

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 19-9115

**ORDER AMENDING TEXAS PLAN FOR RECOGNITION AND REGULATION OF
SPECIALIZATION IN THE LAW AND ADOPTING STANDARDS FOR ATTORNEY
CERTIFICATION IN LEGISLATIVE AND CAMPAIGN LAW**

ORDERED that:

1. Section XII of the Texas Plan for Recognition and Regulation of Specialization in the Law is amended as follows, effective immediately.
2. The Standards for Attorney Certification in Legislative and Campaign Law are adopted as follows, effective immediately.
3. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this order to each elected member of the Legislature; and
 - d. submit a copy of the order for publication in the *Texas Register*.

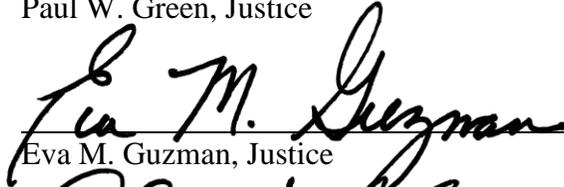
Dated: December 10, 2019.



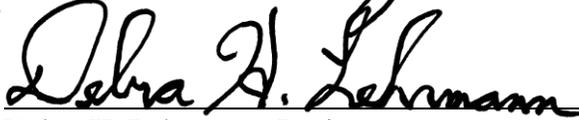
Nathan L. Hecht, Chief Justice



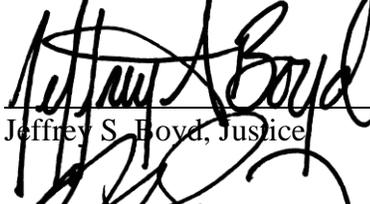
Paul W. Green, Justice



Eva M. Guzman, Justice



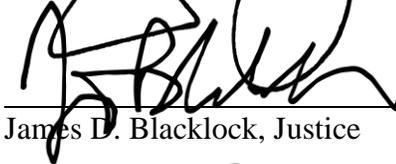
Debra H. Lehrmann, Justice



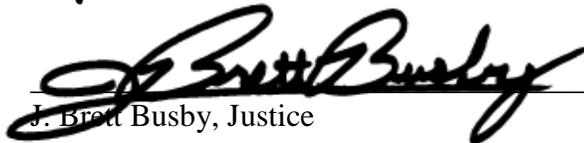
Jeffrey S. Boyd, Justice



John F. Devine, Justice



James D. Blacklock, Justice



J. Brett Busby, Justice



Jane N. Bland, Justice

**TEXAS PLAN FOR RECOGNITION AND REGULATION OF
SPECIALIZATION IN THE LAW**

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**SECTION XII
RETAINED JURISDICTION OF SUPREME COURT**

The jurisdiction of the TBLS shall be limited to ~~twenty~~ twenty-one areas of law: Criminal Law; Labor and Employment Law; Family Law; Estate Planning and Probate Law; Civil Trial Law; Personal Injury Trial Law; Immigration and Nationality Law; Real Estate Law; Tax Law; Bankruptcy Law; Oil, Gas and Mineral Law; Civil Appellate Law; Administrative Law; Consumer and Commercial Law; Juvenile Law; Health Law; Workers' Compensation Law; Criminal Appellate Law; Construction Law; ~~and~~ Child Welfare Law; and Legislative and Campaign Law; and to the development and operation of the program in the recognition and regulation of specialization in the law, provided, however, that the number and type of areas included in the program and the jurisdiction of the TBLS may be enlarged, altered, or terminated from time to time by the Supreme Court of Texas.

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TEXAS BOARD OF LEGAL SPECIALIZATION
STANDARDS FOR ATTORNEY CERTIFICATION

PART II
SPECIFIC AREA REQUIREMENTS

These are specific requirements that apply to 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 XXI
LEGISLATIVE AND CAMPAIGN LAW

(Area ID: LC / Year Started:)

- A. **DEFINITION.** Legislative and Campaign Law is the practice of law dealing with the functioning of legislative institutions, the funding and operations of campaigns for public office and on ballot measures, public integrity, the regulation and practice of professional advocacy, the funding and conduct of elections, the conduct of public officials, government transparency, appropriations, and related constitutional issues.
- B. **SUBSTANTIAL INVOLVEMENT.** To demonstrate substantial involvement and special competence in legislative and campaign law, applicant must meet the following minimum requirements.
1. **Certification.**
 - a. **Percentage of Practice Requirement.** Applicant must have devoted a minimum of 30% of his or her time practicing legislative and campaign law in Texas during each year of the three years immediately preceding application.
 - b. **Task Requirements.** Applicant must provide information as required by TBLS concerning specific tasks he or she has performed in practicing legislative and campaign law in Texas. In evaluating experience, TBLS may take into consideration the nature, complexity, and duration of the tasks handled by applicant. Applicant must provide a detailed explanation that clearly demonstrates sufficient involvement in a substantial portion of the activities in both of the following categories within the three years immediately preceding application.
 - (1) **Category 1: Functioning of Legislative Institutions and Professional Advocacy.** Involvement in this category includes the following activities:
 - (a) researching, preparing, or advising on legislative instruments, including bills, joint resolutions, resolutions to sue the state, amendments, and ordinances;

- (b) researching, preparing, or advising on matters of statutory intent;
- (c) advising on the law of legislative privileges and legislative immunity;
- (d) researching, preparing, developing, modifying, or advising on public sector budgets through the legislative process;
- (e) advising on achieving compliance with state, federal, or local lobby regulation laws;
- (f) advising on legislative practice and procedure;
- (g) legal challenges to any state, local, or federal law specifically related to legislative law;
- (h) advocacy on behalf of clients at the Texas Ethics Commission, Federal Election Commission, other local ethics commissions, or other similar agencies;
- (i) government enforcement actions, investigations, or prosecutions involving alleged violations of any state, local, or federal law specifically related to legislative law;
- (j) other litigation and executive and administrative opinion processes specifically related to legislative law;
- (k) advising on separation of powers and scope of delegated powers of each branch of government; and
- (l) publishing articles, presenting continuing legal education, or teaching at an institution of higher education on legislative or lobby law.

(2) **Category 2: Campaign Law.** Involvement in this category includes the following activities:

- (a) providing campaign finance advice for political candidates, political committees, political organizations, and public officials;
- (b) providing advice on federal or state laws or regulations governing campaign or political activities by corporations or nonprofit organizations;
- (c) legal challenges to any state, local, or federal law specifically related to campaign law;
- (d) election contests and/or recounts;
- (e) government enforcement actions, investigations, or prosecutions involving alleged violations of any state, local, or federal law specifically related to campaign law;
- (f) other litigation and executive and administrative opinion process specifically related to campaign law; and
- (g) publishing articles, presenting continuing legal education, or teaching at an institution of higher education on campaign finance or election law.

2. **Recertification.** Applicant must have devoted a minimum of 30% of his or her time practicing legislative and campaign law in Texas during each year of the five year period of certification unless applicant meets the exception in Part I–General Requirements, Section VI, C, 1(b).

- C. **REFERENCE REQUIREMENTS.** Applicant must submit a minimum of five names and addresses of persons to be contacted as references to attest to his or her competence in legislative and campaign law. These persons must be substantially involved in legislative and campaign law and be familiar with applicant's legislative and campaign law practice.
1. **Certification.** Applicant must submit names of persons with whom he or she has had dealings involving legislative and campaign law matters within the three years immediately preceding application.
 2. **Recertification.** Applicant must submit names of persons with whom he or she has had dealings involving legislative and campaign law matters since certification or the most recent recertification.
 3. **Reference Types.** At least three of the five persons must be Texas attorneys who are substantially involved in legislative and campaign law.