



## BOARD OF LEGAL SPECIALIZATION

State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016

Wednesday, November 8, 2023 - 4:00 p.m.  
via **Zoom**

### MINUTES

Approved **January 10, 2024**

#### MEMBER ATTENDANCE:

P = Present; Z = Present via Zoom; T = Present Telephonically; A = Absent

Wendi Sorensen - **A**

James Cross - **Z**

James Anderson - **A**

Cynthia Braun - **Z**

Robert Denison - **A**

Michael Goldberg - **Z**

Kimberly Heldt - **Z**

Phoebe Moffatt - **Z**

Blake Moscatello - **T**

Jeffrey Neff - **Z**

Elizabeth Ortiz - **Z**

State Bar Staff: Randal Westbury and Kendra Owens-Johnson

Minutes taken by: Randal Westbury

#### 1. Call to Order (Quorum Present)

Meeting was called to order by BLS Vice-Chair, Jim Cross  
4:03 p.m.

#### 2. Call to the Public –

No Public Members Present

#### 3. Approval of minutes

The minutes of the November 8, 2023 General Session meeting were reviewed.

Motion for approval by: Jeff Neff

Second by: Cynthia Braun

Chair calls for vote: Unanimous, motion passes

The minutes of the November 8, 2023 Executive Session meeting were reviewed.

Motion for approval by: Phoebe Moffatt

Second by: Jeff Neff

Chair calls for vote: Unanimous, motion passes

**4. Motion to move into Executive Session for purposes of reviewing recommendations to deny/remove Certifications/Recertifications:**

Motion made by: Jeff Neff  
Second by: Phoebe Moffatt  
Chair calls for vote: Unanimous, motion passes

Convene into Executive Session  
4:04 pm.

Reconvene to General Session  
4:11 pm

**5. Consideration of BLS Administrator's recommendation to remove Criminal Law Specialists Certification for :**

1. Robin Puchek

Motion made by: Phoebe Moffatt  
Second by: Jeff Neff  
Chair calls for recusals: none  
Chair calls for discussion: none  
Chair calls for vote: Unanimous, motion passes

**6. Consideration of BLS Administrator's recommendation to remove Tax Law Specialists Certification for:**

1. James Roach, II

Motion made by: Phoebe Moffatt  
Second by: Jeff Neff  
Chair calls for recusals: none  
Chair calls for discussion: none  
Chair call for vote: Unanimous, motion passes

**7. Consideration of Board of Legal Specialization's decision to revoke Estate and Trusts Law Specialists Certification for:**

1. Kevin Kinghorn

Motion made by: Phoebe Moffatt  
Second by: Jeff Neff  
Chair calls for recusals: none  
Chair calls for discussion: none  
Chair call for vote: Unanimous, motion passes

**8. Consideration of the Board of Legal Specialization’s decision to terminate Personal Injury and Wrongful Death Specialists Certification for:**

1. Raymond Norris
2. Robert Bohm

Motion made by: Phoebe Moffatt  
Second by: Jeff Neff  
Chair calls for recusals: none  
Chair calls for discussion: none  
Chair call for vote: Unanimous, motion passes

**9. Consideration of the Board of Legal Specialization’s decision to terminate Family Law Specialists Certification for:**

1. Robert Siesco

Motion made by: Phoebe Moffatt  
Second by: Jeff Neff  
Chair calls for recusals: none  
Chair calls for discussion: none  
Chair call for vote: Unanimous, motion passes

**10. Consideration of Real Estate Advisory Commission’s Recommendation to Deny Initial Certification Application for:**

1. Jason Smith

Motion made by: Phoebe Moffatt  
Second by: Jeff Neff  
Chair calls for recusals: none  
Chair calls for discussion: none  
Chair call for vote: Unanimous, motion passes

**11. 2022/2023 Specialist Applications:**

The BLS Vice-Chair, Jim Cross, opened the discussion asking Randal Westbury, the BLS Administrator, to present the 2022/2023 findings. Randal commented there are five (5) specialist who are to be removed from specialization. Each year, typically mid-May, the BLS Administrator notifies via email the specialist that their certification is due to expire October 1<sup>st</sup> of that year.

There is no historical data as to how many of those contacted do not respond, but failure to respond activates the same process as would a revocation. Randal continued that he is revising the internal policy as to the process of removing the designation to be in alignment with those of Section IX of the BLS Rules and Regulations.

Regarding the 2023 applications, most of the Peer Review forms have been sent to the 2023 applicant's references. There were more forms sent this year, so the return rate is expected to be much higher than 2022. Randal commented that he is working to capture as much application data as possible to provide insight as to what communication is effectively working in reaching specialists.

Randal informed the BLS that he's asked the Advisory Commissions to review their exams, study materials, and grading metrics and submit any revisions to the BLS Administrator for approval before the BLS in January. Jim Cross thanked Randal for his hard work and input in capturing data so the BLS will be able to identify problem areas.

## **12. Review of proposed changes to the current Administrative Order 63 (BLS Rules and Regulations):**

Jim Cross asked if everyone was able to review the circulated documents relating to the proposed changes to the current BLS Rules and Regulations. Phoebe asked if anyone who was well-versed in ADR was able to add input on the proposed changes.

Randal commented that he added both MCLE and specialization credit hours for ADR as from his experience, many of the specialists handle more ADR than actual trial work. Randal added that he does not want to "automatically phase out" specialists because they do not meet the recertification Standards for trial work.

Phoebe asked Randal if he was able to have someone who is familiar with ADR take a look at the proposed changes. Randal agreed with Phoebe's suggestion. Jim Cross agreed with Phoebe and Randal and suggested the BLS table the discussion and asked the members to review the proposed changes before December 1st, 2023.

## **13. Review of Advisory Commission's proposed use of automation application forms:**

Jim Cross asked Randal to provide an update on the automation of the application submission process and associated forms. Randal stated that the draft forms have been completed and have been sent to the appropriate Advisory Commissions for their review.

The State Bar has assigned IT assistance in designing an application where applicants for both initial certification and recertification can submit their application and supporting documents through a "portal" which will allow the application process to be completely automated.

In addition to automating the forms, the State Bar's IT is working on creating a Wizard for the application process. Randal stated that this year was the first year many of the applicants utilized the "call-in" payment method for applications.

## **14. BLS Administrator updates:**

Randal continued with the concern of the declining number of specialists and welcomed ideas from the BLS as to how to increase the number of initial applicants. He noted that he is working on email blasts which will be sent to attorneys in the ten specialty areas and hopes that it will generate more interests.

Randal announced he was notified that new member Heather Spielmaker contacted him and stated she accepted a job back east. Heather apologized that she wasn't able to keep her commitment to the BLS, but she would be moving closer to family and the new job opportunity would allow her that opportunity.

Also, member Teresa Welborn contacted Randal and stated she would need to resign from the BLS. Teresa stated her husband is very ill and she would need to take care of him. Randal wished both Teresa and her husband well and stated he would inform the BLS. Randal also sent a get well card to Teresa and her husband on behalf of the BLS.

In closing, Mike Goldberg and Phoebe Moffatt commented that there needs to be some changes made to the overall program. The key is to make the program attractive while not making it too difficult.

15. Date of next meeting: **December 13, 2023**

16. Adjourn – 4:37 pm