

TEXAS BOARD OF LEGAL SPECIALIZATION

STANDARDS FOR ATTORNEY CERTIFICATION

PART II

SPECIFIC AREA REQUIREMENTS

These are specific requirements that apply the specialty area listed below. The specific requirements include the definitions, substantial involvement, reference, and other certification and recertification requirements for the specialty area. You will also need to refer to the Standards for Attorney Certification, Part I – General Requirements for requirements that apply to all specialty areas.

SECTION I

CRIMINAL LAW

(Area ID: CR / Year Started: 1975)

- A. **DEFINITION.** Criminal law is the practice of law dealing with, by way of definition not limitation, matters involving:
- legal aspects of pretrial release;
 - examining trial, indictment, information and complaint;
 - change of venue; continuance;
 - severance;
 - discovery;
 - speedy trials;
 - jeopardy;
 - immunity;
 - confessions;
 - search and seizure;
 - identification;
 - competence to stand trial and culpable mental state;
 - jury voir dire;
 - rules of evidence- state and federal (e.g., impeachment, extraneous offenses, etc.);
 - procedure and rules of evidence at punishment hearings;
 - U. S. sentencing guidelines;
 - law of sentences;
 - legal aspects of plea bargaining and guilty pleas;
 - motions for new trial;
 - motions for arrest of judgment;
 - appeals;
 - post conviction remedies;
 - probation and parole granting;
 - probation and parole revocation;
 - executive clemency;
 - death penalty;
 - other substantive criminal offenses; and
 - juvenile crimes.
- B. **SUBSTANTIAL INVOLVEMENT.** Applicant must show substantial involvement and special competence in Texas criminal law practice by providing such information as may be required by TBLS.
1. **Certification.**
 - a. **Percentage of Practice Requirement.** Applicant must have devoted a minimum of 25% of his or her time practicing criminal law in Texas during each year of the 3 years immediately preceding application as defined in Section I,A of the Specific Area Requirements for Criminal Law.
 - b. **Task Requirements.** Applicant shall provide information concerning Texas criminal law matters as described in the definition. In evaluating experience, TBLS may take into consideration the nature, complexity, and duration of the tasks handled by applicant in criminal law.

- (1) Applicant shall list the number of Texas criminal law matters for each of the following categories that he or she has participated in during the 3 years immediately preceding application:
 - (a) State felony jury trials;
 - (b) State misdemeanor jury trials;
 - (c) Federal jury trials;
 - (d) State appeals;
 - (e) Federal appeals;
 - (f) State and federal non-jury trials;
 - (g) State and federal pleas of guilty;
 - (h) State and federal post-conviction remedies;
 - (i) State death penalty (trial, appeal; and/or habeas);
 - (j) Juvenile proceedings;
 - (k) Dismissals;
 - (l) Grand jury no bills;
 - (m) Cases decided on pre-trial motions where evidence was presented (such as motions to suppress evidence);
 - (n) Probation or parole revocations; and
 - (o) Other criminal law matters not listed above.
- (2) Applicant shall have handled, as lead counsel, during his or her entire practice, the following minimum number of Texas criminal law cases in 3 of the following categories:
 - (a) 5 state felony jury trials;
 - (b) 10 state misdemeanor jury trials or 5 state felony jury trials in addition to those listed in Section I, B,1,b(2)(a) above;
 - (c) 5 federal jury trials or substantial involvement in 10 federal cases in which there was a contested issue that required the applicant to file pleadings or a memorandum of law (or both) on behalf of the client and that resulted in the granting of relief without a hearing or in an adversarial hearing with the trial court having to resolve a contested issue of law or fact. "Contested issues" could include anything from the legality of a search to the appropriateness of a sentence; or
 - (d) Any combination of 5 state or federal appeals.

2. **Recertification.** Applicant must have devoted a minimum of 25% of his or her time practicing criminal law in Texas during each year of the 5 year period of certification as defined in Section I, A of the Specific Area Requirements for Criminal Law except as provided for in Part I—General Requirements, Section VI, C,1(b).

C. REFERENCE REQUIREMENTS. Applicant must submit a minimum of 5 names and addresses of persons to be contacted as references to attest to his or her competence in criminal law. These persons shall be substantially involved in criminal law and be familiar with applicant's criminal law practice.

1. **Certification.** Applicant must submit names of persons with whom he or she has had dealings involving criminal law matters within the 3 years immediately preceding application.
2. **Recertification.** Applicant must submit names of persons with whom he or she has had dealings involving criminal law matters since certification or the most recent recertification.
3. **Reference Types.** Applicant must submit the following types of references:
 - a. Four Texas attorneys who are substantially involved in criminal law. Applicant shall have tried a criminal law matter with or against one of these attorneys.
 - b. One judge of any court of record in Texas before whom applicant has appeared as an advocate in a criminal law matter.