

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 XV

JUVENILE LAW

(Area ID: JV / Year Started: 2001)

- A. **DEFINITION.** Juvenile law is the practice of law dealing with judicial and administrative proceedings under Title 3 of the Texas Family Code, and other Texas statutes, including but not limited to, the Human Resource Code, the Texas Education Code, the Texas Rules of Evidence, the Texas Rules of Civil Procedure, and the Texas Code of Criminal Procedure, as they relate to juvenile proceedings. Juvenile law is the practice of law involving, by way of definition not limitation,
- detention hearings;
 - probable cause determinations;
 - pre-trial hearings on motions to quash and to suppress;
 - jury adjudication hearings;
 - non-jury trial adjudication hearings;
 - disposition negotiations and proceedings;
 - proceedings seeking certification (transfer) to criminal court;
 - determinate sentence proceedings;
 - proceedings under Chapter 55 of the Family Code involving mentally ill or mentally retarded juveniles;
 - parole revocation proceedings;
 - juvenile appeals;
 - post-adjudication hearings and matters;
 - state and federal remedies;
 - proceedings for sealing or destruction of juvenile records;
 - juvenile justice alternative education program placements;
 - proceeding involving registration of sex offenders; and
 - other proceedings dealing with the rights of juveniles including those involving school discipline, special education, alcoholic beverages, and transportation.
- B. **SUBSTANTIAL INVOLVEMENT.** Applicant must show substantial involvement and special competence in Texas juvenile 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 juvenile law in Texas during each year of the 3 years immediately preceding application as defined in Section XV, A of the Specific Area Requirements for Juvenile Law.

- b. **Task Requirements.** Applicant must provide information as required by TBLS concerning specific tasks he or she has performed in Texas juvenile law. In evaluating experience, TBLS may take into consideration the nature, complexity, and duration of the tasks handled by applicant.
- (1) Applicant must provide the number of juvenile law matters that he or she has participated within the 3 years immediately preceding application 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 (including truancy), or special education ARD hearings;
 - (r) Juvenile appeals;
 - (s) State or federal post-adjudication procedure or remedies;
 - (t) Other matters involving youths' rights and the need for legal representation within the juvenile probation or correctional system.
 - (2) Applicant must have handled, as lead counsel or in a primary capacity, during his or her practice, Texas juvenile law cases in 3 of the following 4 categories:
 - (a) Three (3) jury trials (for purposes of this requirement, a case in which the jury has been empanelled will qualify).
 - (b) Five (5) contested non-jury trials.
 - (c) Appeals/Special Proceedings. Any combination of the following:
 - i. Three (3) appeals.
 - ii. Three (3) proceedings in which a juvenile is subject to removal or expulsion from school, special education ARD hearings (including truancy), or state or federal post-adjudication procedure or remedies.
 - (d) Certification or Determinate Sentences. Meet one of the following:
 - i. Three (3) certification or determinate sentence cases.
 - ii. Six (6) hours of approved CLE in comprehensive courses dealing with certification or determinate sentences within the 3 years immediately preceding application. The substitution of CLE in lieu of actual experience in certification or determinate sentence cases is in addition to the CLE requirement submitted to satisfy Part I-General Requirements, Section V, A,1.
2. **Recertification.** Applicant must have devoted a minimum of 25% of his or her time practicing juvenile law in Texas during each year of the 5 year period of certification as defined in Section XV, A of the Specific Area Requirements for Juvenile 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 juvenile law. These persons must be substantially involved in juvenile law, and be familiar with applicant's juvenile law practice.
1. **Certification.** Applicant must submit names of persons with whom he or she has had dealings involving juvenile 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 juvenile 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 juvenile law. Applicant must have tried a juvenile law matter with or against one of these attorneys.
 - b. One judge of any court of record in Texas as described below:
 - (1) A judge before whom applicant has appeared as an advocate in a juvenile law matter; or
 - (2) A judge who has personal knowledge of applicant's abilities and experience.