

JUVENILE LAW EXAM SPECIFICATIONS

Standardized Ethics Section

TBLS has determined that knowledge of the Texas Disciplinary Rules of Professional Conduct (TDRPC) should be an integral part of the examination for all specialty areas. Because of the importance of this subject and to provide consistent coverage across all specialty areas, the TBLS has prepared 20 ethics questions, which will be given as a new section of all specialization exams.

The ethics questions will involve an array of hypothetical fact situations, which will cover several different aspects of ethical issues that arise in the practice of law. The questions **will not** be limited to the practice of any one specialty area and consequently you are advised to be familiar with all provisions of the TDRPC.

General Information

The 2002 Attorney Exam is Monday, October 7, in Austin, at the Frank C. Erwin, Jr. Special Events Center. TBLS offers two options for taking the exam. Examinees may choose either to take a written exam, or to take the exam **using their personal laptop computer**. The written exam fee is \$250, and the computer exam fee is \$300. Specific details concerning exam day schedule, registration information, and payment instructions are mailed to approved candidates for certification in late August.

Description/Format

TBLS attorney exams are 6 hours in length, consisting of a three hour Part I (morning session) and three hour Part II (afternoon session). Part I is three essay questions, and Part II is approximately 100 objective questions. Part I is worth 300 points and Part II is worth 200 points. Maximum possible Score is 500.

Scoring/Results

TBLS has not predetermined the passing score. They are established by using a variation of the bell curve, which measures an examinee's performance in relation to other examinees' performance. The TBLS overall pass rate for attorney certification is approximately 70%, although it varies among the different specialty areas. Exam results are mailed in late December. Due to the confidentiality of our applicants, exam results are not available over the phone or on the web site. Once a successful examinee completes a final affidavit concluding the application process, the newly Board Certified attorney will receive a Certificate of Special Competence.

Study Materials

There are no specific exam preparatory courses provided by TBLS, and past years' exams are not available.

The following Statement of Knowledge, Skills and Abilities is applicable to all specialties, and the Juvenile Law Subject Matter Outline provides the specific topics covered on the exam.

It is the goal of the Texas Board of Legal Specialization, in administering the written certification examinations, to ensure that candidates for certification in all specialty areas must, as a general matter, demonstrate special competence in the following skills and areas of knowledge.

Knowledge

- Specific identification and general application of statutes, regulations and other authorities that pertain to the practice in the candidate's specialty;
- Identification and definition of the jurisdiction and authority of the courts, administrative agencies and adjudicative bodies that take cognizance over regulations and laws that pertain in the candidate's specialty;
- Familiarity with the rules of the courts and administrative agencies before which the candidate practices his/her specialty;
- Identification and articulation of the holdings of the leading cases in the area of the specialty;
- Identification and articulation of the trends in the law, based on recent and current legislation, case law and legal scholarship.

Skills

- Ability to communicate effectively to a variety of audiences (e.g., communications addressed to clients, counsel, courts, administrative agencies, etc.);
- Ability to develop and evaluate strategies for solving a problem or accomplishing an objective;
- Ability to analyze and apply legal rules and principles;
- Ability to analyze, sort and use facts and to plan and direct factual investigations;
- Ability to organize and manage a legal task efficiently and within time constraints;
- Ability to represent a client consistent with applicable ethical standards;
- Ability to invoke and utilize the procedures normally required in the area of specialty, including pleadings and filings.

PART I: JUVENILE LAW SUBJECT MATTER OUTLINE

The examination is 6 hours in length and consists of a 3-hour Part I and a 3-hour Part II.

Part I consists of three comprehensive essay questions. The examinee is required to respond to **ALL** essay questions. For each of the topics listed below and those identified in **Part II**, candidates will be expected to demonstrate special competence and knowledge of pre-trial processes, adjudications, disposition options and hearings, and post-adjudicative procedures in juvenile court concerning the constitutional rights, defenses, privileges and protections afforded a juvenile offender. Not all subjects will be covered on a given exam.

I. Age Limits in the Juvenile Justice System

- A. Age 18: The Maximum Age of Court Control
- B. Age 21: The Maximum Age of TYC Control
- C. Age 17: The Maximum Age for Offenses
- D. Ages 14 and 15: The Minimum Ages for Transfer
- E. Age 10: The Minimum Juvenile Court Age
- F. Age 7: The Minimum Age for STAR Program
- G. Proof of Age in Juvenile Proceedings

II. Criminal Violations, Delinquent Conduct and Conduct Indicating a Need for Supervision

- A. Criminal Violations by Children
- B. Delinquent Conduct
- C. Conduct Indicating a Need for Supervision

- III. Juvenile Arrests, Searches, First Offender Programs, and Authorized Dispositions**
 - A. Arrests and Investigatory Stops
 - B. Searches
 - C. Informal Disposition and First Offender Programs
 - D. Authorized Permanent Dispositions, Juvenile Processing Offices, Places of Nonsecure Custody and Juvenile Curfew Processing Offices

- IV. Juvenile Confessions and Waivers of Rights**
 - A. Waivers under Section 51.09
 - B. Confessions under Section 51.095
 - C. Restrictions on Polygraphing Juveniles

- V. Juvenile Detention**
 - A. Police Detention
 - B. Detention Hearing: Scheduling and Notice
 - C. Detention Hearing: Procedures
 - D. Detention Hearing: Probable Cause
 - E. Detention and Release Criteria
 - F. Conditions of Release
 - G. Detention Orders and Their Review
 - H. Restrictions on Detention of Status Offenders
 - I. Juvenile Court Designation of Places of Detention and Police Custody
 - J. Certifying Places of Detention

- VI. Pre-Trial Proceedings in Juvenile Court**
 - A. Notice of Hearings
 - B. Time for Counsel to Prepare
 - C. Time Requirements for Setting Hearings
 - D. Right to a Speedy Trial
 - E. Discovery in Juvenile Cases

- VII. Right to Counsel and Guardian Ad Litem**
 - A. The Constitutional Requirement of Counsel
 - B. Family Code Right to Counsel
 - C. Waiver of Counsel under the Family Code
 - D. Notice of Right to Counsel
 - E. Guardian Ad Litem

- VIII. Petition, Summons and Service**
 - A. Requirements of the Petition
 - B. Requirements of the Summons
 - C. Service of the Petition and Summons

- IX. Certification as an Adult**
 - A. Eligibility to Be Transferred
 - B. The Required Study, Evaluation and Investigation
 - C. The Transfer Hearing
 - D. Transfer Findings and Order
 - E. Transferring Fewer Than All Offenses Alleged
 - F. Mandatory Transfer

- G. Post-Transfer Proceedings

- X. The Adjudication Hearing**
 - A. The Requirement of an Adjudication Hearing
 - B. The Judicial Admonitions Required
 - C. Trial by Jury
 - D. Proof of Delinquency or CINS

- XI. Dispositional Powers and Procedures**
 - A. The Social History Report
 - B. The Requirement of a Need for Disposition
 - C. Findings Required for Placement or TYC Commitment
 - D. Dispositional Powers
 - E. Specific Statement of Reasons
 - F. Progressive Sanctions Guidelines

- XII. Modification of Dispositions**
 - A. Petition and Notice Requirements
 - B. Proving a Probation Violation
 - C. TYC Commitments as Modifications
 - D. The Modification Hearing
 - E. Statement of Reasons

- XIII. Mental Illness or Retardation Proceedings**
 - A. The Initial Evaluation
 - B. Proceedings in Mental Illness Cases
 - C. Proceedings in Fitness to Proceed Cases
 - D. Proceedings in Lack of Responsibility for Conduct Cases
 - E. Mentally Ill and Retarded Children in the Texas Youth Commission

- XIV. Determinate Sentencing Proceedings for the Violent or Habitual Offender**
 - A. Initiating Proceedings
 - B. Adjudication Proceedings
 - C. Special Disposition Hearing
 - D. Probation
 - E. Parole, Discharge and Transfer for Offenses Committed before January 1, 1996
 - F. Parole, Discharge and Transfer for Offenses Committed on or after January 1, 1996
 - G. After Transfer to the Department of Criminal Justice
 - H. Determinate Sentencing, Discretionary Transfers and Ordinary Delinquency Proceedings

- XV. Access to and Confidentiality of Juvenile Records and Proceedings**
 - A. Use of Juvenile Record in Other Proceedings
 - B. Confidentiality of Juvenile Court Proceedings
 - C. Records Not Part of the Juvenile Justice Information System
 - D. Fingerprints and Photographs
 - E. Statewide Juvenile Justice Information System
 - F. Gang Records
 - G. Sex Offender Registration Records
 - H. DNA Records

- I. Distribution and Sealing of Files and Records
- J. Communicating Information to Schools

PART II:

JUVENILE LAW SUBJECT MATTER OUTLINE ON ETHICS, EVIDENCE, APPEALS, CIVIL PROCEDURE, CRIMINAL PROCEDURE, AND ADJUDICATION OF JUVENILES IN MUNICIPAL OR JUSTICE COURT

In addition to the subjects covered in **Part I**, the following subjects may also be covered in **Part II** of the exam. The Part II is 3-hours and consists of 100 multiple-choice questions. All questions in Part II should be answered. Not all subjects will be covered on a given exam.

Juvenile Law and procedure in Texas is a combination of civil and criminal laws and rules. The foundation of juvenile justice in Texas is Title 3 of the Texas Family Code-sometimes referred to as the Juvenile Justice Code. The Juvenile Justice Code, unlike the Penal Code and Code of Criminal Procedure, is not and does not purport to be a complete statement of rules for handling a juvenile case. Hence, candidates will be expected to demonstrate special competence and knowledge of the rules of civil and criminal procedure as they relate to juvenile justice proceedings as well as demonstrate knowledge and competence pertaining to the rules of evidence as they relate to juvenile justice proceedings.

I. Ethics

- A. Texas Disciplinary Rules of Professional Conduct
- B. Texas Lawyer's Creed
- C. Special Obligations in a Juvenile Case

II. Appeals

- A. Direct Appeals
- B. Collateral Appeals

III. Criminal Procedure

- A. Statutory Basis for the Laws of Arrest
- B. Depositions and Discovery in Criminal Cases
- C. Sex Offender Registration

IV. Adjudication of Juveniles in Municipal or Justice Court

- A. Taking into Custody
- B. Jurisdiction of Municipal or Justice Court in Juvenile Cases
- C. Chapter 45 Code Criminal Procedure Processes
- D. Dispositional Powers and Procedures
- E. Court Records and Expunction
- F. Truancy and Failure to Attend Violations
- G. Alcohol and Tobacco Violations