

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 II

FAMILY LAW

(Area ID: FM / Year Started: 1975)

- 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.