



**STANDARDS FOR CERTIFICATION  
OF LAWYERS SPECIALIZING IN  
BANKRUPTCY LAW**  
(as revised 1/19/01)

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 bankruptcy law in accordance with 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 bankruptcy 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 bankruptcy law.

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

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 bankruptcy 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 Bankruptcy Advisory Commission, and to comply with all applicable rules and regulations of the BLS.

**C. Recommendation by Bankruptcy Advisory Commission.** An applicant shall be recommended to the BLS for certification as a lawyer specializing in bankruptcy law when the applicant is found to have complied with the applicable standards by a majority of not less than five members of the Bankruptcy Advisory Commission.

**D. Expiration of Certification.** A certificate of legal specialization 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 Certificate.** The BLS may revoke the certification of a lawyer recognized as specializing in bankruptcy 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 Bankruptcy Advisory Commission that the certified lawyer no longer meets the criteria for substantial involvement in the field of bankruptcy law as set forth in Section 11(B) hereof

**F. Fees** Every applicant shall pay such application and testing fees as may be prescribed by the Board.

**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, and after such admission shall have engaged in legal service (as reorganizations, liquidations, receiverships and the rights, obligations and remedies of trustees; state

insolvency laws; and practice before the Bankruptcy Court and other Federal and State Courts as defined in Section I of the Rules and Regulations of the Arizona Board of Legal Specialization) equivalent to at least 50% of a full-time practice.

**B. Substantial Involvement in Bankruptcy Law.** An applicant shall make a satisfactory showing, as determined by the BLS in accordance with objective and verifiable standards based upon the advice of the Bankruptcy Advisory Commission, of substantial involvement in the field of bankruptcy law in at least four of the preceding six years, including the year immediately preceding the application. This can be shown by providing such information as may be required by the BLS including, but not limited to, peer review and evidence of special competence and experience.

For purposes hereof, “substantial involvement in the field of bankruptcy law” shall mean engagement by the applicant 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, in the course of which the lawyer has annually devoted at least 33.3% of a full-time practice to matters in which issues of bankruptcy are significant factors, including representing parties in not less than 13 of the following categories:

- (1) One contested or substantially negotiated objection to discharge;
- (2) Two contested or substantially negotiated determinations of dischargeability;
- (3) Two fraudulent conveyances;
- (4) Two preferential transfers;
- (5) Three avoidances of non-purchase money, non-possessory liens in consumer goods or avoidance of judgment liens;
- (6) One avoidance of unperfected or unrecorded transfer by a hypothetical bona fide purchaser or lien creditor;
- (7) One equitable subordination;
- (8) Two contested or substantially negotiated modifications of automatic stay;
- (9) Four sales, use or leases of property;
- (10) Two contested or substantially negotiated sales of property free and clear of liens;
- (11) Two contested or substantially negotiated cash collateral disputes;
- (12) Three assumptions or rejections of leases or other executory contracts;
- (13) Two extensions of secured or unsecured credit;
- (14) Two involuntary petitions;
- (15) Two contested or substantially negotiated objections to the allowance of claims;
- (16) Two appointments of a trustee or examiner;
- (17) Two contested or substantially negotiated conversions or dismissals;
- (18) Two contested or substantially negotiated turnovers of property;
- (19) One reclamation;
- (20) One PACA claim;
- (21) Two substantially negotiated reaffirmations;
- (22) Two contested or substantially negotiated redemptions;
- (23) Five motions for abandonment;
- (24) Conducting three examinations under Rule 2004;
- (25) One revocation of an order of confirmation of a Chapter 11 or 13 plan;
- (26) Twenty voluntary petitions, with schedules and statements, under Chapter 7;
- (27) Ten voluntary petitions, with schedules and statements, and plans under Chapter 13;

- (28) Five voluntary petitions, with schedules and statements under Chapter 11;
- (29) Two voluntary petitions, with schedules and statements, and plans under Chapter 12;
- (30) Five confirmations of plans under Chapters 12 or 13;
- (31) Two confirmations of plans under Chapters 9 or 11;
- (32) Three disclosure statements and plans of reorganization under Chapter 11;
- (33) Three requests for administrative priority of claim other than own fee application;
- (34) Three objections to claimed exemptions;
- (35) Two applications for replacement liens;
- (36) Two proceedings to determine the validity, priority or extent of a lien or other interest in property;
- (37) One relief application for injunctive or declaratory relief;
- (38) Three representations of trustee;
- (39) Ten evidentiary hearings of which each is at least two hour duration;
- (40) One representation of a creditors committee or equity committee;
- (41) One determination of tax liability that is contested or substantially negotiated;
- (42) Two Motions for Removal, Abstention or Withdrawal of Reference;
- (43) One rejection of a collective bargaining agreement.
- (44) Two bankruptcy related adversary proceedings or contested matters of a type other than as above described;
- (45) Two appeals relating to the above described;

An applicant shall demonstrate such substantial involvement in the field of bankruptcy 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 bankruptcy law with which the applicant has dealt and the frequency of the involvement therewith. Such demonstration shall be made initially through completion by the applicant of a form of questionnaire approved by the BLS, 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 bankruptcy law. The required degree of competence is substantially higher than that possessed by a general practitioner who regularly handles a bankruptcy 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 bankruptcy law;
2. That the applicant demonstrate a high degree of skill, thoroughness, preparation, effectiveness, professionalism and judgment in the field of bankruptcy law; and
3. That the applicant satisfactorily complete 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 Bankruptcy 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 applicant 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.

The Bankruptcy Advisory Commission has determined that any applicant that passes the written examination given by the American Board of Certification ("ABC") may use that written examination in lieu of the examination requirement contained herein upon proper evidence from ABC that the applicant has passed the ABC written examination within fifteen months of applying to the Board of Legal Specialization for certification as a bankruptcy specialist.

**D. References.** With each application, the applicant will submit the names of at least five Arizona attorneys who practice in the field of bankruptcy law and/or judges before whom the applicant has appeared, familiar with the applicant's practice, and not including current partners or associates. The Bankruptcy 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 Bankruptcy Advisory Commission. Reference names supplied by the applicant shall not include members of the Board of Legal Specialization or Bankruptcy Advisory Commission. The Bankruptcy Advisory Commission may also consult other sources. Documentation of all matters and comments considered by the Bankruptcy Advisory Commission shall be contained in the applicant's file.

- E. Continuing Legal Education Requirements.** Continuing legal education requirements for attorneys certified as bankruptcy law specialists shall be 12 hours per year in one or more seminar of advanced level programming, concentrated in bankruptcy issues, consisting of 12 hours of substantive CLE activities in bankruptcy 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 approximately 33.3% of a full-time practice to matters in which issues of bankruptcy law are significant factors. These services 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, and identifying the types of issues of bankruptcy with which the applicant has dealt and the frequency of involvement therewith. Formal written examination for recertification, where there has been no break in certification, shall not be required.