



**STANDARDS FOR CERTIFICATION
OF LAWYERS SPECIALIZING IN
PERSONAL INJURY & WRONGFUL DEATH**
(as revised 03/16/01)

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 injury and wrongful death litigation 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 injury and wrongful death litigation 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 injury and wrongful death litigation.

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

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 State Bar.** An applicant for certification as a lawyer specializing in injury and wrongful death litigation 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 Injury and Wrongful Death Litigation Advisory Commission, and to comply with all applicable Rules and Regulations of the Arizona Board of Legal Specialization.
- C. Recommendation by Injury and Wrongful Death Litigation Advisory Commission.** An applicant shall be recommended to the BLS for certification as a lawyer specializing in injury and wrongful death litigation when the applicant is found to have complied with the applicable standards by not less than five members of the Injury and Wrongful Death Litigation Advisory Commission.
- D. Expiration of Certification.** Certification shall expire five 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 of Certification.** The BLS may revoke the certification of a lawyer recognized as specializing in injury and wrongful death litigation for any reason specified in the Rules and Regulations of the Arizona Board of Legal Specialization, including but not limited to advice from the Injury and Wrongful Death Litigation Advisory Commission that the certified lawyer no longer meets the criteria for substantial involvement in the field of injury and wrongful death litigation as set forth in Section II(B) hereof
- F. Fees.** Every applicant must pay such application and testing fees as may be prescribed by the Board of Legal Specialization.

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 Injury and Wrongful Death 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 Injury and Wrongful Death Litigation Advisory Commission, of substantial involvement in the field of injury and wrongful death litigation.

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 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 injury and wrongful death litigation as a substantial focus. "Active law practice" is defined to mean that at least 1,000 hours per year is devoted to injury and wrongful death litigation, and at least 50% of those hours involve Arizona injury and wrongful death matters.
 2. The applicant has achieved a score of 180 points or more on the attached 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 injury and wrongful death litigation. The required degree of competence is substantially higher than that possessed by a general practitioner who regularly handles an injury or wrongful death litigation 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 injury and wrongful death litigation;
 2. That the applicant demonstrate a high degree of skill, thoroughness, preparation, effectiveness, professionalism and judgment in the field of injury and wrongful death litigation; 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 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.
 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.

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.

- 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 Injury and Wrongful Death Advisory Commission. The 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.

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 injury and wrongful death litigation, and at least 50% of those hours must involve Arizona 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 Injury and Wrongful Death with which the applicant has dealt and the frequency of involvement therewith, and provide references as provided for in Section 11(D), References. Formal written examination for re-certification, where there has been no break in certification, shall not be required.

INJURY AND WRONGFUL DEATH EXPERIENCE QUESTIONNAIRE (Initial Certification Only)

(Complete a sheet for each case to be considered by the Commission and attach a copy of the Trial Reporter for each case, if available.)

QUALIFYING PERSONAL INJURY CASES: All cases submitted in order to qualify whether tried to a jury, tried to the Judge, mediated, arbitrated or otherwise disposed of by way of alternative dispute resolution must have had a

value in excess of \$10,000 if the case was resolved prior to December 31, 1999. All cases submitted post December 31, 1999, must have a value of \$25,000 or more. The value of the case is to be determined by an objective evaluation of the facts underlying the case. The amount demanded, offered or argued to the jury is not dispositive of this issue. You must submit at least five cases where you served as lead counsel and the case was tried through closing argument. You cannot get credit for both an arbitration and trial on the same case. You must have 180 points or more to qualify for certification. Only 75 points total can come from cases that are appeals from arbitrations. You must have points in each of the categories voir dire, oDenin2 statements, direct of a party, cross of Party, direct of an expert, cross of an expert, closing argument at least twice, when all of the cases used for the application are reviewed. A "catastrophic injury" case is defined as a case with a value in excess of \$250,000.

Case Caption: _____
Cause #: _____
Judge: _____
Opposing Atty: _____
No. of Days: _____

Enter one point for each of the following that you personally performed at a Superior Court or Federal Court trial. (Maximum 1 point per category.)

Voir Dire: _____
Opening Statement: _____
Direct of a Party: _____
Cross of a Party: _____
Direct of an Expert: _____ Expert's Name: _____
Cross of an Expert: _____ Expert's Name: _____
Closing Argument: _____
Rebuttal Argument: _____
Case went to verdict: _____

Add 2 points if you bettered opponent's best offer. If an arbitration appeal, it must have been a defense verdict or have bettered it by 10%.

Add 2 points if a wrongful death case.

Add 2 points if a catastrophic injury.

Total: _____
Combined Total: _____

**COMPLETE THIS FORM FOR ADDITIONAL POINTS TOWARD THE 180 POINT REQUIREMENT.
(initial certification only)**

One point for each wrongful death or catastrophic injury case settled after suit was filed and responsive pleadings filed. (Maximum 5 pts.) _____

1 pt. for each arbitration taken to award and 1 pt. for each mediation or settlement conference where case was resolved. (Use attached form for each arbitration, mediation and settlement conference. (Maximum 15 pts. In this category.) _____

1 pt. For each seminar taught on a subject directly material to personal injury. (Maximum 5 pts. Each point must be for a different subject matter.) (Attach copies of the seminar brochure.) _____

1 pt. For each trial taken to verdict that you tried alone. (Maximum 5 pts.) _____

10 pts. If you have attended and completed the State Bar Trial College. (Maximum 10 pts.) _____

1pt. For each article published in a recognized professional periodical. (Maximum 5 pts.) (Attach copy of articles.) _____

1 pt. For writing the brief and arguing a case at the Appellate Court level. (Maximum 10 pts.) _____

Add 1 Pt. For each appeal you prevailed upon. (Maximum of 10 pts.)

Total: _____

Total Points from Submitted Trails: _____

TOTAL QUALIFYING POINTS NEEDED 180 OR MORE.

USE THIS FORM FOR EACH OF THE ARBITRATIONS, MEDIATIONS AND SETTLEMENT CONFERENCES OFFERED TOWARD QUALIFYING POINTS. (Attach a copy of the Arbitration Reporter, if available.) (Initial Certification Only)

Case Caption or Name: _____

Cause #, if applicable: _____

Arbitrator(s) (Give names and addresses: _____

Date(s) of arbitration: _____

Date(s) of mediation: _____

Date(s) of settlement conference: _____

Plaintiffs lowest demand: _____

Defendant's highest offer: _____

Names of experts who testified live: _____

Was it appealed? _____

What was the outcome? _____

Describe the nature of the case: _____

(These arbitrations, mediations or settlement conferences cannot be the same as cases as jury trials offered for qualification.)