

# TEXAS BOARD OF LEGAL SPECIALIZATION

## STANDARDS FOR ATTORNEY CERTIFICATION

### PART II

### SPECIFIC AREA REQUIREMENTS

These are specific requirements that apply to 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 II

#### FAMILY LAW

(Area ID: FM / Year Started: 1975)

**A. PURPOSE.** The purpose of these Standards is to recognize those attorneys having special competence in Family Law. 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 accomplishments of the attorney in the specialty area;
3. The skill and ability of an attorney in the specialty area;
4. The knowledge of the attorney as shown on the specialty area examination; and
5. The character and fitness of the attorney.

**AB. DEFINITION.** Family law is the practice of law dealing with, by way of definition not limitation, matters involving:

- the Texas Family Code, Titles 1, 2, 4 or 5;
- Texas Penal Code, Chapter 25 (offenses against the family);
- the law of homestead and other exempt property; the taxation law of divorce and inters~~s~~spousal transactions;
- torts relevant to family law matters;
- the trial of cases arising out of the above matters; and
- appeals arising out of the above matters.

**BC. SUBSTANTIAL INVOLVEMENT.** Applicant must show substantial involvement and special competence in Texas family 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 35% of his or her time practicing family law in Texas during each year of the 3 years immediately preceding application as defined in Section II, A-B of the Specific Area Requirements for Family Law.

b. **Task Requirements.** Applicant must provide information concerning specific tasks he or she has performed in Texas family law. In evaluating experience, TBLS may take into consideration the nature, complexity, and duration of the tasks handled by applicant.

(1) Applicant must meet each of the following 3 categories within the 3-5 years immediately preceding application:

(a) Participated as lead counsel (or as an attorney with substantial involvement in the case, including actively participating in hearing preparation and court appearances) for a party or child(ren) in a total of 9

contested final trials or binding arbitrations in Texas family law cases in which oral testimony was taken and in which issues were determined by a finder of fact in a court of record or in a binding arbitration, excluding default judgments, and

- i. at least 4 of the trials must have involved issues of property division, and
- ii. at least 4 trials must have involved appointment or modification of conservatorship.

(b) Participated as lead counsel (or as an attorney with substantial involvement in the case, including actively participating in hearing preparation and court appearances) for a party or child(ren) in 30 contested ~~family law matters court appearances~~ involving issues pertaining to Texas Family Code, Titles 1, 2, 4, or 5, handled and disposed of prior to and without the necessity of a contested final hearing or trial of the matters on the merits. Contested court appearances may include, but are not limited to, temporary order hearings, motions to compel, discovery hearings, motions for summary judgment hearings, and other hearings if deemed sufficient for qualification by the advisory commission.

(c) Satisfied 2 of the following 3 categories:

- i. Handled the trial as lead counsel (or as an attorney with substantial involvement in the case, including actively participating in hearing preparation and court appearances) for a party or child(ren) in one Texas jury trial involving family law OR 2 Texas non-family law civil-jury trials at the county court at law, or state district court level, or federal district court level; one involving family law and submitted to the jury for decision within the 7 years immediately preceding application;
- ii. Conducted the appeal of 1 Texas civil case involving family law to a Texas Court of Appeals or the Supreme Court of Texas in which briefs were filed by the applicant as lead counsel on behalf of a party or child(ren) within the 5 years immediately preceding application. TBLS will take into consideration the nature, complexity, and duration of a mandamus or writ of habeas corpus in determining whether it qualifies for this category; or
- iii. Represented a party or child(ren), or served as a mediator or arbitrator in a cumulative total of 25 Texas mediations, arbitrations, and/or collaborative law cases involving family law within the 5 years immediately preceding application. The TBLS will take into consideration the nature, complexity, and duration of the mediations, arbitrations, and/or collaborative law cases in determining whether they qualify in this category.

2. Other Considerations. TBLS is dedicated to maintaining the highest standards in qualifying applicants for Board Certification. The members of the advisory commission embody those high standards and their judgment and discretion are a critical part of the evaluation process. In addition to the total number of matters in each category, the advisory commission can consider other factors brought to their attention. The advisory commission has discretion to approve or disapprove applicants regardless of whether the numbers in each category are met, based on circumstances such as the substance and complexity of the issues involved as well as the character and integrity of the applicant. The advisory commission also has discretion to consider matters from past years if the applicant would otherwise be qualified.

23. Recertification. Applicant must have devoted a minimum of 35% of his or her time practicing family law in Texas during each year of the 5 year period of certification as defined in Section II,

[A-B](#) of the Specific Area Requirements for Family 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 family law. These persons must be substantially involved in family law, and be familiar with applicant's family law practice.
1. **Certification.** Applicant must submit names of persons with whom he or she has had dealings involving family 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 family 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 practice in the applicant's geographic area and who are substantially involved in family law. Applicant must be an opposing counsel to one of these attorneys either in litigation, hearing, or negotiation of a family law matter.
    - b. One judge of any court of record in Texas whom applicant has appeared before as lead counsel in the trial of a family law matter.