examination shall be given at least once each calendar year at a date, time and location determined by the Criminal Law Advisory Commission. The test and its grading criteria shall be formulated at the direction of the Advisory Commission and approved by the Board of Legal Specialization.

4. That the application demonstrate a substantially complete knowledge of and a high degree of skill in the use of alternative dispute resolution as it applies in the field.
5. Legal competence is measured by the extent to which an attorney (1) is specifically knowledgeable about the fields of law in which the applicant practices, (2) performs the techniques of such practice with skill, (3) manages such practice efficiently, (4) identifies issues beyond his or her competence relevant to the matter undertaken, bringing these to the client's attention, and (5) properly prepares and carries through the matter undertaken.
6. **Disciplinary History:**  
Imposition of a discipline sanction under Rule 60, Ariz. R. Sup. Ct. within the five-year period preceding the date of application may be grounds for denying, suspending, or revoking certification.

The following shall not be considered in approving or denying an application for certification:

- a. Diversion,
- b. Dismissals, or
- c. Allegations of misconduct that did not result in a disciplinary charge.

**D. References.** With each application, the applicant will submit the names of at least five Arizona attorneys who practice in criminal law and/or judges before whom the applicant has appeared, familiar with the applicant's practice, and not including current partners or associates. The Criminal Law Advisory Commission will select at least five Arizona lawyers, judges, or qualified professionals as references from cases/matters/projects submitted by the applicant to demonstrate substantial involvement. The references will be requested to provide written comments concerning the applicant not only on such specific topics as knowledge, skill, thoroughness, preparation, effectiveness, and judgment, but also concerning the applicant's ethics and professionalism.

1. Names of applicants will be published in a State Bar of Arizona publication, providing an opportunity for comment, at least 30 days before consideration of applications by the Advisory Commission. Reference names supplied by the applicant shall not include members of the Board of Legal Specialization or Criminal Law Advisory Commission. The Criminal Law Advisory Commission may also consult other sources. Documentation of all matters and comments considered by the Advisory Commission shall be contained in the applicant's file.

**E. Continuing Legal Education Requirements.** Continuing legal education requirements for attorneys certified as criminal law specialists shall be 12 hours per year in one or more seminar of advanced level programming, concentrated in criminal issues, consisting of 12 hours of substantive CLE activities in criminal law and 3 hours in professional responsibility. Credit for other educational activities may be granted by the BLS as specified in the Rules and Regulations, Section VIII.B.

### III. STANDARDS FOR RECERTIFICATION

For purposes of recertification, the term *substantial involvement* shall mean engagement in legal

service in the course of which applicant shall have devoted, on an annual basis, time equivalent to approximately half or more of a fulltime practice to matters in which issues of criminal law are significant factors. The applicant for recertification shall make a satisfactory showing of such involvement.

To this end, the applicant shall provide a comprehensive list of the work and activity undertaken in the field of criminal law since the previous certification. The listing should include a detailed description of any listed item or area which involved such a level of complexity of issues, or expenditure of time, or quality of result as to qualify that particular work or activity as extraordinary. Activities to be listed include, but are by no means limited to:

1. Trials. Indicate whether felony or misdemeanor, to a jury or to the court.
2. Hearings. See Section II.B. I.b, above for examples.
3. Activities of a type described in Section II.B.I.c, above.
4. Litigation with respect to grand jury proceedings (Do not disclose confidential information in the application).
5. Pre-indictment representation, investigation and negotiations.
6. Independent counsel investigations for business clients.
7. Compliance representation.
8. Teaching.
9. Additional criminal matters which demonstrate continuing substantial involvement in criminal law.

The applicant must also demonstrate a continued high level of competence and adherence to high ethical standards as referenced in Section II.C. References as required in Section II.D for initial certification shall be required.

These requirements shall be detailed on an application form supplied by the Board and supplemented with additional information as appropriate. The Board or the Criminal Law Advisory Commission may require oral or written supplementation.

Formal written examination shall not be required in connection with recertification where there has been no break in certification.



**STANDARDS FOR CERTIFICATION  
OF LAWYERS SPECIALIZING IN  
REAL ESTATE LAW**

Approved (\_\_\_\_\_)

Pursuant to the authority vested in the Arizona Board of Legal Specialization (“BLS”) by the Board of Governors of the State Bar of Arizona, the BLS prescribes the following standards and requirements for certification of lawyers specializing in real estate law in accordance with the Rules and Regulations of the Arizona Board of Legal Specialization established by the Board of Governors.

No provision herein contained shall in any way limit the right of a lawyer certified as specializing in real estate law to practice law in all fields or to act as counsel in every type of legal matter. Any lawyer, alone or in association with any other lawyer, shall have the right to practice in all fields of law, even though the lawyer is certified as specializing in real estate law.

No lawyer shall be required to be certified as specializing in real estate law before that lawyer can practice law in the field of real estate law or act as counsel in any particular type of real estate law matter. Any lawyer, alone or in association with another lawyer, shall have the right to practice in the field of real estate law and to act as counsel in every type of real estate law case, even if the lawyer is not certified as specializing in real estate law.

The Board of Legal Specialization is committed to promoting racial, ethnic, and gender diversity, and to assuring the rights of the disabled within all Board of Legal Specialization programs, committees, and activities, and will periodically monitor all existing programs, committees, and activities for compliance with the goal of diversity and with assurance of the rights of the disabled in every aspect of the Board of Legal Specialization.

**I. GENERAL REQUIREMENTS**

- A. Active Member of the State Bar.** An applicant for certification as a lawyer specializing in real estate law shall be an active member in good standing of the State Bar of Arizona.
- B. Application.** An applicant shall be required to complete an application in a form prescribed by the BLS to furnish such additional and supplemental information as may be required by the BLS or the Real Estate Law Advisory Commission, and to comply with all applicable Rules and Regulations of the Arizona Board of Legal Specialization.
- C. Recommendation by Real Estate Law Advisory Commission.** An applicant shall be recommended to the BLS for certification as a lawyer specializing in real estate law when the applicant is found to have complied with the applicable standards by no less than five (5) of the ten members of the Real Estate Law Advisory Commission.
- D. Expiration of Certification.** A certificate of specialization shall expire five (5) years after the date thereon; provided, however, that if timely application for renewal of certification is made as provided under the Rules and Regulations of the Board of Legal Specialization, the certificate shall remain in effect until the BLS has acted upon the renewal application. Renewal of certification shall be required every five (5) years.

- E. Revocation/Suspension of Certification.** The BLS may revoke or suspend the certification of a lawyer recognized as specializing in real estate law for any reason specified in the Rules and Regulations of the Arizona Board of Legal Specialization, including but not limited to advice from the Real Estate Law Advisory Commission that the certified lawyer no longer meets the criteria for substantial involvement in the field of real estate law as set forth in Section II hereof.
- F. Fees.** Every applicant shall pay application and testing fees as may be prescribed by the BLS.

## **II. STANDARDS FOR CERTIFICATION.**

- A. Required Period of Law Practice.** An applicant shall have been admitted to the practice of law for a minimum of seven years, of which a minimum of three years immediately preceding the application must have been within the State of Arizona, and after such admission shall have engaged in legal service (as defined in Section I of the Rules and Regulations of the Board of Legal Specialization) equivalent to at least 50% of a full-time practice.
- B. Substantial Involvement in Real Estate Law.** An applicant shall make a satisfactory showing, as determined by the BLS in accordance with objective and verifiable standards, based upon advice of the Real Estate Advisory Commission of substantial involvement in the field of real estate law during at least five of the preceding seven years, including the year immediately preceding his or her application. This can be shown by providing such information as may be required by the BLS including but not limited to, peer review and evidence of special competence and experience.

For purposes hereof, substantial involvement in the field of real estate shall mean the engagement by the applicant in legal service (as defined in Section I of the Rules and Regulations of the Board of Legal Specialization) in the course of which the lawyer has annually devoted not less than 50% of a full-time practice to matters in which issues of real estate are significant factors, including the following:

1. Leases and options, residential and commercial.
2. Eminent domain.
3. Zoning.
4. Real estate securities.
5. Real estate finance.
6. Foreclosure and forfeiture proceedings.
7. Environmental law.
8. Community Association Law.
9. Real estate transactions, including real estate purchase contract, title examinations, title insurance, conveyances and escrows.
10. Agency and fiduciary relationships relating to the other categories listed herein.
11. Real-Estate related litigation or Alternative Dispute Resolution.
12. Real Estate Taxation.
13. Water law.
14. Mineral rights.
15. Subdivision law.

An applicant shall demonstrate substantial involvement in the field of real estate by furnishing the BLS with information regarding the nature of the legal services in which the applicant has been engaged and identifying the types of issues of real estate with which the applicant has dealt and the frequency of involvement therewith. Such demonstration shall be made initially through completion by the applicant of the specialization application, but written or oral supplementation may be required.

**C. Competence and Integrity.** An applicant must demonstrate honesty, integrity, professionalism as defined by the Lawyer's Creed of Professionalism of the State Bar of Arizona, and a high degree of competence in the practice of real estate law. The required degree of competence is substantially higher than that possessed by a general practitioner who regularly handles a real estate matter. For purposes hereof, a high degree of competence shall meet the following standards:

1. That the applicant demonstrate a substantially complete knowledge of substantive law and rules of practice, procedure, evidence and ethics pertaining to real estate law;
2. That the applicant demonstrate a high degree of skill, thoroughness, preparation, effectiveness, professionalism and judgment in the field of real estate law; and
3. That the applicant satisfactorily complete a written examination in the topics specified in paragraphs (1) and (2) above. This examination shall be given at least once each calendar year at a date, time and location determined by the Real Estate Advisory Commission. The test and its grading criteria shall be formulated at the direction of the Advisory Commission and approved by the Board of Legal Specialization.
4. That the applicant demonstrate a substantially complete knowledge of and a high degree of skill in the use of alternative dispute resolution as it applies in the field.
5. Legal competence is measured by the extent to which an attorney (1) is specifically knowledgeable about the fields of law in which they practice, (2) performs the techniques of such practice with skill, (3) manages such practice efficiently, (4) identifies issues beyond their competence relevant to the matter undertaken, bringing these to the client's attention, and (5) properly prepares and carries through the matter undertaken.
6. Disciplinary History:  
Imposition of a discipline sanction under Rule 60, Ariz. R. Sup. Ct. within the five-year period preceding the date of application may be grounds for denying, suspending, or revoking certification.

The following shall not be considered in approving or denying an application for certification:

- a. Diversion,
- b. Dismissals, or
- c. Allegations of misconduct that did not result in a disciplinary charge.

**D. References.** With each application, the applicant will submit the names of at least five Arizona attorneys who practice in the field or judges before whom the applicant has appeared,

familiar with the applicant's practice, and not including current partners or associates. The Advisory Commission will select at least five additional Arizona lawyers, judges, or qualified professionals as references from cases/matters/projects submitted by the applicant to demonstrate substantial involvement. The references will be requested to provide written comments concerning the applicant not only on such specific topics as knowledge, skill, thoroughness, preparation, effectiveness, and judgment, but also concerning the applicant's ethics and professionalism.

Names of applicants will be published in a State Bar of Arizona publication, providing an opportunity for comment, at least 30 days before consideration of applications by the Advisory Commission. Reference names supplied by the applicant shall not include members of the Board of Legal Specialization or Real Estate Advisory Commission. The Real Estate Advisory Commission may also consult other sources. Documentation of all matters and comments considered by the Advisory Commission shall be contained in the applicant's file.

- E. Continuing Legal Education Requirements.** Continuing legal education requirements for attorneys certified as real estate law specialists shall be 12 hours per year in one or more seminar of advanced level programming, concentrated in real estate issues, consisting of 12 hours of substantive CLE activities in real estate law and 3 hours in professional responsibility. Credit for other educational activities may be granted by the BLS as specified in the Rules and Regulations, Section VIII.B.

### **III. STANDARDS FOR RE-CERTIFICATION**

For the purposes of re-certification, the term "substantial involvement" in real estate shall mean engagement by the applicant in legal service in the course of which the lawyer has annually devoted at least 50% of a full-time practice to matters in which issues of real estate are significant factors. These services shall be detailed on an application form, showing the nature of the legal services in which the attorney has been engaged in the past five years, and identifying the types of issues of real estate with which the applicant has dealt and the frequency of involvement therewith. Formal written examination for re-certification, where there has been no break in certification, shall not be required.



**STANDARDS FOR CERTIFICATION  
OF LAWYERS SPECIALIZING IN  
TAX LAW**

Approved (\_\_\_\_\_)

Pursuant to the authority vested in the Arizona Board of Legal Specialization (“BLS”) by the Board of Governors of the State Bar of Arizona, the BLS prescribes the following standards and requirements for certification of lawyers specializing in tax law in accordance with the Rules and Regulations of the Arizona Board of Legal Specialization established by the Board of Governors.

No provision herein contained shall in any way limit the right of a lawyer certified as specializing in tax law to practice law in all fields or to act as counsel in every type of legal matter. Any lawyer, alone or in association with any other lawyer, shall have the right to practice in all fields of law, even though the lawyer is certified as specializing in tax law.

No lawyer shall be required to be certified as specializing in tax law before that lawyer can practice law in the field of tax law or act as counsel in any particular type of tax law matter. Any lawyer, alone or in association with another lawyer, shall have the right to practice in the field of tax law and to act as counsel in every type of tax law case, even if the lawyer is not certified as specializing in tax law.

The Board of Legal Specialization is committed to promoting racial, ethnic, and gender diversity, and to assuring the rights of the disabled within all Board of Legal Specialization programs, committees, and activities, and will periodically monitor all existing programs, committees, and activities for compliance with the goal of diversity and with assurance of the rights of the disabled in every aspect of the Board of Legal Specialization.

**I. GENERAL REQUIREMENTS**

- A. Active Member of the State Bar.** An applicant for certification as a lawyer specializing in tax law shall be an active member in good standing of the State Bar of Arizona.
- B. Application.** An applicant shall be required to complete an application in a form prescribed by the BLS to furnish such additional and supplemental information as may be required by the BLS or the Tax Law Advisory Commission, and to comply with all applicable Rules and Regulations of the Arizona Board of Legal Specialization.
- C. Recommendation by Tax Law Advisory Commission.** An applicant shall be recommended to the BLS for certification as a lawyer specializing in tax law when the applicant is found to have complied with the applicable standards by no less than five (5) of the ten (10) members of the Tax Law Advisory Commission.
- D. Expiration of Certification.** A certificate of specialization shall expire five (5) years after the date thereon; provided, however, that if timely application for renewal of certification is made as provided under the Rules and Regulations of the Board of Legal Specialization, the

certificate shall remain in effect until the BLS has acted upon the renewal application. Renewal of certification shall be required every five (5) years.

- E. Revocation/Suspension of Certification.** The BLS may revoke or suspend the certification of a lawyer recognized as specializing in tax law for any reason specified in the Rules and Regulations of the Arizona Board of Legal Specialization, including but not limited to advice from the Tax Law Advisory Commission that the certified lawyer no longer meets the criteria for substantial involvement in the field of tax law as set forth in Section II hereof.
- F. Fees.** Every applicant shall pay application and testing fees as may be prescribed by the BLS.

## II. STANDARDS FOR CERTIFICATION.

- A. Required Period of Law Practice.** An applicant shall have been admitted for a minimum of five (5) years, of which a minimum of two (2) years immediately preceding the application must have been in practice of law within the State of Arizona, and after such admission shall have engaged in legal service (as defined in Section I of the Regulations of BLS on an annual basis equivalent to at least 50% of a full-time practice with a minimum of 500 hours of practice in the area of tax law.
- B. Substantial Involvement in Tax Law.** An applicant shall make a satisfactory showing as determined by BLS in accordance with these standards and the Regulations of BLS, based upon advice of the Tax Law Advisory Commission, of substantial involvement in the field of tax law during at least four (4) of the preceding six (6) years, including the year immediately preceding his or her application.

For purposes hereof, "substantial involvement in the field of tax law" shall mean the engagement by the applicant in legal service (as defined in Section I of the Regulations of BLS) equivalent to at least 50% of a full-time practice with a minimum of 500 hours of practice in the area of tax law, in the course of which the lawyer has annually devoted approximately 50% ~~one-half~~ of a full-time practice, with a minimum of 500 hours of practice in the area of tax law, to matters in which issues of tax law are significant factors, including the following:

1. Rendition of advice as to the tax consequences of transactions such as the formation, operation, liquidation, and reorganization of business organizations, and the acquisition, disposition, management, and operation of business interests and assets;
2. Rendition of advice as to the tax consequences of personal transactions and arrangements, including analysis of tax shelter investments and tax planning of estates and trusts;
3. Advice relating to and establishment of employee benefit plans, including pension, profit-sharing, stock bonus, stock option and other deferred compensation programs;
4. Representation in connection with civil or criminal tax controversies or liabilities, including income, estate and gift tax, and excise tax matters; or
5. Teaching of tax law at any law school accredited by the American Bar Association.

Anything herein to the contrary notwithstanding, full-time attendance in a graduate course of study which results in the applicant obtaining a degree in taxation shall constitute two years of both "legal service" under Section 11(A) and "substantial involvement in the field of tax law" under Section 11(B) hereof.

In determining whether an applicant has demonstrated substantial involvement in the field of tax law, BLS may, upon advice of the Tax Law Advisory Commission, take into consideration such additional factors as an applicant's special educational experience in tax law, including concentration of continuing legal education courses in the area of taxation within the five (5) years immediately preceding the application, authorship of articles relating to tax law, participation as a faculty member in programs of continuing legal education in tax law, the teaching of tax law, and qualification or experience in the field of tax law of unique or special character.

An applicant shall demonstrate substantial involvement in the field of tax law by furnishing BLS with information regarding the nature of the legal services in which the applicant has been engaged and identifying the types of issues of tax law with which the applicant has dealt and the frequency of the applicant's involvement therewith. Such demonstration shall be made initially through completion by the applicant of the specialization application, but written or oral supplementation may be required.

**C. Competence and Integrity.** An applicant must demonstrate honesty, integrity, and professionalism as defined by the Lawyer's Creed of Professionalism of the State Bar of Arizona, and a high degree of competence in the practice of tax law. The required degree of competence is substantially higher than that possessed by a general practitioner who regularly handles a tax matter. For purposes hereof, a "high degree of competence" shall meet the following standards:

1. That the applicant demonstrate a substantially complete knowledge of substantive law and rules of practice, procedure, evidence and ethics pertaining to tax law;
2. That the applicant demonstrate a high degree of skill, thoroughness, preparation, effectiveness, professionalism and judgment in the field of tax law;
3. That the applicant satisfactorily complete a written examination in the topics specified in paragraphs (1) and (2) above. This examination shall be given at least once each calendar year at a date, time and location determined by the Tax Law Advisory Commission. The test and its grading criteria shall be formulated at the direction of the Tax Law Advisory Commission and approved by BLS; and
4. That the applicant demonstrate a substantially complete knowledge of and a high degree of skill in the use of alternative dispute resolution as it applies in the field.
5. Legal competence is measured by the extent to which an attorney (1) is specifically knowledgeable about the fields of law in which the applicant practices, (2) performs the techniques of such practice with skill, (3) manages such practice efficiently, (4) identifies issues beyond his or her competence relevant to the matter undertaken, bringing these to the client's attention, and (5) properly prepares and carries through the matter undertaken.

6. **Disciplinary History:**  
Imposition of a discipline sanction under Rule 60, Ariz. R. Sup. Ct. within the five (5) year period preceding the date of application may be grounds for denying or revoking certification.

The following shall not be considered in approving or denying an application for certification:

- a. Diversion,
- b. Dismissals, or
- c. Allegations of misconduct that did not result in a disciplinary charge.

- D. References.** With each application, the applicant shall submit the names of at least five (5) Arizona attorneys or professionals who practice in the field, at least two (2) of whom must be attorneys or judges before whom the applicant has appeared, familiar with the applicant's practice, and not including current partners or associates. The Tax Law Advisory Commission will select at least five (5) additional Arizona lawyers, judges, or qualified professionals as references from cases/matters/projects submitted by the applicant to demonstrate substantial involvement. The references will be requested to provide written comments concerning the applicant not only on such specific topics as knowledge, skill, thoroughness, preparation, effectiveness, and judgment, but also concerning the applicant's ethics and professionalism.

Names of applicants shall be published in a State Bar of Arizona publication, providing an opportunity for comment, at least thirty (30) days before consideration of applications by the Advisory Commission. Reference names supplied by the applicant shall not include members of the Board of Legal Specialization or Tax Law Advisory Commission. The Tax Law Advisory Commission may also consult other sources. Documentation of all matters and comments considered by the Advisory Commission shall be contained in the applicant's file.

- E. Continuing Legal Education Requirements.** Continuing legal education requirements for attorneys certified as tax law specialists shall be twelve (12) hours per year in one or more seminars of advanced level programming, concentrated in tax issues, consisting of twelve (12) hours of substantive CLE activities in tax law and three (3) hours in professional responsibility. Credit for other educational activities may be granted by BLS as specified in the Regulations, Section VIII.B.

### III. STANDARDS FOR RE-CERTIFICATION.

For the purposes of re-certification, the term "substantial involvement" shall mean engagement by the applicant in legal service equivalent to at least 50% of a full-time practice with a minimum of 500 hours of practice in the area of tax law, in the course of which the lawyer has annually devoted at least ~~one-half~~ 50% of a full-time practice, with a minimum of 500 hours of practice in the area of tax law, to matters in which issues of tax law are significant factors. These services shall be detailed on an application form, showing the nature of the legal services in which the attorney has been engaged in the past five (5) years, and identifying the types of issues of tax law with which the applicant has dealt and the frequency of involvement therewith. Formal written examination for re-certification, where there has been no break in certification, shall not be required.



**STANDARDS FOR CERTIFICATION  
OF LAWYERS SPECIALIZING IN  
WORKERS' COMPENSATION LAW**

Approved ( \_\_\_\_\_ )

Pursuant to the authority vested in the Arizona Board of Legal Specialization (the "BLS") by the Board of Governors of the State Bar of Arizona, the BLS prescribes the following standards and requirements for certification of lawyers specializing in workers' compensation law in accordance with the Rules and Regulations of the Arizona Board of Legal Specialization established by the Board of Governors.

No provision herein contained shall in any way limit the right of a lawyer certified as specializing in workers' compensation law to practice law in all fields or to act as counsel in every type of legal matter. Any lawyer, alone or in association with any other lawyer, shall have the right to practice in all fields of law, even though the lawyer is certified as specializing in workers' compensation law.

No lawyer shall be required to be certified as specializing in workers' compensation law before the lawyer can practice law in the field of workers' compensation law or act as counsel in any particular type of workers' compensation matter. Any lawyer, alone or in association with any other lawyer, shall have the right to practice in the field of workers' compensation law, even if the lawyer is not certified as specializing in workers' compensation law.

The BLS is committed to promoting racial, ethnic, and gender diversity, and to assuring the rights of the disabled within all Board of Legal Specialization programs, committees, and activities, and will periodically monitor all existing programs, committees, and activities for compliance with the goal of diversity and with assurance of the rights of the disabled in every aspect of the BLS.

**I. GENERAL REQUIREMENTS.**

- A. Active Member of State Bar.** An applicant for certification as a lawyer specializing in workers' compensation law shall be an active member in good standing of the State Bar of Arizona.
- B. Application.** An applicant shall be required to complete an application in a form prescribed by the BLS, to furnish such additional and supplemental information as may be required by the BLS or the Workers' Compensation Advisory Commission, and to comply with all applicable Rules and Regulations of the Arizona Board of Legal Specialization.
- C. Recommendation by Workers' Compensation Advisory Commission.** An applicant shall be recommended to the BLS for certification or recertification as a lawyer specializing in workers' compensation law when the applicant is found to have complied with the applicable standards by not less than five members of the Workers' Compensation Advisory Commission.
- D. Expiration of Certification.** A certificate of legal specialization shall expire five (5) years after the date thereon; provided, however, that if timely application for renewal of certification is made as provided under the Rules and Regulations of the Arizona Board of Legal

Specialization, the certificate shall remain in effect until the BLS has acted upon the renewal application. Renewal of certification shall be required every five years.

**E. Revocation/Suspension of Certification.** The BLS may revoke or suspend the certification or deny re-certification of a lawyer recognized as specializing in workers' compensation law for any reason specified in the Rules and Regulations of the Arizona Board of Legal Specialization, including but not limited to advice from the Workers' Compensation Advisory Commission that the certified lawyer no longer meets the criteria for substantial involvement in the field of workers' compensation law as set forth in Section II(B) hereof.

**F. Fees.** Every applicant shall pay such application and testing fees as may be prescribed by the BLS.

## II. STANDARDS FOR CERTIFICATION.

**A. Required Period of Law Practice.** An applicant shall have been admitted to the practice of law for a minimum of five years, of which a minimum of two years immediately preceding the application must have been in the practice of law within the State of Arizona, ~~and after such admission~~ during the five years immediately preceding the application, shall have engaged in legal service in workers' compensation (as defined in Section I of the Rules and Regulations of the Arizona Board of Legal Specialization) on an annual basis equivalent to at least 40% of a full-time practice (at least 16 hours per week).

**B. Substantial Involvement in Workers' Compensation Law.** An applicant shall make a satisfactory showing, as determined by the BLS, in accordance with objective and verifiable standards, based upon advice of the Workers' Compensation Advisory Commission, of substantial involvement in the field of workers' compensation law.

For purposes hereof, "substantial involvement in the field of workers' compensation law" shall mean that at the time of making application hereunder, an applicant meets the following standard:

Employment equivalent of at least 40% of a full-time practice, defined as an average of at least 16 hours per week, to matters where the primary issue involved is a person's entitlement to benefits under the Arizona Workers' Compensation Act. Service as an attorney, whether in a private or governmental capacity shall qualify, as well as service as an Administrative Law Judge for the Industrial Commission of Arizona, if the minimum time standards referenced herein, are met.

An applicant may ~~shall~~ fulfill the requirement of "substantial involvement in the field of workers' compensation law" by complying with the preceding standard during four of the preceding five years, including the year immediately preceding his or her application. Evidence of such compliance shall be indicated by attaching fifteen (15) Decisions of cases litigated to a conclusion within the application period. Cases that have been resolved by settlement after at least one hearing, will be considered; however, the preference will be for trials.

An applicant may ~~shall~~ demonstrate substantial involvement in the field of workers' compensation law by furnishing the BLS with information regarding the nature of the legal

services in which the applicant has been engaged and identifying the types of issues of workers' compensation law with which the applicant has dealt and the frequency of his or her involvement therewith. Such demonstration shall be made initially through completion by the applicant of the specialization application, but written or oral supplementation may be required.

**C. Competence and Integrity.** An applicant must demonstrate honesty, integrity, professionalism as defined by the Lawyer's Creed of Professionalism of the State Bar of Arizona, and a high degree of competence in the practice of workers' compensation law. The required degree of competence is substantially higher than that possessed by a general practitioner who regularly handles a workers' compensation matter. For purposes hereof, a "high degree of competence" shall meet the following standards:

1. That the applicant demonstrates a substantially complete knowledge of substantive law and rules of practice, procedure, evidence and ethics pertaining to workers' compensation law; and
2. That the applicant demonstrates a high degree of skill, thoroughness, preparation, effectiveness, professionalism, and judgment in the field of workers' compensation law; and.
3. That the applicant satisfactorily completes a written examination in the topics specified in paragraphs (1) and (2) above. This examination shall be given at least once each calendar year at a date, time and location determined by the Workers' Compensation Advisory Commission. The test and its grading criteria shall be formulated at the direction of the Advisory Commission and approved by the Board of Legal Specialization; and
4. Legal competence is to be measured by the extent to which an attorney (1) is specifically knowledgeable about workers' compensation law, (2) performs the techniques of such practice with skill, (3) manages such practice efficiently, (4) identifies issues beyond his or her competence relevant to the matter undertaken, bringing these to the client's attention, and (5) properly prepares and carries through the matter undertaken.
5. Disciplinary History:  
Imposition of a discipline sanction under Rule 60, Ariz. R. Sup. Ct. within the five-year period preceding the date of application may be grounds for denying, suspending, or revoking certification.

The following shall not be considered in approving or denying an application for certification:

- a. Diversion,
- b. Dismissal, or
- c. Allegations of misconduct that did not result in a disciplinary charge.

**D. References.** With each application, the applicant will submit the names of at least five Arizona attorneys who practice in workers' compensation law or administrative law judges before whom the applicant has appeared, familiar with the applicant's practice, and not including current partners or associates. The Workers' Compensation Advisory Commission will select at least five additional Arizona lawyers, administrative law judges, or qualified professionals as references from cases/matters/projects submitted by the applicant to demonstrate substantial involvement. The references will be requested to provide written comments concerning the

applicant not only on such specific topics as knowledge, skill, thoroughness, preparation, effectiveness, and judgment, but also concerning the applicant's ethics and professionalism.

Names of applicants will be published in a State Bar of Arizona publication, providing an opportunity for comment, at least 30 days before consideration of applications by the Workers' Compensation Advisory Commission. Reference names supplied by the applicant shall not include members of the Board of Legal Specialization or the Workers' Compensation Advisory Commission. The Workers Compensation Advisory Commission may also consult other sources. Documentation of all matters and comments considered by the Advisory Commission shall be contained in the applicant's file.

- E. Continuing Legal Education Requirements.** Continuing legal education requirements for attorneys certified as workers' compensation law specialists shall be 12 hours per year in one or more seminar of advanced level programming, concentrated in workers' compensation issues, consisting of 12 hours of substantive CLE activities in workers' compensation law and 3 hours in professional responsibility. Credit for other educational activities may be granted by the BLS as specified in the Rules and Regulations, Section VIII.B.

### **III. STANDARDS FOR RE-CERTIFICATION**

For the purposes of re-certification, the applicant shall be in compliance with the Rules and Regulations of the Arizona Board of Legal Specialization, and the applicant shall continue to meet the criteria of Sections IIB-E for certification, with the exception that no written examination shall be required as long as there has been no break in certification. Information demonstrating the criteria in IIB shall be detailed on an application form, showing the nature of legal services in which the applicant has been engaged in the past five years, and identifying the types of workers' compensation issues the applicant has handled along with the frequency of involvement.



**STANDARDS FOR CERTIFICATION  
OF LAWYERS SPECIALIZING IN  
BANKRUPTCY LAW**

Approved (\_\_\_\_\_)

Pursuant to the authority vested in the Arizona Board of Legal Specialization (“BLS”) by the Board of Governors of the State Bar of Arizona, the BLS prescribes the following standards and requirements for certification of lawyers specializing in bankruptcy law in accordance with the Rules and Regulations of the Arizona Board of Legal Specialization established by the Board of Governors.

No provision herein contained shall in any way limit the right of a lawyer certified as specializing in bankruptcy law to practice law in all fields or to act as counsel in every type of legal matter. Any lawyer, alone or in association with any other lawyer, shall have the right to practice in all fields of law, even though the lawyer is certified as specializing in bankruptcy law.

No lawyer shall be required to be certified as specializing in bankruptcy law before that lawyer can practice law in the field of bankruptcy law or act as counsel in any particular type of bankruptcy law matter. Any lawyer, alone or in association with another lawyer, shall have the right to practice in the field of bankruptcy law and to act as counsel in every type of bankruptcy law case, even if the lawyer is not certified as specializing in bankruptcy law.

The Board of Legal Specialization is committed to promoting racial, ethnic, and gender diversity, and to assuring the rights of the disabled within all Board of Legal Specialization programs, committees, and activities, and will periodically monitor all existing programs, committees, and activities for compliance with the goal of diversity and with assurance of the rights of the disabled in every aspect of the Board of Legal Specialization.

**I. GENERAL REQUIREMENTS**

- A. Active Member of the State Bar.** An applicant for certification as a lawyer specializing in bankruptcy law shall be an active member in good standing of the State Bar of Arizona.
- B. Application.** An applicant shall be required to complete an application in a form prescribed by the BLS to furnish such additional and supplemental information as may be required by the BLS or the Bankruptcy Law Advisory Commission, and to comply with all applicable Rules and Regulations of the Arizona Board of Legal Specialization.
- C. Recommendation by Bankruptcy Law Advisory Commission.** An applicant shall be recommended to the BLS for certification as a lawyer specializing in bankruptcy law when the applicant is found to have complied with the applicable standards by no less than five (5) of the ten members of the Bankruptcy Law Advisory Commission.
- D. Expiration of Certification.** A certificate of specialization shall expire five (5) years after the date thereon; provided, however, that if timely application for renewal of certification is made as provided under the Rules and Regulations of the Board of Legal Specialization, the certificate shall remain in effect until the BLS has acted upon the renewal application. Renewal of certification shall be required every five (5) years.

**E. Revocation/Suspension of Certification.** The BLS may revoke or suspend the certification of a lawyer recognized as specializing in bankruptcy law for any reason specified in the Rules and Regulations of the Arizona Board of Legal Specialization, including but not limited to advice from the Bankruptcy Law Advisory Commission that the certified lawyer no longer meets the criteria for substantial involvement in the field of bankruptcy law as set forth in Section II hereof.

**F. Fees.** Every applicant shall pay application and testing fees as may be prescribed by the BLS.

## **II. STANDARDS FOR CERTIFICATION.**

**A. Required Period of Law Practice.** An applicant shall have been admitted to the practice of law for a minimum of five years, of which a minimum of two years immediately preceding the application must have been in the practice of law within the State of Arizona, and after such admission shall have engaged in legal service (as reorganizations, liquidations, receiverships and the rights, obligations and remedies of trustees; state insolvency laws; and practice before the Bankruptcy Court and other Federal and State Courts as defined in Section I of the Rules and Regulations of the Arizona Board of Legal Specialization) equivalent to at least 50% of a full-time practice.

**B. Substantial Involvement in Bankruptcy Law.** An applicant shall make a satisfactory showing, as determined by the BLS in accordance with objective and verifiable standards based upon the advice of the Bankruptcy Advisory Commission, of substantial involvement in the field of bankruptcy law in at least four of the preceding six years, including the year immediately preceding the application. This can be shown by providing such information as may be required by the BLS including, but not limited to, peer review and evidence of special competence and experience.

For purposes hereof, "substantial involvement in the field of bankruptcy law" shall mean engagement by the applicant in legal service (as defined in Section I of the Rules and Regulations of the Arizona Board of Legal Specialization) on an annual basis equivalent to at least 50% of a full-time practice, in the course of which the lawyer has annually devoted at least 33.3% of a full-time practice to matters in which issues of bankruptcy are significant factors, including representing parties in not less than 13 of the following categories:

1. One contested or substantially negotiated objection to discharge;
2. Two contested or substantially negotiated determinations of dischargeability;
3. Two fraudulent conveyances;
4. Two preferential transfers;
5. Three avoidances of non-purchase money, non-possessory liens in consumer goods or avoidance of judgment liens;
6. One avoidance of unperfected or unrecorded transfer by a hypothetical bona fide purchaser or lien creditor;
7. One equitable subordination;
8. Two contested or substantially negotiated modifications of automatic stay;
9. Four sales, use or leases of property;

10. Two contested or substantially negotiated sales of property free and clear of liens;
11. Two contested or substantially negotiated cash collateral disputes;
12. Three assumptions or rejections of leases or other executory contracts;
13. Two extensions of secured or unsecured credit;
14. Two involuntary petitions;
15. Two contested or substantially negotiated objections to the allowance of claims;
16. Two appointments of a trustee or examiner;
17. Two contested or substantially negotiated conversions or dismissals;
18. Two contested or substantially negotiated turnovers of property;
19. One reclamation;
20. One PACA claim;
21. Two substantially negotiated reaffirmations;
22. Two contested or substantially negotiated redemptions;
23. Five motions for abandonment;
24. Conducting three examinations under Rule 2004;
25. One revocation of an order of confirmation of a Chapter 11 or 13 plan;
26. Twenty voluntary petitions, with schedules and statements, under Chapter 7;
27. Ten voluntary petitions, with schedules and statements, and plans under Chapter 13;
28. Five voluntary petitions, with schedules and statements under Chapter 11;
29. Two voluntary petitions, with schedules and statements, and plans under Chapter 12;
30. Five confirmations of plans under Chapters 12 or 13;
31. Two confirmations of plans under Chapters 9 or 11;
32. Three disclosure statements and plans of reorganization under Chapter 11;
33. Three requests for administrative priority of claim other than own fee application;
34. Three objections to claimed exemptions;
35. Two applications for replacement liens;
36. Two proceedings to determine the validity, priority or extent of a lien or other interest in property;
37. One relief application for injunctive or declaratory relief;
38. Three representations of trustee;
39. Ten evidentiary hearings of which each is at least two hours duration;
40. One representation of a creditors committee or equity committee;
41. One determination of tax liability that is contested or substantially negotiated;
42. Two Motions for Removal, Abstention or Withdrawal of Reference;
43. One rejection of a collective bargaining agreement;

44. Two bankruptcy related adversary proceedings or contested matters of a type other than as above described;
45. Two appeals relating to the above described.

An applicant shall demonstrate such substantial involvement in the field of bankruptcy law by furnishing the BLS with information regarding the nature of the legal services in which the applicant has been engaged and identifying the types of issues of bankruptcy law with which the applicant has dealt and the frequency of the involvement therewith. Such demonstration shall be made initially through completion by the applicant of the specialization application, but written or oral supplementation may be required.

**C. Competence and Integrity.** An applicant must demonstrate honesty, integrity, professionalism as defined by the Lawyer's Creed of Professionalism of the State Bar of Arizona, and a high degree of competence in the practice of bankruptcy law. The required degree of competence is substantially higher than that possessed by a general practitioner who regularly handles a bankruptcy matter. For purposes hereof, "a high degree of competence" shall meet the following standards:

1. That the applicant demonstrate a substantially complete knowledge of substantive law and rules of practice, procedure, evidence and ethics pertaining to bankruptcy law;
2. That the applicant demonstrate a high degree of skill, thoroughness, preparation, effectiveness, professionalism and judgment in the field of bankruptcy law; and
3. That the applicant satisfactorily complete a written examination in the topics specified in paragraphs (1) and (2) above. This examination shall be given at least once each calendar year at a date, time and location determined by the Bankruptcy Advisory Commission. The test and its grading criteria shall be formulated at the direction of the Advisory Commission and approved by the Board of Legal Specialization.
4. That the applicant demonstrate a substantially complete knowledge of and a high degree of skill in the use of alternative dispute resolution as it applies in the field.
5. Legal competence is measured by the extent to which an attorney (1) is specifically knowledgeable about the fields of law in which the applicant practices, (2) performs the techniques of such practice with skill, (3) manages such practice efficiently, (4) identifies issues beyond his or her competence relevant to the matter undertaken, bringing these to the client's attention, and (5) properly prepares and carries through the matter undertaken.
6. **Disciplinary History:**  
Imposition of a discipline sanction under Rule 60, Ariz. R. Sup. Ct. within the five-year period preceding the date of application may be grounds for denying, suspending, or revoking certification.

The following shall not be considered in approving or denying an application for certification:

- a. Diversion,
- b. Dismissals, or
- c. Allegations of misconduct that did not result in a disciplinary charge.

The Bankruptcy Advisory Commission has determined that any applicant that passes the written examination given by the American Board of Certification (“ABC”) may use that written examination in lieu of the examination requirement contained herein upon proper evidence from ABC that the applicant has passed the ABC written examination within fifteen months of applying to the Board of Legal Specialization for certification as a bankruptcy specialist.

- D. References.** With each application, the applicant will submit the names of at least five Arizona attorneys who practice in the field of bankruptcy law and/or judges before whom the applicant has appeared, familiar with the applicant’s practice, and not including current partners or associates. The Bankruptcy Advisory Commission will select at least five additional Arizona lawyers, judges, or qualified professionals as references from cases/matters/projects submitted by the applicant to demonstrate substantial involvement. The references will be requested to provide written comments concerning the applicant not only on such specific topics as knowledge, skill, thoroughness, preparation, effectiveness, and judgment, but also concerning the applicant’s ethics and professionalism.

Names of applicants will be published in a State Bar of Arizona publication, providing an opportunity for comment, at least 30 days before consideration of applications by the Bankruptcy Advisory Commission. Reference names supplied by the applicant shall not include members of the Board of Legal Specialization or Bankruptcy Advisory Commission. The Bankruptcy Advisory Commission may also consult other sources. Documentation of all matters and comments considered by the Bankruptcy Advisory Commission shall be contained in the applicant’s file.

- E. Continuing Legal Education Requirements.** Continuing legal education requirements for attorneys certified as bankruptcy law specialists shall be 12 hours per year in one or more seminar of advanced level programming, concentrated in bankruptcy issues, consisting of 12 hours of substantive CLE activities in bankruptcy law and 3 hours in professional responsibility. Credit for other educational activities may be granted by the BLS as specified in the Rules and Regulations, Section VIII.B.

### **III. STANDARDS FOR RECERTIFICATION**

For the purposes of re-certification, the term “substantial involvement” shall mean engagement by the applicant in legal service equivalent to at least 50% of a full-time practice, in the course of which the lawyer has annually devoted approximately 33.3% of a full-time practice to matters in which issues of bankruptcy law are significant factors. These services shall be detailed on an application form, showing the nature of the legal services in which the applicant has been engaged in the past five years, and identifying the types of issues of bankruptcy with which the applicant has dealt and the frequency of involvement therewith. Formal written examination for recertification, where there has been no break in certification, shall not be required.



**STANDARDS FOR CERTIFICATION  
OF LAWYERS SPECIALIZING IN  
ESTATE AND TRUST LAW**

Approved ( \_\_\_\_\_ )

Pursuant to the authority vested in the Arizona Board of Legal Specialization (“BLS”) by the Board of Governors of the State Bar of Arizona, the BLS prescribes the following standards and requirements for certification of lawyers specializing in estate and trust law in accordance with the Rules and Regulations of the Arizona Board of Legal Specialization established by the Board of Governors.

No provision herein contained shall in any way limit the right of a lawyer certified as specializing in estate and trust law to practice law in all fields or to act as counsel in every type of legal matter. Any lawyer, alone or in association with any other lawyer, shall have the right to practice in all fields of law, even though the lawyer is certified as specializing in estate and trust law.

No lawyer shall be required to be certified as specializing in estate and trust law before that lawyer can practice law in the field of estate and trust law or act as counsel in any particular type of estate and trust law matter. Any lawyer, alone or in association with another lawyer, shall have the right to practice in the field of estate and trust law and to act as counsel in every type of estate and trust law case, even if the lawyer is not certified as specializing in estate and trust law.

The Board of Legal Specialization is committed to promoting racial, ethnic, and gender diversity, and to assuring the rights of the disabled within all Board of Legal Specialization programs, committees, and activities, and will periodically monitor all existing programs, committees, and activities for compliance with the goal of diversity and with assurance of the rights of the disabled in every aspect of the Board of Legal Specialization.

**I. GENERAL REQUIREMENTS**

- A. Active Member of the State Bar.** An applicant for certification as a lawyer specializing in estate and trust law shall be an active member in good standing of the State Bar of Arizona.
- B. Application.** An applicant shall be required to complete an application in a form prescribed by the BLS to furnish such additional and supplemental information as may be required by the BLS or the Estate and Trust Law Advisory Commission, and to comply with all applicable Rules and Regulations of the Arizona Board of Legal Specialization.
- C. Recommendation by Estate and Trust Law Advisory Commission.** An applicant shall be recommended to the BLS for certification as a lawyer specializing in estate and trust law when the applicant is found to have complied with the applicable standards by no less than five (5) of the ten members of the Estate and Trust Law Advisory Commission.
- D. Expiration of Certification.** A certificate of specialization shall expire five (5) years after the date thereon; provided, however, that if timely application for renewal of certification is made as provided under the Rules and Regulations of the Board of Legal Specialization, the certificate shall remain in effect until the BLS has acted upon the renewal application. Renewal

of certification shall be required every five (5) years.

**E. Revocation/Suspension of Certification.** The BLS may revoke or suspend the certification of a lawyer recognized as specializing in estate and trust law for any reason specified in the Rules and Regulations of the Arizona Board of Legal Specialization, including but not limited to, advice from the Estate and Trust Law Advisory Commission that the certified lawyer no longer meets the criteria for substantial involvement in the field of estate and trust law as set forth in Section II hereof.

**F. Fees.** Every applicant shall pay application and testing fees as may be prescribed by the BLS.

## **II. STANDARDS FOR CERTIFICATION**

**A. Required Period of Law Practice.** Applicants must be admitted to the practice of law for a minimum of five years, of which a minimum of two years immediately preceding the application must have been in the practice of law within the State of Arizona and after such admission shall have engaged in legal service (as defined in Section 1 of the Rules and Regulations of the Arizona Board of Legal Specialization) equivalent to at least 50% of a full-time law practice.

**B. Substantial Involvement in Estate and Trust Law.** "Estate and trust law" is defined as legal representation in matters involving tax planning, wills and trusts, estate and trust administration, and estate and trust litigation.

An applicant shall make a satisfactory showing, as determined by the BLS in accordance with objective and verifiable standards, based upon advice of the Estate and Trust Law Advisory Commission, of substantial involvement in the field of estate and trust law during at least four of the preceding six years, including the year immediately preceding this application. This can be shown by providing such information as may be required by the BLS, including but not limited to, peer review and evidence of special competence and experience.

For purposes hereof, "substantial involvement in the field of estate and trust law" shall mean the engagement by the applicant in legal service (as defined in Section I of the Rules and Regulations of the Arizona Board of Legal Specialization) equivalent to at least 50% of a full-time practice to matters in which issues of estate and trust law are significant factors." An applicant shall certify that they are actively involved in a minimum of five of the following substantial involvement categories:

1. Rendition of advice as to the state and federal estate, gift and generation-skipping transfer tax consequences of transactions such as gifts to individuals, trusts and charitable organizations; the drafting and implementation of irrevocable trusts, including present interest trusts, irrevocable life insurance trusts and charitable trusts; the drafting and implementation of wills and revocable trusts; and the formation and implementation of estate and trust business arrangements, including closely held corporations, partnerships and buy-sell agreements.
2. The preparation of state and federal estate, gift and generation-skipping transfer tax returns, including the rendition of advice concerning the preparation and filing of such returns and all applicable elections.

3. Rendition of advice regarding the valuation of assets and partial interests in assets in situations described in subparagraphs A. and B. above.
4. Rendition of advice incident to the planning, drafting and implementation of wills and/or trusts; and beneficiary designations, including:
  - a. Distribution of all property to surviving spouse with alternate to children as each attains the age of majority, or when the youngest attains a specified age, or distributing to children using a testamentary trust; and
  - b. Utilizing a marital trust, a qualified election trust, credit shelter trusts, generation-skipping trusts, or charitable remainder trusts; and
  - c. Distribution of retirement assets, and life insurance and annuity proceeds.
5. Rendition of advice incident to the drafting and implementation of amendment and auxiliary documents, including:
  - a. Codicil to will;
  - b. Amendment to trust;
  - c. Powers of attorney;
  - d. Disclaimers.
6. Rendition of advice incident to the drafting and implementation of business succession documents, including estate and trust business arrangements, closely-held corporations, partnerships and buy-sell agreements.
7. Rendition of advice regarding applications for public benefits; including, but not limited to, Social Security retirement benefits, Supplemental Security Income benefits, Medicare or Medicaid (Arizona Long Term Care System or Arizona Health Care Cost Containment System) benefits, and Railroad Retirement benefits.
8. Rendition of advice regarding completing transfers of decedents' assets by probate administration, terminations of joint tenancies, collection of real or personal property by affidavit and retirement plans.
9. Rendition of advice regarding completing transfers of assets by trust terminations or otherwise; including, but not limited to, terminations of revocable living trusts, life insurance trusts, gift trusts, testamentary trusts or other procedures resulting in the transfer of assets in which the decedent held an interest.
10. Rendition of advice to a fiduciary or administration as a fiduciary of estate and trust; including, but not limited to, the preparation of periodic accounting, distributions, court settlement of accounts and the preparation of appropriate tax returns or trust tax information;
11. Acting as trial counsel in contested matters involving will contests, determinations of heirship, objections to accounting, fiduciary appointments, creditors' claims, breaches of fiduciary duty, financial exploitation, guardianship, conservatorship, mental health proceedings asset ownership disputes, tax matters or such other activities in the estate and

trust litigation law area which the applicant demonstrates to the satisfaction of the Board of Legal Specialization.

“Trial counsel” means an attorney who presents all or a substantial portion of a case or proceeding to the court or jury.

“Contested matters” means legal representation in any dispute where a trial or other evidentiary hearing on the merits was or might ultimately be necessary whether by a court, with or without a jury, or by other alternative method of dispute resolution such as arbitration. Service as a judge pro tem for particular cases may qualify if the matter or hearing resulted in a decision based upon submitted memoranda or oral testimony.

12. Representing an interested party in mental health, guardianship and/or conservatorship proceedings either from the filing of an initial petition through the appointment of the guardian and/or conservator, or after the appointment of the conservator and/or guardian, or
13. Such other activities in the estate and trust law areas which the applicant demonstrates to the satisfaction of the Board of Legal Specialization.

**C. Competence and Integrity.** An applicant must demonstrate honesty, integrity, professionalism as defined by the Lawyer’s Creed of Professionalism of the State Bar of Arizona, and a high degree of competence in the practice of estate and trust law. The required degree of competence is substantially higher than that possessed by a general practitioner who regularly handles an estate and/or trust matter. A “high degree of competence” shall mean the satisfaction of the following standards:

1. The applicant demonstrates a substantially complete knowledge of substantive law and rules of practice, procedure, evidence and ethics pertaining to estate and trust law practice;
2. The applicant demonstrates a high degree of skill, thoroughness, professionalism, preparation, effectiveness and judgment in the field of estate and trust law; and
3. The applicant satisfactorily completes a written examination in the topics specified in paragraphs 1 and 2 above. This examination shall be given at least once each calendar year at a date, time and location determined by the Estate and Trust Advisory Commission. The test and its grading criteria shall be formulated at the direction of the Advisory Commission and approved by the BLS. Any applicant may retake the exam for a third time only after reapplying and paying all applicable examination fees. No applicant may retake the exam for an additional time thereafter unless upon applicant’s petition to the Advisory Commission special circumstances are demonstrated which improve Applicant’s prospects for successfully completing the examination.
4. That the applicant demonstrate a substantially complete knowledge of and a high degree of skill in the use of alternative dispute resolution as it applies in the field.
5. Legal competence is measured by the extent to which an attorney (1) is specifically knowledgeable about the fields of law in which the attorney practices, (2) performs the

techniques of such practice with skill, (3) manages such practice efficiently, (4) identifies issues beyond his or her competence relevant to the matter undertaken, bringing these to the client's attention, and (5) properly prepares and carries through the matter undertaken.

6. **Disciplinary History:**

Imposition of a discipline sanction under Rule 60, Ariz. R. Sup. Ct. within the five-year period preceding the date of application may be grounds for denying, suspending, or revoking certification.

The following shall not be considered in approving or denying an application for certification:

- a. Diversion,
- b. Dismissals, or
- c. Allegations of misconduct that did not result in a disciplinary charge.

**D. References.** With each application, the applicant will submit the names of at least five Arizona attorneys who practice in the field or judges before whom the applicant has appeared, familiar with the applicant's practice, and not including current partners or associates. In addition, the applicant may submit names of other professionals familiar with the applicant's practice such as accountants, trust officers, life insurance agents and financial consultants. The Advisory Commission will select at least five Arizona lawyers, judges, or qualified professionals as references from cases/matters/projects submitted by the applicant to demonstrate substantial involvement. The references will be requested to provide written comments concerning the applicant not only on such specific topics as knowledge, skill, thoroughness, preparation, effectiveness, and judgment, but also concerning the applicant's ethics and professionalism.

Names of applicants will be published in a State Bar of Arizona publication, providing an opportunity for comment, at least 30 days before consideration of applications by the Advisory Commission. Reference names supplied by the applicant shall not include members of the Board of Legal Specialization or Estate and Trust Advisory Commission. The Estate and Trust Advisory Commission may also consult other sources. Documentation of all matters and comments considered by the Advisory Commission shall be contained in the applicant's file.

**E. Continuing Legal Education Requirements.** Continuing legal education requirements for attorneys certified as estate and trust law specialists shall be 12 hours per year in one or more seminar of advanced level programming, concentrated in estate and trust issues, consisting of 12 hours of substantive CLE activities in estate and trust law and 3 hours in professional responsibility. Credit for other educational activities may be granted by the BLS as specified in the Rules and Regulations, Section VIII.B.

### **III. STANDARDS FOR RE-CERTIFICATION**

For the purposes of re-certification, the lawyer shall demonstrate continued substantial involvement in the area of estate and trust law as set forth in paragraph II.B(1-13) above on the application for re-certification.

These services shall be detailed on an application form, showing the nature of the legal services in which the applicant has been engaged in the past five years, and identifying the types of issues of estate and trust law with which the applicant has dealt and the frequency of involvement. Such demonstration shall be made upon re-certification through the completing by the applicant of a form of questionnaire approved by the BLS. Formal written examination for recertification shall not be required where there has been no break in certification.



**STANDARDS FOR CERTIFICATION  
OF LAWYERS SPECIALIZING IN  
FAMILY LAW**

Approved (\_\_\_\_\_)

Pursuant to the authority vested in the Arizona Board of Legal Specialization ("BLS") by the Board of Governors of the State Bar of Arizona, the BLS prescribes the following standards and requirements for certification of lawyers specializing in family law in accordance with the Rules and Regulations of the Arizona Board of Legal Specialization ("BLS") established by the Board of Governors.

No provision herein contained shall in any way limit the right of a lawyer certified as specializing in family law to practice law in all fields or to act as counsel in every type of legal matter. Any lawyer, alone or in association with any other lawyer, shall have the right to practice in all fields of law, even though the lawyer is certified as specializing in family law.

No lawyer shall be required to be certified as specializing in family law before that lawyer can practice law in the field of family law or act as counsel in any particular type of family law matter. Any lawyer, alone or in association with another lawyer, shall have the right to practice in the field of family law and to act as counsel in every type of family law case, even if the lawyer is not certified as specializing in family law.

The BLS is committed to promoting racial, ethnic, and gender diversity, and to assuring the rights of the disabled within all BLS programs, committees, and activities, and will periodically monitor all existing programs, committees, and activities for compliance with the goal of diversity and with assurance of the rights of the disabled in every aspect of the BLS.

**I. GENERAL REQUIREMENTS**

- A. Active Member of the State Bar.** An applicant for certification as a lawyer specializing in family law shall be an active member in good standing of the State Bar of Arizona.
- B. Application.** An applicant shall be required to complete an application in a form prescribed by the BLS to furnish such additional and supplemental information as may be required by the BLS or the Family Law Advisory Commission ("FLAC"), and to comply with all applicable Rules and Regulations of the Arizona BLS.
- C. Recommendation by Family Law Advisory Commission.** An applicant shall be recommended to the BLS for certification as a lawyer specializing in family law when the applicant is found to have complied with the applicable standards by no less than six (6) of the ten members of the FLAC.
- D. Expiration of Certification.** A certificate of specialization shall expire five (5) years after the date thereon; provided, however, that if timely application for renewal of certification is made as provided under the Rules and Regulations of the BLS, the certificate shall remain in effect

until the BLS has acted upon the renewal application. Renewal of certification shall be required every five (5) years.

**E. Revocation/Suspension of Certification.** The BLS may revoke or suspend the certification of a lawyer recognized as specializing in family law for any reason specified in the Rules and Regulations of the Arizona BLS, including but not limited to advice from the FLAC that the certified lawyer no longer meets the standards for certification in the field of family law as set forth herein.

**F. Fees.** Every applicant shall pay application and testing fees as may be prescribed by the BLS.

## **II. STANDARDS FOR CERTIFICATION**

**A. Required Period of Family Law Practice.** An applicant must have been admitted to the practice of law continuously for a minimum of seven years. During five of those years, the applicant must have been engaged in the practice of Family Law within the State of Arizona, two years of which must have been immediately preceding the application. During each of such five years, the applicant must have engaged in legal services (as defined in Section I of the Rules and Regulations of BLS) in the field of Family Law equivalent to at least 70% of a full-time practice.

**B. Involvement in Specialty Field.** The specialty field of Family Law is as described below.

1. An applicant shall make a satisfactory showing of substantial involvement in Family Law as determined by the BLS in accordance with objective and verifiable standards, based upon recommendations of the FLAC.
2. "Substantial involvement" in Family Law means the engagement by the applicant in Family Law matters as described in Section II(A). "Family Law" means matters in which any of the categories of issues listed following are significant factors, including issues from at least seven of the categories during the time in which the applicant claims substantial involvement in Family Law.
  - a. Dissolution of marriage, legal separation, and annulment of marriage;
  - b. Matters relating to children, including legal decision making and parenting time;
  - c. Paternity;
  - d. Juvenile court matters including dependency, adoption, and termination of parental rights;
  - e. Child support;
  - f. Spousal maintenance;
  - g. Modification of legal decision making, parenting time, child support, and spousal maintenance;
  - h. Identifying separate and community property, and division of community property;
  - i. Taxation issues incidental to dissolution or separation;
  - j. Contempt and/or enforcement proceedings;
  - k. Mediation or negotiation of family disputes, and resolution of Family Law matters through alternate dispute resolutions;
  - l. Special actions and appeals from Family Law matters;

- m. Issues of the non-matrimonial family;
  - n. Issues of domestic violence;
  - o. Family Law service as defined in Section III(C)(2)(a)-(k).
3. An applicant shall demonstrate current substantial involvement in the field of Family Law by furnishing the BLS with information regarding the nature of the legal services in which the applicant has been engaged and identifying the types of issues of Family Law with which the applicant has dealt and the frequency of involvement therewith. Such demonstration shall be made initially through completion by the applicant of the specialization application, but written or oral supplementation may be required.
- a. An applicant shall further demonstrate substantial involvement in the field of Family Law by listing all hearings within the past 24 months in which the applicant acted as lead counsel. A hearing includes orders to appear, evidentiary proceedings on orders of protection, trials, or other evidentiary proceedings whereby one or more issues are decided by the Court. Motion hearings, resolution management conferences, status conferences, etc. without testimony do not satisfy this requirement. If the number of hearings listed is less than 30, the applicant must list additional such hearings in which he or she acted as lead counsel up to a total of not less than 30 within the past five years.

A hearing is a court proceeding or quasi-judicial proceeding such as an arbitration or Rule 72 proceeding at which evidence in the form of live or deposition testimony is adduced and the Court, arbitrator or Master decides one or more issues of fact or law. A Pre-Trial Motion hearing shall qualify as a hearing if live or deposition testimony is adduced in proceedings to establish, modify or enforce *pendente lite* financial or custody or parenting time arrangements. As to other pre-trial hearings in which live or deposition testimony is adduced, the applicant shall describe the purpose and nature of the hearing and the FLAC shall determine whether such hearings shall qualify. Participating in mediation at which counsel take part that settles a case (not including settlement through a settlement conference at Court), or in a binding arbitration that settles a case, constitutes a hearing. Serving as mediator or arbitrator in such a proceeding constitutes a hearing. However, no more than 10 of the hearings credited toward the minimum of 30 may be mediations or arbitrations, either at which the applicant was an attorney participant or at which the applicant was a mediator or arbitrator. In those counties in which local rules allow the Court to make a summary ruling on contested issues regarding *pendente lite* financial or custody arrangements based on affidavits without live testimony but with oral argument by the attorneys, a proceeding conducted in conformity to such a rule may qualify as a hearing.

While Courtroom experience is necessary, of equal concern is the attorney's ability to resolve issues with minimal stress to the parties while at the same time protecting the client's interests. An applicant must list all negotiated settlement agreements, pre-marital or post-marital agreements, paternity agreements and stipulated decrees in the past 24 months in which applicant was lead counsel. If the number of agreements listed is less than 45, applicant must list additional such agreements in which he or she was lead counsel up to a total of not less than 45 within the past five years. The term "settlement agreement" includes complete resolution of all issues in a Family Law

matter. The term does not apply to resolution of *pendente lite* issues.

The hearings and agreements listed by applicant shall include all hearings and agreements in which the applicant served as lead counsel within the past 24 months, even if that results in listing more than 30 hearings or more than 45 agreements.

The applicant may list family law appeals or special actions in the Court of Appeals or Supreme Court in which he or she was lead attorney within the past five years. If he or she orally argued in the matter, it may be counted toward the required number of hearings. If he or she did not orally argue, it shall be counted toward the required number of settlements.

- b. Within the five years preceding the application, the applicant must have been lead attorney in at least ten Family Law matters from categories listed below, including at least one matter each from at least five of the categories. For purposes of these Standards, these ten or more matters are referred to as “breadth matters.”

The lists of settlements and hearings submitted pursuant to Section II.B.3(a) shall specifically identify the ten or more matters designated as breadth matters and must indicate (by lower case Roman numeral [(i)-(xvi)]) which of the categories below is represented by each of the breadth matters. One case cannot fulfill more than one category of the breadth matters requirement at the Superior Court level. One case cannot fulfill more than one category of the breadth matters requirement at the appellate level. For example, if at the trial level, a particular case could satisfy several categories of breadth matter requirements, and there is an interlocutory special action in the Court of Appeals, and then after the decree, there is an appeal to the Court of Appeals and the Supreme Court accepts review of the decision in that appeal, all of this can constitute only one breadth matter at the trial level and only one at the appellate level.

The information provided about breadth matters must describe how the matter fulfills the requirements of the particular category. For example, it would be sufficient for the applicant to state “In *Frobisher v. Arbuckle*, John Schmitz, CPA prepared a written valuation of the parties’ hardware business - Breadth category (i)” or “From [date] to [date] I was a member of the Executive Council of the Family Law Section of the State Bar of Arizona and attended monthly meetings of about two hours each, for a total of about 12 hours - Breadth Category (xvi).”

The categories of breadth matters are as follows:

- i. a matter that involves issues of valuation of a business or professional practice or other intangible asset in regard to which an expert accountant or business appraiser or other expert submits a written valuation or testifies at deposition or in a hearing or trial or attends a mediation or negotiation;
- ii. a matter that involves issues of co-mingling of funds in regard to which an accountant or other expert traces funds and submits a written report or testifies at deposition or in a hearing or trial or attends a mediation or negotiation;

- iii. a matter that involves issues of excessive, abnormal, or fraudulent disposition of community funds or assets (community waste) in regard to which an accountant or other expert traces funds or assets and submits a written report or testifies at deposition or in a trial or hearing or attends a mediation or negotiation;
- iv. a matter in which a real estate appraiser submits a written appraisal or testifies at deposition or in a hearing or trial or attends a mediation or negotiation;
- v. a matter that involves issues of spousal maintenance or child support in which a physician or vocational or labor market or rehabilitation expert or other expert submits a written report regarding a party's ability to earn income or testifies at deposition or in a hearing or trial or attends a mediation or negotiation;
- vi. a matter that involves issues of child custody or parenting time in which a written child custody or parenting time evaluation is submitted, or a mental health professional or other expert meets with children or parents, or attends mediation or negotiation, or otherwise assists in attempting resolution;
- vii. a matter that involves issues of valuation of a retirement plan, in regard to which an actuary or other expert submits a written report or testifies at deposition or in a trial or hearing or attends mediation or negotiation;
- viii. a matter that involves issues of community enhancement of the value of a separate business, professional practice, or real estate, in which an expert accountant or appraiser submits a written report regarding such issues or testifies at deposition or in a hearing or trial or attends mediation or negotiation;
- ix. a matter involving interstate jurisdiction issues, either as to long-arm personal jurisdiction or as to subject matter jurisdiction;
- x. a special action or appeal to the Court of Appeals or Supreme Court;
- xi. a matter that is settled by alternate dispute resolution, which means mediation involving the participation of counsel, arbitration, or Rule 72 special master proceedings, but does not include mediation through an agency of the court or settlement at a pre-trial conference or other proceeding at the court;
- xii. a matter in which the applicant serves as mediator, arbitrator or Rule 72 special master;
- xiii. a matter in which the applicant serves as a court advisor, child's attorney, best interest attorney, or parenting coordinator;
- xiv. a matter arising under the Hague Convention on the Civil Aspects of International Child Abduction;

- xv a matter involving allegations of child sexual abuse in which an expert submits a written report or testifies at a deposition or in a hearing or trial or attends a mediation or negotiation;
- xvi providing Family Law service as defined in Section III(C)(2)(a)-(k) for at least 10 hours within the most recent two years prior to the application, which regardless of the number of hours of service, may be credited as no more than one breadth matter.

**C. Competence and Integrity.** An applicant must demonstrate honesty and integrity, professionalism as defined by the Lawyer’s Creed of Professionalism of the State Bar of Arizona, and a high degree of competence in the practice of Family Law. The required degree of competence is substantially higher than that possessed by a general practitioner who regularly handles Family Law matters. For purposes of demonstrating a “high degree of competence” an applicant shall meet the following standards:

1. The applicant shall demonstrate a substantially complete knowledge of substantive law and rules of practice, procedure, evidence, and ethics pertaining to Family Law;
2. The applicant shall demonstrate a high degree of skill, thoroughness, preparation, effectiveness, professionalism, and judgment in the field of Family Law;
3. The applicant shall pass a written examination on topics relating to Family Law determined by the FLAC. This examination shall be administered at the discretion of the FLAC and shall include substantive law, rules of practice, procedure, evidence, and ethics pertaining to the area of Family Law. The substance of the test and its grading criteria shall be formulated by the FLAC;
4. The applicant shall demonstrate a substantially complete knowledge of and high degree of skill in the use of alternative dispute resolution as it applies in the field of Family Law.
5. Legal competence is measured by the extent to which an attorney (1) is specifically knowledgeable about the fields of law in which the applicant practices, (2) performs the techniques of such practice with skill, (3) manages such practice efficiently, (4) identifies issues beyond their competence relevant to the matter undertaken, bringing these to the client’s attention, and (5) properly prepares and carries through the matter undertaken.
6. **Disciplinary History:**  
Imposition of a discipline sanction under Rule 60, Ariz. R. Sup. Ct. within the five-year period preceding the date of application may be grounds for denying, suspending, or revoking certification.

The following shall not be considered in approving or denying an application for certification:

- a. Diversion,

- b. Dismissals, or
- c. Allegations of misconduct that did not result in a disciplinary charge.

**D. References.** With his or her application, the applicant shall submit the names of at least five Arizona attorneys who practice in Family Law or judges before whom the applicant has appeared, who are familiar with the applicant's practice, not including current partners or associates. There shall be selected at least five additional Arizona lawyers, judges, or qualified professionals as references from cases/matters/projects submitted by the applicant to demonstrate substantial involvement. The references submitted by the applicant and the additional references will be requested to provide written comments concerning the applicant not only on such specific topics as knowledge, skill, thoroughness, preparation, effectiveness, and judgment, but also concerning the applicant's ethics and professionalism.

Reference names supplied by the applicant shall not include members of the BLS or FLAC.

The FLAC may also consult other sources. Documentation of all matters and comments considered by the FLAC shall be contained in the applicant's file.

Names of applicants will be published in a State Bar of Arizona publication, providing an opportunity for comment, at least 30 days before consideration of applications by the FLAC.

**E. Continuing Legal Education Requirements.** Applicants for certification shall demonstrate that during the five years prior to their applications they completed at least 50 hours of continuing legal education in Family Law among the minimum 15 hours of continuing legal education per year (75 hours over five years) required by the State Bar of Arizona.

**F. Waivers.** The FLAC may recommend waiver of any requirement if circumstances so warrant. For each incident of waiver, the FLAC shall advise the BLS which specific requirement was waived, the specific reasons justifying the waiver, and the substituted requirements, if any, that were recommended by the FLAC.

### III. STANDARDS AND PROCEDURES FOR RE-CERTIFICATION

- A.** During the immediately preceding period of certification, the specialist must have had substantial involvement in the field of family law as defined in Section II(B)(2), must have continued to demonstrate competence and integrity as defined in Section II(B)(4), and must have fulfilled the continuing legal education requirement of Section II(B)(6), all subject to the policy regarding waivers stated in Section II.B.7. A written examination shall not be required for recertification.
- B.** A specialist who was initially certified in Family Law prior to January 1, 2011, will be deemed to have had substantial involvement in Family Law during the period of specialization if an amount of his or her practice is equal to at least 50% of a full-time practice consisting of Family Law. A specialist who was initially certified in Family Law subsequent to January 1,

2011, will be deemed to have had substantial involvement in Family Law during the period of specialization if an amount of his or her practice is equal to at least 70% of a full-time practice consisting of Family Law.

- C. For recertification, the applicant must demonstrate fulfillment of the requirements of either "Track 1" or "Track 2" as defined below. Such demonstration shall include sufficient detail, including categories, dates, and case names, as is necessary to prove fulfillment of the requirements of either "Track 1" or "Track 2."

1. "Track 1"

With the application, the specialist shall submit a listing of at least 15 contested evidentiary hearings (as defined in section II(B)(3)(a), above) in which he or she served as lead counsel and one or more issues were decided by the court and a listing of at least 25 *negotiated* settlement agreements, postnuptial or prenuptial agreements, paternity agreements or stipulated decrees in which he or she was lead counsel during the immediately preceding five-year period of certification. The hearings and agreements must have occurred after the date of the specialist's most recent Application for Initial Certification or, in the case of a specialist who has previously been recertified, must have occurred after the date of his or her most recent application for Re-Certification.

2. "Track 2"

With the application, the specialist shall submit a listing reflecting the specialist has completed at least 50 hours of Family Law Service per year which, over the immediately preceding period of specialization, must have included service in at least three of the categories specified below.

- a. Serving as a Family Law judge pro tempore;
- b. Organizing, or preparing materials for and speaking at, Family Law seminars sponsored by the State Bar or a county Bar or a court or another recognized Family Law organization such as the Association of Family and Conciliation Courts or the American Academy of Matrimonial Lawyers, or another recognized provider of continuing legal education;
- c. Teaching or lecturing regarding Family Law at a law school or a college or university;
- d. Lecturing regarding Family Law to a community organization;
- e. Serving as an officer or executive council member of the Family Law Section of the State Bar or a county Bar association or the chair or a member of the FLAC, or a state or national officer of the Association of Family and Conciliation Courts or of the American Academy of Matrimonial Lawyers or of the Family Law Section of the American Bar Association, or as the chair or a member of a Bar or court committee related to Family Law;

- f. Serving as a child's attorney, best interest attorney, parenting coordinator, or court appointed advisor in a Family Law matter;
- g. Serving as a mediator, arbitrator, or Rule 72 special master in a Family Law matter;
- h. Submitting a written report or being deposed or testifying in court or attending mediation or negotiation as an expert or expert witness on a topic of Family Law;
- i. Representing a litigant pro bono in a Family Law matter, or representing a litigant in a Family Law matter at a reduced fee through a reduced fee panel of a Bar association;
- j. Writing and publishing an article or a book regarding Family Law;
- k. Any other activity that the FLAC approves as constituting Family Law service that should be credited toward this requirement.

The phrase "Family Law service" is not intended to imply that the applicant should not be compensated, where appropriate. For example, an attorney likely would not be compensated for serving on a Bar committee but likely would be compensated for serving as an expert witness.

**D. Continuing Legal Education Requirements.** Continuing Legal Education requirements for attorneys certified as Family Law Specialists shall be a minimum of 12 hours per year in the field of Family Law, in one or more "*advanced/specialist*" level seminars, in addition to three hours per year of professional responsibility (ethics). Credit for other educational activities may be granted as specified in the Rules and Regulations of the BLS, Section VIII.B.

**E. Procedures.**

1. The specialist shall submit to the BLS a fully completed and executed Application for Re-Certification in Family Law in the prescribed form.
2. Names of specialists seeking re-certification shall be published in a State Bar of Arizona publication, providing an opportunity for comment, at least 30 days before consideration of re-certification by the FLAC.
3. The application shall require that the specialist provide information regarding known Bar complaints, known Bar discipline, judicial sanctions, and malpractice claims during the period of certification.
4. To assist the FLAC and BLS in determining whether during the period of certification, the applicant has continued substantial involvement in Family Law and has continued to demonstrate competence and integrity, each applicant shall submit with his or her application for re-certification a list showing names and addresses of all judges or court commissioners before whom he or she has practiced during the 12 months immediately preceding application for re-certification, and all counsel in Family Law matters he or she handled during the 12 months immediately preceding application for re-certification.

It is not necessary to specify case numbers, names of parties, or types of Family Law matters. Requests for written evaluations, similar to those requested regarding initial applicants, shall be sent to at least two of the judges and five of the attorneys listed by the applicant, not including any members of the BLS or FLAC.

5. The application shall be reviewed by the FLAC, including information contained in the application form, the returned evaluation requests, and any comments received from the public or members of the Bar or judiciary. The FLAC may send reference requests to additional lawyers or judicial officers, particularly if the FLAC deems the number or contents of returned reference requests to be insufficient for purpose of review. The FLAC may also consult other sources. Documentation of all matters and comments considered by the FLAC shall be contained in the specialist's file.
6. The FLAC shall recommend to the BLS whether the specialist should be re-certified. The recommendation shall be subject to rules and regulations regarding requests for appearance and appeals that apply to initial granting or denial of certification.
7. Submission of a timely Application for Re-Certification shall operate to extend the specialist's certification until the FLAC has made its recommendation to the BLS and the BLS has acted on that recommendation.



**STANDARDS FOR CERTIFICATION  
OF LAWYERS SPECIALIZING IN  
PERSONAL INJURY & WRONGFUL DEATH**

Approved (\_\_\_\_\_)

Pursuant to the authority vested in the Arizona Board of Legal Specialization (“BLS”) by the Board of Governors of the State Bar of Arizona, the BLS prescribes the following standards and requirements for certification of lawyers specializing in personal injury and wrongful death in accordance with the Rules and Regulations of the Arizona Board of Legal Specialization established by the Board of Governors.

No provision herein contained shall in any way limit the right of a lawyer certified as specializing in personal injury and wrongful death to practice law in all fields or to act as counsel in every type of legal matter. Any lawyer, alone or in association with any other lawyer, shall have the right to practice in all fields of law, even though the lawyer is certified as specializing in.

No lawyer shall be required to be certified as specializing in personal injury and wrongful death before that lawyer can practice law in the field of personal injury and wrongful death or act as counsel in any particular type of personal injury and wrongful death matter. Any lawyer, alone or in association with another lawyer, shall have the right to practice in the field of personal injury and wrongful death and to act as counsel in every type of personal injury and wrongful death case, even if the lawyer is not certified as specializing in personal injury and wrongful death.

The Board of Legal Specialization is committed to promoting racial, ethnic, and gender diversity, and to assuring the rights of the disabled within all Board of Legal Specialization programs, committees, and activities, and will periodically monitor all existing programs, committees, and activities for compliance with the goal of diversity and with assurance of the rights of the disabled in every aspect of the Board of Legal Specialization.

**I. GENERAL REQUIREMENTS**

- A. Active Member of the State Bar.** An applicant for certification as a lawyer specializing in personal injury and wrongful death shall be an active member in good standing of the State Bar of Arizona.
- B. Application.** An applicant shall be required to complete an application in a form prescribed by the BLS to furnish such additional and supplemental information as may be required by the BLS or the Personal Injury and Wrongful Death Advisory Commission, and to comply with all applicable Rules and Regulations of the Arizona Board of Legal Specialization.
- C. Recommendation by Personal Injury and Wrongful Death Advisory Commission.** An applicant shall be recommended to the BLS for certification as a lawyer specializing in personal injury and wrongful death when the applicant is found to have complied with the applicable standards by no less than five (5) of the ten members of the Personal Injury and Wrongful Death Advisory Commission.

- D. Expiration of Certification.** A certificate of specialization shall expire five (5) years after the date thereon; provided, however, that if timely application for renewal of certification is made as provided under the Rules and Regulations of the Board of Legal Specialization, the certificate shall remain in effect until the BLS has acted upon the renewal application. Renewal of certification shall be required every five (5) years.
- E. Revocation/Suspension of Certification.** The BLS may revoke or suspend the certification of a lawyer recognized as specializing in personal injury and wrongful death for any reason specified in the Rules and Regulations of the Arizona Board of Legal Specialization, including but not limited to advice from the Personal Injury and Wrongful Death Advisory Commission that the certified lawyer no longer meets the criteria for substantial involvement in the field of personal injury and wrongful death as set forth in Section II hereof.
- F. Fees.** Every applicant shall pay application and testing fees as may be prescribed by the BLS.

## **II. STANDARDS FOR CERTIFICATION.**

- A. Required Period of Law Practice.** An applicant shall have been admitted to the practice of law for a minimum of five years, of which a minimum of two years immediately preceding the application must have been in practice of law within the State of Arizona, and after such admission shall have engaged in legal service (as defined in Section I of the Rules and Regulations of the Board of Legal Specialization) on an annual basis equivalent to at least 50% of a full-time practice.
- B. Substantial Involvement in Personal Injury and Wrongful Death.** An applicant shall make a satisfactory showing, as determined by the BLS in accordance with objective and verifiable standards, based upon advice of the Personal Injury and Wrongful Death Advisory Commission, of substantial involvement in the field of personal injury and wrongful death.

For purposes hereof, "litigation" is defined to be legal representation in any dispute where a trial or other evidentiary hearing on the merits might ultimately be necessary whether by a court, with or without a jury, or by other alternative method of dispute resolution such as arbitration.

For purposes hereof, "injury and wrongful death" matters are defined to be legal representation of claimants or defendants with regard to injury and wrongful death claims, or insurance coverage disputes, arising out of vehicular collisions, medical malpractice, premises defects, product failures, aircraft crashes, or any other area of tort law involving physical and/or mental injuries and damages.

For purposes hereof, "substantial involvement" shall mean that, at the time of making application hereunder, an applicant meets all the following standards:

1. Within four of the six years immediately preceding the application, the applicant has been engaged in active law practice with personal injury and wrongful death as a substantial focus. "Active law practice" is defined to mean that at least 1,000 hours per year is devoted to personal injury and wrongful death, and at least 50% of those hours involve Arizona

personal injury and wrongful death matters.

2. The applicant has achieved a score of 180 points or more on the attached Personal Injury and Wrongful Death Questionnaire and Tally Sheet.

**C. Competence and Integrity.** An applicant must demonstrate honesty, integrity, professionalism as defined by the Lawyer's Creed of Professionalism of the State Bar of Arizona, and a high degree of competence in the practice of personal injury and wrongful death. The required degree of competence is substantially higher than that possessed by a general practitioner who regularly handles a personal injury and wrongful death matter. For purposes hereof, a "high degree of competence" shall meet the following standards:

1. That the applicant demonstrate a substantially complete knowledge of substantive law and rules of practice, procedure, evidence and ethics pertaining to personal injury and wrongful death;
2. That the applicant demonstrate a high degree of skill, thoroughness, preparation, effectiveness, professionalism and judgment in the field of personal injury and wrongful death;
3. That the applicant satisfactorily completes a written examination in the topics specified in paragraphs (1) and (2) above. This examination shall be given at least once each calendar year at a date, time and location determined by the Personal Injury and Wrongful Death Advisory Commission. The test and its grading criteria shall be formulated at the direction of the Advisory Commission and approved by the Board of Legal Specialization; and
4. That the applicant demonstrate a substantially complete knowledge of and a high degree of skill in the use of alternative dispute resolution as it applies in the field.
5. Legal competence is measured by the extent to which an attorney (1) is specifically knowledgeable about the fields of law in which the attorney practices, (2) performs the techniques of such practice with skill, (3) manages such practice efficiently, (4) identifies issues beyond his or her competence relevant to the matter undertaken, bringing these to the client's attention, and (5) properly prepares and carries through the matter undertaken.
6. Disciplinary History:  
Imposition of a discipline sanction under Rule 60, Ariz. R. Sup. Ct. within the five-year period preceding the date of application may be grounds for denying, suspending, or revoking certification.

The following shall not be considered in approving or denying an application for certification:

- a. Diversion,
- b. Dismissals, or
- c. Allegations of misconduct that did not result in a disciplinary charge.

**D. References.** With each application, the applicant will submit the names of at least five Arizona attorneys who practice in the field or judges before whom the applicant has appeared,

familiar with the applicant's practice, and not including current partners or associates. The Advisory Commission will select at least five additional Arizona lawyers, judges, or qualified professionals as references from cases/matters/projects submitted by the applicant to demonstrate substantial involvement. The references will be requested to provide written comments concerning the applicant not only on such specific topics as knowledge, skill, thoroughness, preparation, effectiveness, and judgment, but also concerning the applicant's ethics and professionalism.

Names of applicants will be published in a State Bar of Arizona publication, providing an opportunity for comment, at least 30 days before consideration of applications by the Advisory Commission. Reference names supplied by the applicant shall not include members of the Board of Legal Specialization or Personal Injury and Wrongful Death Advisory Commission. The Personal Injury and Wrongful Death Advisory Commission may also consult other sources. Documentation of all matters and comments considered by the Advisory Commission shall be contained in the applicant's file.

- E. Continuing Legal Education Requirements.** Continuing legal education requirements for attorneys certified as personal injury law specialists shall be 12 hours per year in one or more seminar of advanced level programming, concentrated in personal injury issues, consisting of 12 hours of substantive CLE activities in personal injury law and 3 hours in professional responsibility. Credit for other educational activities may be granted by the BLS as specified in the Rules and Regulations, Section VIII.B.

### **III. STANDARDS FOR RE-CERTIFICATION.**

- A. Substantial Involvement in Personal Injury and Wrongful Death.** An applicant shall make a satisfactory showing, as determined by the BLS in accordance with objective and verifiable standards, based upon advice of the Personal Injury and Wrongful Death Advisory Commission, of substantial involvement in the field of personal injury and wrongful death.

For purposes hereof, "litigation" is defined to be legal representation in any dispute where a trial or other evidentiary hearing on the merits might ultimately be necessary whether by a court, with or without a jury, or by other alternative method of dispute resolution such as arbitration.

For purposes hereof, "injury and wrongful death" matters are defined to be legal representation of claimants or defendants with regard to injury and wrongful death claims, or insurance coverage disputes, arising out of vehicular collisions, medical malpractice, premises defects, product failures, aircraft crashes, or any other area of tort law involving physical and/or mental injuries and damages.

For the purposes of re-certification, the term "substantial involvement" shall mean engagement by the applicant in legal service equivalent to at least 50% of a full-time practice, in the course of which the lawyer has annually devoted at least 1,000 hours a year to personal injury and wrongful death, and at least 50% of those hours must involve Arizona personal injury and wrongful death matters. The applicant must demonstrate a continued level of a high degree of knowledge, competence, professionalism and ethical standards.

These requirements shall be detailed on an application form, showing the nature of the legal services in which the applicant has been engaged in the past five years, identifying the types of issues of personal injury and wrongful death with which the applicant has dealt and the frequency of involvement therewith, and provide references as provided for in the Application, Section 1(C), References. Formal written examination for re-certification, where there has been no break in certification, shall not be required.

**B. Competence and Integrity.** An applicant must demonstrate honesty, integrity, professionalism as defined by the Lawyer's Creed of Professionalism of the State Bar of Arizona, and a high degree of competence in the practice of personal injury and wrongful death. The required degree of competence is substantially higher than that possessed by a general practitioner who regularly handles a personal injury and wrongful death matter. For purposes hereof, a "high degree of competence" shall meet the following standards:

1. That the applicant demonstrate a substantially complete knowledge of substantive law and rules of practice, procedure, evidence and ethics pertaining to personal injury and wrongful death;
2. That the applicant demonstrate a high degree of skill, thoroughness, preparation, effectiveness, professionalism and judgment in the field of personal injury and wrongful death; and
3. That the applicant demonstrate a substantially complete knowledge of and a high degree of skill in the use of alternative dispute resolution as it applies in the field.

Legal competence is measured by the extent to which an attorney (1) is specifically knowledgeable about the fields of law in which the attorney practices, (2) performs the techniques of such practice with skill, (3) manages such practice efficiently, (4) identifies issues beyond his or her competence relevant to the matter undertaken, bringing these to the client's attention, and (5) properly prepares and carries through the matter undertaken.

**C. References.** With each application, the applicant will submit the names of at least five Arizona attorneys who practice in the field or judges before whom the applicant has appeared, familiar with the applicant's practice, and not including current partners or associates. The Advisory Commission will select at least five additional Arizona lawyers, judges, or qualified professionals as references from cases/matters/projects submitted by the applicant to demonstrate substantial involvement. The references will be requested to provide written comments concerning the applicant not only on such specific topics as knowledge, skill, thoroughness, preparation, effectiveness, and judgment, but also concerning the applicant's ethics and professionalism.

Names of applicants will be published in a State Bar of Arizona publication, providing an opportunity for comment, at least 30 days before consideration of applications by the Advisory Commission. Reference names supplied by the applicant shall not include members of the Board of Legal Specialization or Personal Injury and Wrongful Death Advisory Commission. The Personal Injury and Wrongful Death Advisory Commission may also consult other sources. Documentation of all matters and comments considered by the Advisory Commission shall be contained in the applicant's file.

**D. Continuing Legal Education Requirements.** Continuing legal education requirements for attorneys certified as personal Injury law specialists shall be 12 hours per year in one or more seminar of advanced level programming, concentrated in personal injury issues, consisting of 12 hours of substantive CLE activities in personal injury law and 3 hours in professional responsibility. Credit for other educational activities may be granted by the BLS as specified in the Rules and Regulations, Section VIII.B.

**E. Malpractice Insurance.**

Certified Specialists are required to carry legal malpractice insurance. This insurance must have minimum limits commensurate with the largest case the specialist typically handles. This requirement is waived for attorneys not holding themselves out to members of the public for retention (i.e.: no malpractice coverage is required for employees of insurance companies, corporations or other entities ultimately responsible for the actions of employed counsel).