

CIVIL STATUTES OF TEXAS
AND
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; the Licensing of At-
torneys from Other Jurisdic-
tions and Admission of
Attorneys Generally**

Effective July 1, 1936

Amended February 1, 1937

Amended January 22, 1940

Amended December 17, 1940

Amended October 8, 1941

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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 himself 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 1925 as amended, the following rules are prescribed by the Supreme Court for admission to the Bar. These rules become effective, except where herein otherwise provided, on February 1, 1943. All former rules not repeated herein are hereby repealed with the following exceptions:

First, any applicant who has heretofore within the three-year period preceding the promulgation of the present rules entered upon the study of law and filed with the Board his declaration of intention to do so, or who within such time entered an approved law school, or who before February 1, 1944, becomes entitled to partial credits under examinations given before that date, shall be governed by the rule as to the time for study of law (Rule V) which was in effect when he began his law study, unless he elects, as he may do, to proceed under these rules. But any such applicant must successfully complete his examinations within four years from the date when he began the study of law and declared his intention to do so, or entered an approved law school; provided, however, that any applicant who prior to February, 1944, becomes entitled to partial credits under examinations given before that date shall have at least one year (with an opportunity to take two examinations) after February, 1944, in which to

complete successfully his examinations under the old rules.

Second, Rules III (Declaration of Intention), VI (Subjects for Examination) and VIII (Manner of Examination and Required Grades) as heretofore promulgated shall continue in force until the corresponding rules as amended herein shall become effective according to their terms.

The two examinations in 1943 will be conducted on the basis of the former rules.

RULE 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.

Beginning with the year 1943, two regular examinations shall be held in each year, opening respectively on the 4th Monday in February and the 2nd Monday in July.

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

RULE 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, 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.

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.

RULE III.

DECLARATION OF INTENTION TO STUDY LAW; PRELIMINARY PROOF OF GOOD MORAL CHARACTER

The following rule shall be applicable to persons beginning the study of law after September 1, 1943.

Every person intending to apply for admission to the bar of this State shall, not more than 90 days and not less than 30 days before the time of beginning the study of law, file with the Secretary of the Board of Law Examiners a declaration of his intention to study law and a certificate showing the completion of a preliminary character examination, provided that these requirements shall not apply to attorneys from other jurisdictions seeking admission under Rule X, nor to graduates of law schools outside this State approved by the American Bar Association, who at the time of beginning the study of law did not have their permanent homes in this State.

The above declaration shall be made on a form to be prescribed by the Board of Law Examiners and shall show such facts as to the history, experience, and educational qualifications of the declarant as the Board may determine. It shall name the law school he will attend or the attorney with whom the declarant proposes to study. Unless the declarant proposes to study in a school approved by the American Bar Association, the declarant shall include in his declaration a statement by the city, county, or district bar association of the county in Texas in which he proposes to study, or if no such organization exists, then by the district judge of said county, certifying that the attorney in whose office the applicant is to study, or the professors of the law school to be attended, are fit persons, morally, intellectually, and by reason of legal attainments, to instruct the declarant

in his legal studies. The same procedure shall be followed by the applicant in the event it becomes necessary for any reason for him to make any change in the office or school where he shall pursue and complete his studies.

The declarant shall likewise include in his declaration a statement signed by the Committee on Bar Candidates of the city, county, or district bar association, or if there is no such association, then by a committee of attorneys appointed by the district judge, where he has his home, to the effect that they have examined the declarant and have investigated his history and reputation and in their opinion he is of such good moral character as to be a suitable candidate for admission to the profession. All such reports of bar committees, whether favorable or unfavorable, shall be made in duplicate, and one copy shall be delivered to the applicant, and one mailed to the Clerk of the Supreme Court.

If the local bar association, or the district judge, or the committee, as the case may be, shall fail to function, then the Board shall have the power, at the cost of the applicant, to make its own investigation and finding as to the school, or the supervising lawyer, or as to the character of the declarant. The Board may require the declarant to deposit, in advance of such investigation, the estimated expense thereof.

If a law student shall show a reasonable excuse for failure to file such declaration and accompanying statements at the prescribed time, the Board may permit him to file the same within a reasonable time after entering upon the study of law. Compliance with the requirements of this rule is a prerequisite to admission to the bar.

The Secretary of the Board shall keep a record of all such declarations, and shall notify the respective schools and supervising attorneys of the names of those intending to study in such schools or law offices who have satisfied the educational requirements of Rule IV and have complied with the requirements of this rule.

RULE 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, namely:

Sixty semester hours of work in a recognized college, or educational attainments equivalent thereto.

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 required 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 sixty semester hours of work.

RULE V

TIME OF LAW STUDY REQUIRED

To be eligible to take the bar examination, a candidate must submit satisfactory evidence showing:

1. That he has satisfied all requirements for graduation from a law school approved by the American Bar Association, or
2. That he has (a) attended a full-time law school, which conducts the greater part of its classes in the morning hours, such school being approved either by the American Bar Association or by the local Bar Association in the city where the school is situated, for a total of twenty-seven months, and has pursued therein courses requiring at least twelve class-hours each week throughout that

period; or (b) has attended a part-time law school which conducts the greater part of its classes in the late afternoon or evening hours, such law school being approved as aforesaid, for a total of thirty-six months, and has pursued therein courses requiring at least nine class hours each week throughout that period, or if less than nine class hours are taken weekly, then for a corresponding longer period until he has completed seventy-two semester hours, provided that he must complete such studies within six years; and provided, further, that attendance upon a school outside of this State not approved by the American Bar Association shall not satisfy the requirements of Sub-division 2; or

3. That he has studied law in Texas in the office of a practicing lawyer qualified to supervise such study, for a period of thirty-six months, devoting to his law studies an average of at least thirty hours per week.

(Effective as to those beginning the study of law after the promulgation of the Rule.)

RULE V (a)

EXEMPTIONS IN FAVOR OF THOSE IN MILITARY SERVICE

Persons entering any branch of the active military service of the United States, who come within any of the classes which are herein enumerated, are granted an additional period immediately succeeding their honorable discharge from such military service, equal to the length of time not exceeding one (1) year they have been engaged in such service within which to begin taking their first examination, or within which to begin taking any additional examinations after their first examination, to which additional examinations they are or would be entitled under these rules. The classes of persons included within this rule are: (1) persons who, in conformity to these rules, have heretofore filed with the Clerk of this Court notice of their intention to study law and have completed the required period of study; (2) persons who, in conformity to these rules, shall hereafter, while

these rules are in effect, file with the Clerk of this Court notice of their intention to study law and shall complete the required period of study prior to entering such military service; (3) persons who, prior to entering such military service, had entered an approved law school and had completed their studies in such school; (4) persons who, while these rules are in effect, shall hereafter enter an approved law school and shall complete their studies therein before entering such military service; (5) persons who have heretofore taken one or more of such Bar Examinations and have not made grades entitling them to license, and who are, under the existing rules, entitled to one or more additional examinations.

Any person who, in conformity to these rules, shall have begun, or shall hereafter begin, the study of the law prior to entering such military service and where required shall have also properly filed notice of intention to study law and shall not have completed such study before entering such military service shall, after his honorable discharge from such service, be entitled to continue his studies until they are completed, and, after so completing them, shall have a period of one year within which to begin taking his Bar Examinations.

RULE VI

LIST OF SUBJECTS FOR THE BAR EXAMINATION AND OF MATERIALS FOR STUDY

The following rules shall become effective as governing the subjects for examination, beginning with the examination to be held in February, 1944.

The topics named below shall constitute the subjects for the examination. The text-books and case-books listed are suggestive but not exclusive. Other texts of standard authority may be substituted for those named, and it is expected that as new and improved case-books are published they will be used. Mimeographed materials mentioned below are available at cost on application to The University of Texas Law School.

1. **Contracts**

- (1) Williston on Contracts, (one vol., students' text, 2nd Ed., 1938)
or
Anson on Contracts, Patterson's Ed. (1939)
and
- (2) Goble and Patterson's Cases on Contracts, 2nd Ed. (1941)
or
Williston's Cases on Contracts, 4th Ed. (1937)
or
Shepherd's Cases on Contracts (1939)
or
Havighurst's Cases on Contracts (1934)
and
Revised Civ. Stats. Art. 3995 Statute of Frauds.

2. **Torts**

- (1) Prosser on Torts (1941)
or
Harper on Torts (1933)
and
- (2) Thurston and Seavey's Cases on Torts (1941)
or
Bohlen's Cases on Torts (4th Ed., 1941)
and
- (3) Revised Civil Statutes, Title 77, Injuries Resulting in Death; Chapter 10 of Title 112, Railroads, Article 6388; Art. 6701b Guest Statute; Art. 4004 Actionable Fraud; Art. 8306 Sects. 1 to 5 Injuries to Employees.

3. **Personal Property**

- (1) Brown on Personal Property (1936)
and
- (2) Fraser's Cases and Readings on Property, Vol. II (1936)
or
Warren's Cases on Property, 2nd Ed. (1938)
or

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Bigelow's Cases on Personal Property (3rd Ed., 1942)
and

- (3) Penal Code, 871a and 978f; Revised Civil Statutes, Articles 3998-3999, 4018-4026, 4592-4596, 5483-5488, 5500-5506, 5489, 5490, 5498, 5638-5647, 5526, and 6146-6165a.

4. **Criminal Law and Procedure**

- (1) Clark and Marshall on Crimes (4th Ed., 1940)
or
May on Criminal Law (4th Ed., 1938)
or
Miller on Criminal Law (1934)
and
- (2) Stumberg, Cases and Materials on Criminal Law, Mimeographed by The University of Texas Law School (1940)
or
Mikell, Cases on Criminal Law, 3rd Ed. (1933)
or
Michael and Wechsler, Criminal Law and its Administration (1940)
or
Hall and Glueck, Cases on Criminal Law (1940)
and
- (3) Potts, Cases on Criminal Procedure (1925)
and
- (4) The Penal Code and the Code of Criminal Procedure, except Arts. 703-750 herein assigned under evidence.

5. **Agency and Partnership**

- (1) Mechem, Outlines of the Law of Agency, 3rd Ed., (1923)
or
Tiffany, Principal and Agent, 2d Ed., (1924)
and

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- (2) Mechem, Elements of Partnership, 2nd Ed. (1920)
and
Mathews, Cases on Agency and Partnership (1940)
or
Stecher's Cases on Agency and Partnership (1938)
or
Crane and Magruder, Cases on Partnership, Shorter Selection, (1930)
and
- (3) Revised Civil Statutes Title 105 Partnerships and Joint Stock Companies.
6. **Equity**
- (1) McClintock on Equity (1936)
or
Walsh on Equity (1931)
and
- (2) Cook's Cases on Equity, one volume Ed. (1940)
or
Walsh's Cases on Equity (1937)
or
McClintock's Cases on Equity (1936)
and
- (3) Revised Civil Statutes, Title 76, Injunctions.
7. **Pleading and Practice** (a general course in procedure, together with a study of the jurisdiction of State and Federal Courts and of the Texas and Federal Rules of Civil Procedure)
- (1) Clark on Code Pleading (1928)
and
- (2) Stayton, Method of Practice in Texas Courts (1935)
and
- (3) Bunn's Jurisdiction and Practice of the U. S. Courts (4th Ed.)
and
- (4) Stayton's Cases and Materials on Texas Civil and Criminal Procedure in Trial and Appellate Courts,

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- Mimeographed by The University of Texas Law School (1942)
or
Magill and Chadbourn, Cases on Civil Procedure (1939)
and
- (5) Revised Civil Statutes, 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; Arts. 5124 to 5546, Limitations
and
- (6) Rules of Practice and Procedure in Civil Actions Promulgated by the Supreme Court of Texas (1940)
and
- (7) United States Code, Title 28, Judicial Code and Judiciary
and
- (8) Rules of Civil Procedure for the District Courts, adopted by the Supreme Court of the United States (1937)
8. **Real Property** (Including ownership of interests in oil and gas)
- (1) Tiffany on Real Property, Abridged Ed. (1940)
and
- (2) Fraser, Cases and Readings on Property, Vol. I (1936)
or
Warren, Cases on Property, 2d Ed. (1938)
or
Kirkwood, Cases on Conveyances, 2d Ed. (1941)
or
Aigler, Cases on Titles, 3d Ed. (1941)
and
- (3) Thuss, Texas Oil and Gas, 2d Ed. (1935)
and
- (4) Walker's Cases on Oil and Gas (mimeographed)
or

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Kulp's Cases on Oil and Gas, 2d Ed. (1935)
and

- (5) Revised Civil Statutes, Title 31, Conveyances; Title 84, Landlord and Tenant; Articles 5507-5523a, Limitations; and Articles 6591-6662, Registration

9. Wills and Estates of Decedents

(1) Atkinson, Handbook of the Law of Wills (1937)
and

(2) Simpkins, Administration of Estates in Texas, 3rd Ed. by Holt (1934)
and

(3) Costigan, Cases on Wills, Descent and Administration, 3rd Ed. (1941)
or

Mechem and Atkinson, Cases on Wills and Administration, 2d Ed. (1939)
and

(4) Revised Civil Statutes, Title 129, Wills; Title 48, Descent and Distribution; Title 54, Estates of Decedents; Art. 5534

10. Domestic Relations (a general course coupled with a study of community property and homestead rights)

(1) Madden, Persons and Domestic Relations (1931)
and

(2) Speer, Law of Marital Rights in Texas, 3d Ed. (1929)
and

(3) Madden and Compton, Cases and Materials on Domestic Relations (1940)
or

Jacobs, Cases and Materials on Domestic Relations, 2d Ed. (1939)
or

Davis, Huie, and Marsh, Cases on Domestic Relations, Mimeographed by The University of Texas Law School (1942)
and

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- (4) Revised Civil Statutes, Title 75, Husband and Wife; Title 69, Guardian and Ward; Articles 3833-3858, Homestead; Title 3, Adoption and Title 96, Minors, Removal of Disabilities

11. Bills and Notes

(1) Norton on Bills and Notes, 4th Ed. (1914)
or

Bigelow, Bills, Notes and Checks, 3d Ed. by Lisle (1928)
and

(2) Smith and Moore, Cases on Bills and Notes, 4th Ed. (1941)
or

Britton, Cases on Bills and Notes, 3d Ed. (1941)
or

Steffen, Cases on Commercial and Investment Paper (1939)
and

(3) Revised Civil Statutes, Title 18, Bills and Notes; Title 110, Principal and Surety; Title 98, Uniform Negotiable Instruments Act

12. Constitutional and Administrative Law

(1) Rottschaefer on Constitutional Law (1939)
and

(2) Dowling, Cases on Constitutional Law, 2d Ed. (1941)
or

Dodd, Cases on Constitutional Law, 3d Ed. (1941)
or

Maurer's Cases on Constitutional Law (1941)
and

(3) Gellhorn's Cases on Administrative Law (1940)
or

Stason, Cases and Other Materials on Administrative Tribunals (1937)
and

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- (4) Constitution of the United States
and
- (5) Constitution of Texas
- 13. **Conflict of Laws**
 - (1) Stumberg, Principles of Conflict of
Laws (1936)
or
Goodrich, Conflict of Laws, 2d Ed.
(1938)
and
 - (2) Lorenzen, Cases on Conflict of
Laws, 4th Ed. (1937)
or
Cheatam, Dowling, Goodrich and
Griswold, Cases on Conflict of
Laws, 2nd Ed. (1941)
- 14. **Corporations**
 - (1) Ballantine on Private Corporations
(1927)
or
Stevens on Corporations (1936)
or
Hildebrand's Texas Law of Cor-
porations (1942)
and
 - (2) Dodd and Baker's Cases on Busi-
ness Association, Vol. 1 (1940)
and Hildebrand's Texas Supple-
ment (1940)
or
Ballentine and Lattin, Cases on Pri-
vate Corporations (1939)
or
Richards, Cases on Priate Corpora-
tions (1940)
and
 - (3) Revised Civil Statutes, Title 32,
Corporations, Private and Title
19a, The Securities Act
- 15. **Evidence**
 - (1) Wigmore, A Student Textbook on
Evidence (1935)
or
McCormick and Ray's Texas Law
of Evidence (1937)
and

- (2) Morgan and Maguire's Cases on
Evidence, 2d Ed. (1942)
or
McCormick's Cases on Evidence
(1940)
and
- (3) Revised Civil Statutes, Title 55, Evi-
dence Code of Criminal Pro-
cedure, Articles 703-750
- 16. **Trusts**
 - (1) Bogert's Hornbook on Trusts, 2d
Ed. (1942)
and
 - (2) Bogert's Cases on Trusts (1940)
or
Scott's Cases on Trusts, 3d Ed.
(1940)
- 17. **Legal Ethics**
 - (1) Warvelle on Legal Ethics, 2d Ed.
(1920)
or
Jessup, The Professional Ideals of
the Lawyer (1925)
and
 - (2) Arant's Cases and Other Materials
on the American Bar and Its
Ethics (1933)
or
Cheatham, Cases and Materials on
the Legal Profession (1938)
and
 - (3) Penal Code, Articles 430, 430a; Re-
vised Civil Statutes, Title 14, At-
torneys at Law
 - (4) Pamphlet: Rules Governing the
State Bar of Texas, approved by
the Supreme Court, February 22,
1940

RULE VII

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

Any person desiring to take the bar examination shall, not less than thirty (30) days prior to the beginning thereof, file with the Secretary of the Board of Law 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 or will before he begins the examination comply 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 Law Examiners may

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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 with his application a supplementary statement signed by a Committee, constituted as prescribed in Rule III for the preliminary character examination, showing that the Committee has re-examined the applicant within the ninety-day period preceding the bar examination, and has investigated his conduct since the preliminary character examination, and that in their opinion he is of such good character as to be acceptable for admission to the profession. If the Committee shall fail to function, the Board upon his request, and at his cost, may make its own investigation and finding as to the character of the applicant. The Board may require him to deposit, in advance of such investigation, the estimated expenses thereof.

In addition to such statement by the Bar Committee, the Board may at its discretion adopt any other means deemed necessary or desirable to assure itself that the applicant is a person of good character and that he has complied with Rules V and VI. In making any investigation of character it may avail itself of such assistance as may be afforded by the State Bar of Texas.

RULE VIII

LENGTH AND MANNER OF EXAMINATION; DISTRIBUTION OF QUESTIONS AMONG SUBJECTS; REQUIRED GRADES; FEES; RE-EXAMINATIONS

The following regulation will be effective beginning with the examination to be held in February, 1944.

The applicants are required to be in attendance at the office of the Clerk of the Supreme Court at 8:30 A. M. on Monday of the week set for the examination. Announcement will then be made of the hours for the examination.

A question may touch upon more than one subject. The number of questions to be given

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and their distribution among the subjects shall be determined by the Board.

The questions will not be labeled as to subjects in the question-sheet, but the applicant will be expected to exercise his powers of analysis in determining the field or fields in which the problem falls.

Partial credit (except in cases of those who have already received partial credit in previous examinations) will not be given, but the applicant will pass or fail the examination as a whole. To pass the examination, the applicant must make an average grade of 75 on the entire examination, and an applicant who fails his first examination, may take two later examinations at his discretion. After a third examination, he may not take another examination until at least two years from the date of his last examination.

An applicant who has received partial credit in an examination held before the effective date of this rule, will be given a partial examination by the Board in the remaining subjects and credit therefor as provided in the rules under which he secured the partial credit. This the Board will do by giving special examinations to such persons at the time of the regular examination, and for such purpose it may, if it so determines, use the questions on those particular subjects given in the regular examination. If the subjects of such special examination are no longer included in the list of subjects, then questions will be specially prepared by the Board.

RULE IX FEES FOR EXAMINATION AND THEIR DISTRIBUTION

Each applicant shall pay to the Clerk of the Supreme Court a fee of \$20.00 for each examination taken by him, except in the case of an examination on less than the whole number of subjects while such examination is allowed under the terms herein shown, when the fee will be \$10.00.

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The amounts thus derived shall be paid over to the Board of Law Examiners by the Clerk of this Court, 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 compensation for their services.

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

(To be effective on promulgation)

X

ATTORNEYS FROM OTHER JURISDICTIONS

Any attorney at law immigrating or who has heretofore immigrated to this State from a sister State or from the District of Columbia may upon written application and approval by the Board of Law Examiners of Texas be licensed to practice law in this State upon the following terms and conditions:

(a) At the time of filing his application, which must comply with the requirements of said Board, he must be a citizen of the United States and have been at least twenty-eight years of age when he removed to Texas and show that he has then for at least three months been an actual resident of this State and that for at least seven years immediately preceding such removal he was duly licensed to practice law in the highest court of the State or States of his former residence or in the District of Columbia, and also show that he has been licensed to practice law before the Supreme Court of the United States prior to the issuance of his temporary certificate to practice in Texas, as hereinafter provided.

(b) He must show that he has been continuously engaged in the practice of law as his principal means of livelihood in the place or places of his former residence for at least seven years immediately preceding his removal to Texas, and has never been disbarred

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or had his license suspended, and that there are no undisposed of charges of misconduct pending against him, and so far as he knows, none are being threatened. Serving as a judge of a Court of Record or as a full or part-time regular instructor in a law school approved by the American Bar Association shall be deemed practicing law within the meaning of these rules. Any such part-time instructor must also during the period of such service be engaged in the practice of law in order to secure credit for such service.

(c) He must furnish to the Board of Law Examiners evidence as to his moral character as required of candidates to take the bar examination in this State and such further evidence as said Board shall require to fully satisfy it as to his ethics, character, qualifications and general fitness to be admitted to practice law in this State. The Board of Law Examiners may adopt any means within its discretion for the purpose of satisfying itself that applicants under this rule meet its requirements and it shall have the authority to reject any such applicant deemed by it not to have met the requirements hereof. This Court or the Board of Law Examiners may, after investigations as herein provided, require the applicant to take the regular bar examination or impose such other tests as may be deemed proper.

(d) Any applicant hereunder who has not been practicing law in some other State or States or the District of Columbia for at least ten years in accordance with the above provisions must show to the satisfaction of the Board that in procuring his license to so practice in such other State or States or the District of Columbia, he then complied with or, as shown by diploma or other certificates in writing, was then qualified to comply with admission requirements which were at least substantially as high as those prevailing in Texas at the time he makes application for a license to practice law in this State. If such applicant has so practiced elsewhere for ten years or longer, he may make either the showing provided for

in this paragraph or he may show to the satisfaction of the Board of Law Examiners that he has such moral character, legal attainments, and experience as fully satisfy said Board that he is a reliable and competent attorney.

(e) After such applicant has resided in Texas for at least three months next preceding the date on which his application is heard by the Board of Law Examiners, he may be examined in writing by said Board at some regular session thereof upon the Texas Constitution, Statutes, and Texas Rules of Civil Procedure mentioned in the course of Study to be pursued in preparing for the Texas Bar Examination. If such applicant makes a grade of at least 65 on each of these subjects and an average of at least 75 on all of them, has fully satisfied said Board as to his ethical standards, moral character, qualifications, and general fitness, and has also fully complied with all the other requirements of this rule, he may, upon the recommendation of said Board, then be issued by this Court a temporary certificate which will, unless sooner revoked or cancelled, entitle him for a period of two years from its date to practice law in any court of this State. Such temporary certificate may at any time be revoked by this Court upon recommendation of the Board of Law Examiners, made if it sees fit with or without investigation and with or without cause.

(f) Provided his temporary certificate is still in good standing at the expiration of two years from the date of its issuance, an applicant who has continuously resided and practiced law in Texas during such two year period may then be granted by this Court, upon recommendation of the Board of Law Examiners, a license to practice law in this State. All applicants under this rule shall at the time of filing their applications pay to the Clerk of the Supreme Court a fee of Seventy-five Dollars (\$75.00), no part of which shall be refunded, and shall be disposed of by said Clerk in the same manner as he disposes of all other fees paid by

applicants to take the bar examination in this State.

(g) The Board of Law Examiners may, in its discretion, without requiring any notice of intention, on his part, to study law, admit to examination upon all subjects prescribed for the regular examination any attorney who has been admitted to practice law in another jurisdiction and who meets all the other requirements of these rules, including six months' residence in Texas and the prescribed pre-legal education, but has not practiced under the conditions hereinabove set forth for the required length of time to be admitted as an immigrant attorney hereunder.

(h) Nonresident attorneys who reside within and are citizens of the United States and have for the preceding two years resided within five miles of the Texas border, shall be eligible to take the bar examination provided they comply with the other provisions of these rules. Upon successfully passing such examination, they may, provided they are members of the State Bar of Texas, practice law in the Texas courts though not citizens of this State.

(i) 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.

(j) Nothing in this amendment to Rule X shall be construed to adversely affect the rights obtained by any applicant under the rules as they existed prior to this amendment.

XI GENERAL PROVISIONS

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 Law Examiners as entitled to li-

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censes 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 Law 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 Law 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 written 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 Law 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 to become effective, except as otherwise provided herein, on the 1st day of February, 1943.

Witness our signatures this the 1st day of February, 1943.

JAMES P. ALEXANDER,
Chief Justice
JOHN H. SHARP,
Associate Justice
RICHARD CRITZ,
Associate Justice
H. P. STEINLE,
Secretary, Board of Law
Examiners, Austin, Texas

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