



**STANDARDS FOR CERTIFICATION
OF LAWYERS SPECIALIZING IN
FAMILY 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 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.