

CIVIL STATUTES OF TEXAS
AND
RULES
OF THE
S U P R E M E C O U R T
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
Attorneys from Other Jur-
isdictions and Admis-
sion of Attorneys
Generally**

Effective July 1, 1936

Amended February 1, 1937

Amended January 22, 1940

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Amended October 8, 1941

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Amended December 11, 1945

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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 pre-

scribed 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. 307A. Licenses to graduates entering military service.

Law licenses shall be granted, without requirements of passage of the State Bar Examinations, to all graduates of the law schools of the University of Texas, Baylor University, Southern Methodist University and of all law schools which are members of the Association of American Law Schools at the date of passage of this Act to all citizens of Texas who have entered, or may enter the military service of the United States, provided such military service shall have been commenced prior to the date set for the second State Bar Examinations next following the date of their graduation from said law

schools; and provided further that such applicants must have been residents of Texas for at least one (1) year prior to graduation, and must meet the character requirements prescribed in the Rules of the Supreme Court of Texas.

Application for such licenses shall be made within one (1) year after the date of honorable discharge from the military service of the United States.

Military service shall include service in all branches of the Army, Navy and other military forces of the United States, including auxiliary services, during the present war, or during national emergency as declared by Congress or the President of the United States.

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 legiti-

mate 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 on January 1, 1946, except where herein otherwise provided. All former rules not repeated herein are hereby repealed with the following exceptions:

First, any applicant who heretofore within the three-year period preceding the promulgation of the rules on February 1, 1943, 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, became 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. Any applicant who filed with the Board his declaration of intention to study law and entered upon the study of law subsequent to February 1, 1943, and prior to the

date when these rules become effective, shall be governed by the rules adopted February 1, 1943. 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.

RULE I.

TIME AND PLACE FOR EXAMINATIONS

Bar 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.

Hereafter 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, 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, except as otherwise provided herein, shall have resided in this State continuously for not less than one year next preceding the date on which he begins his first examination. He shall be at least 20 years of age, of good moral character and honorable deportment, and shall possess the educational attainments set out in the following rules; provided that if a person 20 years of age and under 21 shall pass the bar examinations, he shall not receive a license to practice law until he reaches the age of 21. The removal of the

applicant's disabilities shall not affect the foregoing requirements as to age. (Effective January 1, 1946.)

RULE III.

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

The following rules shall be applicable to persons beginning the study of law on or after January 1, 1946:

Every person intending to apply for admission to the Bar of this State shall file with the Secretary of the Board, not more than thirty days after the time of beginning the study of law, 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, and shall show such facts as to the history, experience, and education qualifications of the declarant as the Board may determine. It shall name the law school in which the declarant proposes to study, which school must be either one which is approved by the proper authorities of the American Bar Association, or a law school located in Texas which has been approved by the Board.

If the applicant proposes to study law under the direction and supervision of a practicing attorney, he must include with his declaration a certificate 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, that the attorney in whose office the applicant is to study is actively engaged in the practice of law in Texas, and is a fit person 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 him to make any change in the office or school in which he pursues 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 the declarant has his home, to the effect that they have examined him and have investigated his history and reputation, and that 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, 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 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 statement 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 law in such schools or law offices who have satisfied the educational requirements of Rule IV and have complied with the requirements of this rule.

(Effective January 1, 1946.)

RULE IV.

EDUCATIONAL QUALIFICATIONS OF APPLICANTS

Every person filing the declaration of intention to study law provided for in Rule III, at the time of filing such declaration, shall also file with the Board proof that he has the required educational qualifications to begin the study of law, namely:

Unconditional credit for sixty semester hours of work satisfactorily completed with an average grade of not less than "C" or its equivalent in a recognized college, or educational attainments equivalent thereto.

A recognized college within the meaning of these rules is any college or university rated as first-class by the Association of Texas Colleges.

Prairie View University and all other Texas colleges operated for colored students and maintaining standards substantially as high as said University, are hereby designated as recognized colleges.

(Effective January 1, 1946.)

RULE V.

TIME OF LAW STUDY REQUIRED

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

1. That he has satisfied all requirements for graduation from a law school approved by the American Bar Association or the Board; or

2. 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;

3. If the candidate has studied law in a school approved by the Board or the American Bar Association he must show that he has (a) attended a full-time school for a total of at least 27 months and has pursued therein courses requiring at least 12 class hours each week throughout that period, or if less than 12 class hours are taken weekly, then for a correspondingly longer period until he has completed 72 semester hours; or (b) has attended a part-time school which conducts the greater part of its classes in the late afternoon or evening hours for a total of at least 36 months and pursued therein courses requiring at least 9 class hours each week throughout that period, or if less than 9 class hours are taken weekly, then for a correspondingly longer period until he has completed 72 semester hours; provided that in all events the student must complete such studies within six years after beginning same; and provided further that attendance upon a school outside this State not approved by the proper authorities of the American Bar Association shall not satisfy the requirements of this section 3; and provided further that during the present emergency while the accelerated college program

is in operation, 24 months' actual study covering 72 semester hours' work in a full-time law school operated in connection with an established university of good standing will meet the requirements of subdivision (a) above.

(Effective January 1, 1946.)

RULE V (1)

POWERS OF BOARD TO PRESCRIBE STANDARDS

The Board shall adopt rules, subject to the approval of the Supreme Court, prescribing the minimum requirements to be met and maintained by any school not on the approved list of the American Bar Association in order to entitle such school to be approved as a suitable school in which an applicant for admission to the bar of this State may study law; prescribing the character of study to be made by the applicant and the supervision to be given by the attorney, as well as the kind of proof to be furnished showing satisfactory compliance therewith; where the applicant proposes to study law in a law office; and prescribing the proof to be furnished in order to show to the Board that an applicant has satisfactorily completed sixty semester hours of prelegal college work and the required legal studies.

The ruling of the Board on any of the above matters shall be subject to review by the Supreme Court.

(Effective January 1, 1946.)

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 approval 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 & Sales** *hard*
 - (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
Hayighurst's Cases on Contracts (1934)

and

Revised Civ. Stats. Art. 3995 Statute of Frauds.

2. **Torts & damages** *hard*
 - (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** *Easy*
 - (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
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 *Case 1*

- (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.

hand
5. Agency and Partnership *Case 2*

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

- (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 Partnership and Joint Stock Companies.

6. Equity *Case 3*

- (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.

hand
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 Pleadings (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, 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)

W. & G.
Real Property (Including ownership of interests in oil and gas) *& Oil & 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
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** *How*
- (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** *Very hard* (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, Mimeo-graphed by The University of Texas Law School (1942)
and
(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 *Medium*
(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
- Medium*
12. Constitutional and Administrative Law *easy*
(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
(4) Constitution of the United States
and
(5) Constitution of Texas
13. Conflict of Laws *easy if at all*
(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 *easy*
(1) Ballantine on Private Corporations (1927)
or
Stevens on Corporations (1936)
or
Hildebrand's Texas Law of Corporations (1942)
and
(2) Dodd and Baker's Cases on Business Association, Vol. 1 (1940) and Hildebrand's Texas Supplement (1940)
or

- Ballentine and Lattin, Cases on Private Corporations (1939)
or
Richards, Cases on Private Corporations (1940)
and
(3) Revised Civil Statutes, Title 32, Corporations, Private and Title 19a, The Securities Act
15. Evidence *word*
(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, Evidence Code of Criminal Procedure, Articles 703-750
16. Trusts *word*
(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 *easy if not all*
(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)

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- or
Cheatham, Cases and Materials on the Legal Profession (1938)
and
(3) Penal Code, Articles 430, 430a; Revised Civil Statutes, Title 14, Attorneys 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 and 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 pur-

sued 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 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 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

FEEES 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.

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)

RULE 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, upon written application and approval by the Board, may 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 the Board, he must be a citizen of the United States and show that he has been for at least three months 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.

(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 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 instructor in a law school approved by the American Bar Association, in or out of Texas, shall be deemed practicing law within the meaning of these rules, but any such part-time instructor must also be engaged, during the period of such service, in the practice of law in order to secure credit for such service. Time spent in the active military service or other war agency in the recent war, not to exceed five years, after the applicant had been licensed to practice law, may be included in the seven-year period above referred to.

(c) He must furnish to the Board evidence as to his moral character as required of candidates to take the bar examination in this State and such further evidence as

the Board may 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 may adopt any means within its discretion for the purpose of satisfying itself that applicants under this rule meet its requirement 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, after investigations as herein provided, may 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 practice in such other State or States or the District of Columbia, he then complied with or, as shown by diploma or other certificate 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 that he is of such moral character and has legal attainments and experience as fully satisfy the Board that he is a reliable and competent attorney.

(e) After such applicant has complied with the preceding provisions of this rule and has resided in Texas for at least three months next preceding the date on which his application is approved by the Board, he may be issued by this Court, upon the recommendation of the Board, a temporary certificate which, unless sooner revoked or can-

celled, will entitle him to practice law in any court of this State for a period of two years from its date. Such temporary certificate may be revoked by this Court at any time upon recommendation of the Board, 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, a license to practice law in this State. All applicants under this rule shall pay, at the time of filing their applications, to the Clerk of the Supreme Court a fee of Seventy-five Dollars (\$75.00), which 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. The foregoing provisions of this rule, in so far as they permit the licensing of foreign attorneys in this State without taking bar examinations, shall apply only to attorneys emigrating from other States or the District of Columbia which give to persons licensed to practice law in Texas the same or similar reciprocal privileges.

(g) The Board, in its discretion, may 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 three months' residence in Texas and the prescribed prelegal education, but who has not practiced under the conditions hereinabove set forth for the required length of time to be admitted as an immigrant attorney hereunder.

(h) A nonresident attorney who resides within and is a citizen of the United States

and who has for the preceding two years resided within five miles of the Texas border shall be eligible to take the bar examination, provided he complies with the other provisions of these rules, including prelegal education. Upon successfully passing such examination he may practice law in the Texas courts, though not a citizen of this State, if he is a member of the State bar.

(i) A reputable nonresident attorney, although not licensed to practice law in Texas, may participate in the trial or hearing of any particular cause in this State, provided a resident practicing attorney of this State is actually employed and associated and personally participates with such nonresident attorney in such trial or hearing.

(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.

RULE 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 as being entitled to licenses shall be certified by the Board, upon such approval, 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, 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, and the Supreme Court and its members will act with reference thereto only 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 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 on the 1st day of January, 1946, except as otherwise provided herein.

Witness our signatures this the 11th day of December, 1945.

JAMES P. ALEXANDER
Chief Justice.

JOHN H. SHARP
GORDON SIMPSON

G. B. SMEDLEY
W. M. TAYLOR

J. E. HICKMAN

C. S. SLATTON

FEW BREWSTER

A. J. FOLLEY
Associate Justices.

RULES ADOPTED BY THE BOARD OF LAW EXAMINERS

Pursuant to Title 14, Revised Civil Statutes of 1925, as amended, and the authority granted to the Board of Law Examiners by the Supreme Court thereunder, the following rules are prescribed by the Board of Law Examiners for the regulation of law schools and the study of law for admission to the Bar of this State:

LAW SCHOOLS

The State Board is of the opinion that it is highly desirable that a law school be connected with an established university of good standing because, first, it guarantees the stability of the law school, and, second, it is believed that the need for maintaining a good reputation for the university will influence the quality of teaching that will be done in the law school. The Board suggests that where practicable the law school be operated in connection with an established university of good standing.

All law schools approved by the American Bar Association are hereby approved.

The Board will not approve any law school in this State not on the approved list of the American Bar Association which does not meet and maintain each of the following requirements:

1. Have ample buildings, class rooms, and other facilities for the accommodation of its student body.

2. Have on the premises where its law classes are conducted, and as a part of its own library, open on all week days from 9:00 a. m. until 10:00 p. m., including holidays, except Christmas and New Year's Day, a law library of at least 1500 volumes of well-selected, usable law books, not counting obsolete material or broken sets of re-

ports, kept up to date with supplements, and owned or controlled by the law school with which it is connected. Said library shall include Texas Reports, volumes 1 to 65, both inclusive; Southwestern Reports, either complete or Texas cases only, down to date; Vernon's Annotated Texas Statutes and Constitution; Corpus Juris; Corpus Juris Secundum; Ruling Case Law; and American Jurisprudence. If the law school has regularly enrolled more than one hundred students, it shall have in its library at least two sets of the books above mentioned. In addition, each law school shall have at least one set of U. S. Code Annotated; one set of U. S. Supreme Court Reports and Digest; one set of Texas Jurisprudence and supplements; one set of Texas Digest or Southwestern Digest; Texas Rules, Annotated; Federal Rules, Annotated; Shepard's Southwestern Reporter Citations; and Shepard's Texas Citations. Said library shall be suitably lighted and otherwise equipped as a comfortable reading room.

3. Have ample faculty to meet the needs of the students.

4. It shall not be conducted as a commercial enterprise for profit.

5. It must be either a full-time school, which as a condition precedent to graduation requires the student to pursue courses therein at least twelve hours each week for twenty-seven months, or a part-time school, which conducts the greater part of its classes in the late afternoon or evening hours, and as a condition precedent to graduation requires the student to pursue courses therein at least nine class hours each week throughout a period of thirty-six months. If the student takes less than twelve class hours' work each week in a full-time school or nine class hours' work each week in a part-time school, then he must be required to pursue

his studies for a correspondingly longer period until he has completed seventy-two semester hours' work.

6. Cover in its courses required for graduation at least all subjects specified by the Supreme Court in its rules for study in preparing for Texas bar examinations.

7. Give satisfactory written final examinations to each student on the courses studied by him, all of which examinations shall be subject to the inspection of the Board of Law Examiners upon its request.

8. Must maintain scholarship standards and observe degree requirements not substantially less than or inferior to those being maintained by the majority of the approved law schools in the State. The school must show reasonable diligence to reject those applicants who are unqualified to be lawyers before they begin the study of law, and to eliminate by the end of the first year those who have proven unfit to become lawyers.

9. Maintain complete records of all students enrolled in school. These records should contain the following information: Credentials for admission; the action of the administrative office passing thereon; date of admission; date of graduation or final dismissal from school; date of beginning and ending of each period of attendance, if the student has not been in continuous residence throughout the whole period of study; courses which he has taken, the grades therein, if any, and the credit value thereof, and courses for which he is registered; and a record of all special action of the faculty or administrative officers. It is particularly important that any action taken in reference to the student because of poor scholarship or discipline should be noted fully upon his record. Such schools, upon request from the Board, shall furnish data showing the percentage of successes which the graduates of such

schools shall have achieved in bar examinations in this State.

10. Any law school not operated in connection with an established university, as above defined, must, in addition to the requirements hereinbefore set out, (1) be approved by the bar association of the city or county in which it is situated; (2) have a governing board of at least five reputable, licensed lawyers of this State; (3) have a minimum faculty of either two full-time teachers or one full-time teacher and at least three part-time teachers, or seven part-time teachers, all of whom must be lawyers licensed in Texas and of good reputation (a full-time teacher being defined as one who devotes his entire time to teaching and legal scholarship, and who has no office or business connections outside his teaching, although he may take an occasional case or write an occasional brief); and (4) have at least 25 qualified students regularly taking its law courses.

Any law school which shall apply to the Board of Law Examiners for approval shall submit a written application upon a form to be prescribed by the Board, giving in detail all relevant information requested, and shall deposit with its application such sum as the Board shall reasonably require to cover the Board's expenses in investigating the fitness of such school for approval, and shall submit, from time to time, to such further examinations as the Board may direct.

Approval of any law school may be withdrawn upon failure to maintain the standards herein provided for.

PROOF OF PRELEGAL REQUIREMENTS

Proof required that an applicant has completed the required amount of prelegal college work in order to entitle him to study law may be made by filing with the declaration of intention to study law a certificate

from the registrar or other proper official of a recognized college (a) showing that the applicant holds an A.B., B.S., or B.B.A. degree from such college, giving the degree and the date it was awarded; or (b) a transcript of his scholastic record while he was a student in the college or colleges in which the required work was done and completed; or (c) a certificate by the appropriate official of a recognized college showing that the applicant has taken and passed subject matter examinations (with an average grade of not less than "C" or its equivalent) in a sufficient number of subjects to equal the work required for the completion of the freshman and sophomore years' work in a senior college or university rated as first-class by the Association of Texas Colleges.

Where an applicant proposes to take an examination for advanced standing, as provided in subsection (c) above, the college in which the examination is to be taken shall first report that fact to the Board and obtain its consent before conducting the same, and after the examination has been completed the results thereof shall be certified to the Board, regardless of whether the applicant passes or fails. Upon request from the Board the examination papers shall be forwarded to it for inspection. If the Board, upon satisfactory proof, is of the opinion that a college is not giving proper examinations or is not conducting them in a proper manner, it may refuse permission to conduct such examinations in the future.

The Board of Law Examiners has adopted the recommendations of the American Council of Education in its "Guide to the Evaluation of Educational Experiences in the Armed Forces," and will allow the maximum credit recommended for either senior or junior colleges to servicemen and women for services and training while in the Armed

Forces, but not to exceed a total of thirty semester hours.

All orders or rulings of the Board of Law Examiners shall be subject to review by the Supreme Court upon written appeal.

These rules to become effective on the 1st day of January, 1946.

Witness our signatures this the 13th day of December, 1945.

J. L. GOGGANS,
Chairman.

J. H. HART
A. N. MOURSUND
SAM NEATHERY
Members.

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

Approved by the Supreme Court on the 31st day of December, 1945.

JAMES P. ALEXANDER
Chief Justice
JOHN H. SHARP
GORDON SIMPSON
G. B. SMEDLEY
W. M. TAYLOR
J. E. HICKMAN
C. S. SLATTON
FEW BREWSTER
A. J. FOLLEY
Associate Justices.