

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 01 - 9014

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ORDER OF THE COURT APPROVING AMENDMENTS TO THE  
STANDARDS FOR ATTORNEY CERTIFICATION OF THE  
TEXAS BOARD OF LEGAL SPECIALIZATION

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The Texas Board of Legal Specialization approved amendments to the Standards for Attorney Certification on December 17, 2000, and it appears to this Court that these Standards will advance the administration of justice.

IT IS THEREFORE ORDERED that the Standards for Attorney Certification be amended to read:

PART II -- SPECIFIC AREA REQUIREMENTS FOR ~~CONSUMER~~ CONSUMER AND COMMERCIAL LAW

SECTION I -- SUBSTANTIAL INVOLVEMENT AND SPECIAL COMPETENCE

- A. **Definition.** ~~Consumer~~ Consumer and commercial law is the practice of law dealing with ~~Consumer~~ consumer and commercial transactions, including transactions of individual and business consumers and commercial transactions between businesses and other businesses or individuals. It includes, by way of example but not limitation, matters involving the Texas Deceptive Trade Practice - Consumer Protection Act, Subchapter 21B of the Texas Insurance Code; relevant provisions of the Uniform Commercial Code; the Texas Credit Code; the Texas Manufactured Housing Standards Act; the Texas Motor Vehicle Commission Code, including the Texas Lemon Law; laws dealing with landlord-tenant relationship; the Federal and Texas Fair Debt Collection Practices Act; the Federal Truth in Lending Act; and other federal and state laws dealing with sales, leases, insurance, credit, and collection activities involving consumers. The practice of ~~consumer~~ consumer and commercial law includes the prosecution and defense of claims as well as business compliance. For the specific area requirements refer to the sections below.
- B. **Substantial Involvement for Certification**  
Certification applicants must show substantial involvement and special competence in Texas consumer and commercial law during each of the 3 years immediately preceding application by providing such information as may be required by the TBLS.

1. Certification applicants must show that during each of the 3 years immediately preceding application they have devoted a minimum of 30% of their time practicing (consisting of at least 1,200 hours during the 3 year period) in Texas ~~consumer~~ consumer and commercial law as defined in Section I,A of the Specific Area Requirements for ~~Consumer~~ Consumer and Commercial Law. Certification applicants must show significant involvement in the practice of Texas ~~consumer~~ consumer and commercial law, including the following:
  - a. Counseling of clients regarding claims and defense of claims in the area of ~~consumer~~ consumer and commercial law;
  - b. Representation of clients in preparation, prosecution and defense of ~~consumer~~ consumer and commercial claims;
  - c. Representation of clients in alternative dispute resolution procedures as defined by Tex. Civ. Prac. & Rem. Code, Chapter 154; and
  - d. The advising and counseling of persons or business entities in areas involving the establishment, revision or maintenance of procedures, practices, forms or programs to comply with ~~consumer~~ consumer and commercial laws.
2.
  - a. Certification applicants must show that during the 5 years immediately preceding application they have represented clients as lead counsel in at least 24 contested ~~consumer~~ consumer or commercial matters in Texas. "Contested ~~consumer~~ consumer or commercial matters" means law suits filed in a court of record in which an answer is filed and which has been resolved other than by "No Answer Default" or "Dismissal for Want of Prosecution". Applicant must have been counsel from initiation through resolution of the suit and representation completed. Contested ~~consumer~~ consumer or commercial matters may also include cases involving issues of consumer or commercial law submitted to binding arbitration either before or after suit is filed, however, these will be considered on a case by case basis.
  - b. Certification applicants must show that during the 10 years immediately preceding application for certification they have either:
    - (1) Submitted issues to the finder of fact in a court of record in Texas in at least 5 contested ~~consumer~~ consumer or commercial law matters, with the applicant having been lead counsel in at least 2 of those matters.
    - OR
    - (2) Submitted issues to an arbitrator (or arbitration panel) in 5 binding arbitration proceedings, tried to conclusion, on contested ~~consumer~~ consumer or commercial law matters which either (i) involve in excess of \$5,000 in controversy, or (ii) are referred to arbitration by a county court at law, district court, or federal court, with the applicant having been lead counsel in at least 2 of those matters.
    - OR
    - (3) A combination of 5 matters as described in I,B,2,b,(1) or (2) above.

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C. **Substantial Involvement for Recertification**

Recertification applicants must show substantial involvement and special competence in Texas ~~consumer~~ consumer and commercial law practice during each of the 5 years of certification by providing such information as may be required by the TBLS.

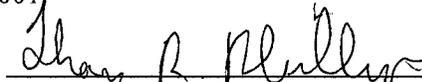
1. Recertification applicants must show that during each year of the 5 year period they devoted a minimum of 30% of their time practicing Texas ~~consumer~~ consumer and commercial law as defined in Section I,A of the Specific Area Requirements in ~~Consumer~~ Consumer and Commercial Law in one or a combination of the following methods:
  - (a) Recertification applicants must practice Texas ~~consumer~~ consumer and commercial law;
  - OR
  - (b) Recertification applicants must have served as a judge of a court of record actually adjudicating Texas ~~consumer~~ consumer and commercial law matters.
2. Recertification applicants may be required to list the Texas matters participated in during all or part of the 5 year period.

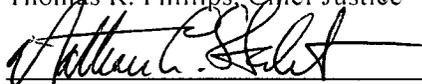
**SECTION II  
REFERENCES**

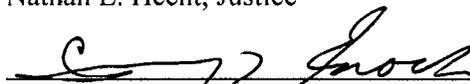
Applicants should refer to Section IV of the General Requirements before choosing references, and list the following references to attest to their competence in the practice of ~~consumer~~ consumer and commercial law.

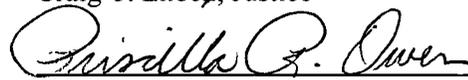
- A. Three Texas attorneys who practice in the applicant's geographic area and are familiar with applicant's ~~consumer~~ consumer and commercial law practice.
- B. Two Texas attorneys against whom applicant has been an adversary in a ~~consumer~~ consumer and commercial law matter

Signed this 10<sup>th</sup> day of JANUARY, 2001

  
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Thomas R. Phillips, Chief Justice

  
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Nathan L. Hecht, Justice

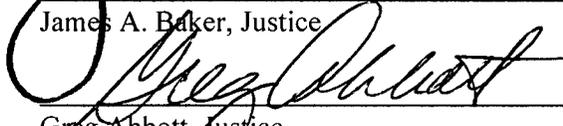
  
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Craig T. Enoch, Justice

  
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Priscilla R. Owen, Justice

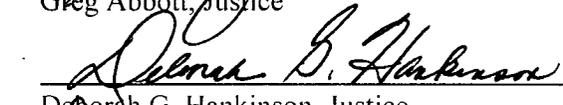
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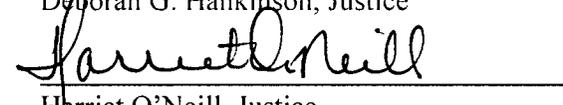
James A. Baker, Justice



Greg Abbott, Justice



Deborah G. Hankinson, Justice



Harriet O'Neill, Justice

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