

TEXAS BOARD OF LEGAL SPECIALIZATION

STANDARDS FOR ATTORNEY CERTIFICATION

PART II

SPECIFIC AREA REQUIREMENTS

These are specific requirements that apply the specialty area listed below. The specific requirements include the definitions, substantial involvement, reference, and other certification and recertification requirements for the specialty area. You will also need to refer to the Standards for Attorney Certification, Part I – General Requirements for requirements that apply to all specialty areas.

SECTION V

CIVIL TRIAL LAW

(Area ID: CT / Year Started: 1978)

A. DEFINITIONS.

1. ~~Civil trial law is the practice of law dealing with litigation of civil controversies in all areas of substantive law before state courts, and federal courts of record, 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.~~
2. A trial is a contested proceeding in a court of record within the judicial branch of government which involves the submission of testimonial evidence to a court or jury in support or defense of claims for relief submitted by the parties. A trial shall be deemed to have commenced upon the initial presentation of evidence to the court or jury. For purposes of this definition, a summary judgment proceeding or any other pre-trial proceeding does not constitute a trial.
3. Lead counsel in a jury case is the role in which an attorney takes primary responsibility for the representation of the client during trial and whose activities in trial shall at a minimum include: (i) conducting jury selection, (ii) making an opening statement or making a closing argument, and (iii) presenting significant testimony of live witnesses through direct or cross examination.

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:~~

~~(a1) During his or her practice, Applicant shall must have tried during his or her practice a minimum of 20 contested civil cases-trials in a court of record in Texas involving a sum of actual damages an amount in controversy in excess of \$25,000 or other significant non-monetary claims. Of this number of these cases tried, trials:~~

~~i. _____ at least seven (7) shall have been jury cases-trials conducted by applicant as lead counsel; and submitted to the trier of fact in a court of record in Texas; and~~

~~ii. _____ None 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.