



**CONFIDENTIAL BEFORE THE
BOARD OF LEGAL SPECIALIZATION**

**APPLICATION FOR INITIAL
CERTIFICATION IN CRIMINAL LAW**

Revised January 8, 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

NOTE: 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:

State Bar of Arizona, Board of Legal Specialization
4201 N. 24th Street, Suite 100,
Phoenix, AZ 85016-6266

For applications submitted AFTER August 1 - an additional \$100 late fee is assessed.

Applications received after October 1 will not be accepted.

The separate examination fee (see para G) 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. If applicable, list any instances in which you have been the subject of a Rule 32 proceeding. Include dates and a brief summary of the incidents. 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 since admission to the practice of law. 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 a minimum of **seven** 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 admission to practice 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% or more of a full-time practice.

D. References. List the names, mailing addresses and e-mail addresses of five attorneys who practice in criminal law 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 Criminal Law Advisory Commission. A list of the members serving in these capacities can be found at:

<https://www.azbar.org/for-lawyers/communities/committees/board-of-legal-specialization/>.

In addition to the references you provide, the Criminal Law 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 criminal law 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 Criminal Law.** An applicant shall make a satisfactory showing, as determined by the Board in accordance with objective and verifiable standards, based upon advice of the Criminal Law Advisory Commission, of substantial involvement in the field of Criminal Law. In so doing, the applicant shall demonstrate that the applicant has, since admission to practice, attained a basic level of experience, as set forth below, and is currently substantially involved in the field of criminal law.

As used herein, the term *serious felony offense* means a single offense which, upon conviction, carries a mandatory imposable sentence of five (5) years or more imprisonment. Multiple lesser charges tried simultaneously may not be aggregated to meet this requirement. The term *principal counsel of record* means a lawyer who presents the case or proceeding to the jury and/or the court throughout its course, or during a substantial part thereof.

To demonstrate substantial involvement in criminal law, provide information regarding criminal cases in which you served as principal counsel of record. On a separate sheet of paper, provide the following information for each case identified:

- Title of Case:
- Case Number:
- Court Where Tried:
- Nature of Offense:
- Date Trial Commenced:
- Date Submitted to Jury or Date Verdict Rendered:
- Judge:
- Name and Address of Opposing Counsel:
- Name of Co-Counsel (if applicable):
- Name of Co-Defendants Counsel (if applicable):

1. Basic Experience Requirements. Since admission to the practice of law, applicant shall have been principal counsel of record in the following:

- a. Ten (10) criminal felony jury trials, in at least five (5) of which a serious felony offense was tried.
- b. Fifteen (15) evidentiary or other hearings, *which involved substantial contested issues of law or fact*. Nonexclusive examples of types of hearings which may qualify, if substantial contested issues are involved, include:
 - (1) Motion to Suppress;
 - (2) Motion in Limine;
 - (3) Federal Sentencing involving difficult Guideline Sentencing issues;
 - (4) State Sentencing (non-routine);
 - (5) Admissibility of scientific evidence under Frye/Daubert;
 - (6) Admissibility of eyewitness identification under Dessureault;
 - (7) Admissibility of “prior bad acts” evidence under Rule 404(b) of Criminal Procedure (federal or state).
- c. Any combination of at least five (5) of the following:
 - (1) Petition or answer filed in special action proceedings in the Arizona Court of Appeals or the Arizona Supreme Court;

- (2) Appeal in the following courts in which briefs were filed by appellants and respondents: United States Supreme Court, United States Court of Appeals, Arizona Supreme Court or Arizona Court of Appeals;
- (3) Petition for post-conviction relief;
- (4) Petition for habeas corpus relief under Section 2254 of Title 28, United States Code;
- (5) Motion to vacate or set aside sentence under Section 2255 of Title 28, United States Code.

2. Substantial Current Involvement. During the five (5) years immediately preceding this application, applicant shall have devoted, on an annual basis, time equivalent **to at least 50%** or more of a fulltime practice to matters in which issues of criminal law are significant factors. During that period, applicant shall have served as principal counsel of record in at least 125 additional criminal matters.

An applicant shall furnish the Board with information regarding the nature of the legal services in which he has been engaged and identifying the types of issues of criminal law with which applicant has dealt. This information shall be provided on forms provided by the Board but should be supplemented with additional sheets attached where necessary. Applicants should describe with particularity matters handled which involved exceptional complexity, or in which an exceptional result was obtained. Applicants may be required by the Board or by the Criminal Law Advisory Commission to supplement the information supplied orally or in writing.

F. Continuing Legal Education. Provide information regarding CLE you acquired with advanced level 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 and provide an explanation.

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. 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 FOLLOWING PAGE

IV. APPLICATION AGREEMENT

Read and initial each of the following agreements 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 of Legal Specialization 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 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.
- c. _____ I annually devote not less than 50% of a full-time practice to criminal law, as defined in the Standards for Certification for Lawyers Specializing in Criminal 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 Pursuant to 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. If applicable, I will list any instances in which I have been the subject of a Rule 32 proceeding. Further, if any formal matters are pending against me, or any develop, I will advise the Board.
- f. _____ 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.
- g. _____ 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 of Legal Specialization from third parties. I specifically waive any right to review any reference or other evaluations made to the Board of Legal Specialization, whether solicited by me or the Board of Legal Specialization. In addition, I agree not to seek discovery of such references and evaluations, formally or informally, in any legal proceeding or otherwise.
- h. _____ 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.
- i. _____ 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