

RULES  
OF THE  
SUPREME COURT  
OF TEXAS

Governing the Examination for Admission to the Bar  
and the Course of Study for the Examination;  
Exemptions from the Examination; and  
the Licensing of Attorneys from  
Other Jurisdictions.

Prescribed Under the Act of the Thirty-sixth  
Legislature, General Laws of 1919.

Pursuant to the Act of the Thirty-sixth Legislature, the following rules are hereby prescribed by the Supreme Court for the government of the examination of applicants for admission to the Bar and the course of study for the examination; exemptions from the examination; and the licensing for the practice of law in Texas of attorneys from other jurisdictions.

## I.

### TIME AND PLACE FOR EXAMINATION.

The examinations shall be held at Austin, except in the instance otherwise provided for by the Act.

Three regular examinations shall be held each year, opening respectively on the fourth Monday in January, May and October.

In addition to the regular examinations, special examinations may be held at the discretion of the board of examiners at such times as it may direct.

## II.

### ELIGIBILITY FOR THE EXAMINATION.

To be eligible for the examination the applicant shall be a resident of this State, at least twenty-one years of age, of good moral character and honorable reputation, and possessed of such general capacity and educational qualifications as in the opinion of the board of examiners render him competent for the practice of law. In respect to educational qualifications, no rigid test is intended to be prescribed. But as a fair general education is necessary for the performance of the duties of an attorney, the attainments of the applicant in this regard should, in a reasonable measure, correspond to the extent of legal education required under these rules.

As required by the Act, the applicant shall have given at least two years previous study to the legal subjects prescribed in Rule III or in a substantially equivalent course.

The applicant shall present to the board of examiners a certificate from three practicing attorneys of the county of his residence, attesting his honorable character and standing, and recommending him for the examination. In addition to such certificate, the board may adopt any other means within its discretion for the purpose of satisfying itself as to the applicant's character. It shall have the authority to reject any applicant who in its opinion, after fair investigation, is lacking in character or general capacity and educational qualifications.

III.

SUBJECTS FOR THE EXAMINATION AND COURSE  
OF STUDY.

The legal subjects named as titles of the following subdivisions in this rule shall constitute the subjects for the examination. The course of study shall be as outlined for the respective subjects, or shall fairly correspond to it.

I.

THE COMMON LAW.

Blackstone's Commentaries, Vols. 1, 2, and 3.

II.

AMERICAN LAW.

Kent's Commentaries.

III.

AGENCY.

Story or Mechem.

IV.

BAILMENTS.

Schouler.

V.

CARRIERS.

1. Hutchinson;
2. Revised Statutes, Title 20, "Carriers."

VI.

CONSTITUTIONAL LAW.

1. Constitution of the United States;
2. Constitution of Texas;
3. The Federalist;
4. Tucker's Constitution of the United States;
5. Cooley's Constitutional Limitations.

VII.

CONTRACTS.

Parsons or Anson.

VIII.

CORPORATIONS.

1. Cook or Clark & Marshall;
2. Revised Statutes, Title 25, "Corporations—Private."

IX.

CRIMINAL LAW AND PROCEDURE.

1. Bishop's Criminal Law;
2. Texas Penal Code;
3. Texas Code of Criminal Procedure;
4. Branch's Criminal Law of Texas.

X.

DOMESTIC RELATIONS.

1. Kent's Commentaries, Lectures xxvi, xxvii, xxviii, xxix, xxx, xxxi, and xxxii.
2. Revised Statutes, Title 68, "Husband and Wife;"
3. Revised Statutes, Title 64, "Guardian and Ward."

XI.

ESTATES OF DECEDENTS.

1. Revised Statutes, Title 52, "Estates of Decedents;"
2. Revised Statutes, Title 45, "Descent and Distribution;"
3. Simkins' Administration of Estates of Decedents.

XII.

EQUITY JURISPRUDENCE.

1. Pomeroy or Story;
2. Bigelow on Estoppel;
3. Bigelow on Fraud;
4. Revised Statutes, Title 69, "Injunctions."

XIII.

LEGAL ETHICS.

Sharswood.

XIV.

EVIDENCE.

1. Greenleaf.
2. Wharton's Criminal Evidence;
3. Revised Statutes, Title 53, "Evidence," with Rules and Notes in Vernon's Sayles Civil Statutes, Title 53.

XV.

FEDERAL PROCEDURE.

1. Foster's Federal Practice;
2. Simkins' "A Suit in Equity in the Federal Courts."

XVI.

NEGOTIABLE INSTRUMENTS.

1. Daniel or Story;
2. Revised Statutes, Title 16, "Bills, Notes and Other Written Instruments;"
3. Revised Statutes, Title 109, "Principal and Surety;"
4. Uniform Negotiable Instruments Act of Thirty-sixth Legislature (Chapter 123, Laws of 1919).

XVII.

PARTNERSHIP.

Lindley or Mechem.

XVIII.

PLEADING AND PRACTICE.

1. Townes' Pleading;
2. Story's Equity Pleading;
3. Revised Statutes, Title 11, "Attachment and Garnishment;"
4. Revised Statutes, Title 122, "Sequestration;"
5. Revised Statutes, Title 128, "Trespass to Try Title;"
6. Revised Statutes, Title 129, "Trial of Right of Property;"
7. Revised Statutes, Titles 31, 32, 33, "Courts—Supreme, of Criminal Appeals, and of Civil Appeals;"
8. Revised Statutes, Titles 34 and 35, "Courts—District and County."
9. Revised Statutes, Title 37—"Courts—District and County, Practice In;"
10. Revised Statutes, Title 41, "Courts—Justices;"
11. Rules of the Supreme Court for the government of the several courts.

XIX.

REAL PROPERTY.

1. Tiedman or Tiffany;
2. Revised Statutes, Title 24, "Conveyances;"
3. Revised Statutes, Title 80, "Landlord and Tenant."

XX.

SALES.

Benjamin or Tiffany.

XXI.

STATUTORY LAW.

1. Lewis' Sutherland on Statutory Construction;
2. Revised Statutes, Title 81, "Laws;"
3. Final Title, "General Provisions."

XXII.

TORTS.

1. Cooley;
2. Revised Statutes, Title 70, "Injuries Resulting in Death;"
3. Revised Statutes, Title 115, Chapter 14, "Railroads;"
4. Workmen's Compensation Act (Act of 1913 as amended by the Act of 1917, Chapter 103, General Laws of 1917).

XXIII.

WILLS.

1. Schouler or Underhill;
2. Revised Statutes, Title 135, "Wills."

In pursuing the course of study the applicant will not be required to read any particular book. An equivalent of the book suggested will be sufficient.

The works named in the course are standard authorities and their use is recommended.

The references to the statutes are those in the Revision of 1911, with such amendments of a few of the titles as have since been enacted.

IV.

MANNER OF EXAMINATION AND REQUIRED GRADES.

The examinations shall be conducted in writing upon questions and answers, and the answers shall be graded. To successfully pass the examination the applicant shall make a grade of at least sixty-five (65) per cent upon each of the subjects prescribed in Rule III.

Applicants who served as long as six months in the army or navy of the United States in the late

war with Germany, and at the time of entering such service were undergraduate students in the Law School of the University of Texas or the law school of any of the universities named in Rule VI and who, at that time, had, according to the requirements of such law school, successfully completed their courses in any of the subjects prescribed in Rule III, upon furnishing a certificate to that effect from the head of such law school, shall be credited in the examination with a passing grade in those subjects.

V.

FEEES FOR THE EXAMINATION AND THEIR DISPOSITION.

Each applicant before entering upon the examination shall pay to the clerk of the Supreme Court a fee of Fifteen (\$15.00) Dollars. The amounts thus derived shall be paid over to the board of examiners by the clerk during the examination; and shall be used by it to defray the incidental expenses of the examinations and of its members in attending and conducting them, the residue to be paid its members by way of compensation for their services.

The disbursement of the fund for these purposes shall be according to such regulations as the board may adopt.

VI.

EXEMPTION FROM THE EXAMINATION.

Graduates of the law schools of the following universities, namely,

University of Texas,  
University of Virginia,  
Washington and Lee University,  
Harvard University,  
Yale University,  
Columbia University, New York,  
University of Chicago,  
University of Michigan,  
George Washington University, Washington, D. C.,

who shall, within two years from the date of their graduation, make application for license to the board of examiners, and present to the board, when and as it may require, proper evidence of their graduation,

and who shall be approved by the board as of good moral character, shall be entitled to license without examination.

As to such graduates who served in the army or navy of the United States in the late war with Germany, the time of such service shall be excluded from the period within which their applications are made.

Applicants under this rule, if residents of Texas, shall present to the board of examiners a certificate as to their good moral character from three practicing attorneys of the county of their residence. Those not originally residents of this State, but immigrating here from other States, shall present to the board such evidence as to their good moral character as the board may require. The board may adopt any means within its discretion for the purpose of satisfying itself as to the character of an applicant under this rule, and shall have the authority to reject any applicant who in its opinion is lacking in character.

The law schools named in this rule are not intended as a complete designation for the purposes of the rule. It shall be the duty of the board of examiners to investigate the merits of other law schools in the United States, and recommend to the Supreme Court such as in the opinion of the board should be also included in the designation.

## VII.

### LICENSING OF ATTORNEYS FROM OTHER JURISDICTIONS.

Any attorney at law immigrating to this State from another State in the United States who has been duly licensed by the Supreme Court of such State and has been actively engaged in the practice of law for five years preceding the date of his removal to this State, upon being approved by the board of examiners as possessed of such honorable character, capacity, and general qualifications as in its opinion render him worthy of admission to the bar of this State, shall be entitled to license without examination.

Any attorney at law immigrating to this State from another State in the United States who is a graduate of the law school of any of the universities designated in Rule VI, and otherwise fulfills the requirements of that rule; or who is such a graduate and has been actively engaged in the practice of law in the State of

his former residence since the time of his graduation, and who shall be approved by the board of examiners as of good moral character and honorable reputation, shall likewise be entitled to license without examination.

The board of examiners may adopt any means within its discretion for the purpose of satisfying itself that applicants under this rule meet its requirements. It shall have the authority to reject any such applicant deemed by it unworthy of admission to the bar of this State.

Applicants under this rule shall, at the time of presenting their applications to the board of examiners, pay to the clerk of the Supreme Court a fee of Ten Dollars (\$10.00). The amounts thus derived shall be paid over to the board by the clerk, quarterly, and shall be applied as provided in Rule V.

## VIII.

### GENERAL PROVISIONS.

Candidates for the examination shall give to the board of examiners notice of their intention to appear for the examination, addressed to the board at Austin, at least ten days before the date of the examination.

The names of applicants approved by the board of examiners as entitled to license, shall, upon such approval, be certified by the board to the clerk of the Supreme Court, who will thereupon issue the license as provided by the Act.

The board of examiners shall have authority to select such officers from its own members as it may determine and assign their duties, and to formulate the procedure of the board.

Given under our hands at Austin, this October 6th, 1919.

NELSON PHILLIPS,  
Chief Justice.

WILLIAM E. HAWKINS,  
THOS. B. GREENWOOD,

Associate Justices of the Supreme Court.

A true copy.

Attest:

F. T. CONNERLY, Clerk.

State of Texas  
County of Travis

I, Geo. H. Temple, Clerk of the Supreme Court of Texas, certify that the within and foregoing printed booklet is a true and correct copy of the rules of the Supreme Court governing examination to the Bar and the course of study for examination that were in force and effect for the State Bar examination held in February 1951.

Witness my hand and the Seal of the Supreme Court of Texas, this the 24th day of September, 1951.

*Geo. H. Temple*  
Clerk, Supreme Court, Texas