

CIVIL STATUTES OF TEXAS

AND

RULES

OF THE

SUPREME COURT
OF TEXAS

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Governing the Examination for Admission to
the Bar and the Course of Study for the
Examination; Exemptions from the
Examination; the Licensing of At-
torneys from Other Jurisdictions
and Admission of Attorneys
Generally

Effective July 1, 1936

Amended February 1, 1937

Amended January 22, 1940

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STATUTES RELATIVE TO ADMISSION
TO THE BAR

Title 14, Revised Statutes 1925

Article 304. Board of Examiners. — The Board of Law Examiners shall consist of five lawyers having the qualifications required of members of the Supreme Court. They shall be biennially appointed by the Supreme Court and shall each hold office for two years and be subject to removal by the Supreme Court for incompetency or inattention to duty.

Art. 305. Duties of Board.—Such Board, acting under instructions of the Supreme Court as hereinafter provided, shall pass upon the eligibility of all candidates for examination for license to practice law within this State, and examine such of these as may show themselves eligible therefor, as to their qualifications to practice law. Such Board shall not recommend any person for license to practice law unless such person shall show to the Board, in the manner to be prescribed by the Supreme Court, that he is of such moral character and of such capacity and attainment that it would be proper for him to be licensed.

Art. 306. Authority of Supreme Court.—The Supreme Court is hereby authorized to make such rules as in its judgment may be proper to govern eligibility for such examination and the manner of conducting the same, covering, among other points, proper guarantee to insure:

1. Good moral character on the part of each candidate for license.
2. Adequate pre-legal study and attainment.
3. Adequate study of the law for at least two years, covering the course of study prescribed by the Supreme Court, or the equivalent of such course.
4. The legal topics to be covered by such study and by the examination given.
5. The time and place for holding the examinations, the manner of conducting same and the grades to be made by the candidates to entitle them to be licensed.

Whenever as many as five applicants shall request the Board to conduct an examination

in any particular town or city convenient to their place of residence, the examination of such applicants shall be conducted at such town or city at some suitable time, to be determined by the Board.

6. Any other such matters as shall be desirable in order to make the issuance of a license to practice law evidence of good character, and fair capacity and real attainment and proficiency in the knowledge of law.

No license to practice law in this State shall be issued by any court or authority, except by the Supreme Court of this State, under the provisions of this title.

Art. 307. Repealed.

Art. 308. Foreign Attorneys. — The Supreme Court shall make such rules and regulations as to admitting attorneys from other jurisdictions to practice law in this State as it shall deem proper and just. All such attorneys shall be required to furnish satisfactory proof as to good moral character.

Art. 309. Oath of Attorney.—Every person admitted to practice law shall, before receiving license, take an oath that he will support the Constitution of the United States and of this State: that he will honestly demean him-

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self in the practice of law, and will discharge his duty to his client to the best of his ability; which oath shall be indorsed upon his license, subscribed by him and attested by the officer administering the same.

Art. 310. Fees.—The fee for any examination given by the Board shall be fixed by the Supreme Court, not to exceed twenty dollars for each candidate, which shall be paid to the Clerk of said Court at the time the application for examination is made. The money thus obtained shall be used to pay all legitimate expenses incurred in holding the examination; and as compensation to the members of the Board, under such regulations as shall be agreed upon by the Board, or determined by the Supreme Court.

Art. 311. Convicts barred. — No Person convicted of a felony shall receive license as an attorney at law; or, if licensed, any court of record in which such person may practice shall, on proof of a conviction of any felony, revoke his license and strike his name from the roll of attorneys.

Art. 3923. The Clerk of the Supreme Court shall receive the following fees:

Issuing attorney's license, \$1.00.

RULES

Pursuant to Title 14, Revised Civil Statutes of Texas, 1925, as amended, the following rules are prescribed by the Supreme Court for the admission of applicants to the bar of Texas. All former rules are hereby repealed; provided, however, that as to those who have heretofore applied for license, or who have heretofore entered approved law schools, or who have previously filed written declarations of intentions to study law with the Clerk of the Supreme Court of Texas, the rules heretofore promulgated shall continue to apply except as to 6 months apprenticeship, provided such applicants shall begin taking examinations within 27 months from July 1, 1936, and shall complete the same within one year after such beginning. Provided further that since Art. 307, R. C. S., 1925, has been repealed effective July 1st, 1937, if any part of these rules conflicts with such article the statute shall obtain until the effective date of its repeal. Provided, further, that any applicant who applies for license to practice law in this State between now (October 19, 1936) and July 1, 1937, as

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exempt from examination as a graduate of an approved law school, other than a law school approved by the American Bar Association, shall himself furnish with his application such proof as the Board may see fit to require, showing that such applicant has complied with Sections 1 and 2 of Article 307, R. C. S. of Texas, 1925. In this regard is meant that the Board may require that the applicant not only present his diploma but that he further furnish proof, satisfactory to the Board, that:

(1) Such applicant has complied with "Admission requirements of law equivalent to successful completion of the four years' high school course."

(2) Such applicant has completed "A law curriculum extending over at least three scholastic years with not less than ten hours' classroom work in law a week for each of the three classes respectively."

(As amended October 19, 1936.)

I.

TIME AND PLACE FOR EXAMINATIONS

The examinations shall be held in the City of Austin, Travis County, Texas, except in the instances otherwise provided by Article 306, Subdivision 5, Revised Civil Statutes of Texas, 1925.

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

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

II.

ELIGIBILITY FOR THE EXAMINATIONS

To be eligible for the examinations, the applicant shall be a bona fide citizen of this State, and of the United States, and shall have resided in this State continuously for not less than one year next preceding the date on which he begins his first examination, except as is provided in Rule X as to non-resident attorneys residing within five miles of the Texas Border, and of the United States, at least twenty-one years of age, of good moral character and honorable deportment, and shall possess the educational attainments set out in the following rules.

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A person who has had his disabilities removed will not be permitted to take the examination until he reaches twenty-one years of age, but if the applicant shall become twenty-one years of age at any time during the first examination period, he will have satisfied the requirements of this rule.

III.

DECLARATION OF INTENTION TO STUDY LAW

Every person, other than an attorney from another jurisdiction, intending to apply for admission to the bar of this State, shall at the time of beginning his study of the law, or within thirty days thereafter, file with the Secretary of the Board of Legal Examiners, at Austin, Texas, a declaration of his intention to begin the study of law; provided no such declaration need be filed in the case of any person who has graduated from a law school that is on the list of approved law schools of the Council on Legal Education and Admission to the Bar of the American Bar Association.

The above declaration shall be made on a form to be prescribed by the Board of Legal Examiners, and shall show the full name, the age, the temporary and permanent address, the occupation, and the educational qualifications of the declarant. It shall also show what law school declarant has entered or proposes to enter, as a student. If declarant proposes to study law in the office of an attorney or a law firm, or in a law school that is not on the approved list of the American Bar Association, then such declaration shall show the name and address of the attorney or law firm or school, and shall be accompanied by a certified declaration of the local bar organization, or if no such organization exists in the county, then by a declaration of the district judge for the judicial district in which the county is located, certifying the said attorney, firm of attorneys, or professors of said law school, to be a fit person, or persons, morally, intellectually, and by reason of legal attainments, to guide and instruct the declarant in the pursuit of his legal studies.

In case the local bar organization, or the district judge, as the case may be, shall fail or refuse to function in regard thereto, the Board of Legal Examiners, on petition of the declarant, shall have the power to conduct its own investigation, and may in such instance permit the declaration of intention to be filed without the certificate of such local bar or-

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ganization or district judge, if in its opinion such should be done.

The Secretary of the Board of Legal Examiners shall keep a record of all such declarations, but shall not register anyone who does not at the time of the tendering thereof have the educational qualifications prescribed under Rule IV hereof. In case the declarant shall fail to appear and take the bar examinations within a period of five years after filing his declaration, he shall forfeit his right to proceed thereunder, but shall be allowed to file a second declaration and proceed thereunder as in the first instance; provided, however, that for good cause shown for his delay, the Board of Legal Examiners shall waive this requirement, and permit him to proceed under his original declaration.

IV.

EDUCATIONAL QUALIFICATIONS OF APPLICANTS

Every person filing the declaration of intention to study law provided for in Rule III shall at the time of filing such declaration submit proof that he has the requisite educational qualifications for beginning the study of law, which shall be as follows: If the declaration be filed

1. On or before July 1, 1937, graduation from a recognized high school, or the equivalent of a high-school education;
2. Between July 1, 1937, and July 1, 1938, thirty semester hours of work in a recognized college, or educational attainments equivalent thereto.
3. After July 1, 1938, sixty semester hours of work in a recognized college, or educational attainments equivalent thereto.

A recognized high school within the meaning of this rule is one whose graduates are admitted without conditions to the Freshman Class of the University of Texas.

A recognized college within the meaning of this rule is any college whose work is accepted for credit towards a Bachelor's Degree in the University of Texas.

Proof of the educational attainments required of the declarant who shall file his declaration on or before July 1, 1937, may be made by

filing along with his declaration of intention to study law any one of the following, to-wit:

1. High-school diploma;
2. State teacher's certificate, corresponding to high-school education;
3. Certificate of passing the college entrance examination of the University of Texas, or any other college with like entrance requirements;
4. Certificate of passing the high-school examinations for college entrance under the State Department of Education.

Proof required after July 1, 1937, that the declarant has completed the required amount of college work shall be shown by filing along with the declaration of intention to study law an official transcript of his record from the college, or colleges, in which the work was completed; or, in lieu thereof, a certificate from such a college signed by the registrar, and bearing the official seal, showing that the declarant has taken and passed the advanced standing examinations equivalent to thirty semester hours of work, or sixty semester hours of work, as the case may require.

V.

TIME FOR STUDY

After filing his declaration of intention to study law, the declarant shall, before he is eligible to take the examination, study law for a period of not less than twenty-seven months, in accordance with and under the circumstances set forth in his declaration, and in conformity with these rules. The Board of Legal Examiners shall require such evidence as to compliance with this requirement as satisfies their minds; provided, a diploma from a law school on the approved list of the American Bar Association shall be full and complete proof of such twenty-seven months' study.

VI.

SUBJECTS FOR 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, and the course of study shall be followed and the books named studied by the student.

1. Elementary Law.
Morgan, Introduction to the Study of Law (1926).

2. **Common Law.**
Introduction in Vol. 1, and the first twenty-three chapters of Book II, Blackstone's Commentaries on the Laws of England.
Bowman, Introduction to the Common Law.
3. **Agency.**
Tiffany, Principal and Agent, 2nd ed. (1924).
Powell, Cases on Agency.
4. **Bailments and Carriers.**
Dobie, Bailments and Carriers (1914).
Dobie, Cases on Bailments and Carriers.
Revised Statutes, Title 25, "Carriers."
5. **Bills and Notes.**
Norton, Bills and Notes, 4th ed. (1914).
Moore, Cases on Bills and Notes.
Revised Statutes, Title 18, "Bills and Notes."
Revised Statutes, Title 110, "Principal and Surety."
Revised Statutes, Title 98, "Uniform Negotiable Instruments Act."
6. **Constitutional and Statutory Law.**
Constitution of the United States.
Constitution of Texas.
Black, Constitutional Law, 4th ed. (1927), or
Constitutional Law by Rottschaefer.
Black, Cases on Constitutional Law.
Black, Construction and Interpretation of Laws, 2nd ed. (1911).
Revised Statutes, Title 1 and Final Title.
7. **Contracts.**
Clark, Contracts, 4th ed., by Throckmorton.
Throckmorton's Cases on Contracts, 2nd ed.
8. **Corporations, Private.**
Stevens on Corporations (1936).
Wormser, Cases on Corporations, 2nd ed. (1936).
Revised Statutes, Title 32, "Corporations."
9. **Criminal Law.**
Texas Penal Code.
Texas Code of Criminal Procedure.
Potts Cases on Criminal Procedure, or
Miller on Criminal Law (1934) and Miller's Cases on Criminal Law (1934).
10. **Domestic Relations.**
Madden, Persons and Domestic Relations.
Cooley's Cases on Persons and Domestic Relations, 2nd ed.
Speer, Law of Marital Rights in Texas, 3rd ed. (1929).
Revised Statutes, Title 75, "Husband and Wife."
Revised Statutes, Title 69, "Guardian and Ward."
11. **Equity.**
McClintock, Equity (1936).
Throckmorton's Cases on Equity (1936).
Revised Statutes, Title 76, "Injunctions."
12. **Evidence.**
McKelvey on Evidence, 4th ed. (1932) and McKelvey's Cases on Evidence, or, Wigmore on Evidence (Student edition) and Wigmore's Cases on Evidence.
Revised Civil Statutes, Title 55, "Evidence."
Texas Code of Criminal Procedure (1925) Articles 703 to 750, inc.
13. **Federal Procedure.**
Rules of Civil Procedure for the District Courts of the United States, adopted by the Supreme Court of the United States pursuant to the Act of June 19, 1934.
Bunn, Jurisdiction and Practice in the United States Courts, 4th ed. 1939.
14. **Partnership.**
Gilmore on Partnership (1911) and Gilmore's Cases on Partnership, or, Burdick on Partnership, 3rd ed. (1917) and Burdick's Cases on Partnership.
15. **Pleading and Practice.**
Shipman, Common-Law Pleading, 3rd ed. by Ballantine (1923).
Stayton's Method of Practice in Texas Courts (1935).
The following Titles of the Revised Civil Statutes of 1925:
Titles 13 and 68, "Attachment and Garnishment."

Title 119, "Sequestration."
Title 124, "Trespass to Try Title."
Title 125, "Trial of Right of Property."
Titles 37, 38, 39, 40, 41, 42 and 45, "Courts."

16. **Real Property.**

Burdick, Real Property (1914).
Burdick's Cases on Real Property.
Revised Statutes, Title 31, "Conveyances."
Revised Statutes, Title 84, "Landlord and Tenant."

17. **Sales.**

Vold on Sales (1931).
Cooley's Cases on Sales.

18. **Torts.**

Chapin on Torts (1917), and Chapin's Cases on Torts or Harper's Law of Torts and Bohlen & Harper's Cases on Torts, Texas ed.
Revised Statutes Title 77, "Injuries Resulting in Death."
Revised Statutes, Chap. 10 of Title 112 and Art. 6388, "Railroads."
Revised Statutes, Title 130, "Workmen's Compensation Act."

19. **Wills and Estates of Decedents.**

Gardner on Wills, 2nd ed. (1916).
Dunmore's Cases on Wills.
Simpkins, Administration of Estates of Decedents, 3rd ed. by Holt.
Revised Statutes, Title 129, "Wills."
Revised Statutes, Title 48, "Descent and Distribution."
Revised Statutes, Title 54, "Estates of Decedents."

20. **Legal Ethics.**

Any one of the following books:
American Bar Association Canons of Profession Ethics.
Arant's Cases on Legal Ethics.
Costigan's Cases on Legal Ethics, 2nd ed.
Hick's Cases and Material on Legal Ethics.
Sharswood, Legal Ethics, 5th ed. (1884).
Warvelle, Legal Ethics, 2nd ed. 1920.
Williams, Legal Ethics, 1906.

VII.

APPLICATION FOR PERMISSION TO TAKE
THE BAR EXAMINATION, PROOF OF
GOOD MORAL CHARACTER

Any person desiring to take the bar examinations shall, not less than thirty days prior to the beginning thereof, file with the Secretary of the Board of Legal Examiners his application therefor. This application shall be made on a form to be furnished by the Board, and shall show, among other things, the name, residence, age, and citizenship of the applicant, and whether he has ever been arrested, indicted, or convicted for any crime of the grade of felony, or any crime involving moral turpitude; and if so, the nature of the offense with which he was charged. It shall also show when applicant filed his declaration of intention to study law, and when, where, and how he has complied with the time requirement for the study of law set out in Rule V, above.

At the time of filing his application, the applicant shall furnish proof (1) that he has in good faith complied with the time requirement of the study of law, and (2) that he is a person of good moral character and honorable deportment, and (3) that he has diligently pursued the course of study set out in Rule VI. If applicant has pursued his studies in a law school on the approved list of the American Bar Association, then a diploma issued by such school, or the official transcript of such school showing that applicant has in good faith studied law in the said school for the period prescribed in Rule V, shall be sufficient. If he has pursued his studies in the office of a practicing attorney, or firm of attorneys, or in a law school not on the approved list of the American Bar Association, then he shall file with his application the certificate of his instructor, or instructors, showing in detail that he has in good faith complied with Rules V and VI. Furthermore, in such instances the Board of Legal Examiners may require such other evidence as in its judgment may be proper.

In proof of applicant's good moral character, he shall present to the Board of Legal Examiners, with his application, a certificate signed by the President and Secretary of his local bar organization, showing that the Committee on Bar Candidates of such organization, selected to investigate the character and fitness of applicants for bar examinations, has made a care-

ful examination of applicant's character and reputation for honorable deportment, and has found them good. If there is no local bar organization in the county of applicant's residence, then he shall present a certificate signed by the district judge presiding in the county of his residence, showing that the said judge has appointed a committee from the local bar, and that it has made an investigation of and reported favorably on applicant's moral character.

If the local bar organization shall fail or refuse to act on the above matter, then the district judge may act as in instances where there is no local bar organization. If the local bar organization and the district judge shall both fail or refuse to act, then proof of such matters may be made by the affidavits of two attorneys in good standing in this State.

In addition to such certificate of good moral character, the Board of Legal Examiners may, at its discretion, adopt any other means deemed necessary or desirable to assure itself that applicant is a person of good moral character, and that he has complied with Rules V and VI.

VIII.

MANNER OF EXAMINATION AND REQUIRED GRADES; PARTIAL EXAMINATION

All examinations shall be conducted in writing. To pass the examination the applicant must make an average grade on all subjects taken together of 75%; and not less than a grade of 65% on any subject.

If an applicant shall make an average grade of 75% on as many as one-half the subjects taken with no grade less than 65% in such list, he shall thereby establish a credit in the subjects so passed, and he is within eight months after such examination entitled to take an examination on the balance of the subjects. If the result of such second examination, taken in connection with the first examination, shall show that the applicant has passed all the required subjects with an average grade on them all taken together of 75%, with no grade of less than 65% upon any subject, then he shall be passed.

If any applicant has, dating from the time he first began taking the examinations or began over, if he did so, made on his second or third examinations, where he has heretofore been

allowed to take a third time, a total of as much as 1150 points or, having so taken examinations on all subjects, he has made less than 65% on not more than two of them, he may within one year from the date of the examination at which he attained that status be further examined one additional time on the subject or subjects on which he has made below 65%, and on such other subject or subjects as he may elect. If, as a result of such additional examination when considered with his previous examinations dating from the time above indicated, his grades and other qualifications are such as to entitle him thereto he may be licensed under these rules. This rule applies to those who have taken the examinations either in June or October, 1939, as well as to those who may do so in the future.

If the applicant shall fail to pass at the examinations hereinabove provided for with grades as required, then the grades received on each of the examinations constituting the series shall count for nothing; but such applicant shall be entitled to one additional chance to pass in three examinations under the same terms and conditions as prescribed for the first series, provided he shall begin taking such additional examinations not more than two years from the date he took his last examination under the foregoing provisions.

If the applicant shall fail to pass at his second series of three examinations, or such of them for which he qualifies, he shall not be entitled to take another examination for a period of one year from the date of his last examination, when he shall be entitled to take a third series of examinations. If the applicant shall fail to pass on his third series of examinations, he shall not be examined further for a period of two years from his last examination, when he may start over under these rules.

IX.

FEEES FOR EXAMINATION AND THEIR DISPOSITION

Each applicant, before entering upon his first examination, shall pay to the Clerk of the Supreme Court a fee of \$20.00, and at each subsequent examination at which he appears, an additional fee of \$10.00.

The amounts thus derived shall be paid over to the Board of Legal Examiners by the Clerk

of this Court during the examinations, and shall be used by it to defray the incidental expenses of the examinations and of its members in attending and conducting them, and the residue to be paid its members by way of compensations for their services.

The disbursement of the fund for these purposes shall be according to such rules and regulations as the Board of Legal Examiners may adopt. The Clerk shall keep a full record of such receipts and disbursements.

X.

ATTORNEYS FROM OTHER JURISDICTIONS

No nonresident attorney shall be eligible to practice law in Texas without examination, except as otherwise provided in this rule. In order to be eligible for such examinations, as a nonresident attorney such attorney must present satisfactory evidence of good moral character, and show that at the time of such examination he is a bona fide citizen of the United States and of this State, and that he has resided in this State continuously not less than six months next preceding the date on which he begins his first examination. No nonresident attorney shall be permitted to take the bar examination in this State as such unless he has practiced law continuously in the State from which he removed for at least seven full years next before removing to this State, and unless he was in good standing as a member of the bar of such State at the time of his removal to this State.

(*) Nonresident attorneys who removed to this State after July 15, 1934, and prior to July 1, 1936, shall be licensed to practice law in this State under the 1934 Rules, provided they comply with such 1934 Rules prior to July 1, 1937. The fees to be charged such attorneys shall be the fees provided for under these Rules.

Applicants under this rule, at the time of presenting their application to the Board of Legal Examiners, shall pay to the Clerk of the Supreme Court a fee of \$20.00. The amount thus derived shall be paid over to the Board by the Clerk or the Secretary, and shall be applied as in Rule IX.

Nonresident attorneys who reside within the United States, and within five miles of the

(*) Provision added by amendment of January 7, 1937.

Texas Border, shall be eligible to take the bar examinations, and may practice law in the Texas courts though not citizens of this State, provided they comply with the other provisions of these rules.

A reputable nonresident attorney may, without being licensed to practice law in Texas, participate in the trial or hearing of any particular cause in this State wherein a resident practicing attorney of this State is actually employed, associated, and personally participates with such nonresident attorney.

XI.

GENERAL PROVISIONS

A student who has heretofore entered upon the study of law under former rules may, upon such terms and in the manner as shall be prescribed by the Board of Legal Examiners, change his course and method of study, and become subject to these rules and entitled to the benefits thereof; but in all cases the student may proceed under the rules as they stood at the time he began his law course, subject to the terms and conditions already prescribed.

Each candidate for license or for examination shall furnish the information required of him by the Board, as specified in these rules, in so far as applicable to him.

The names of applicants approved by the Board of Legal Examiners as entitled to licenses shall, upon such approval, be certified by the Board to the Clerk of the Supreme Court, who will thereupon issue the licenses as provided by law and these rules.

License to practice law, issued by virtue of these rules, shall be issued upon the condition that the applicant has faithfully complied with these rules; and if at any time it should be made to appear to the Supreme Court that any applicant obtained his license fraudulently or by willful failure to comply with these rules, his license, upon hearing before and upon recommendation by the Board of Legal Examiners, shall be withdrawn and cancelled, and his name stricken from the roll of attorneys.

The interpretation and application of these rules is primarily for the Board of Legal Examiners, and the Supreme Court and its members will only act with reference thereto upon application of the Board, or upon application of one or more members thereof, or upon writ-

ten motion of an interested party. The Supreme Court reserves the right in all instances, however, to finally determine any matter under these rules.

The Board of Legal Examiners shall have authority to select officers from its own members, as it may determine, and assign their duties, and to formulate the procedure of the Board. The Board shall be authorized to make such regulations, and prescribe such forms and certificates, as may be essential to carry into effect these rules.

These rules shall become effective the 1st day of July, 1936.

W. F. MOORE,
Chief Justice

JOHN H. SHARP,
Associate Justice

RICHARD CRITZ,
Associate Justice

H. P. STEINLE,
Secretary, Board of Legal Examiners,
Austin, Texas