



**CONFIDENTIAL BEFORE THE
BOARD OF LEGAL SPECIALIZATION**

**APPLICATION FOR
INITIAL CERTIFICATION IN
PERSONAL INJURY AND WRONGFUL DEATH**
as of January 2020

| | |
|---------------------------------|--|
| Name | |
| Bar Number | |
| 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

NOTES:

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 separate examination fee (see para H) is to be paid when you are notified you may sit for the examination.

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 of paper, please provide 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. Sup. Ct. A record of discipline or failure to disclose the same may constitute grounds for denial of an application.
- B. **Employment History.** In chronological order, beginning with your most recent employment, list a complete statement of your employment during the last five years. Include the dates of employment, employer's name and address, and a brief summary of the nature of the work performed.
- C. **Required Period of Law Practice.** An applicant shall have been admitted to the practice of law for 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 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.
- D. **References.** List the names, mailing addresses and e-mail addresses of five attorneys who practice in personal injury and wrongful death litigation and/or judges before whom you have appeared, familiar with your practice, and not including current partners or associates. You may not use as references the members of the Board of Legal Specialization or the Personal Injury and Wrongful Death Advisory Commission. A list of the members serving in these capacities can be found at:

<https://www.azbar.org/for-lawyers/career-advancement/legal-specialization/>

In addition to the references you provide, the Personal Injury and Wrongful Death Advisory Commission will also contact other individuals with respect to your qualifications. All references will be requested to provide written comments regarding your knowledge, skill, thoroughness, preparation, effectiveness and judgment in personal injury and wrongful death as well as your ethics and professionalism. Statements of references shall be confidential and privileged from disclosure, except to the applicant upon request.

The Standards for Certification require that an applicant demonstrate a high degree of honesty, integrity and professionalism and meet high ethical standards in compliance with, and as defined by, the Lawyer's Creed of Professionalism of the State Bar of Arizona as well as the Rules of Professional Responsibility. 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.

E. 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 Personal Injury and Wrongful Death 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, 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 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.

F. Continuing Legal Education. Provide information regarding CLE you acquired with subject matter in the area of specialization in which you are seeking certification.

If you did not, indicate in a separate statement that this question is not applicable.

If your answer is affirmative, provide copies of your MCLE affidavits (last five educational years only), clearly indicating on the affidavit (circle, underline, asterisk, etc.) those events in the area of specialization.

If you have not filed your affidavit for the current educational year, print a copy of the tracking page clearly indicating the advanced level events in the area of specialization.

G. Malpractice Insurance. Certified Specialists are required to carry legal malpractice insurance. This insurance must have minimum limits commensurate with the largest case you typically handle. 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).

H. Examination Fee.

The \$300 examination fee, payable to the State Bar of Arizona, is to be paid when you are notified you may sit for the examination.

THIS APPLICATION CONTINUES
ON THE FOLLING PAGE

IV. INJURY AND WRONGFUL DEATH EXPERIENCE QUESTIONNAIRE
(Initial Certifications 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 questionnaire 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, opening 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: _____
Case #: _____
Judge: _____
Opposing Atty: _____
No. of Days: _____

Enter 1 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: _____
Cross of an Expert: _____
Closing Argument: _____
Rebuttal Argument: _____
Case went to verdict: _____

Expert's Name: _____
Expert's Name: _____

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: _____

**V. COMPLETE THIS FORM FOR ADDITIONAL POINTS TOWARD
THE 180 POINT REQUIREMENT
(Initial Certifications only)**

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

1 point for each arbitration taken to award (Use attached form for each arbitration) (Maximum 15 points) _____

1 point for each mediation or settlement conference where case was resolved. (Use attached form for each mediation and settlement conference in this category.) (Maximum 15 points) _____

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

1 point for each trial taken to verdict that you tried alone. (Maximum 5 points) _____

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

1 point for each article published in a recognized professional periodical. (Maximum 5 points) (Attach copy of articles.) _____

1 point for writing the brief and arguing a case at the Appellate Court level. (Maximum 10 points) _____

Add 1 point for each case you successfully presented at the Appellate Court level. (Maximum 10 points)

Total: _____

Total points from submitted trials: _____

TOTAL QUALIFYING POINTS NEEDED 180 OR MORE.

**VI. USE THIS FORM FOR EACH OF THE ARBITRATIONS, MEDIATIONS AND
SETTLEMENT CONFERENCES OFFERED TOWARD QUALIFYING POINTS.
(Initial Certifications only)**

(Attach a copy of the Arbitration Reporter, if available.)

Case Caption or Name: _____

Case #, if applicable: _____

Arbitrator(s) (Give names and addresses): _____

Date(s) of arbitration: _____

Date(s) of mediation: _____

Date(s) of settlement conference: _____

Plaintiff's 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.)

VII. 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 50% of a full-time practice to personal injury law, as defined in the Standards for Certification for Lawyers Specializing in Personal Injury 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. Further, if any formal matters are pending against me, or any develop, I will advise the Board.
- f. _____ I certify that [1] I carry legal malpractice insurance with per-case coverage limits commensurate with the largest case I typically handle OR [2] I am exempt from carrying malpractice insurance as set forth in section 3F, above.
- g. _____ 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.
- h. _____ 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.
- i. _____ 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.
- j. _____ I authorize the Board of Legal Specialization to release my application, if requested, to a professional attorney organization to which I have applied for membership, or to which I am being nominated for membership. I understand the Board will not release the peer review forms, investigation, or work product thereof.

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