



## BOARD OF LEGAL SPECIALIZATION

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

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

### MINUTES

Approved April 12, 2023

#### MEMBER ATTENDANCE:

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

Wendi Sorensen - Z

James Cross - Z

James Anderson – A

Cynthia Braun - T

Robert Denison – Z

Michael Goldberg – Z

Kimberly Heldt - Z

Phoebe Moffatt – Z

Blake Moscatello - T

Jeffrey Neff - Z

Elizabeth Ortiz - Z

Teresa Welborn - A

State Bar Staff: Randal Westbury

Minutes taken by: Randal Westbury

#### 1. Call to Order

Meeting was called to order by Wendi Sorensen  
4:00 p.m.

#### 2. Call to the Public –

Jessica Thomas, Chair – Administrative Law Advisory Commission  
Michelle Wood, Member – Administrative Law Advisory Commission  
Lawrence Robertson, Member – Administrative Law Advisory Commission  
Gregory Harris, Member – Administrative Law Advisory Commission

#### 3. Approval of minutes

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

Motion for approval by: Jeff Neff

Second by: Michael Goldberg

Chair calls for vote: Unanimous, motion passes

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

Motion for approval by: Jeff Neff

Second by: Jim Cross

Chair calls for vote: Unanimous, motion passes

#### **4. Specialist/Specialty Statistical Review:**

The discussion opened with the chair stating that from time the BLS and Commissions need to revisit their Standards for both certification and recertification. Upon review, any changes which may be outdated or obsolete, will need to be presented for discussion and submitted to the Supreme Court for approval and circulation.

Wendi Sorensen announced that the BLS and the State Bar of Arizona are hosting the first Summit On Specialization (SOS) meeting March 31, 2023 at the Sate Bar office. The meeting is to discuss current and potential challenges faced by the Advisory Commissions and to provide an open forum for discussions on improvements.

Wendi Sorensen went on to state that she will task the Commission chairs with reviewing their Standards and Commission protocols and ask the chairs report back with any recommended changes. In addition, she provided comments on the “Specialist Tracker” chart identifying the decline in specialists’ applications.

Mike Goldberg commented he believes the SOS meeting is a great idea and that open communication between the BLS and the Commissions should be maintained. He went on to state that he agrees with the goal of soliciting younger lawyers to participate and apply for specialist certification.

#### **5. Administrative Law Exam and Study Materials Review:**

4:13 PM-

The discussion opens with Wendi Sorensen thanking the Administrative Law Advisory Commission for their patience and the Commission did a great job on the exam. Wendi commented that the BLS asked the Administrative Law Advisory Commission to complete the following:

1. Review the comments made by the examinees who failed the exam.
2. Recalculate the exam scores for the examinees who failed. Factor the graded essays into the final grade for a blended score.
3. Review the Multiple-Choice questions – in particular the questions heavy on deadlines and dates.
4. Consider open book or permitting reference materials to be used during the exam.

Wendi thanked Jessica Thomas, Administrative Law Advisory Commission Chair, for joining and asked for her to present. Jessica Thomas thanked the BLS and stated that the Commission reviewed and considered the comments made from the examinees who took the 2021 exam and filed.

Jessica stated that while the exam is difficult, it is passable as two individuals did pass the 2021 exam. The Commission graded the essays of the examinees who failed and factored the scores into the final grade. The graded essays still did not provide a passing score for the failed examinees.

Jessica commented that the Commission reviewed the Multiple-Choice questions and it was decided that the questions were sufficient for a practicing attorney who spends most of their work in the area of Administrative Law. The questions focus on the main topics for most practicing attorneys.

Jeff Neff commented that the True/False questions contained detailed time frames and deadlines and asked if the emphasis would be on the memorization? Jessica responded with “yes”. Jeff Neff commented that as an example: a real estate trust sale, which would be a common item for this practice area, most attorneys would “look-up” the appropriate information and not rely on memory.

Wendi Sorensen asked if the Commission changed the Multiple-Choice questions or if the Commission had considered revising some of the content of the questions. Jessica responded with “yes”. She went on to comment that the nature of Admin Law is procedural rule making and knowing the appropriate procedures and rules are necessary.

Wendi Sorensen asked if the Commission had entertained an “open book” exam? Jessica responded that the Commission had considered it but decided to not permit open book as the examinee would need to be knowledgeable in knowing the procedures and rules and not simply looking up the answers.

Mike Goldberg commented that when he’s faced with deadlines, he looks up the current deadline and doesn’t rely on his memory. He stated that he understands the Commission is trying to test the examinee’s knowledge. Jeff Neff commented on the Election/Legislation questions and asked if the exam could be set-up on other parts?

He stated he does not favor the Multiple-Choice questions. Michelle Wood commented that the questions on the exam are questions an Admin lawyer should know. She pointed out that the questions missed on the exam were typical questions. She went on to state the examinees were instructed to know the content and an overview of what would be on the exam.

Larry stated that the Commission has one applicant waiting on the exam to be approved so the applicant can take the exam. He asked if the BLS suggested having the applicant wait until 2024 to take the exam. Wendi asked if the BLS should request more changes to the exam now or if the BLS felt enough changes had been made?

Jessica stated that the pending applicant has been waiting for over a year to take the exam. She also stated that creating the exam has been challenging as no other states offer an Administrative Specialist Certification and adding to that challenge is finding an entity or association who is willing to provide feedback.

Jim Cross added that the BLS and Commission are doing a disservice to the applicant and public if the applicants can’t take the exam. He went on to state that the BLS and Commission are working to make the exam so that the exam constitutes a specialist. Jeff Neff, Jessica, and Larry reviewed the exam against the Standards.

Jessica, Michelle, Larry, and Greg thanked the BLS for their support and will wait to hear the decision of the BLS.

After hearing the discussion on the pending exam and study material, the BLS decided to move forward with their approval of the exam and study material as presented to the BLS.

4:43 PM

**6. Motion to move into Executive Session for purposes of reviewing recommendations for Recertification:**

Motion by: Jim Cross

Second by: Jeff Neff

Chair calls for vote: Unanimous, motion passes

Convene into Executive Session

4:47 pm.

Reconvene to General Session

4:48 pm

**7. Motion to approve the Recertification recommendation of Real Estate Law Advisory Commission for:**

- A) Joseph Atkinson
- B) David Baker
- C) J Scott Burns
- D) Tony Cullum
- E) Janet Hutchison
- F) Marc Lieberman
- G) James Nearhood
- H) Ari Ramras
- I) Margaret Steiner

By: James Cross

Second: Jeff Neff

Chair calls for recusals: none

Chair calls for discussion: none

Chair call for vote: Unanimous, motion passes

**8. Motion to approve the Recertification recommendations of Estate & Trust Law Advisory Commission for:**

- A) Ana Perez-Arrieta
- B) Laura Trujillo
- C) Ronald Zack

By: James Cross

Second: Jeff Neff

Chair calls for recusals: Phoebe Moffatt

Chair calls for discussion: none

Chair call for vote: Unanimous, motion passes

**9. Motion to approve the Recertification recommendations of Workers' Compensation Law Advisory Commission for:**

- A) Alan Schiffman

By: Robert Denison

Second: Cynthia Braun

Chair calls for recusals: none  
Chair calls for discussion: none  
Chair call for vote: Unanimous, motion passes

10. Date of next meeting: **April 12, 2023**

11. Adjourn – 4:50 pm