

STATE BAR OF TEXAS



TO: Board of Directors

FROM: Andrés E. Almanzán
Chair of the State Bar of Texas' Appeals-Grant Subcommittee

DATE: June 3, 2021

SUBJECT: *Appeals-Grant Review Subcommittee*

APPEAL FROM DECISION OF THE TEXAS BOARD OF LEGAL SPECIALIZATION

Appellant: Mr. Joe Maida IV

• **TBLS Decision:** Place Criminal Law Certification on Inactive Status

• **Summary:**

The Subcommittee met by videoconference on Thursday, May 6, 2021, to consider the appeal of Mr. Maida concerning the decision by the Texas Board of Legal Specialization (TBLS) to place his certification on inactive status. Mr. Maida appeared by videoconference. Mr. Leo Figueroa, Executive Director of TBLS, appeared by videoconference on behalf of TBLS.

TBLS placed Mr. Maida on inactive status, finding that he did not meet the recertification requirements for the specialty area. The Specific Area Requirements for Criminal Law require that an applicant for recertification must have devoted a minimum of 25% of his or her time practicing criminal law in Texas during each of the five-year period of certification, with limited exceptions related to judicial service that are not applicable here. The record showed that TBLS considered the information provided by Mr. Maida and determined that he did not devote a minimum of 25% of his time practicing criminal law in Texas for two consecutive years (2019 and 2020).

During the May 6, 2021, Subcommittee meeting, Mr. Maida raised issues related to whether certain activities can be counted toward the 25% threshold for criminal law practice in Texas for the period at issue.

The Subcommittee, in their deliberation, applied the requisite substantial evidence standard and voted to uphold the decision of the TBLS.

• **Subcommittee Recommendation:**

That the decision of the Texas Board of Legal Specialization to place Mr. Maida's certification in Criminal Law on inactive status be upheld.