

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 VIII
REAL ESTATE LAW

(Area ID: RC – Commercial Real Estate Law / Year Started: 1983)

(Area ID: RF – Farm and Ranch Real Estate Law / Year Started: 1983)

(Area ID: RR – Residential Real Estate Law / Year Started: 1983)

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 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 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 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 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 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 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.