

2009 EXAM SPECIFICATIONS FOR FAMILY LAW

The purpose of the certification examination is to require applicant to demonstrate substantial knowledge of significant legal concepts and corresponding skills in family law.

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

KNOWLEDGE. Applicant must have knowledge of the following: **(Not all of the following exam topics will be covered on the exam. Applicant will be tested on all laws currently in effect at the time of the exam.)**

- I. Establishing or Contesting the Validity of a Marriage
- II. Establishing Legal and Procedural Requirements for Dissolution of Marriage
- III. Determining or Contesting Parentage
- IV. Securing or Terminating Parental Rights
- V. Child Support
 - A. Using or contesting Supreme Court Standard Guidelines for child support
 - B. Calculating and applying child support
 - C. Enforcing or modifying child support
 - D. Drafting child support documents
- VI. Conservatorship
 - A. Securing or contesting conservatorship
 - B. Modifying conservatorship
 - C. Standing and venue in suits affecting the parent child-relationship
 - D. Drafting documents related to conservatorship
- VII. Marital Property
 - A. Establishing the character of marital property, including the use of the principles of tracing, economic contribution and reimbursement
 - B. Effectively establishing the value of marital property
 - C. Understanding and applying the factors used in property division
 - D. Effectively applying the principles of spousal liability, third party creditors and debts on property owned by spouses
 - E. Determining the effect of homestead laws, liens and exemptions on property division

- F. Determining the effect of bankruptcy proceedings on the disposition of marital property, spousal maintenance and alimony
 - G. Drafting marital property agreements (including premarital, post marital, partition and exchange, and transmutation)
 - H. Recognizing federal income tax issues relating to reporting income during marriage and in the year of divorce, division of marital property upon divorce and post divorce spousal and child support payments
 - I. Effectively negotiating the division of marital property
- VIII. Trial and Appeal of Family Law Cases
- A. Effectively using the provisions concerning the jurisdiction, venue and transfer of cases
 - B. Effectively trying to family case, including the persuasive presentation of evidence
 - C. Preserving error for appeal
 - D. Temporary orders
 - E. Civil Practice and Remedies Code
 - 1. Frivolous pleading and claims
 - 2. Limitations
 - 3. Judgments
 - 4. Declaratory judgments
 - 5. Attorney fees
 - 6. Receivership
 - 7. Injunction
 - 8. Alternative Dispute Resolution
 - F. Claims between spouses, including torts and third party claims
 - G. Appeals of family law cases
 - 1. Appeals from final judgments
 - 2. Interlocutory appeals
 - 3. Bills of Review
 - 4. Habeas Corpus
 - 5. Mandamus
- IX. Protective Orders and Family Violence, including Chapter 25 of the Texas Penal Code concerning offenses against the family
- X. The Texas Disciplinary Rules of Professional Conduct
 The ethics questions regarding this topic will involve an array of hypothetical fact situations which will cover several different aspects of ethical issues that arise in the practice of law. The questions will not be limited to the practice of any one specialty area, and consequently, an applicant is advised to be familiar with all provisions of the TDRPC.

SKILLS. Applicant must demonstrate the:

- 1. Ability to communicate effectively to a variety of audiences (e.g., communications addressed to clients, counsel, courts, administrative agencies, etc.)
- 2. Ability to develop and evaluate strategies for solving a problem or accomplishing an objective
- 3. Ability to analyze and apply legal rules and principles

4. Ability to analyze, sort and use facts, and to plan and direct factual investigations
5. Ability to organize and manage a legal task efficiently within time constraints
6. Ability to represent a client consistent with applicable ethical standards
7. Ability to invoke and utilize the procedures normally required in the area of specialty including pleadings and filings

Specifically, applicant must be able to:

8. Evaluate a case; develop pre-trial strategy and proposals for settlement
9. Draft pleadings; identify appropriate parties; identify causes of action and affirmative defenses
10. Conduct discovery
11. Draft pre-trial motions
12. Conduct voir dire
13. Examine and cross-examine lay and expert witnesses
14. Present, and object to, evidence
15. Use documentary evidence
16. Compose arguments
17. Preserve error
18. Draft trial motions and briefs
19. Draft jury instructions
20. Draft post-trial motions