



**CONFIDENTIAL BEFORE THE
BOARD OF LEGAL SPECIALIZATION**

**APPLICATION FOR INITIAL CERTIFICATION
IN FAMILY LAW**

as of January 2020

Name	
Bar Number/ Date of Admission	
Firm	
Street and/or PO Box Address	
City	
State/Zip	
Telephone	
Email	
Date of Submission	

Please submit your application:

PDF version – by email to: specialization@staff.azbar.org

NOTE:

A \$300 application fee, payable to the State Bar of Arizona, is to be submitted with a copy of the first page of your application to:

Board of Legal Specialization
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6266.

For applications submitted AFTER August 1 - an additional \$75 late fee is assessed.

The \$100 examination fee, also payable to the State Bar of Arizona, is due when you are notified that you may sit for the exam.

I. **Legal Education.** List schools attended, dates of attendance, and degree awarded.

II. **Prior Certification Applications.** If applicable, list any organization in which you are/were certified as a legal specialist and the dates of certification. Also, indicate the dates and field of law of any former certifications in Arizona.

III. On a separate sheet, please supply the following information:

A. Record of Discipline. A discipline check will be conducted on every applicant. Please list any disciplinary actions taken against you in any state, jurisdiction, or organization. In addition, list all instances of discipline in which the sanction imposed was censure or greater, or an informal reprimand in which the disciplinary record was public, pursuant to Rule 70, Ariz. R.S. Ct. A record of discipline or failure to disclose the same may constitute grounds for denial of an application for certification.

Please be aware that the *Standards for Certification of Lawyers Specializing in Family Law* (hereinafter “the Standards”) require that an applicant demonstrate a high degree of professionalism and meet high ethical standards in compliance with A Lawyer’s Creed of Professionalism of the State Bar of Arizona as well as the Arizona Rules of Professional Conduct. These standards are higher than the bare minimum ethical and professionalism standards an attorney must meet to avoid disciplinary action or the threshold conduct that would warrant the filing of a bar complaint.

B. Employment History. Beginning with your most recent employment, please provide a complete list of your employment since admission to the practice of law. Include the dates of employment (e.g., “03/11 to 12/13 – ABC Law Firm, PC”), employer’s name and address, and a brief summary of the nature of the work performed.

C. Required Period of 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 the Arizona Board of Legal Specialization) in the field of Family Law equivalent to at least 70% of a full-time law practice.

D. References. List the names, mailing addresses and e-mail addresses of at least five (5) attorneys who practice in the field of family law and/or judges before whom you have appeared, who are familiar with your practice and not including current partners or associates. Please be advised that the Advisory Commission will also select at least five (5) additional references from information submitted in your application. The references will be requested to provide written comments concerning your knowledge, skill, thoroughness, preparation, effectiveness and judgment in family law as well as your ethics and professionalism. Do not list lawyers serving on the Board of Legal Specialization or on the Family Law Advisory Commission, hereinafter “FLAC,” as references. A list of all lawyers serving in these capacities can be found at:

<https://www.azbar.org/for-lawyers/communities/committees/board-of-legal-specialization/>

Statements of references shall be confidential and privileged from disclosure, except to the applicant upon request.

E. Malpractice Actions.

1. List all malpractice actions which have been filed and are presently pending against you personally, in which your actions are alleged to have constituted malpractice, including the title of the case, case number, county in which the case is filed, name and address of counsel for plaintiff.
2. List all malpractice claims, whether or not any malpractice action has been filed. List the name of the person alleging the malpractice, and the name and address of counsel representing that person.
3. List all malpractice claims, whether or not any malpractice action was filed, in which applicant has paid a settlement in excess of \$5000.00. List the name of the person alleging the malpractice, and the name and address of any counsel representing that person.
4. List all malpractice actions in which a judgment has been entered against applicant in excess of \$5000.00, and list the title of the case, case number, county in which the case was filed, name of trial judge, and name and address of counsel for plaintiff.

F. CLE. Applicants for certification shall demonstrate that during the five years prior to their applications they completed at least fifty (50) hours of continuing legal education in Family Law among the minimum fifteen (15) hours of continuing legal education per year required by the State Bar of Arizona (i.e. 50 out of 75 hours over the last five years must be in Family Law).

If you are or were exempt from State Bar CLE requirements in any or all of the five (5) preceding years, please indicate so in a separate statement. If you are not exempt, please provide copies of your MCLE affidavits (last five (5) educational years only), clearly indicating on the affidavit (circle, underline, asterisk, etc.) those seminars/classes in the area of specialization.

G. Substantial Involvement in Family Law.

1. Required Period of Family Law Practice. Pursuant to the Standards, applicants must demonstrate substantial involvement in the field of Family Law, during five (5) of the preceding seven (7) years, including the two (2) years immediately preceding this application. Please list the years you have been engaged in the practice of Family Law, as defined in Section II(B) of the Standards. For each of said years, please indicate whether you were involved in the full-time practice of law, and if so, list the percentage of legal services (as defined in Section I of the Rules and Regulations of Board of Legal Specialization) devoted to the field of Family Law. The Rules and Regulations of Board of Legal Specialization can be found at the following link:

<https://www.azbar.org/for-lawyers/communities/committees/board-of-legal-specialization/>

2. Substantial Involvement in Family Law - Hearings. “Substantial involvement” in Family Law means the engagement by the applicant in Family Law matters as described in Section II(B)(2)(a) thru (o) of the Standards. For the purpose of demonstrating substantial involvement in Family Law, please list all hearings within the past twenty-four (24) months in which you have acted as lead counsel. If the number of hearings within the past twenty-four (24) months is less than thirty (30), please list additional such hearings in the period preceding the past twenty-four (24) months in which you have acted as lead counsel up to a total of not less than thirty (30) within the past five (5) years. The hearings listed should include all hearings in which you served as lead counsel within the past twenty-four (24) months, even if that results in listing more than thirty (30) hearings. The term “*hearing*” as used herein is defined in Section II(B)(3)(a) of the Standards. Please note that no more than ten (10) of the hearings credited toward the minimum of thirty (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.

For each hearing listed, please include the following information:

Title of Case:
Case Number:
Nature of Hearing (trial, OSC, TRO, etc.):
Date of Hearing:
Judge or Commissioner:
County:
Opposing Counsel's Name and Address:
Co-Counsel, if any:
If Co-counsel, describe your role in the hearing:

For appellate cases, include the following additional information:

Name and Division Number of Court:
Names of Judges or Justices on panel:
Whether you orally argued:
Date of the Decision or Opinion:
Citation of any Published Opinion:

3. Substantial Involvement in Family Law - Settlements. 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. Please list all negotiated settlement agreements, pre-marital or post-marital agreements, paternity agreements and stipulated decrees in the past twenty-four (24) months in which you were lead counsel. If the number of agreements listed is less than forty-five (45), please list additional such agreements in which you were lead counsel up to a total of not less than forty-five (45) within the past five (5) years. The agreements listed by applicant shall include all agreements in which the applicant served as lead counsel within the past twenty-four (24) months, even if that results in listing more than forty-five (45) agreements. 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. As to each settlement, please list the following information:

Title of Case:
Case Number:
Opposing Counsel's Name and Address:
County:
Year of Agreement:
Co-Counsel, if any:
If Co-counsel, describe your role:

4. Substantial Involvement in Family Law – Breadth Matters. Within the five (5) years preceding the application, you must have been lead attorney in at least ten (10) Family Law matters from categories listed below, including at least one (1) matter each from at least five (5) of the categories. These ten (10) or more matters are referred to as "*breadth matters*."

The lists of settlements and hearings submitted pursuant to Sections IV(B) and IV(C) above shall specifically identify the ten (10) 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 (1) case cannot fulfill more than one (1) category of the breadth matters requirement at the Superior Court level. One (1) case cannot fulfill more than one (1) 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 (1)

breadth matter at the trial level and only one (1) at the appellate level.

In at least three (3) of the cases submitted as “*breadth matters*,” you must have been lead attorney in a trial or hearing (as defined in Section II(B)(3)(a) of the Standards) or an oral argument before the Court of Appeals or Supreme Court, at which one (1) of the issues litigated was the issue for which the case is submitted as a specified case.

The information provided about breadth matters must describe how the matter fulfills the requirements of the particular category. For example, it would be sufficient 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) of the Standards for at least ten (10) hours within the most recent two (2) years prior to the application, which regardless of the number of hours of service, may be credited as no more than one (1) breadth matter.

H. Waivers.

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

I. Fees.

An application fee of \$300.00 must be submitted with this application.

THIS APPLICATION CONTINUES
ON THE FOLLOWING PAGE

IV. APPLICATION AGREEMENT

Read and initial each of the following statements and sign below:

a. _____ I agree to abide by all Rules and Regulations of the Arizona Board of Legal Specialization as amended from time to time, to pay all fees required by the Board of Legal Specialization as due, and to furnish to the Board such information as may be required from time to time to ascertain my entitlement to certification.

b. _____ I certify that I am an active member in good standing of the State Bar of Arizona and that I continue to engage in legal service (as defined in 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.

c. _____ I annually devote not less than 70% of a full-time practice to family law, as defined in the Standards for Certification for Lawyers Specializing in Family Law.

d. _____ Pursuant to Rule 70, Ariz.R.Sup.Ct., I hereby waive confidentiality of any disciplinary proceeding initiated against me by the State Bar of Arizona after January 1, 1992, or which may be initiated against me during the pendency of my application. I understand and agree, to the extent permitted under Rule 70, Ariz.R.Sup.Ct., that my disciplinary records may be requested from the Lawyer Regulations Records Manager (or representative) or Disciplinary Clerk.

e. _____ I agree to advise the Board of Legal Specialization, from the date of filing this current application throughout the next approved five-year period of certification, of any disciplinary action taken against me in any state, jurisdiction, or organization. I will advise of all instances of discipline in which the sanction imposed was censure or greater, or an informal reprimand in which the disciplinary record was public.

f. _____ I authorize all persons, firms, officers, corporations, organizations, associations (including Bar Associations of other jurisdictions), State or Federal agencies and institutions to furnish to the Board of Legal Specialization or any of its authorized representatives, all relevant documents, records or other information that may be requested in the investigation of this application or in any investigation of my continuing satisfaction of the Standards for Certification.

g. _____ I authorize the Board of Legal Specialization to consult with any persons who may have information relating to my professional qualifications, credentials or character, ethics, behavior, or any other matter reasonably bearing on the criteria for initial and continued certification. I further agree that all information received by the Board shall be treated confidentially and that I have no right of access to information received by the Board from third parties. I specifically waive any right to review any reference or other evaluations made to the Board, whether solicited by me or the Board. In addition, I agree not to seek discovery of such references and evaluations, formally or informally, in any legal proceeding or otherwise.

h. _____ I release, discharge and exonerate the State Bar of Arizona, its officers, directors, staff, agents, employees and representatives, and any person furnishing information and evaluations to the Board of Legal Specialization, from any and all liability of every nature and kind arising from the investigation and evaluation of my application or my continued satisfaction of the Standards for Certification.

I certify my application is true or true to the best of my knowledge and belief. I understand that failure to make a truthful disclosure of any material fact or item of information required may result in the denial of my application, revocation of my certificate of specialization if granted, or disciplinary action by the State Bar of Arizona.

Signature of Applicant

Date