



**CONFIDENTIAL BEFORE THE
BOARD OF LEGAL SPECIALIZATION**

**APPLICATION FOR
INITIAL CERTIFICATION IN
ESTATE AND TRUST LAW**

Revised 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

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:

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 \$100 late fee is assessed.

Applications received after October 1 will not be accepted.

The separate examination fee (see para F) 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. S. 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.** Applicants must be 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 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 law practice.
- D. References.** List the names, mailing addresses and e-mail addresses of five attorneys who practice in estate and trust 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 Estate and Trust Law 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 Estate and Trust 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 estate and trust 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 Estate and Trust Law.** Pursuant to the Standards for Certification of Lawyers Specializing in Estate and Trust Law, applicants must demonstrate substantial involvement in the field of estate and trust law during four of the preceding six years, including the year

immediately preceding this application. For purposes hereof, substantial involvement shall mean the engagement by the applicant in legal service (as defined in Section 1 of the Rules and Regulations of the Board of Legal Specialization) equivalent to at least 50% of a full-time practice estate and trust law matters.

To demonstrate substantial involvement in estate and trust law, please submit the information requested below for at least 10 representative cases/projects/proceedings which exemplify your experience, including at least one case from at least five of the categories listed below. Please indicate an approximate percentage of your time and approximate number of matters handled in each of the 13 categories listed below. Please include the following details for each example, making sure NOT to include names of clients:

- Category:
- Project.
- Dates:
- Responsibilities:
- Describe documents prepared:
- Name and address of opposing counsel or other professionals involved in the matters:

Category 1: Rendition of advice as to the state and federal estate, gift and generation-skipping transfer tax consequences of transactions, such as gifts to individuals, trusts and charitable organizations; the drafting and implementation of irrevocable trusts, including present interest trusts, irrevocable life insurance trusts and charitable trusts; the drafting and implementation for wills and revocable trusts; and the formation and implementation of family business arrangements, including closely held corporations, partnerships and buy-sell agreements.

Category 2: The preparation of state and federal estate, gift and generation-skipping transfer tax returns, including the rendition of advice concerning the preparation and filing of such returns and all applicable elections.

Category 3: Rendition of advice regarding the valuation of assets and partial interests in assets in situations described in Categories 1 and 2 above.

Category 4: Rendition of advice incident to the planning, drafting and implementation of wills and/or trusts; and beneficiary designations, including:

- a. Distribution of all property to surviving spouses with alternate to children as each attains the age of majority, or when the youngest attains a specified age, or distributing to children using a testamentary trust; and
- b. Utilizing a marital trust, a qualified election trust, credit shelter trusts, generation-skipping trusts, or charitable remainder trusts; and
- c. Distribution of retirement assets, and life insurance and annuity proceeds.

Category 5: Rendition of advice incident to the drafting and implementation of amendment and auxiliary documents, including:

- a. Codicil to will;
- b. Amendment to trust;
- c. Powers of attorney;
- d. Disclaimers.

Category 6: Rendition of advice incident to the drafting and implementation of business succession documents, including family business arrangements, closely-held corporations, partnerships and buy-sell agreements.

Category 7: Rendition of advice regarding applications for public benefits; including, but not limited to, Social Security retirement benefits, Supplemental Security Income benefits, Medicare or Medicaid (Arizona Long-term Care System or Arizona Health Care Cost Containment System) benefits and Railroad Retirement benefits.

Category 8: Rendition of advice regarding completing transfers of decedents' assets by probate administration, terminations of joint tenancies, collection of real or personal property by affidavit and retirement plans.

Category 9: Rendition of advice regarding completing transfers of assets by trust terminations or otherwise; including, but not limited to, terminations of revocable living trusts, life insurance trusts, gift trusts, testamentary trusts or other procedures resulting in the transfer of assets in which the decedent held an interest.

Category 10: Rendition of advice to a fiduciary or administration as fiduciary of estate and trust; including, but not limited to, the preparation of periodic accountings, distributions, court settlements of accounts and the preparation of appropriate tax returns or trust tax information.

Category 11: Acting as trial counsel in contested matter involving will contests, determinations of heirship, objections to accountings, fiduciary appointments, creditors' claims, breaches of fiduciary duty, financial exploitation, guardianship/conservatorship/mental health proceedings, asset ownership disputes, tax matters or such other activities in the estate and trust litigation law area which the applicant demonstrates to the satisfaction of the BLS.

"Trial Counsel" means an attorney who presents all or a substantial portion of a case or proceeding to the court or jury.

"Contested matters" means legal representation in any dispute where a trial or other evidentiary hearing on the merits was or might ultimately be necessary whether by a court, with or without a jury, or by other alternative method of dispute resolution such as arbitration. Service as a judge pro tem for particular cases may qualify if the matter or hearing resulted in a decision based upon submitted memoranda or oral testimony.

Category 12: Representing an interested party in mental health, guardianship and/or conservatorship proceedings either from the filing of an initial petition through the appointment of the guardian and/or conservator, or after the appointment of the conservator and/or guardian.

Category 13: Such other activities in the estate and trust law areas which the applicant demonstrates to the satisfaction of the BLS.

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 advanced level 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 \$100 examination fee, payable to the State Bar of Arizona, is to be paid when you are notified you may sit for the examination.

IV. 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 estate and trust law, as defined in the Standards for Certification for Lawyers Specializing in Estate and Trust 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 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 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.
- 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