



**STANDARDS FOR CERTIFICATION
OF LAWYERS SPECIALIZING IN
FAMILY LAW**
(as revised 6/10/98)

Pursuant to the authority vested in the Arizona Board of Legal Specialization (the “BLS”) the Board of Governors of the State 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 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 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 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, and to comply with all applicable Rules and Regulations of the Arizona Board of Legal Specialization.
- 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 five (5) of the ten members of the Family Law Advisory Commission.
- 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 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 (5) years.
- E. Revocation of Certification.** The BLS may revoke the certification of a lawyer recognized as specializing in family 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 Family Law Advisory Commission that the certified lawyer no longer meets the criteria for substantial involvement in the field of family law as set forth in Section II
- F.** (B) hereof
- 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 Law Practice.** An applicant shall have been admitted for a minimum of five years, four of which must have been in the practice of law within the state of Arizona (two of which must be

immediately preceding the application), and after such admission shall have engaged in legal service (as defined in Section 1 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 Family Law. Definition of Specialty Field: The specialty field of Family Law is the practice of law dealing with all aspects of antenuptial and domestic relationships, annulment, separation and divorce, alimony and child support and child custody matters, giving due consideration to the tax consequences, and court proceedings relating thereto.

1. An applicant shall make a satisfactory showing as determined by the BLS in accordance with objective and verifiable standards, substantial involvement in the field of family law during at least four of the preceding six years, including the two years immediately preceding the date of application, based upon advice of the Family Law Advisory Commission.
2. For purposes hereof, substantial involvement in the field of family law shall mean the engagement by the applicant in legal service (as defined in Section I of the Rules and Regulations of the Board) equivalent to at least 50% of a full-time practice in the course of which the applicant annually devoted approximately 50% of a full-time practice to the aforementioned time to Arizona family law cases involving at least five (5) of the matters in which issues of family law are significant factors, including the following:
 - (a) Dissolution of marriage, lead separation, and nullity of marriage;
 - (b) Custody of the children, including dependency, adoption and termination;
 - (c) Child support;
 - (d) Spousal maintenance;
 - (e) Modification of support/spousal maintenance;
 - (f) Division of community property;
 - (g) Taxation issues incidental to dissolution or separation;
 - (h) Contempt and/or enforcement proceedings;
 - (i) Mediation or negotiation of family disputes;
 - (j) Writs and appeals from dissolution;
 - (k) Problems of the non-matrimonial family;
 - (l) Problems of domestic violence; and,
 - (m) Paternity.

An applicant shall demonstrate current substantial involvement in the field of family law by furnishing the Board of Legal Specialization 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 a questionnaire approved by the BLS, but written or oral supplementation may be required.

3. An applicant shall 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 show cause, orders of protection and trial or evidentiary hearings whereby one or more issues were decided by the court. If the number of hearings listed is less than 30, 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.

Applicant must list all negotiated settlement agreements, post or pre-nuptial agreements, paternity agreements or 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.

While Courtroom experience is necessary, of greater concern is the attorney's ability to resolve issues with minimal stress to the parties while at the same time protecting the client's interest.

The term "settlement agreement" includes complete resolution of all issues in a family law case or in a post-dissolution case, or in a pre-nuptial agreement matter or in paternity matters. The term does not apply to resolution of *pendente lite* matters.

For purposes of these standards, a “trial or hearing”, is a Court proceeding at which evidence in the form of live or deposition testimony is adduced and the Court decides one or more issues of fact or law. A Pre-Trial Motion hearing shall qualify as a trial or hearing if live or deposition testimony is induced in proceedings to establish, modify or enforce *pendente lite* financial or custody arrangements. If other pre-trial hearings in which live or deposition testimony is adduced are submitted, the applicant shall describe the purpose and nature of the hearing and the Commission shall determine whether such hearings shall qualify. If 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 of the parties without live testimony but with oral argument by the attorneys, a proceeding conducted in conformity to such a rule may qualify as a “trial or hearing”.

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 against the required number of trials or hearings. If he or she did not orally argue, it may be counted against the required number of settlements.

4. Within the five years preceding the application, the applicant must have been lead attorney in at least ten family law cases from categories listed below, including at least one case each from at least five of the categories. For purposes of these standards, these ten or more cases are referred to as “specified cases”:
 - a. a case that involves issues of valuation of a business or professional practice in regard to which an expert accountant or business appraiser submits a written valuation;
 - b. a case that involves issues of transmutation by co-mingling of funds in regard to which an expert accountant traces funds;
 - c. a case that involves issues of excessive, abnormal, or fraudulent disposition of community funds or assets in regard to which an expert accountant traces funds or assets;
 - d. a case in which a real estate appraiser submits a written appraisal and is examined or cross-examined by the applicant in a deposition or a trial or hearing;
 - e. a case that involves issues of spousal maintenance in which a physician or vocational or labor market or rehabilitation expert submits a written report regarding a party’s ability to earn income;
 - f. a case that involves issues of child custody in which a written child custody evaluation is submitted by a mental health expert and the expert is examined or cross-examined by the applicant in a deposition or a trial or hearing;
 - g. a case that involves issues of valuation or division of a retirement plan, in regard to which the applicant examines or cross-examines an actuary or other expert on that topic in a deposition or a trial or hearing;
 - h. a case that involves issues about the amount of income that has been received by a party in which the applicant examines or cross-examines an accountant or other expert on that topic in a deposition or in a trial or hearing;
 - i. a case 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;
 - j. a case that involves a special action or an appeal to the Court of Appeals or Supreme Court.

The lists of settlements and trials and hearings submitted pursuant to Standard II.B.3 must identify at least ten cases submitted as specified cases and must designate (by letter) which category above is

represented by each of the specified cases. One case cannot fulfill more than one category of the specified case requirement at the Superior Court level. One case cannot fulfill more than one category of the specified case requirement at the appellate level (for example, if 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, those proceedings at the appellate level can only be counted as one case). The same case can fulfill one of categories 4.a through 4.i of the specified case requirement at the Superior Court level and also fulfill category 4.j at the appellate court level.

In at least three of the cases submitted as specified cases, the applicant must have been lead attorney in a trial or hearing (as defined in Standard II.B.3) or an oral argument before the Court of Appeals or Supreme Court, at which one of the issues litigated was the issue for which the case is submitted as a specified case.

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 a family law matter. For purposes of a “high degree of competence,” an applicant 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 family law;
2. That the applicant demonstrate a high degree of skill, thoroughness, preparation, effectiveness, professionalism and judgment in the field of family law;
3. That the applicant pass a written examination in topics relating to family law determined by the Advisory Commission. This examination shall be administered at the discretion of the Advisory Commission 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 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 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 their 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 family law or judges before whom the applicant has appeared, familiar with the applicant’s practice, and not including current partners or associates. The Family Law 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 Family Law Advisory Commission. Reference names supplied by the applicant shall not include members of the Board of Legal Specialization or the Family Law Advisory Commission. The Family Law 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 family law specialists shall be 12 hours per year in one or more seminar of advanced level programming, concentrated in family issues, consisting of 12 hours of substantive CLE activities in family

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.

- F. Waivers.** The Advisory Commission may recommend waiver of any requirement if circumstances so warrant. For each incident of waiver, the Advisory Commission shall advise the Board of Legal Specialization which specific requirements were waived, the specific reasons justifying the waiver, and the substituted requirements, if any, that were considered by the Advisory Commission.

III. Standards and Procedures for Re-certification:

- A. Standards:** During the period of certification, the specialist must have had substantial involvement in the field of family law as defined in Section II(B)(2), and must have continued to demonstrate competence and integrity as defined in Section 11(C), and must have fulfilled the continuing legal education requirement of Section 11(E), all subject to the policy regarding waivers stated in Section 11(F).
- B. Procedures:** The specialist shall submit to the BLS a fully completed and executed Application for Re-Certification in Family Law in the prescribed form.
1. With the application, the specialist shall submit the names of not less than five (5) Arizona attorneys who were opposing counsel in family law matters settled or litigated by the specialist during the period of specialization. Those references shall not include members of the Board of Legal Specialization or the Family Law Advisory Commission, and a list of lawyers serving as members of those bodies shall be provided to the specialist with the application form. The Family Law Advisory Commission will select at least five additional Arizona lawyers or judicial officers as references from the information about contested hearings and settlements submitted by the specialist. Each of those references shall be provided a reference request in the prescribed form and shall be asked to provide information as described in Section VI(H) of the Rules and Regulations of the Board.
 2. With the application, the specialist shall submit a listing of at least 15 contested evidentiary hearings 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, post or pre-nuptial agreements, paternity agreements or stipulated decrees in which he or she was lead counsel. 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.
 3. Names of specialists seeking re-certification shall be published in a State Bar of Arizona publication, providing an opportunity for comment, at least thirty (30) days before consideration of re-certification by the Family Law Advisory Commission.
 4. The application shall require that the specialist provide information regarding discipline, judicial sanctions, and malpractice claims during the period of certification.
 5. The application for Re-certification shall be reviewed by the Family Law Advisory Commission, including information contained in the application, the returned reference requests, and any comments received from the public or members of the Bar or judiciary. The Advisory Commission may send reference requests to additional lawyers or judicial officers, particularly if the Commission deems the number or contents of returned reference requests to be insufficient for purpose of review. The Commission may also consult other sources. Documentation of all matters and comments considered by the Commission shall be contained in the specialist's file.
 6. Based on all information described in Section III(B)(1),(2), and (4), the Commission 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 Advisory Commission has made its recommendation to the BLS and the BLS has acted on that recommendation.

- C. Specified Cases** Since the date of the last previous application for certification or re-certification, the specialist must have been lead attorney in at least ten specified cases (as defined in Standard II.B.4), including at least one case from each of at least five of the categories. The lists of settlements and trials and hearings submitted by the specialist must identify the cases submitted as specified cases and must designate (by letter) which category of Standard II.B.4 is represented by each.

One case cannot fulfill more than one category of the specified case requirement at the Superior Court level. One case cannot fulfill more than one category of the specified case requirement at the appellate court level (for example, if 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, those proceedings at the appellate level can only be counted as one case). The same case can fulfill one of categories 4.a through 4.i of the specified case requirement at the Superior Court level and also fulfill category 4.j at the appellate court level.

In at least three of the cases submitted as specified cases, the specialist must have been lead attorney in a trial or hearing (as defined in Standard II.B.3) or an oral argument before the Court of Appeals or Supreme Court, at which one of the issues litigated was the issue for which the case is submitted as a specified case.