

Supreme Court of Texas

Misc. Docket No. 22-9088

Order Amending Texas Plan for Recognition and Regulation of Specialization in the Law and Adopting Standards for Attorney Certification in Insurance Law

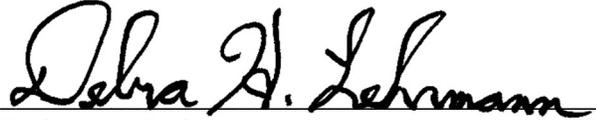
ORDERED that:

1. Section XII of the Texas Plan for Recognition and Regulation of Specialization in law is amended as follows, effective immediately.
2. The Standards for Attorney Certification in Insurance 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 this Order for publication in the *Texas Register*.

Dated: September 27, 2022.



Nathan L. Hecht, Chief Justice



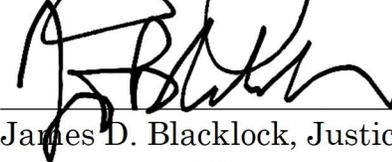
Debra H. Lehrmann, Justice



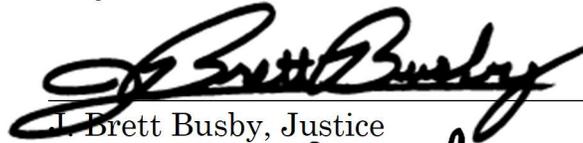
Jeffrey S. Boyd, Justice



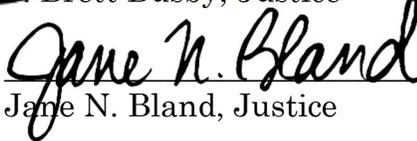
John P. Devine, Justice



James D. Blacklock, Justice



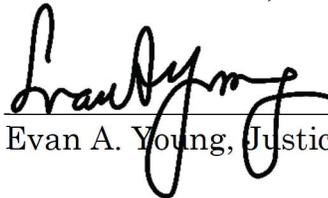
J. Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

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

**SECTION XII
RETAINED JURISDICTION OF SUPREME COURT**

The jurisdiction of the TBLS shall be limited to twenty-~~twethree~~ 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; Child Welfare Law; Legislative and Campaign Law; ~~and~~ Aviation Law; and Insurance 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.

**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 XXIII
INSURANCE LAW**

(Area ID: IL / Year Started: 2022)

- A. **DEFINITION.** Insurance law is the practice of law dealing with the determination and regulation of issues arising in respect to various policies of insurance, including commercial general liability (CGL); casualty; directors and officers liability; excess/umbrella; extra-contractual liability; employment practices; advertising injury; life, health, and disability; professional liability; environmental impairment liability; property; personal lines; title; marine; cyber; and reinsurance. Potential issues include coverage, regulatory, oversight, public policy, the sale of policies of insurance, what qualifies as an insurance indemnity agreement, and consumer protection. The practice can include dispute resolution, transactional work, counseling and advice, and regulatory work, among other areas.
- B. **SUBSTANTIAL INVOLVEMENT.** To demonstrate substantial involvement and special competence in Texas insurance law, Applicant must meet the following minimum requirements.
1. **Certification.**
 - a. **Percentage of Practice Requirement.** Applicant must have devoted a minimum of 30% of Applicant's time practicing Texas insurance law during each year of the three years immediately preceding application.
 - b. **Task Requirements.** Applicant must provide information as required by TBLS concerning specific tasks Applicant has

performed in practicing Texas insurance law. In evaluating experience, TBSL may take into consideration the nature, complexity, and duration of the tasks handled by applicant. Applicant must show that Applicant has engaged directly and substantially in a broad practice of Texas insurance law within the three years immediately preceding application. Applicant must show specific and substantial involvement in at least two of the areas below during each year of the three years immediately preceding application:

- (1) counseling clients regarding insurance law claims;
- (2) representing clients in the preparation, prosecution, and defense of insurance claims or insurance-related claims (e.g., broker licensing) in litigation, appellate, and alternative dispute resolution procedures;
- (3) negotiating, preparing, and applying policies, insurance programs, risk transfer provisions of contracts, and other documents related to insurance law;
- (4) counseling and representing clients regarding establishing, revising, or maintaining procedures, practices, forms, or programs to comply with insurance laws, including regulatory, administrative, and lobbying activities.

2. **Recertification.** Applicant must have devoted a minimum of 30% of Applicant's time practicing Texas insurance law 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 Applicant's competence in Texas insurance law. These persons must be substantially involved in Texas insurance law and be familiar with Applicant's insurance law practice.

1. **Certification.** Applicant must submit names of persons with whom Applicant has had dealings involving insurance law matters within the three years immediately preceding application.
2. **Recertification.** Applicant must submit names of persons with whom Applicant has had dealings involving insurance law matters since certification or the most recent recertification.

3. **Reference Types.** Applicant must submit 5 Texas attorneys who are substantially involved in Texas insurance law.