



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

Approved 1/8/2020

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, 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 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 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;
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.