

STATE BAR OF TEXAS



TO: Board of Directors

FROM: Amie Peace
Chair of the State Bar of Texas' Appeals-Grant Subcommittee

DATE: September 20, 2019

SUBJECT: *Appeals-Grant Review Subcommittee*

APPEAL FROM DECISION OF THE TEXAS BOARD OF LEGAL SPECIALIZATION

Appellant: Mr. Justin Pfeiffer

• **TBLS Decision:** Denial of Board Certification in Civil Appellate Law

• **Summary:**

The Subcommittee met by teleconference on Wednesday, September 4, 2019 to consider the appeal of Mr. Pfeiffer concerning the denial by the Texas Board of Legal Specialization (TBLS) of his application for certification in Civil Appellate Law. Mr. Pfeiffer appeared by telephone. Mr. Leo Figueroa, Executive Director of TBLS, appeared by telephone on behalf of TBLS.

TBLS denied Mr. Pfeiffer's application, finding that Mr. Pfeiffer did not meet the Specific Area Requirements for Civil Appellate Law Certification. In lieu of meeting the specific task requirements for Civil Appellate Law, Mr. Pfeiffer applied under the "unusual or exception experience" exception. The record showed that TBLS considered the nature, complexity, and duration of the cases handled by Mr. Pfeiffer as well as considering his experience as a law clerk and staff attorney. TBLS concluded that Mr. Pfeiffer's experience explanation did not make up for the lack of meeting the requisite number of specific tasks required by the TBLS standards.

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

• **Subcommittee Recommendation:**

That the decision of the Texas Board of Legal Specialization denying Mr. Pfeiffer's application for certification in Civil Appellate Law be upheld.