

TEXAS BOARD OF LEGAL SPECIALIZATION

STANDARDS FOR PARALEGAL CERTIFICATION

The Standards for Paralegal Certification are divided into two parts:

PART I, GENERAL REQUIREMENTS: These requirements apply to all specialty areas.

PART II, SPECIFIC AREA REQUIREMENTS: These are specific requirements that apply to the individual specialty areas. Included are the definitions, substantial involvement, and other requirements for certification and recertification. For example, “Specific Area Requirements of Criminal Law” refers to the specific requirements for certification and recertification in criminal law.

Definitions as used in these Standards:

“**TBLS**” refers to the Texas Board of Legal Specialization.

“**SBOT**” refers to the State Bar of Texas.

“**TXPD**” refers to the Paralegal Division of the SBOT.

“**Rules**” refers to the TBLS Paralegal Rules and Regulations.

“**CLE**” refers to continuing legal education.

“**Applicant**” refers to either a certification or recertification applicant unless otherwise specifically stated.

“**Standards**” refers to the Standards for Paralegal Certification. The Standards are composed of both the General Requirements and the Specific Area Requirements.

“**Plan**” refers to the Texas Plan for Recognition and Regulation of Specialization in the Law.

PART I GENERAL REQUIREMENTS

SECTION I PREFACE

Pursuant to the authority vested in TBLS by the Supreme Court of Texas, TBLS prescribes the following requirements for board certification in accordance with the Plan.

- A. The purpose of these Standards is to recognize those paralegals having special competence in one or more of the specialty areas included in these Standards. In making the determination of special competence, TBLS will consider the following:
1. The substance and complexity of the tasks submitted to show the required substantial involvement in the specialty area;
 2. The professional and educational accomplishments of the paralegal in the specialty area;
 3. The skill and ability of the paralegal in the specialty area;
 4. The knowledge of the paralegal as shown on the specialty area examination; and
 5. The character and fitness of the paralegal.

- B. No standard shall in any way limit the right of a paralegal to work in any area of law, even though board certified in a specific specialty area of law.
- C. No paralegal shall be required to obtain board certification in a specialty area of law before working under the supervision of a duly licensed attorney in Texas. A paralegal shall have the right to work in all areas of law.
- D. Board certification is individual and voluntary. Requirements for and benefits derived from certification may not be fulfilled by or attributed to either the attorney under whose supervision the paralegal is working or to a law firm by whom such paralegal may be employed.

SECTION II GENERAL REQUIREMENTS

- A. **Definition of Paralegal.**
 - 1. A paralegal is a person, qualified through education, training, or work experience, who is employed or retained by an attorney, law office, governmental agency, or other entity in a capacity or function which involves the performance, under the ultimate direction and supervision of a duly licensed attorney in Texas, of specifically delegated substantive legal work, which, for the most part, requires a sufficient knowledge of concepts that, absent such assistance, the attorney would perform the legal task. The terms “paralegal” and “legal assistant” are considered synonymous.
 - 2. No person currently under an attorney disciplinary sanction which prohibits that person from practicing law shall be eligible to apply for certification under the Plan.
 - 3. The applicant and certified paralegal must be employed in the State of Texas working under the direct supervision of an attorney duly licensed and doing business in the State of Texas.
- B. **Forms.** Documents, applications, questionnaires, and examinations involved in the certification and recertification process shall be prescribed and approved by TBLS.
- C. **Fees.** An applicant and board certified paralegal shall timely pay the required fees as established by TBLS.
- D. **Expiration of Certification.** Certification shall be for a period of 5 years at the end of which time recertification shall be permitted upon the terms and conditions established by TBLS.
- E. **Revocation of Certification.** A certificate of special competence issued by TBLS may be revoked for good cause as determined by TBLS.
- F. **Failure to Furnish Information and Misrepresentation.** Certification or recertification may be denied, revoked, or other appropriate action taken because of an applicant’s or board certified paralegal’s failure to furnish the information requested by TBLS or because of his or her misrepresentation of any material fact to TBLS.
- G. **Required Professional and Educational Experience.** A certification applicant shall meet the following professional and educational experience:
 - 1. A certification applicant must have a minimum of 5 years of actual experience as a paralegal by December 31 in the year of application.

2. A certification applicant must have actual Texas experience in the particular specialty area during each of the 3 years immediately preceding application.
3. In addition to meeting Part I-Section II, G, 1-2 of these Standards, a certification applicant must meet at least one of the following by the application filing deadline:
 - a. Successful completion of the NALA (National Association of Legal Assistants) Certification examination; or
 - b. A baccalaureate or higher degree in any field; or
 - c. An ABA approved program of education and training for paralegals; or
 - d. A paralegal program that consists of a minimum of 60 semester credit hours (or equivalent quarter hours) of which at least 18 such credit hours are in substantive legal courses; or
 - e. A paralegal program that consists of at least 18 semester credit hours of substantive legal courses, plus at least 45 semester credit hours (or equivalent quarter hours) of general college curriculum courses; or
 - f. Four (4) additional years of actual experience working as a paralegal under the direct supervision of a duly licensed attorney, for a total of 9 years of actual experience by December 31 in the year of application.

SECTION III DISCLOSURE OF CONDUCT

A. Disciplinary Review.

1. An applicant or board certified paralegal shall furnish satisfactory evidence of his or her good character, reputation, knowledge and active responsibility to follow the provisions of the attorneys' Texas Disciplinary Rules of Professional Conduct. He or she shall also furnish a statement as to whether or not he or she now or has ever been subject to an unauthorized practice of law complaint by an authorized Unauthorized Practice of Law Committee of the State of Texas or ever been disbarred by SBOT or any other state law licensing entity; and if so, provide details of such complaint or disbarment including whether or not he or she had ever been sanctioned by the committee or any court.
2. TBLS may deny certification or recertification, revoke certification, or take other appropriate action on a finding by the TXPD Professional Ethics Committee or any paralegal organization, an unauthorized practice of law committee or a court that an applicant or board certified paralegal has been found guilty of professional misconduct. In deciding what action is appropriate, TBLS will consider the seriousness of the underlying facts included in the findings, the passage of time since the misconduct, and the conduct of the applicant or board certified paralegal since the findings were made.
3. Failure to disclose an investigation or sanction or the failure to respond to a request for information from TBLS on such matters will be considered a material misrepresentation and may be cause for denial, revocation, or other appropriate action by TBLS.

B. Criminal Conviction.

1. An applicant or board certified paralegal shall disclose whether he or she has ever been convicted of, or given probation or fined for, a serious crime as hereinafter defined, whether the above resulted from a plea of guilty or nolo contendere, or from a verdict after trial or otherwise and regardless of the pendency of an appeal. The term "serious crime" includes barratry; any felony; any lesser offense involving dishonesty, misappropriation of money or other property or conduct that adversely affects the administration of justice; and any attempt, conspiracy or solicitation of another to commit any of the foregoing crimes.

2. TBLS may deny certification or recertification, revoke certification, or take other appropriate action if an applicant or board certified paralegal has been convicted, given probation or fined for a serious crime as defined in this Section.

SECTION IV PEER REVIEW

A. Reference Requirements.

1. An applicant shall submit a minimum of 3 names and addresses of persons to be contacted as references to attest to his or her competence as a paralegal in the specialty area. For the types of references required for each specialty area, refer to Part II of the Standards for applicable Specific Area Requirements. These persons shall be:
 - a. Knowledgeable in the subject matter of the specialty area.
 - b. With respect to a certification applicant, peers with whom the applicant has had dealings in the 3 years immediately preceding application.
 - c. With respect to a recertification applicant, peers with whom the applicant has had dealings since certification or the most recent recertification.
2. TBLS may, at its option, request references from other attorneys, judges, or non-attorney professionals.
3. A Confidential Statement of Reference Form approved by TBLS will be submitted by TBLS directly to the selected peer and shall be returned directly to TBLS.

B. Evaluation of Peer Review Information. In evaluating peer review information on an applicant, TBLS shall consider the knowledge and experience of the references in the applicant's specialty area and the nature of the dealings between the references and the applicant.

C. Confidentiality. All Statements of Reference received by TBLS shall be confidential.

D. Denial. TBLS may deny certification or recertification based on information received through the peer review process. General information concerning the denial shall be provided to the applicant subject to the confidentiality rule.

SECTION V CONTINUING LEGAL EDUCATION

A. CLE Requirement. For TBLS purposes, CLE is calculated on a calendar year basis.

1. Certification. A certification applicant must complete 30 hours of CLE in the specialty area within the 3 years immediately preceding application, through December 31 of the year of application.
2. Recertification. A recertification applicant must complete 75 hours of CLE in the specialty area by December 31 of each 5th year of certification.

B. Qualifying CLE. An applicant or board certified paralegal must obtain CLE credit in the specialty area in which certification or recertification is sought by the following methods:

1. Attendance at a live CLE program, including live video conferences.
2. Viewing or listening to an online CLE program.
3. Participating in a CLE teleconference.
4. Attendance at a showing of a CLE video.

5. Self study such as reading cases or legal periodicals, subject to the following limitation:
 - a. A certification applicant may receive a maximum of 10 hours self study credit during the 3 years immediately preceding application;
 - b. A recertification applicant may receive a maximum of 5 hours of self study credit each year.
6. Other activity in the specialty area, to be determined on an individual basis, such as:
 - a. Teaching a CLE course for attorneys or paralegals;
 - b. Participation as a panelist or speaking on a symposium or similar program;
 - c. Attendance at a lecture series or similar program sponsored by a qualified education institution or bar group;
 - d. Authorship of a book or article published in a professional publication or journal; and
 - e. Active participation in the work of a professional committee dealing with a specific problem in the specialty area.

SECTION VI SUBSTANTIAL INVOLVEMENT

- A. **Percentage of Substantial Involvement in the Specialty Area.** An applicant or board certified paralegal must devote the minimum required percentage of his or her paralegal activities in a specialty area in Texas during each calendar year as set forth in Part II of the Standards-Specific Area Requirements unique to each specialty area.
 1. A certification applicant must devote the required percentage of his or her paralegal activities during each year of the 3 years immediately preceding application.
 2. A board certified paralegal must devote the required percentage of his or her paralegal activities during each year of certification. Refer to Part II-Section III of the Standards for the Recertification Requirements in the applicable specialty area.
 3. Failure to meet the required percentage of substantial involvement in the specialty area may be grounds for denial or revocation.
- B. **Specific Task Requirements.** An applicant must provide information as required by TBLS regarding specific tasks he or she has performed in the applicable specialty area. In evaluating experience, TBLS may take into consideration the nature, complexity, and duration of the tasks handled by an applicant in the specialty area.

SECTION VII EXAMINATION

- A. **Passing of an Examination.** A certification applicant must pass a written examination applied uniformly to all certification applicants to demonstrate sufficient knowledge, proficiency, and expertise in the specialty area to justify the representation of special competence to the legal profession and to the public.
- B. **Failure of an Examination.** After a certification applicant has taken and failed an examination 3 times in a specialty area, the applicant is ineligible to apply for the next 3 years' examination in that specialty area.

PART II, F
SPECIFIC AREA REQUIREMENTS
FOR
REAL ESTATE LAW

SECTION I
DEFINITION

Real estate law involves responsibilities and duties related to the acquisition, ownership, use, financing, development, leasing and disposition of land and improvements of all types, including residential, commercial and farm and ranch. Paralegal duties and responsibilities include, without limitation, assisting attorneys with review and analysis of surveys, title information and related documents and preparation and analysis of real estate documents.

SECTION II
CERTIFICATION REQUIREMENTS

A certification applicant must show substantial involvement and special competence in real estate law in Texas by providing such information as may be required by TBLS.

- A. Peer Review.** Refer to Part I-Section IV of the Standards before choosing references. A certification applicant shall submit contact information for a minimum of 3 persons to be contacted by TBLS as references to attest to his or her competence as a paralegal in real estate law. These persons shall be:
1. The current Texas supervising attorney, or an attorney who has supervised the applicant's work for at least 1 year, and
 2. Any 2 of the following whom the applicant has had contact in his or her real estate law work during the 3 years immediately preceding application:
 - a. A judge of a court of record in Texas.
 - b. A Texas title escrow officer, surveyor or engineer, real estate broker, or bank officer.
 - c. A Texas supervising attorney.
- B. CLE.** A certification applicant must complete 30 hours of CLE in real estate law within the 3 years immediately preceding application, through December 31 of the year of application. Refer to Part I-Section V, B of the Standards for information on qualifying CLE.
- C. Substantial Involvement.**
1. Percentage of Substantial Involvement. A certification applicant must show that during each of the 3 years immediately preceding application he or she has devoted a minimum of 50% of his or her paralegal activities to real estate law in Texas as defined in Part II, F-Section I of the Standards.

2. **Specific Tasks Requirements.** A certification applicant must provide information concerning the following tasks he or she has performed as a paralegal in real estate law matters in Texas during the 3 years immediately preceding application:
 - a. Acquisition / Disposition / Financing;
 - b. Leasing;
 - c. Foreclosures; and
 - d. Research.

SECTION III RECERTIFICATION REQUIREMENTS

A recertification applicant must show substantial involvement and special competence in real estate law in Texas by providing such information as may be required by TBLS.

- A. **Peer Review.** Refer to Part I-Section IV of the Standards before choosing references. A recertification applicant shall submit contact information for a minimum of 3 persons to be contacted by TBLS as references to attest to his or her competence as a paralegal in real estate law. These persons shall be:
 1. The current Texas supervising attorney, or an attorney who has supervised the applicant's work for at least 1 year, and
 2. Any 2 of the following whom the applicant has had contact in his or her real estate law work since certification or the most recent recertification:
 - a. A judge of a court of record in Texas.
 - b. A Texas title escrow officer, surveyor or engineer, real estate broker, or bank officer.
 - c. A Texas supervising attorney.
- B. **CLE.** A recertification applicant must complete 75 hours of CLE in real estate law by December 31 of each 5th year of certification. Refer to Part I-Section V, B of the Standards for information on qualifying CLE.
- C. **Substantial Involvement.**
 1. **Percentage of Substantial Involvement.** A recertification applicant must show that during each year of the 5 year period of certification he or she has devoted a minimum of 50% of his or her paralegal activities to real estate law in Texas as defined in Part II, F-Section I of the Standards.
 2. **Specific Tasks Requirements.** A recertification applicant may be required to provide information regarding tasks he or she has performed as a paralegal in real estate law matters in Texas during all or part of the 5 year period of certification.