



**STANDARDS FOR CERTIFICATION  
OF LAWYERS SPECIALIZING IN  
PERSONAL INJURY & WRONGFUL DEATH**

Approved 1/8/2020

Pursuant to the authority vested in the Arizona Board of Legal Specialization (“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 personal injury and wrongful death 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 personal injury and wrongful death 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.

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

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 personal injury and wrongful death 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 Personal Injury and Wrongful Death Advisory Commission, and to comply with all applicable Rules and Regulations of the Arizona Board of Legal Specialization.
- C. Recommendation by Personal Injury and Wrongful Death Advisory Commission.** An applicant shall be recommended to the BLS for certification as a lawyer specializing in personal injury and wrongful death when the applicant is found to have complied with the applicable standards by no less than five (5) of the ten members of the Personal Injury and Wrongful Death 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/Suspension of Certification.** The BLS may revoke or suspend the certification of a lawyer recognized as specializing in personal injury and wrongful death for any reason specified in the Rules and Regulations of the Arizona Board of Legal Specialization, including but not limited to advice from the Personal Injury and Wrongful Death Advisory Commission that the certified lawyer no longer meets the criteria for substantial involvement in the field of personal injury and wrongful death as set forth in Section II 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 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 Personal Injury and Wrongful Death.** 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 personal injury and wrongful death.

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 personal injury and wrongful death as a substantial focus. “Active law practice” is defined to mean that at least 1,000 hours per year is devoted to personal injury and wrongful death, and at least 50% of those hours involve Arizona

personal injury and wrongful death matters.

2. The applicant has achieved a score of 180 points or more on the attached Personal 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 personal injury and wrongful death. The required degree of competence is substantially higher than that possessed by a general practitioner who regularly handles a personal injury and wrongful death 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 personal injury and wrongful death;
2. That the applicant demonstrate a high degree of skill, thoroughness, preparation, effectiveness, professionalism and judgment in the field of personal injury and wrongful death;
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 Personal 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; and
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.
5. 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.
6. 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. Dismissals, 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 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 Personal Injury and Wrongful Death Advisory Commission. The Personal 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.**

- A. Substantial Involvement in Personal Injury and Wrongful Death.** 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 personal injury and wrongful death.

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 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 personal injury and wrongful death, and at least 50% of those hours must involve Arizona personal 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 personal injury and wrongful death with which the applicant has dealt and the frequency of involvement therewith, and provide references as provided for in the Application, Section 1(C), References. Formal written examination for re-certification, where there has been no break in certification, shall not be required.

**B. 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 personal injury and wrongful death. The required degree of competence is substantially higher than that possessed by a general practitioner who regularly handles a personal injury and wrongful death 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 personal injury and wrongful death;
2. That the applicant demonstrate a high degree of skill, thoroughness, preparation, effectiveness, professionalism and judgment in the field of personal injury and wrongful death; and
3. 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.

**C. 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 Personal Injury and Wrongful Death Advisory Commission. The Personal 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.

**D. 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.

**E. Malpractice Insurance.**

Certified Specialists are required to carry legal malpractice insurance. This insurance must have minimum limits commensurate with the largest case the specialist typically handles. 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).