

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 01 - 9015

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

The Texas Board of Legal Specialization have caused to be published Specific Area Requirements in Juvenile Law of 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 adopted to read:

PART II -- SPECIFIC AREA REQUIREMENTS FOR JUVENILE LAW
SECTION I -- SUBSTANTIAL INVOLVEMENT AND SPECIAL COMPETENCE

- A. **Definition.** Juvenile law is the practice of law dealing with judicial and administrative proceedings under Title 3 of the Texas Family Code, Human Resource Code, Education Code, Evidence and Procedure Code, applicable case law. By way of definition not limitation, it is the practice of law dealing with detention hearings, probable cause determinations, negotiation for Progressive Sanction Level One disposition, negotiation for Deferred Prosecution, negotiation for dismissals, negotiations for pleas of true and stipulations of evidence, pre-trial hearings on motions to quash and to suppress, jury adjudication hearings, non-jury trial adjudication hearings, disposition proceedings, modification of disposition proceedings, proceedings seeking certification (transfer) to criminal court, proceedings seeking imposition of a determinate sentence, release/transfer hearings under the determinate sentence act, proceedings to transfer juveniles on determinate sentencing probation to adult probation, proceedings under Chapter 55 of the Family Code involving mentally ill or mentally retarded juveniles, parole revocation proceedings, appeals, post-adjudication, state and federal remedies, proceedings for sealing or destruction of juvenile records, school expulsion and/or removal hearings, special education proceedings including admission/review/dismissal (ARD) hearings, juvenile justice alternative education program placements, and any other matters involving youths' rights and the need for legal representation within the juvenile probation or correctional system. 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 juvenile 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 25% of their time practicing juvenile law as defined in Section I,A of the Specific Area Requirements for Juvenile Law.
2. Certification applicants must show their substantial involvement and special competence in juvenile law practice in Texas within the 3 years immediately preceding application by providing such information as may be required by the TBLS regarding juvenile law cases participated in by them in each of the following categories:
 - a. Jury adjudication hearings;
 - b. Non-Jury contested adjudication hearings;
 - c. Pleas of true and stipulations of evidence;
 - d. Detention hearings;
 - e. Dismissals and sanction level one dispositions;
 - f. Cases placed on deferred prosecution;
 - g. Cases decided on pre-trial motions;
 - h. Disposition proceedings;
 - i. Modification of disposition proceedings;
 - j. Proceedings involving mentally ill or retarded children;
 - k. Proceedings involving records sealing or destruction;
 - l. Parole revocation proceedings;
 - m. Certifications to criminal court;
 - n. Determinate sentence proceedings;
 - o. Release/transfer hearings under determinate sentence act;
 - p. Hearings to transfer determinate sentence probation to adult probation;
 - q. Proceedings representing clients subject to with removal or expulsion from school, or special education ARD hearings;
 - r. Appeals;
 - s. State or federal post-adjudication procedure or remedies;
 - t. Other.
3. Certification applicants shall have handled, as lead counsel or in a primary capacity, during their practice and indicate on their application the following minimum number of Texas cases in at least 3 of the 4 categories listed hereinafter:
 - a. 3 jury trials
 - b. 3 appeals
 - c. 5 contested non-jury trials
 - d. 3 certification or determinate sentence cases;

C. Substantial Involvement for Recertification

Recertification applicants must show substantial involvement and special competence in Texas juvenile law practice during each of the 5 years of certification by providing such

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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 25% of their time practicing juvenile law in Texas as defined in Section I,A of the Specific Area Requirements in juvenile law in one or a combination of the following methods:
 - (a) Recertification applicants must practice juvenile law in Texas;
 - OR
 - (b) Recertification applicants must have served as a judge of a court of record in Texas actually adjudicating juvenile law matters.
2. Recertification applicants may be required to list the cases in Texas 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 juvenile law.

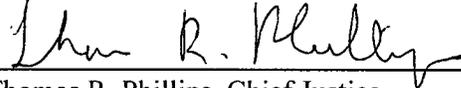
- A. Three Texas attorneys who practice in the applicant's geographic area and are familiar with applicant's juvenile law practice.
- B. One Texas attorney with whom or against whom applicant has tried a juvenile law matter.
- C. One judge of any court of record in Texas before whom applicant has appeared as an advocate in a juvenile law matter or whom the judge has personal knowledge of applicant's abilities and experience.

IT IS THEREFORE ORDERED that the Texas Plan for Recognition and Regulation of the Law be amended to read:

SECTION XII RETAINED JURISDICTION OF SUPREME COURT

The jurisdiction of the TBLS shall be limited to ~~fourteen~~ fifteen areas of law: Criminal Law; Labor Law; Family Law; Estate Planning and Probate Law; Civil Trial Law; Personal Injury Trial Law; Immigration and Nationality Law; Real Estate Law; Tax Law; Bankruptcy Law; Oil, Gas and Mineral Law; Civil Appellate Law; Administrative Law; ~~and~~ Consumer Law and Juvenile Law and to the development and operation of the program in the recognition and regulation of specialization in the law, provided, however, that the number and type of areas included in the program and the jurisdiction of the TBLS may be enlarged, altered, or terminated from time to time by the Supreme Court of Texas.

Signed this 10th day of JANUARY, 2001.



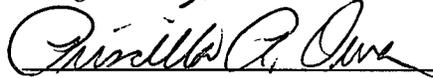
Thomas R. Phillips, Chief Justice



Nathan L. Hecht, Justice



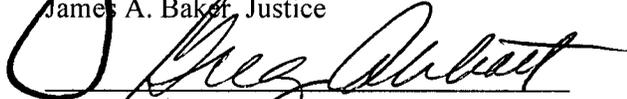
Craig T. Enoch, Justice



Priscilla R. Owen, Justice



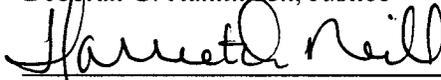
James A. Baker, Justice



Greg Abbott, Justice



Deborah G. Hankinson, Justice



Harriet O'Neill, Justice