

IN THE SUPREME COURT OF TEXAS


Misc. Docket No. 09 - 9011

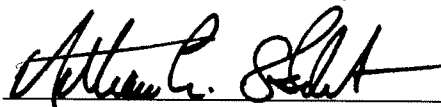
APPROVAL OF AMENDMENTS TO THE
ATTORNEY STANDARDS FOR CERTIFICATION
OF THE TEXAS BOARD OF LEGAL SPECIALIZATION
(PART II – SPECIFIC AREA REQUIREMENTS)

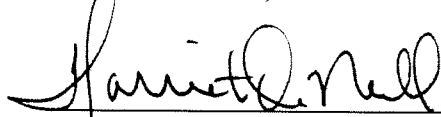
ORDERED that:

The following amendments to the Attorney Standards for Certification of the Texas Board of Legal Specialization concerning Part II-Specific Area Requirements are approved.

In Chambers, this 10th day of February, 2009.



Wallace B. Jefferson, Chief Justice


Nathan L. Hecht, Justice

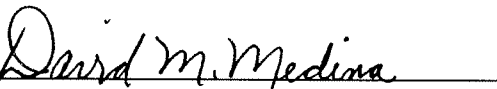

Harriet O'Neill, Justice




J. Dale Wainwright, Justice



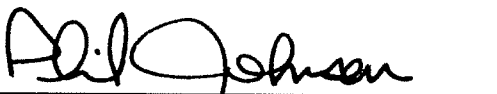
Scott Brister, Justice




David M. Medina, Justice



Paul W. Green, Justice



Phil Johnson, Justice



Don R. Willett, Justice

PART II SPECIFIC AREA REQUIREMENTS

These are specific requirements that apply to each individual specialty area listed below. The specific requirements include the definitions, substantial involvement, reference, and other certification and recertification requirements for each specialty area. You will also need to refer to PART I, GENERAL REQUIREMENTS for requirements that apply to all specialty areas.

<u>Section Number</u>	<u>Specialty Area</u>	<u>Area ID</u>	<u>Year Started</u>
Section I	Criminal Law	CR	1975
Section II	Family Law	FM	1975
Section III	Labor and Employment Law	LB	1975
Section IV	Estate Planning and Probate Law	EP	1977
Section V	Civil Trial Law	CT	1978
Section VI	Personal Injury Trial Law	PI	1978
Section VII	Immigration and Nationality Law	IM	1979
Section VIII	Real Estate Law	RE	1983
	Commercial	RC	
	Farm and Ranch	RF	
	Residential	RR	
Section IX	Tax Law	TX	1983
Section X	Bankruptcy Law	BK	1984
	Consumer	CB	
	Business	BB	
Section XI	Oil, Gas and Mineral Law	OG	1986
Section XII	Civil Appellate Law	AP	1987
Section XIII	Administrative Law	AD	1989
Section XIV	Consumer and Commercial Law	CS	1993
Section XV	Juvenile Law	JV	2001
Section XVI	Health Law	HE	2002
Section XVII	Workers' Compensation Law	WC	2004

**SECTION I
CRIMINAL LAW**

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;
 - (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.

**SECTION II
FAMILY LAW**

- A. 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 interspousal transaction;
 - torts relevant to family law matters;
 - the trial of cases arising out of the above matters; and
 - appeals arising out of the above matters
- B. 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 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 show substantial involvement and special competence in Texas family law practice within the 3 years immediately preceding application by providing such information as may be required by the TBLS regarding Texas family law cases participated in by the certification applicant as lead counsel for a party in the following:
 - (a) 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, excluding default judgments. At least four (4) of the trials must have involved issues of property division and at least four (4) trials must have involved appointment or modification of managing conservatorship; and
 - (b) 30 contested Texas family law matters 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.

- (2) In addition, applicant must meet 2 of the following 3 categories within the 3 years immediately preceding application:
 - (a) 2 Texas civil jury trials at the county court at law or district court level; one involving family law, submitted to the jury for decision;
 - (b) 1 Texas civil appeal involving family law, in which briefs were filed by the applicant;
 - (c) 10 Texas mediations involving family law either as an attorney representing a litigant or as a mediator. The TBLS will take into account the nature, duration, and complexity of the mediations in determining whether they qualify in this category.
2. **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 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.

**SECTION III
LABOR AND EMPLOYMENT LAW**

- A. **DEFINITION.** Labor and employment law is the practice of law dealing with the relationships among employers, employees or their labor organizations, except workers' compensation. It includes, by way of definition not limitation, matters involving:
- laws regulating or involving labor relations (National Labor Relations Act experience),
 - Occupational Safety and Health (does not include workers' compensation or non-subscriber matters),
 - Equal Employment Opportunity,
 - Wage and Hour and leave matters under federal or state law, including FLSA, FMLA, USERRA, Texas Payday Act, and judicial review of unemployment compensation matters,
 - employment-related torts, employment contracts, and 42 U.S.C. 1983 employment litigation, and
 - whistleblowers and non-EEO retaliation.

The practice of law dealing with ERISA, bankruptcy, and administrative proceedings may, under the proper circumstances, constitute the practice of labor and employment law within the meaning of this section.

- B. **SUBSTANTIAL INVOLVEMENT.** Applicant must show substantial involvement and special competence in labor and employment 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 labor and employment law during each year of the 3 years immediately preceding application as defined in Section III, A of the Specific Area Requirements for Labor and Employment Law.

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

(1) Applicant must show that he or she has engaged directly and substantially in a broad practice of labor and employment law in at least 3 of the areas within the definition of labor and employment law as set forth in Section III, A above, one of which must be practice involving the National Labor Relations Act. Applicant must submit required information concerning such practice, the frequency of the work, the jurisdictions involved, and the nature of the issues involved.

(a) Applicant must show practice involving laws regulating

or involving labor relations (National Labor Relations Act) by one of the following methods:

- i. Actual experience through practice, or
- ii. Completion of a minimum of 24 hours of continuing legal education (CLE) in comprehensive courses on the National Labor Relations Act, completed within the 3 years immediately preceding the application through June 1 of the year of application. The substitution of CLE in lieu of actual practice involving the National Labor Relations Act is in addition to the CLE requirement submitted to satisfy Part I-General Requirements, Section V, A,1.

(b) In addition to meeting the above requirement, applicant must show that he or she has been engaged directly and substantially in 2 additional areas within the definition of labor and employment law as set forth in Section III, A above.

(c) Applicant must show by detailed response that he or she has engaged at a significant level of responsibility in litigation in federal or state court or arbitration in at least one of the 3 areas applicant submitted to satisfy Section III, B,1,b(1)(a-b) above.

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

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

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

(iii) an administrative law judge.

SECTION IV
ESTATE PLANNING AND PROBATE LAW

A. DEFINITIONS.

1. Estate planning and probate law is the practice of law involving the Texas Probate Code, Texas Property Code the Internal Revenue Code and other federal, state and local statutes and interpretive material in connection with matters in which issues of estate planning and probate are significant factors. The practice of estate planning and probate law includes, but is not limited to,
 - consulting with clients and giving advice regarding estate planning, probate and guardianship law;
 - analyzing, planning and making recommendations for the conservation and disposition of clients' estates in accordance with the clients' expressed desires, including tax effects and consequences;
 - drafting legal instruments to effectuate the clients' estate plans, (*e.g., wills, trusts and other legal documents*);
 - representing clients before courts which hear and decide cases involving decedent's estates and guardianships;
 - representing clients by litigating contested probate and guardianship issues in trial and appellate courts;
 - representing clients in cases before the Internal Revenue Service and other taxing authorities and courts with respect to proposed, completed and ongoing transactions and other matters involving tax issues which are related to estate planning and probate law; and
 - representing clients in the administrative appeal and litigation of tax issues involving transfers of assets during lifetime and at death.
2. The following terms shall have the following application or meaning:
 - a. Prepared. Applicant personally performed the majority of the work in the matter, including its presentation (*e.g., to clients, governmental agencies, courts*), if applicable.
 - b. Supervised/Reviewed. Applicant was responsible to the client for (i) documents prepared by a lawyer or paralegal who is under applicant's direct supervision, or (ii) the review, prior to execution or filing, of tax returns and related documents prepared by a non-legal professional (*e.g., accountant, appraiser*).

B. SUBSTANTIAL INVOLVEMENT. Applicant must show substantial involvement and special competence in estate planning and probate 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 estate planning and probate law during each year of the 3 years immediately preceding application as defined in Section IV, A of the Specific Area Requirements for Estate Planning and Probate Law.

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

(1) Applicant must show sufficient involvement in a substantial portion of the activities described in **both** of the following categories within the 3 years immediately preceding application.

(a) **Estate Planning**

i. Counseled clients in estate planning, including giving advice with respect to gifts, life insurance, wills, trusts, business arrangements and agreements, and other estate planning matters.

ii. Prepared or supervised the preparation of estate planning instruments, e.g., simple and complex wills, including provisions for testamentary trusts, tax deductions and elections; revocable and irrevocable inter vivos trusts; business planning agreements; powers of attorney and other estate planning instruments.

(b) **Estate Administration and Tax Matters**

Represented clients with respect to the probate and/or administration of decedents' estates and trusts, including dependent and independent administration and muniments of title, guardianships, determinations of heirships, and will and trust litigation; prepared, reviewed, or supervised the preparation of federal gift, estate, and generation skipping transfer tax returns, Texas inheritance tax returns, and U.S. fiduciary income tax returns; and representation before the Internal Revenue Service, state taxing authorities, or the courts, in connection with such tax returns and related controversies.

2. **Recertification.** Applicant must have devoted a minimum of 25% of his or her time practicing estate planning and probate law during each year of the 5 year period of certification as defined in Section IV, A of the Specific Area Requirements for Estate Planning and Probate 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 estate planning and probate law. These persons must be substantially involved in estate planning and probate law, and be familiar with applicant's estate planning and probate law practice.

1. **Certification.** Applicant must submit names of persons with whom he or she has had dealings involving estate planning and probate 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 estate planning and probate law matters since certification or the most recent recertification.
3. **Reference Types.** Applicant must submit the following types of references:
 - a. Four attorneys who are substantially involved in estate planning and probate law.
 - b. One judge, who is an attorney, before whom applicant has appeared in an estate planning and probate law matter, contested or uncontested. If there is no such judge, applicant shall submit the name of a judge of a court of record before whom he or she has appeared in an estate planning and probate matter.

SECTION V
CIVIL TRIAL LAW

A. **DEFINITION.** Civil trial law is the practice of law dealing with litigation of civil controversies in all areas of substantive law before state courts, federal courts, administrative agencies and arbitrators. In addition to the actual pre-trial and trial process, "civil trial" includes evaluating, handling, and resolving civil controversies prior to the initiation of suit as well as the full course of appellate processes.

B. **SUBSTANTIAL INVOLVEMENT.** Applicant must show substantial involvement and special competence in Texas civil trial 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 civil trial law in Texas during each year of the 3 years immediately preceding application as defined in Section V, A of the Specific Area Requirements for Civil Trial Law.

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

(1) Applicant must meet one of the following:

(a) Applicant shall have tried during his or her practice a minimum of 20 contested civil cases in a court of record in Texas involving a sum of actual damages in controversy in excess of \$25,000. Of this number of cases tried, at least 7 shall have been jury cases conducted by applicant as lead counsel, submitted to the trier of fact. No more than 1/3 of the cases submitted by the applicant shall have been personal injury cases and no more than 1/3 shall have been family law cases.

OR

(b) Applicant shall have devoted a minimum of 100 separate days to the trial of contested civil cases in a court of record in Texas involving a sum of actual damages in controversy in excess of \$25,000. Of the number of days of trial: (i) at least 50 of those days shall have been devoted to the trial of jury cases; (ii) at least 30 of those days of trial shall have involved trial conducted by applicant as lead counsel, with at least 20 of those days involving jury trials conducted by applicant as lead counsel; (iii) several of the contested civil cases comprising this requirement shall have been trials in which the case was submitted to the trier of fact; and (iv) no more than 1/3 of the 100 separate days of trial

submitted shall have been the trial of personal injury cases and no more than 1/3 of them shall have been the trial of family cases.

- (2) TBLS may permit applicant to substitute contested administrative agency hearings in Texas in which testimony is recorded and formal rules of evidence and procedure are applicable, for some of the trials or trial days requirements of Section V, B,1,b(1)(a or b).

2. **Recertification.** Applicant must have devoted a minimum of 35% of his or her time practicing civil trial law in Texas during each year of the 5 year period of certification as defined in Section V, A of the Specific Area Requirements for Civil Trial 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 civil trial law. These persons must be substantially involved in civil trial law, and be familiar with applicant's civil trial law practice.

1. **Certification.** Applicant must submit names of persons with whom he or she has had dealings involving civil trial 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 civil trial 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 civil trial law. Applicant must have tried a civil trial law matter with or against one of these attorneys.
 - b. One judge of any court of record in Texas whom applicant has appeared before as an advocate in a civil trial law matter.

**SECTION VI
PERSONAL INJURY TRIAL LAW**

- A. **DEFINITION.** Personal injury trial law is the practice of law dealing with litigation of claims involving trauma or disability, physical or mental, to a person. It includes, by way of definition, and not limitation, litigation involving personal injury aspects of:
- automobile and other vehicular accident reparations;
 - governmental claims;
 - professional malpractice claims;
 - products liability claims;
 - statutory claims;
 - insurance contract claims; or
 - any negligent or intentional tort claims.
- B. **SUBSTANTIAL INVOLVEMENT.** Applicant must show substantial involvement and special competence in Texas personal injury trial 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 personal injury trial law in Texas during each year of the 3 years immediately preceding application as defined in Section VI, A of the Specific Area Requirements for Personal Injury Trial Law.
 - b. **Task Requirements.** Applicant must provide information as required by TBLS concerning specific tasks he or she has performed in Texas personal injury trial law. In evaluating experience, TBLS may take into consideration the nature, complexity, and duration of the tasks handled by applicant.
 - (1) Applicant must have tried during his or her entire practice, as lead counsel, at least 10 contested civil cases which were submitted to the trier of fact in a court of record in Texas. Five of the required 10 cases must have been personal injury jury trials.
 2. **Recertification.** Applicant must have devoted a minimum of 25% of his or her time practicing personal injury trial law in Texas during each year of the 5 year period of certification as defined in Section VI, A of the Specific Area Requirements for Personal Injury Trial 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 personal injury trial law. These persons must be substantially involved in personal injury trial law, and be familiar with applicant's personal injury trial law practice.

1. **Certification.** Applicant must submit names of persons with whom he or she has had dealings involving personal injury trial 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 personal injury trial 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 personal injury trial law. Applicant must have tried a personal injury trial law matter with or against one of these attorneys.
 - b. One judge of any court of record in Texas whom applicant has appeared before as an advocate in a personal injury trial law matter.

**SECTION VII
IMMIGRATION AND NATIONALITY LAW**

- A. **DEFINITION.** Immigration and nationality law is the practice of law dealing with the Immigration and Nationality Act of 1952, as amended, and all successor and other laws and regulations dealing with immigration and naturalization. The practice includes, by way of definition and not limitation,
- all aspects of securing an immigrant or non-immigrant visa or other documentation to enter the United States, including all petitions and applications filed with the Department of State, the U. S. Department of Labor, the U. S. Department of Justice, the U. S. Department of Homeland Security, and the U. S. Public Health Service;
 - naturalization proceedings;
 - citizenship proceedings;
 - asylum applications;
 - removal proceedings and related applications for relief;
 - bond and custody proceedings;
 - rescission proceedings;
 - registry proceedings;
 - administrative proceedings not listed above relating to immigration and nationality law before government agencies of competent jurisdiction;
 - all administrative and judicial review of the above; and
 - original proceedings in immigration matters before judicial courts.
- B. **SUBSTANTIAL INVOLVEMENT.** Applicant must show substantial involvement and special competence in immigration and nationality 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 immigration and nationality law during each year of the 3 years immediately preceding application as defined in Section VII, A of the Specific Area Requirements for Immigration and Nationality Law.
 - b. **Task Requirements.** Applicant must provide information as required by TBLS concerning specific tasks he or she has performed in immigration and nationality law. In evaluating experience, TBLS may take into consideration the nature, complexity, and duration of the tasks handled by applicant.
 - (1) **Administrative Hearings.** Representation of clients before Immigration Judges in removal, bond redetermination, and other administrative matters in at least 9 contested matters within the 3 years immediately preceding application.
 - (2) In addition, applicant must show substantial involvement in 4 of the following 6 categories within each of the 3 years immediately preceding application listed hereafter.
 - (a) **Petitions and Applications.** Representation of clients

before the Department of Homeland Security and the State Department in the filing of petitions and applications.

- (b) Alien Labor Certifications. Representation of employers and/or aliens before the various state employment services, U.S. Department of Labor, and Department of Homeland Security in alien labor certification cases, including appeals.
- (c) Naturalization. Representation of clients before the Department of Homeland Security and judicial courts in naturalization matters.
- (d) Administrative Appeals. Representation of clients in appeals taken before the Board of Immigration Appeals, Administrative Appeals Unit, Board of Labor Certification Appeals, and the State Department Board of Appellate Review.
- (e) Administrative Proceedings and Review in Judicial Courts. Representation of clients in judicial matters such as applications for habeas corpus, mandamus and declaratory judgments, and criminal matters involving the immigration law, and petitions or review in judicial courts, and ancillary proceedings in judicial courts.
- (f) Employer Sanctions, Bond and Custody, Rescission, Registry, and Fine Proceedings. Representation of clients in these matters.

- 2. **Recertification.** Applicant must have devoted a minimum of 25% of his or her time practicing immigration and nationality law during each year of the 5 year period of certification as defined in Section VII, A of the Specific Area Requirements for Immigration and Nationality 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 immigration and nationality law. These persons must be substantially involved in immigration and nationality law, and be familiar with applicant's immigration and nationality law practice.

- 1. **Certification.** Applicant must submit names of persons with whom he or she has had dealings involving immigration and nationality 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 immigration and nationality law matters since certification or the most recent recertification.
- 3. **Reference Types.** Applicant must submit the following types of references:
 - a. Three attorneys who are substantially involved in immigration and nationality law.
 - b. One of the following:
 - (1) An attorney with or against whom applicant has tried an immigration and nationality law matter, or

- (2) An attorney from a U. S. Department of State consular office, or
 - (3) A U. S. Department of Homeland Security officer whom has adjudicated a matter by applicant and reviewed and/or made a decision on applicant's filing.
- c. One of the following judges as described below:
- (1) One judge of any court of record before whom applicant has appeared as an advocate in an immigration and nationality law case, or
 - (2) An immigration judge before whom applicant has appeared in an administrative hearing.

**SECTION VIII
REAL ESTATE LAW**

A. DEFINITIONS.

1. **Real Estate Law.** Real estate law is the rendering of advice and services concerning the laws applicable to land and the improvements and appurtenances (including air and subsurface estates) to land. It also includes the acquisition, transfer, development, financing and use of land; and includes without limitation, knowledge of the legal restrictions and constraints imposed privately and by local, state and federal governments upon land and the improvements to land.
2. Certification is available for the sub-categories of real estate law defined below:
 - a. **Residential Real Estate Law.** Legal practice including advice and services in connection with the acquisition, ownership, leasing, financing, use, transfer and disposition of residential real property.
 - b. **Commercial Real Estate Law.** Legal practice involving advice and services in connection with the acquisition, ownership, leasing, financing, use, transfer and disposition of real property other than residential, farm, ranch, or oil, gas and mineral property.
 - c. **Farm and Ranch Real Estate Law.** Legal practice involving advice and services in connection with the acquisition, ownership, financing, use, transfer and disposition of farm and ranch property, including a basic knowledge of mineral rights.

B. SUBSTANTIAL INVOLVEMENT. Applicant must show substantial involvement and special competence in Texas residential, commercial, or farm and ranch real estate law practice by providing such information as may be required by TBLS.

1. **Certification.**
 - a. **Percentage of Involvement Requirement.**
 - (1) Applicant must have devoted a minimum of 30% of his or her total time practicing Texas real estate law during each year of the 3 years immediately preceding application as defined in Section VIII, A,1 of the Specific Area Requirements for Real Estate Law.
 - (2) Applicant may seek certification in one or more sub-categories of Texas real estate law. In addition to devoting the minimum percentage of total time to Texas real estate law as indicated in Section VIII, B,1, a(1) above, applicant must have devoted the required percentage of practice to each sub-category in which certification is being sought.
 - a. **Residential Real Estate Law.** Twenty (20%) percent of applicant's total time must have been devoted to the practice of Texas residential real estate law during each year of the 3 years immediately preceding application as defined in Section VIII, A,2(a) of the Specific Area Requirements for Real Estate Law.
 - b. **Commercial Real Estate Law.** Twenty (20%) percent

of applicant's total time must have been devoted to the practice of Texas commercial real estate law during each year of the 3 years immediately preceding application as defined in Section VIII, A,2(b) of the Specific Area Requirements for Real Estate Law.

- c. **Farm and Ranch Real Estate Law.** Ten (10%) percent of applicant's total time must have been devoted to the practice of Texas farm and ranch real estate law during each year of the 3 years immediately preceding application as defined in Section VIII, A,2(c) of the Specific Area Requirements for Real Estate Law.
- b. Task Requirements. Applicant must provide information as required by TBLS concerning specific tasks he or she has performed in Texas commercial, residential or farm and ranch real estate law. In evaluating experience, TBLS may take into consideration the nature, complexity, and duration of the tasks handled by applicant.
 - (1) Applicant must list the number of matters handled in the categories listed below within the 3 years immediately preceding application for each sub-category of Texas real estate law (i.e., residential, commercial, or farm and ranch) in which certification is being sought:
 - (a) Purchase and Sale,
 - (b) Loan Transactions/Financing,
 - (c) Equity Financing,
 - (d) Government Agency Financing,
 - (e) Construction and Development,
 - (f) Easements, including Utility Easements,
 - (g) Title Searches and Examinations,
 - (h) Title Insurance,
 - (i) Condemnation Matters,
 - (j) Leases,
 - (k) Landlord/Tenant Problems,
 - (l) Foreclosures and Other Remedial Actions by Creditors,
 - (m) Taxation Aspects of Real Estate Transactions,
 - (n) Environmental and Land Use Matters,
 - (o) Oil and Gas, and Other Mineral Matters,
 - (p) Zoning, Restrictions, and Land Use Planning,
 - (q) Subdivisions,
 - (r) State and Federal Land Regulations,
 - (s) Legislation, and
 - (t) Other Real Estate Law Matters or Transactions.
 - (2) Applicant must provide a detailed explanation that would clearly demonstrate substantial involvement within the 3 years immediately preceding application for each sub-category of Texas real estate law (i.e., residential, commercial, or farm and ranch) in which certification is being sought.
 - (3) Applicant must submit a resume or job summary reflecting activities for at least 5 years immediately preceding application.

2. **Recertification.**
- a. Applicant must have devoted a minimum of 30% of his or her time practicing Texas real estate law during each year of the 5 year period of certification as defined in Section VIII, A, 1 of the Specific Area Requirements for Real Estate Law except as provided for in Part I–General Requirements, Section VI, C,1(b).
 - b. Applicant may seek recertification in one or more sub-categories of Texas real estate law. In addition to devoting the minimum percentage of total time to Texas real estate law as indicated in Section VIII, B, 2,a above, applicant must have devoted the required percentage of practice to each sub-category in which recertification is being sought.
 - (1) **Residential Real Estate Law.** Twenty percent (20%) of applicant’s total time must have been devoted to the practice of Texas residential real estate law during each year of the 5 year period of certification as defined in Section VIII, A,2(a) of the Specific Area Requirements for Real Estate Law.
 - (2) **Commercial Real Estate Law.** Twenty percent (20%) of applicant’s total time must have been devoted to the practice of Texas commercial real estate law during each year of the 5 year period of certification as defined in Section VIII, A,2(b) of the Specific Area Requirements for Real Estate Law.
 - (3) **Farm and Ranch Real Estate Law.** Ten percent (10%) of applicant’s total time must have been devoted to the practice of Texas farm and ranch real estate law during each year of the 5 year period of certification as defined in Section VIII, A,2(c) of the Specific Area Requirements for Real Estate Law.

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 the sub-category of real estate law (i.e., residential, commercial, or farm and ranch) in which applicant is seeking certification or recertification. These persons must be substantially involved in real estate law, and be familiar with applicant’s real estate law practice.

- 1. **Certification.** Applicant must submit names of persons with whom he or she has had dealings involving real estate law (i.e., residential, commercial, or farm and ranch) 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 real estate law (i.e., residential, commercial, or farm and ranch) matters since certification or the most recent recertification.
- 3. **Reference Types.** Applicant must submit the names of 5 Texas attorneys who are substantially involved in the sub-category of real estate law (i.e., residential, commercial, or farm and ranch) in which applicant is seeking certification or recertification.

**SECTION IX
TAX LAW**

- A. **DEFINITION.** Tax law is the practice of law involving the Internal Revenue Code and other federal, state and local tax statutes and interpretive material in connection with matters in which issues of taxation are significant factors. The practice of tax law includes, but is not limited to,
- consultations with clients and the giving of advice regarding the tax consequences of proposed, completed and ongoing transactions;
 - the giving of advice regarding the reporting of transactions and other matters of taxing authorities;
 - practice before the Internal Revenue Service and other taxing authorities with respect to proposed, completed and ongoing transactions and other matters; and
 - the administrative appeal and litigation of tax issues.

The practice of tax law may involve special emphasis in subspecialties such as income, estate or gift tax law, international tax law, business associations tax law, oil and gas tax law, employee benefits tax law, and criminal tax law, but applicant must demonstrate a broad-based knowledge of the area of tax law.

- B. **SUBSTANTIAL INVOLVEMENT.** Applicant must show substantial involvement and special competence in tax 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 tax law during each of any 5 of the 7 years immediately preceding application as defined in Section IX, A of the Specific Area Requirements for Tax Law.
- b. **Task Requirements.** Applicant must provide information as required by TBLS concerning specific tasks he or she has performed in tax 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 matters or transactions in the following categories that he or she has handled during any 5 of the 7 years immediately preceding application:
- (a) Real estate transactions,
 - (b) Corporate formations, liquidations and reorganizations,
 - (c) Corporate merger and acquisition,
 - (d) Corporate security offerings (debt or equity),
 - (e) Partnership formation and syndication,
 - (f) Preparation of employee benefit plans,
 - (g) Contested tax proceedings (including audits and investigations),
 - (h) Litigated proceedings (state or federal court),
 - (i) Ruling and determination requests,

- (j) Preparation of tax returns (income, estate, gift and state),
 - (k) Oil and gas transactions,
 - (l) Formulation of estate plans,
 - (m) Formation of exempt organizations, and
 - (n) Other tax law matters or transactions.
- (2) Applicant must provide a description of that portion of his or her practice over the past 7 years that indicates substantial involvement in the practice of tax law. Include in the description: (i) the types of matters in which tax law issues were significant (*e.g., real estate, oil and gas, corporate, partnerships, individual tax planning, international, estate planning, employee benefits, excise or state*); (ii) individual role in such matters; (iii) the types of clients represented; (iv) employment in government service; and (v) teaching tax law courses.

2. **Recertification.** Applicant must have devoted a minimum of 35% of his or her time practicing tax law during each year of the 5 year period of certification as defined in Section IX, A of the Specific Area Requirements for Tax 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 tax law. These persons must be substantially involved in tax law, and be familiar with applicant’s tax law practice.

- 1. **Certification.** Applicant must submit names of persons with whom he or she has had dealings involving tax 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 tax law matters since certification or the most recent recertification.
- 3. **Reference Types.** Applicant must submit the names of 5 individuals who are familiar with his or her tax law practice.

**SECTION X
BANKRUPTCY LAW**

A. DEFINITIONS.

1. **Bankruptcy Law.** The practice of law dealing with the representation of parties in matters primarily involving the Bankruptcy Code, but also involving other aspects of debtor creditor relations as they affect or are affected by bankruptcy or insolvency.
2. Certification is available for the sub-categories of bankruptcy law defined below:
 - a. **Consumer Bankruptcy Law.** The practice of law dealing with the representation of non-business debtors and/or their creditors in all areas of bankruptcy. It includes primarily representation in matters involving the Bankruptcy Code, and homestead and exemption laws, and also, without limitation, all aspects of consumer debtor-creditor relations as they affect or are affected by bankruptcy.
 - b. **Business Bankruptcy Law.** The practice of law dealing with the representation of business debtors, their creditors, and/or trustees in all areas of bankruptcy. It includes primarily representation in matters involving the Bankruptcy Code, and also, without limitation, all aspects of business debtor-creditor relations as they affect or are affected by bankruptcy or insolvency. The term "business bankruptcy law" includes the representation of debtors, creditors, trustees, or other parties in business cases under chapters 7, 9, 11, 12 and 13 of the Bankruptcy Code.

B. SUBSTANTIAL INVOLVEMENT. Applicant must show substantial involvement and special competence in consumer bankruptcy law or business bankruptcy law by providing such information as may be required by TBLs.

1. **Certification.**

a. **Percentage of Practice Requirement.**

(1) **Bankruptcy Law.** Applicant must have devoted a minimum of 30% of his or her total time practicing bankruptcy law during each year of the 3 years immediately preceding application as defined in Section X, A,1 of the Specific Area Requirements for Bankruptcy Law.

(2) Applicant may seek certification in one or both sub-categories of bankruptcy law. In addition to devoting the minimum percentage of total time to bankruptcy law as indicated in Section X, B,1,a(1) above, applicant must have devoted the required percentage of practice to the sub-category in which certification is being sought.

(a) **Consumer Bankruptcy Law.** Twenty percent (20%) of applicant's total time must have been devoted to the practice of consumer bankruptcy law during each year of the 3 years immediately preceding application as defined in Section X, A,2,a of the Specific Area Requirements

for Bankruptcy Law.

- (b) **Business Bankruptcy Law.** Twenty percent (20%) of applicant's total time must have been devoted to the practice of business bankruptcy law during each year of the 3 years immediately preceding application as defined in Section X, A,2,b of the Specific Area Requirements for Bankruptcy Law.

b. Task Requirements. Applicant must provide information as required by TBLS concerning specific tasks he or she has performed in the sub-category of bankruptcy law in which certification is being sought. In evaluating experience, TBLS may take into consideration the nature, complexity, and duration of the tasks handled by applicant.

(1) **Consumer Bankruptcy Law.** Applicant must have represented debtors or creditors in contested matters and/or adversary proceedings during his or her practice as described below:

(a) Fifteen (15) contested matters and/or adversary proceedings which involved a hearing in state or federal court in connection with bankruptcy or debtor or creditor rights disputes.

(b) Eight (8) of the 15 contested matters and/or adversary proceedings must have involved the presentation of evidence in bankruptcy court (other than in support of a default judgment or a settlement agreement).

(2) **Business Bankruptcy Law.** Applicant shall have met, during his or her practice, 12 of the following categories listed below. Regardless of the categories selected, applicant must have participated in at least 8 contested matters and/or adversary proceedings which shall have involved the presentation of evidence in bankruptcy court (other than in support of a default judgment or a settlement agreement).

(a) 2 objections to discharge or determinations of dischargeability;

(b) 2 avoidance actions under the Bankruptcy Code to include any combination of the following:

- fraudulent conveyances;
- preferential transfers;
- avoidances of an unperfected or unrecorded transfer by a hypothetical bona fide purchaser or lien creditor;
- recoveries of a setoff; and
- post-petition transfers;

(c) 1 complaint for subordination;

(d) 4 modifications of automatic stay;

(e) 4 sales, use (including cash collateral) or leases of property;

(f) 3 assumptions or rejections of a lease or other executory contract;

(g) 2 post-petition extensions of secured or unsecured credit;

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- (h) 2 involuntary petitions;
- (i) 4 contested objections to the allowance of claims;
- (j) 2 contested appointments of a trustee or examiner;
- (k) 3 contested conversions or dismissals;
- (l) 3 contested turnovers of property;
- (m) 1 reclamation;
- (n) 2 motions for abandonment;
- (o) 3 examinations under Rule 2004;
- (p) 1 revocation of an order of confirmation of a plan under either chapters 9, 11, 12 or 13;
- (q) 1 contested modification of a plan under either chapters 9, 11, 12 and 13 of a Debtor engaged in business;
- (r) 5 voluntary petitions with schedules and statements of Debtors engaged in business, under chapter 7;
- (s) 5 voluntary petitions, with schedules and statements, under chapters 9, 11, 12 or 13, of Debtors engaged in business;
- (t) 5 confirmation hearings of plans under chapters 9, 11, 12 or 13, of a Debtor engaged in business;
- (u) Preparation of 3 disclosure statements and plans of reorganization under chapter 11;
- (v) 3 contested requests for allowance and/or payment of an administrative priority of claim;
- (w) Preparation of 3 reorganization plans under chapters 9, 12 or 13 of a Debtor engaged in business;
- (x) 2 proceedings to determine the validity, priority or extent of a lien or other interest in property of a Debtor engaged in business;
- (y) 1 complaint for injunctive or declaratory relief;
- (z) 3 representations of the trustee of a Debtor engaged in business;
- (aa) 3 bankruptcy related adversary proceedings or contested matters of a type other than as described above, of a Debtor engaged in business;
- (bb) 1 appeal from the bankruptcy court;
- (cc) Representation of official committees in 2 business bankruptcy cases;
- (dd) The preparation and presentation of a paper at a State Bar approved seminar or institute dealing with a business bankruptcy topic;
- (ee) Service as an examiner or trustee; and
- (ff) Other business bankruptcy matter(s) not described above.

2. **Recertification.**

- a. **Bankruptcy Law.** Applicant must have devoted a minimum of 30% of his or her total time practicing bankruptcy law during each year of the 5 year period of certification as defined in Section X, A,1 of the Specific Area Requirements for Bankruptcy Law except as provided for in Part I--

General Requirements, Section VI, C,1(b).

- b. Applicant may seek recertification in one or both sub-categories of bankruptcy law. In addition to devoting the minimum percentage of total time to bankruptcy law as indicated in Section X, B,2,a(1) above, applicant must have devoted the required percentage of practice to the sub-category in which recertification is being sought.
 - (1) **Consumer Bankruptcy Law.** Twenty percent (20%) of applicant's total time must have been devoted to the practice of consumer bankruptcy law during each year of the 5 year period of certification as defined in Section X, A,2,a of the Specific Area Requirements for Bankruptcy Law.
 - (2) **Business Bankruptcy Law.** Twenty percent (20%) of applicant's total time must have been devoted to the practice of business bankruptcy law during each year of the 5 year period of certification as defined in Section X, A,2,b of the Specific Area Requirements for Bankruptcy Law.

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 consumer bankruptcy law or business bankruptcy law. These persons must be substantially involved in bankruptcy law, and be familiar with applicant's consumer bankruptcy law or business bankruptcy law practice.

1. **Certification.** Applicant must submit names of persons with whom he or she has had dealings involving bankruptcy 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 bankruptcy law matters since certification or the most recent recertification.
3. **Reference Types.** Applicant must submit the following types of references:
 - a. Four attorneys who are substantially involved in consumer bankruptcy law or business bankruptcy law. Applicant must have been an adversary against one of these attorneys in a consumer bankruptcy law or business bankruptcy law matter.
 - b. One judge of any bankruptcy court whom applicant has appeared before as an advocate in a consumer bankruptcy law or business bankruptcy law matter.

**SECTION XI
OIL, GAS AND MINERAL LAW**

- A. **DEFINITION.** Oil, gas and mineral law comprises law applicable to oil, gas and other minerals and interests in oil, gas and other minerals and to the acquisition, ownership, leasing, development, transfer, disposition and financing of these substances. The practice of oil, gas and mineral law requires, without limitation,
- knowledge of land titles and surface use;
 - conveyances, contracts and other documents typically used in oil, gas and other mineral transactions;
 - statutes and regulations affecting oil, gas and minerals;
 - litigation involving oil, gas and mineral rights; and
 - the taxation of oil, gas and other minerals and of transactions concerning them.
- B. **SUBSTANTIAL INVOLVEMENT.** Applicant must show substantial involvement and special competence in Texas oil, gas and mineral 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 Texas oil, gas and mineral law during each year of the 3 years immediately preceding application as defined in Section XI, A of the Specific Area Requirements for Oil, Gas and Mineral Law.
- b. **Task Requirements.** Applicant must provide information as required by TBLS concerning specific tasks he or she has performed in Texas oil, gas and mineral 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 matters or transactions he or she has handled in the following categories within the 3 years immediately preceding application:
- (a) Oil, gas and mineral leases,
 - (b) Lease assignments,
 - (c) Drilling or division order title opinions,
 - (d) Division orders,
 - (e) Gas purchase contracts,
 - (f) Lease ratifications,
 - (g) Pooling or unitization agreements,
 - (h) Farmout agreements,
 - (i) Drilling contracts,
 - (j) Operating agreements,
 - (k) Mineral or royalty deeds,
 - (l) Easements,
 - (m) Surface use and /or damage agreements,
 - (n) Oil, gas and mineral deeds of trust,

- (o) Oil, gas and mineral financing transactions,
 - (p) Sales and purchases of oil, gas and mineral properties,
 - (q) Lease operations disputes,
 - (r) Oil, gas and mineral litigation,
 - (s) Ad valorem tax matters,
 - (t) Environmental agreements or claims,
 - (u) Seismic agreements,
 - (v) Mineral contractor liens,
 - (w) Administration or other regulatory matters, and
 - (x) Other oil, gas and mineral law matters or transactions.
- (2) Applicant must list regulatory agency(s) and the number of clients he or she has represented before that agency within the 3 years immediately preceding application.
 - (3) Applicant must submit a resume or job summary reflecting his or her activities for at least 5 years immediately preceding application.

2. **Recertification.** Applicant must have devoted a minimum of 35% of his or her time practicing Texas oil, gas, and mineral law during each year of the 5 year period of certification as defined in Section XI, A of the Specific Area Requirements for Oil, Gas and Mineral 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 oil, gas and mineral law. These persons must be substantially involved in oil, gas and mineral law, and be familiar with applicant’s oil, gas and mineral law practice.

1. **Certification.** Applicant must submit names of persons with whom he or she has had dealings involving oil, gas and mineral 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 oil, gas and mineral law matters since certification or the most recent recertification.
3. **Reference Types.** Applicant must submit the names of 5 Texas attorneys who are substantially involved in oil, gas and mineral law.

**SECTION XII
CIVIL APPELLATE LAW**

- A. **DEFINITION.** Civil appellate law is the practice of law involving proceedings brought before a civil appellate court either by appeal of a final judgment or appealable interlocutory order or by an original proceeding in the appellate court. The preparation and presentation of the court's charge and of post-trial and other dispositive motions at the trial court level shall also be considered the practice of civil appellate law. The practice of civil appellate law that qualifies for substantial involvement and special competence should generally cover multiple areas of procedure and substantive law and not be limited to any one, narrow area of law (unless substantial involvement and special competence can otherwise be shown).

Serving as a judge, a briefing attorney, or a staff attorney on a civil appellate court is also considered the practice of civil appellate law.

For these purposes "civil appellate courts" include the United States Supreme Court, the Federal Court of Appeals, the Texas Supreme Court, the Texas Courts of Appeals, and comparable courts of other jurisdictions.

- B. **SUBSTANTIAL INVOLVEMENT.** Applicant must show substantial involvement and special competence in civil appellate 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 civil appellate law during each year of the 3 years immediately preceding application as defined in Section XII, A of the Specific Area Requirements for Civil Appellate Law.

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

(1) Applicant must have handled all or a substantial part of at least 12 civil appellate cases during his or her practice. A case that was submitted to one appellate court and then to a higher court will be considered only one case. Civil appellate cases in which applicant filed a brief or presented oral argument, and original proceedings were filed by applicant in an appellate court (such as petition for writs of mandamus or habeas corpus) are subject to the following additional requirements:

- (a) All 12 cases must have been fully briefed on the merits at the appellate level;
- (b) At least 6 of the 12 cases must have been handled by applicant within the 3 years immediately preceding

- application;
 - (c) Applicant must have been lead counsel in at least 6 of the 12 cases;
 - (d) Applicant must have presented oral argument to an appellate court on one significant issue of substantive or procedural law in at least 4 of the 12 cases;
 - (e) At least 6 of the 12 cases must have involved an appeal from a final judgment or other dispositive order which included a finding on a substantive or procedural issue;
 - (f) In at least 5 of the 12 cases, the appellate court must have issued an opinion on the merits that dealt with at least one substantive issue; and
 - (g) At least 3 of the 12 cases must have involved the prosecution or defense of a petition to the highest court of the jurisdiction to review the decision of an intermediate appellate court.
 - (2) Service for an appellate court as a briefing attorney and/or staff attorney for at least 5 years may be considered by TBLS as the equivalent of the requirements set out in Section XII, B,1,b(1)(a-g) above. Service for less than 5 years may be considered proportionally.
 - 2. **Recertification.** Applicant must have devoted a minimum of 25% of his or her time practicing civil appellate law during each year of the 5 year period of certification as defined in Section XII, A of the Specific Area Requirements for Civil Appellate 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 civil appellate law. These persons must be substantially involved in civil appellate law, and be familiar with applicant's civil appellate law practice.
- 1. **Certification.** Applicant must submit names of persons with whom he or she has had dealings involving civil appellate 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 civil appellate 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 civil appellate law. Applicant must have prosecuted a civil appellate law matter with or against one of these attorneys.
 - b. One judge of an appellate court in Texas whom applicant appeared before as an advocate in a civil appellate law matter.

**SECTION XIII
ADMINISTRATIVE LAW**

- A. **DEFINITION.** Administrative law is the practice of law dealing with the regulatory, licensing, enforcement, and adjudicative powers of local, state and federal governmental agencies. Applicant must demonstrate substantial involvement and special competence in the practice of Texas administrative law, including, without limitation, representing clients before administrative agencies, practicing law within those agencies, and handling judicial proceedings involving those agencies.
- B. **SUBSTANTIAL INVOLVEMENT.** Applicant must show substantial involvement and special competence in Texas administrative 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 30% of his or her time practicing Texas administrative law during each year of the 3 years immediately preceding application as defined in Section XIII, A of the Specific Area Requirements for Administrative Law.
- b. **Task Requirements.** Applicant must provide information as required by TBLS concerning specific tasks he or she has performed in Texas administrative law. In evaluating experience, TBLS may take into consideration the nature, complexity, and duration of the tasks handled by applicant.
- (1) Applicant must show that he or she has had primary responsibility (as a hearings examiner, party representative, or agency representative) in 1 of the following 4 categories within their entire practice:
- (a) A total of 10 contested case hearings before administrative agencies. Five (5) shall have been resolved after hearings on the merits and final orders were issued by the agencies. Five (5) may have been contested cases before administrative agencies that were resolved by formal alternative dispute resolution proceedings (mediations or arbitrations), or following active case development (including discovery, pre-hearing motions practice, etc.) and settlement conferences that involved case preparation and presentation to an internal agency forum, or some combination of these two alternatives to formal contested case hearings on the merits;
- (b) A minimum of 60 days in contested case hearings before administrative agencies, of which 15 days may be in ADR proceedings (mediations, arbitrations), or equivalent formal agency settlement procedures,

- involving contested cases before administrative agencies;
 - (c) Ten (10) proceedings involving the judicial review of agency orders under the Administrative Procedure and Texas Register Act and/or under the Federal Administrative Procedure Act; or
 - (d) A combination of contested case hearings and judicial review proceedings totaling 10 matters.
- (2) In addition to the cases listed in Section XIII, B,1,b(1) above, applicant must meet 3 of the following 5 categories within his or her entire practice:
- (a) Substantial involvement in a major rule-making proceeding before a state or federal agency. Such involvement may include petitioning for rules or drafting rules;
 - (b) Primary responsibility for a party in 3 original judicial actions in state or federal court involving agency activities. Examples of such actions include the prosecution or defense of suits for injunction, declaratory judgment, mandamus, enforcement, and suits challenging agency rules;
 - (c) Primary responsibility as a hearings examiner, agency counsel or private practitioner in 12 non-contested proceedings;
 - (d) Primary responsibility for client counseling as agency counsel (either with an agency or in the attorney general's office) or as a private practitioner in 5 substantial matters dealing with, for example, the necessity of obtaining permits, the interpretation of agency requirements or statutory authority, compliance with Open Meetings or Open Records Acts; or
 - (e) Primary responsibility (as a hearings examiner, party representative, or agency representative) in an additional 5 contested case hearings before administrative agencies or an additional 5 proceedings involving the judicial review of agency orders under the Administrative Procedure and Texas Register Act and/or under the Federal Administrative Procedure Act. A combination of contested case hearings and judicial review proceedings totaling 5 additional matters may also be used to fulfill this requirement.
2. **Recertification.** Applicant must have devoted a minimum of 30% of his or her time practicing Texas administrative law during each year of the 5 year period of certification as defined in Section XIII, A of the Specific Area Requirements for Administrative 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 administrative law. These persons must be substantially involved in administrative law, and be familiar with applicant's administrative law practice.
1. **Certification.** Applicant must submit names of persons with whom he or she has had dealings involving administrative 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 administrative law matters since certification or the most recent recertification.
 3. **Reference Types.** Applicant must submit the following types of references:
 - a. Three Texas attorneys who are substantially involved in administrative law. Applicant shall have tried an administrative law matter with or against one of these attorneys.
 - b. Two of the following (present or former) before whom applicant has appeared as an advocate in an administrative law matter:
 - (1) a judge of any court of record in Texas, Texas Courts of Appeal, or the Texas Supreme Court.
 - (2) a hearing officer or hearing examiner of an administrative agency with jurisdiction in Texas.

**SECTION XIV
CONSUMER AND COMMERCIAL LAW**

A. DEFINITIONS.

1. Consumer and commercial law is the practice of law dealing with consumer and commercial transactions, including transactions of individual and business consumers and commercial transactions between businesses and other businesses or individuals. The practice of consumer and commercial law also includes the prosecution and defense of claims as well as business compliance. Consumer and commercial law includes, by way of example, but not limitation, matters involving,
 - the Texas Deceptive Trade Practice - Consumer Protection Act;
 - Title 5, Subtitle C of the Texas Insurance Code;
 - the Uniform Commercial Code;
 - the Texas Credit Code;
 - the Texas Manufactured Housing Standards Act;
 - the Texas Transportation Code, and Title 14, Subtitle A, Texas Occupations Code;
 - Title 5, Chapter 59 (Self-Storage Facility Liens), Chapter 61 (Motor Vehicle Mortgagee's Lien), and Chapter 70, Sub-Chapter A (Possessory Liens), Sub-Chapter B (Liens on Vessels), Sub-Chapter D (Aircraft Repair and Maintenance Lien), and Texas Property Code;
 - laws dealing with landlord-tenant relationship;
 - the Federal and Texas Fair Debt Collection Practices Act;
 - the Federal Truth in Lending Act; and
 - other federal and state laws dealing with sales, leases, insurance, credit, and collection activities involving consumers.
2. "Contested consumer or commercial matters" means law suits filed in a court of record in which an answer is filed and which have been resolved other than by "No Answer Default" or "Dismissal for Want of Prosecution". Applicant must have been counsel from initiation through resolution of the suit and representation completed. Contested consumer or commercial matters may also include cases involving issues of consumer or commercial law submitted to binding arbitration either before or after suit is filed, however, these will be considered on a case by case basis.

B. SUBSTANTIAL INVOLVEMENT. Applicant must show substantial involvement and special competence in Texas consumer and commercial 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 30% of his or her time practicing Texas consumer and commercial law during each year of the 3 years preceding application as defined in Section XIV, A of the Specific Area Requirements for Consumer and Commercial Law.

b. Task Requirements. Applicant must provide information as required by TBLS concerning specific tasks he or she has performed in Texas consumer and commercial 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 hours he or she has devoted to each of the following within the 3 years immediately preceding application:

- (a) Counseling of clients regarding claims and defense of claims in the area of consumer and commercial law;
- (b) Representation of clients in preparation, prosecution and defense of consumer and commercial claims;
- (c) Representation of clients in alternative dispute resolution procedures as defined by Tex. Civ. Prac. & Rem. Code, Chapter 154; and
- (d) The advising and counseling of persons or business entities in areas involving the establishment, revision or maintenance of procedures, practices, forms or programs to comply with consumer and commercial laws.

(2) Applicant must have represented clients as lead counsel in at least 24 contested consumer or commercial matters in Texas within the 5 years immediately preceding application.

(3) In addition to matters required in Section XIV, B,1,b(2) above, applicant must have met one of the following categories within the 10 years immediately preceding application:

- (a) Five (5) contested consumer or commercial law matters in which issues were submitted to the finder of fact in a court of record in Texas, with applicant having been lead counsel in at least 2 of these matters; or
- (b) Five (5) binding arbitration proceedings dealing with consumer or commercial law matters in which issues were submitted to an arbitrator (or arbitration panel), tried to conclusion on presentation of oral testimony, which either (i) involved an amount in controversy in excess of \$5,000, or (ii) referred the matter to arbitration by a county court at law, district court, or federal court, with applicant having been lead counsel in at least 2 of these matters; or
- (c) A combination of 5 matters as described in Section XIV, B,1,b(3)(a-b) above.

2. Recertification. Applicant must have devoted a minimum of 30% of his or her time practicing Texas consumer and commercial law during each year of the 5 year period of certification as defined in Section XIV, A of the Specific Area Requirements for Consumer and Commercial 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

consumer and commercial law. These persons must be substantially involved in consumer and commercial law, and be familiar with applicant's consumer and commercial law practice.

1. **Certification.** Applicant must submit names of persons with whom he or she has had dealings involving consumer and commercial 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 consumer and commercial law matters since certification or the most recent recertification.
3. **Reference Types.** Applicant must submit the names of 5 Texas attorneys who are substantially involved in consumer and commercial law. Applicant must have been an adversary in a consumer and commercial law matter with 2 of these attorneys.

**SECTION XV
JUVENILE LAW**

- 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 whom applicant appeared before as an advocate in a juvenile law matter; or
 - (2) a judge who has personal knowledge of applicant's abilities and experience.

**SECTION XVI
HEALTH LAW**

- A. **DEFINITION.** Health law is the practice of law dealing with federal, state, and local law, rules and regulations, and other jurisprudence affecting the health care industry and health care patients. It primarily deals with the operational, regulatory, and transactional legal issues arising from the application of these laws, rules, and regulations to patients, health care providers, health care vendors, and entities which pay for health care services, including without limitation, the relationships among providers, payors, vendors, and patients in the health care industry; and delivery of health care services.
- B. **SUBSTANTIAL INVOLVEMENT.** Applicant must show substantial involvement and special competence in Texas health law 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 health law in Texas during each year of the 3 years immediately preceding application as defined in Section XVI, A of the Specific Area Requirements for Health Law.
- b. **Task Requirements.** Applicant must provide information as required by TBLS concerning specific tasks he or she has performed in Texas health law. In evaluating experience, TBLS may take into consideration the nature, complexity, and duration of the tasks handled by applicant.
- (1) Applicant must have handled as lead counsel or in a primary capacity, several of the categories listed below in order to sufficiently demonstrate an expertise in Texas health law within the 3 years immediately preceding application by (i) counseling clients and educating clients which may include trade associations, (ii) advising or counseling clients with respect to the establishment or modification of procedures, practices, forms, programs, or transactions to comply with laws in those areas as they relate to health law, or (iii) representing clients in preparation of claims handled through mediation, arbitration, or litigation.
- (a) Health care antitrust;
 - (b) Fraud and abuse/referral prohibitions;
 - (c) Health care contract issues;
 - (d) Managed care and managed care organizations;
 - (e) Risk management/quality assurance/utilization review;
 - (f) Licensure and certification;
 - (g) Patient rights;
 - (h) Medical staff/professional rights;
 - (i) Physicians practice issues;
 - (j) Reimbursement and coverage (state and federal);
 - (k) Finance including tax/tax exemptions;
 - (l) Administrative proceedings;

- (m) Hospital/institutional operations;
- (n) Mental health;
- (o) Drugs, devices, and IRBs;
- (p) Business organizations, mergers and acquisitions;
- (q) Labor and employment law;
- (r) Privacy, confidentiality, and the HIPAA Privacy Rules;
- (s) Governmental entities/political subdivisions; and
- (t) Long term care.

2. **Recertification.** Applicant must have devoted a minimum of 35% of his or her time practicing health law during each year of the 5 year period of certification as defined in Section XVI, A of the Specific Area Requirements for Health 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 health law. These persons shall be substantially involved in health law and be familiar with applicant's health law practice.

1. **Certification.** Applicant must submit names of persons with whom he or she has had dealings involving health 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 health law matters since certification or the most recent recertification.
3. **Reference Types.** Applicant must submit 5 Texas attorneys who are substantially involved in health law.

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**SECTION XVII
WORKERS' COMPENSATION LAW**

- A. **DEFINITION.** Workers' compensation law is the practice of law dealing with the rights and duties of employees, employers, health care providers, and insurance carriers arising out of the Texas Workers' Compensation Act. For purposes of this certification, it also includes matters involving workers' compensation claim disputes adjudicated under the Administrative Procedure Act. This includes, without limitation, the representation of clients before the Texas Department of Insurance; Workers' Compensation Division, Texas Workers' Compensation Commission, the State Office of Administrative Hearings, and in suits for judicial review of the decisions of each of these agencies. Each attorney certified in workers' compensation law must understand income benefit payments and medical benefit payments, as well as the administrative obligations of claimants, employers, and insurance carriers. The practice of workers' compensation law requires that practitioners demonstrate a significant knowledge of the injury process, and its effect on the human body.
- B. **SUBSTANTIAL INVOLVEMENT.** Applicant must show substantial involvement and special competence in Texas workers' compensation 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 30% of his or her time practicing Texas workers' compensation law during each year of the 3 years immediately preceding application as defined in Section XVII, A of the Specific Area Requirements for Workers' Compensation Law.
- b. **Task Requirements.** Applicant must provide information as required by TBLs concerning specific tasks he or she has performed in Texas workers' compensation law. In evaluating experience, TBLs may take into consideration the nature, complexity, and duration of the tasks handled by applicant.
- (1) Applicant must have been lead counsel (as a party representative or agency representative) in 3 of the following 5 categories. Hearings listed in each of the categories must arise from independent administrative claims disputes and may not be listed if a proceeding involving that dispute was otherwise listed on the application. Claims with the same Division or Commission numbers cannot be repeated.
- (a) Thirty-six (36) Benefit Review Conferences concluded by agreement or by the report of a Benefit Review Officer within the 3 years immediately preceding application.
- (b) Thirty-six (36) Benefit Contested Case Hearings litigated to a final contested decision before the Texas Department of Insurance; Workers' Compensation

Division or the Texas Workers' Compensation Commission within the 3 years immediately preceding application.

- (c) Thirty-six (36) Contested Case Hearings under Chapter 413 litigated to a final contested decision before the State Office of Administrative Hearings or substantial evidence review at a trial court level within the 3 years immediately preceding application.
- (d) Twenty-four (24) appeals to the Appeals Panel of the Texas Department of Insurance; Workers' Compensation Division or the Texas Workers' Compensation Commission following a decision of a Benefit Contested Case Hearing Officer within the 3 years immediately preceding application.
- (e) Six (6) suits for judicial review of decisions of the Texas Department of Insurance; Workers' Compensation Division, the Texas Workers' Compensation Commission, or the Industrial Accident Board litigated to a decision within the 10 years immediately preceding application.

- 2. **Recertification.** Applicant must have devoted a minimum of 30% of his or her time practicing Texas workers' compensation law during each year of the 5 year period of certification as defined in Section XVII, A of the Specific Area Requirements for Workers' Compensation 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 workers' compensation law. These persons must be substantially involved in workers' compensation law, and be familiar with applicant's workers' compensation law practice.

- 1. **Certification.** Applicant must submit names of persons with whom he or she has had dealings involving workers' compensation 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 workers' compensation law matters since certification or the most recent recertification.
- 3. **Reference Types.** Applicant must submit the following types of references:
 - a. Three Texas attorneys who are substantially involved in workers' compensation law. Applicant shall have tried a workers' compensation law matter with or against two of these attorneys.
 - b. Two of the following (present or former) before whom applicant has appeared as an advocate in a Texas workers' compensation law matter:
 - (i) judges of any court of record in Texas, courts of appeals in Texas, or the Supreme Court of Texas;
 - (ii) Benefit Contested Case Hearing Officers or Appeals Panel Judges with the Texas Department of Insurance; Workers' Compensation Division, or the Texas Workers' Compensation Commission; or

- (iii) hearing examiners with the State Office of Administrative Hearings.