

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 04 - **9189**

**ORDER OF THE COURT APPROVING AMENDMENTS TO THE
ATTORNEY STANDARDS FOR CERTIFICATION OF THE
TEXAS BOARD OF LEGAL SPECIALIZATION**

After conducting a Public Hearing on proposed changes to the Attorney Standards for Certification in Administrative Law, the Texas Board of Legal Specialization approved the following amendments on December 10, 2003, and it appears to this Court that these Standards will advance the administration of justice.

IT IS THEREFORE ORDERED that the Attorney Standards for Certification be amended to read:

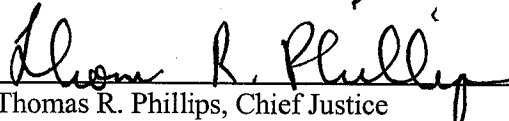
**PART II -- SPECIFIC AREA REQUIREMENTS FOR ADMINISTRATIVE LAW
SECTION I -- SUBSTANTIAL INVOLVEMENT AND SPECIAL COMPETENCE**


B. Substantial Involvement for Certification

2. Certification applicants must show their substantial involvement and special competence in Texas administrative law during their practice by providing such information as may be required by the TBLS.
 - a. Certification applicants must show that they have had primary responsibility (as a hearings examiner, party representative, or agency representative) in 1 of the following 4 categories within their entire practice:
 - (1) *A total of 10 contested case hearings before administrative agencies. Five 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, prehearing 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;*


- (2) 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;*
 - (3) 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
 - (4) A combination of contested case hearings and judicial review proceedings totaling 10 matters.
- b. In addition to the cases listed in II(B)(2)(a) applicants must meet 3 of the following 5 categories within their entire practice:
- (1) Substantial involvement in a major rule-making proceeding before a state or federal agency. Such involvement may include petitioning for rules or drafting rules;
 - (2) 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;
 - (3) Primary responsibility as a hearings examiner, agency counsel or private practitioner in 12 non-contested proceedings;
 - (4) 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
 - (5) 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.

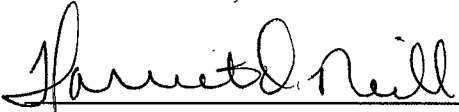
Signed this 21 day of August, 2004.

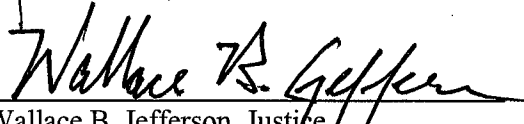

Thomas R. Phillips, Chief Justice

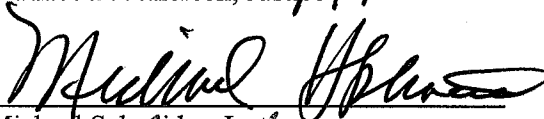

Nathan L. Hecht, Justice

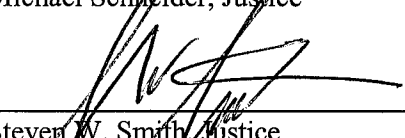
9189

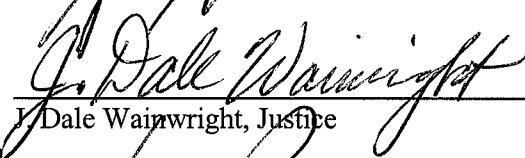

Priscilla R. Owen, Justice

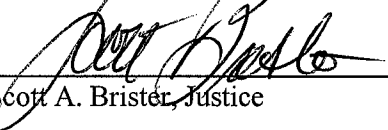

Harriet O'Neill, Justice


Wallace B. Jefferson, Justice


Michael Schneider, Justice


Steven W. Smith, Justice


J. Dale Wainwright, Justice


Scott A. Brister, Justice