



**CONFIDENTIAL BEFORE THE
BOARD OF LEGAL SPECIALIZATION**

**APPLICATION FOR
INITIAL CERTIFICATION IN
CONSTRUCTION DEFECT LAW**

Effective 8/16/2021

Name	
Bar Number	
Firm/Organization	
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

NOTES:

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.

The application is due August 1. For applications submitted AFTER August 1 – an additional \$100 late fee is assessed.

The separate examination fee (see Section IV. below) is to be paid when you are notified you may sit for the examination.

**INITIAL CERTIFICATION
CONSTRUCTION DEFECT**

INTRODUCTION.

The Standards for Certification require that an applicant must demonstrate honesty, integrity and 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 construction defect law. The required degree of competence is substantially higher than that possessed by a general practitioner who regularly handles a construction defect law matter. A "high degree of competence" shall mean the satisfaction of the following standards:

1. That the applicant demonstrates a substantially complete knowledge of substantive law and rules of practice, procedure, evidence and ethics pertaining to construction defect law; and
2. That the applicant demonstrates a high degree of skill, thoroughness, preparation, effectiveness, professionalism and judgment in the field of construction defect law; and
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 Construction Defect Law 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.
4. That the applicant demonstrates 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 they practice; (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.
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.

APPLICATION.

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.

**INITIAL CERTIFICATION
CONSTRUCTION DEFECT**

III. On a separate sheet of paper for each of the following paragraphs A through E, 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 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.¹
- C. References.** List the names, mailing addresses and e-mail addresses of at least five (5) Arizona attorneys who practice in the field or judges before whom you have appeared, are 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 Construction Defect 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/>.²
- D. Substantial Involvement in Construction Defect Law.** Pursuant to the Standards for Certification of Lawyers Specializing in Construction Defect Law, applicants must demonstrate substantial involvement in the field of Construction Defect law during five (5) years immediately preceding this application.

For purposes hereof, substantial involvement in the field of construction defect law shall mean the engagement by the applicant in legal service (as defined in Section I of the Rules and Regulations of the Board of Legal Specialization) in the course of which the lawyer has annually devoted not less than 50% of a full-time practice to matters in which issues of construction defect law are significant factors.

An applicant shall demonstrate substantial involvement in the field of construction defect law by furnishing the BLS with information regarding the nature of the legal services in which the applicant has been engaged and identifying the types of issues of construction defect 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 the specialization application, but written or oral supplementation may be required.

An applicant shall give concise but specific explanations of the applicant's involvement in the following particular construction defect categories, and indicate the annual frequency of involvement in each category in each of the past 5 years:

1. Construction defect-related litigation or alternative dispute resolution matters.

¹ **Required Period of Law Practice.** An applicant shall have been admitted to the practice of law for a minimum of seven (7) years, of which a minimum of three (3) 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 practice.

² **References.** In addition to the references you provide, the Construction Defect 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.

**INITIAL CERTIFICATION
CONSTRUCTION DEFECT**

2. Construction Defect matters involving the Registrar of Contractors or the Department of Real Estate to resolve construction defect claims.
3. Federal Fair Housing-based matters involving construction defect claims.
4. Environmental law-based matters involving construction defects.

The substantial involvement requirement will be determined to be met when an attorney handles a minimum of two (2) construction defect law matters in each of the previous five (5) years; and cumulatively over five (5) years reaches 13 points calculated as follows: One (1) point for each construction defect matter handled during the previous five (5) years.

Therefore, provide a detailed list for the previous five (5) years. List at least two (2) construction defect law matters for each year. Then, the applicant must list an additional three (3) construction defect law matters within the previous five (5) years in order to reach the 13 points required as stated above.

For each matter listed, the following information is required:

1. Name of the matter.
2. Type of matter (Mediation, Arbitration, Litigation).
3. Case number or reference.
4. Brief description of the matter.
5. Name of opposing counsel.
6. Name of Mediator(s), Arbitrator(s), Judge.

E. Continuing Legal Education. Provide information regarding CLE you acquired with subject matter related to the area of construction defect law during the previous five (5) years. If you did not take any CLE's related to construction defect law, indicate in a separate statement that this question is not applicable and provide an explanation.

If you have taken CLE's related to construction defect law, provide copies of your MCLE affidavits (last five (5) educational years only), clearly indicating on the affidavit (circle, underline, asterisk, etc.) those events related to the area of construction defect law.

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 related to construction defect law.³

IV. Examination Fee. An examination fee, payable to the State Bar of Arizona, is to be paid when you are notified you may sit for the examination.

³ **Continuing Legal Education Requirements.** Once an applicant has been certified as a construction defect law specialist, the continuing legal education requirements thereafter shall be twelve (12) hours per year in one or more seminar of advanced level programming concentrated in construction defect law issues, and three (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.

**INITIAL CERTIFICATION
CONSTRUCTION DEFECT**

V. 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 Construction defect law, as defined in the Standards for Certification for Lawyers Specializing in Construction Defect 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. Further, if any formal matters are pending against me, or any develop, I will advise the Board.
- 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.
- 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