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1976-77 Officers

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Capitol Station
P. O. Box 12487
Austin, Texas 78711

*Rules Governing Admission to the
Bar of Texas*

ADOPTED BY

**THE SUPREME COURT
OF TEXAS**



Administered by

*State Board of Law Examiners of
The State of Texas*

State Bar of Texas

Printed 1-2-77

THE SUPREME COURT OF TEXAS

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These Rules include all amendments
to January 2, 1977

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INSTRUCTIONS TO APPLICANTS

Forms for declaration of intention to study law, for admission to the Bar, and other forms may be secured from Mrs. Alta Moore, Secretary to the Board of Law Examiners, P. O. Box 12248, Capitol Station, Austin, Texas 78711.

**THERE ARE TWO IMPORTANT STEPS
TO
FOLLOW IN THESE RULES.**

1. General Information on Filing Declaration of Intention to Study law (see pages 7-14):

a. File Declaration in duplicate as early as 60 days before, but not later than 120 days after, you begin the study of law in an approved law school as reflected in Rules III and IV. Check, money order, or cashier's check in the amount of seventy-five dollars (fifty dollars if you entered law school prior to July 15, 1976) payable to the State Bar of Texas covering the investigation fee must accompany Declaration. Be sure you have answered all questions and included your prelaw transcript.

b. You will be notified if a personal appearance before your District Committee on Admissions is required. The recommendation of this committee will be mailed to you. Please furnish proper mailing address with zip code.

2. General Information as to Bar Examinations (see pages 19 - 21):

a. File application in triplicate not less than 90 days before the beginning date of the examination reflected in Rule I. Money order or bank cashier's check payable to the Clerk of the Supreme Court covering examination fee must accompany application. For those registered in law school prior to August 1, 1974, an additional check, money order, or cashier's check payable to State Bar of Texas covering investigation of application must accompany application if such fee has not previously been paid. Be sure you have answered all questions and included the required attachments.

b. Applicants will be informed by a simultaneous mailing of the date, hours, and place of the examination in accordance with Rule I. A combination multi-state and short

essay exam is given on the last Wednesday and Thursday of the months of February and July. The fall exam is usually scheduled from late October to mid-November and consists of two days of testing by essay questions only covering the 14 subjects prescribed by the Supreme Court of Texas under Rule VII. **Generally, such mailing is completed one week prior to the examination.** You will be notified if your application is incomplete or a personal appearance before the Board for further consideration of your application is required. Please furnish proper mailing address with zip code.

c. Applicants may take examination in long-hand using ballpoint or ink pens. Those applicants who wish to type should note same in the upper left-hand corner of their applications; typing tables will be furnished. Applicants must furnish their own legal pads or legal-sized typing paper. Applicants using electric typewriters must furnish their own heavy-duty extension cord.

**YOU ARE RESPONSIBLE FOR READING
THE ENTIRE BOOKLET OF
RULES IN ADDITION TO THE
ABOVE REFERENCED PAGES.**

**SUGGESTIONS TO ATTORNEYS
FROM OTHER JURISDICTIONS
APPLYING UNDER RULE XII**

1. Application for admission is to be filed in the office of the Secretary to the Board of Law Examiners, Supreme Court Building, Austin, Texas. If application is made to Texas Board within one year from date of licensing in a sister state, a fee of one hundred dollars (\$100.00) by bank cashier's check or money order must accompany application and should be made payable to the Clerk of the Supreme Court. Attorneys from sister states licensed more than one year prior to application for admission to the Bar of Texas must remit two hundred dollars (\$200.00). Rejection of application will not entitle applicant to refund of fee.

2. All applicants applying under Rule XII must furnish Character Report from the National Conference of Bar Examiners. Such report should be ordered through the Secretary to the Board of Law Examiners. Write the Secretary at P. O. Box 12248, Austin, Texas 78711 for appropriate forms.

3. Applicants under this rule must file application within two years after becoming a resident of Texas.

4. All immigrant attorneys are required to be in attendance on Tuesday of the week set for the examination, at such time and place as provided in notices to them.

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**CIVIL STATUTES OF TEXAS OF GENERAL
APPLICATION RELATIVE TO ADMISSION
TO THE BAR**

Article 304. Board of Examiners.—The Board of Law Examiners shall consist of five lawyers having the qualifications required by 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.

Article 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.

Article 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.

The completion of prescribed study in an approved law school as herein defined shall satisfy the law study requirements for taking the aforesaid examination. An approved law school is hereby defined as one which is approved by the Supreme Court as offering the course of study prescribed by the Supreme Court for the period of time designated by such Court, and as maintaining the additional standards prescribed by the Court. 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. The power granted to the Supreme Court by this Act shall not be delegated.

Article 307A. During a national emergency as declared by Congress or the President of the United States, law licenses shall be granted, without requirement of passage of the State Bar Examinations, to all citizens of Texas who have graduated from a law school given unconditional approval on the official list of approved law schools filed by the Supreme Court of Texas with the Clerk of the Court and who have been honorably discharged or honorably released from the military service of the United States; provided, however, that a license shall not be granted under the foregoing provisions to any applicant who fails to meet the following requirements:

1. He shall meet the character requirements prescribed by the rules promulgated by the Supreme Court of Texas.

2. He must have been a resident of the State of Texas for at least one (1) year prior to graduation from law school.

3. He must have commenced his military service prior to the date set for the second State Bar

Examinations next following the date of his graduation.

4. He must have served honorably and continuously on active duty for a period of time not less than one (1) year.

5. He must make application for license within one (1) year after the date of his separation from the military service of the United States.

Military service shall include service in all branches of the Army, Navy, Air Force and other military forces of the United States, including auxiliary services.

Article 307B. Law licenses shall be granted without requirements of passage of the State Bar Examinations as to any subject or subjects which the candidate has satisfactorily passed prior to entering the Military Service or Merchant Marine Service of the United States in any law school situated within this State which is on the approved list of the Supreme Court of Texas, provided such applicants are graduates of such law schools, provided such candidate has been a citizen of Texas for at least one (1) year prior to the passage of this Act, and has served at least two (2) years in the Military Service or Merchant Marine Service of the United States. Such candidate must have been honorably discharged or released from active Military Service and must have the character requirements prescribed by the Rules of the Supreme Court of Texas. Such candidate shall file with his application for license a certified copy of his honorable discharge or release from active Military Service or Merchant Marine Service of the United States. Such application shall be filed with the clerk of the Supreme Court of Texas not later than six (6) months after such candidate graduates from one of the approved law schools. Military Service or Merchant Marine Service shall include service in all branches of the Army, Navy, and other Military Forces or Merchant Marine Service of the United States, including Auxiliary Service during World War II or during national emergency as declared by Congress or the President of the United States.

Article 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.

Article 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 endorsed upon his license, subscribed by him and attested by the officer administering the same.

Article 310. Fees.—The fees for any examination given by the Board shall be fixed by the Supreme Court, not to exceed forty 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. As amended July 1, 1967.

Article 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.

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

Issuing attorney's license affixed with seal, \$5.00.

IN THE MATTER OF AMENDMENTS TO THE RULES GOVERNING ADMISSION TO THE BAR OF TEXAS

On this 26th day of February, 1974, it is ORDERED that the Rules Governing Admission to the Bar of Texas as heretofore existing are hereby amended in part, in part repealed, and in part restated and repromulgated, so that the same, including the titles, shall thereafter read as hereinafter set forth, and as so reading shall constitute the entire and only rules of this Court upon the subject matter. Except as otherwise hereinafter specifically provided, these rules shall be effective August 1, 1974, prior to which date the present rules and prior orders of the Court thereon shall remain in effect.

RULES OF THE SUPREME COURT GOVERNING BAR ADMISSION, DEFINITIONS AND GENERAL PROVISIONS

These rules are made subject to the provisions of Title 14, Revised Civil Statutes of Texas, as amended, and shall be construed accordingly. The provisions of said Title are incorporated herein by reference.

Unless otherwise clearly shown by the context, references in these rules to "Supreme Court," "Board," "State Bar," "Executive Director" and "District Committee" shall be taken to mean respectively the Supreme Court of Texas, the State Board of Law Examiners, the State Bar of Texas, the Executive Director of the State Bar of Texas, and the District Committee on Admissions. The terms "declarant," "applicant" or "candidate" shall mean a person seeking to be licensed to practice law in this State, other than immigrant attorneys, as to whom the provisions of Rule XII are intended to govern. Similarly the term "approved law school" shall be taken to mean a law school officially approved by the Supreme Court of Texas in the manner provided in Rule VI of these rules. The term "Declaration" shall mean a Declaration of Intention to Study Law.

RULE I TIMES AND PLACES FOR EXAMINATIONS

Bar examinations shall be held in the City of Austin, Travis County, Texas, and at such other

places in the State of Texas as the Board may deem feasible.

Three regular examinations shall be held each year, one in the early part of the year, one in the summer and one in the fall, on such dates as the Board shall fix and announce for such examinations.

In addition to the regular examinations, special examinations may be held, at the discretion of the Board, at such times as it may direct, including instances provided by Article 306, Subdivision 5, Revised Civil Statutes of Texas, 1925.

RULE II
ELIGIBILITY FOR THE EXAMINATIONS:
GENERAL

A. To be eligible for the examinations, the applicant shall comply with the requirements of these rules, shall be a resident of this State, and, except as otherwise specifically provided herein, shall be a citizen of the United States, and shall have resided in this State continuously for not less than three (3) months, next preceding the date on which he begins his first examination. One who is a resident of Texas at the time of entrance into an out-of-state school for pre-legal or law study or one who is a resident of Texas at the time of induction into the military service shall be considered a resident of Texas at the conclusion of such law course or military service, unless during that period such applicant has affirmatively evidenced an intention to give up his Texas residence. The applicant shall be at least eighteen (18) years of age, of good moral character and fitness, and shall possess the educational attainments set out in the following rules.

B. Good moral character is a functional assessment of character fitness of a prospective lawyer. The purpose of requiring an applicant to possess present good moral character is to exclude from the practice of law those persons possessing character traits that are likely to result in injury to future clients, in the obstruction of the administration of justice, or in a violation of the Code of Professional Responsibility. These character traits usually involve either dishonesty or lack of trustworthiness in carrying out responsibilities. There may be other character traits that are relevant in the admission

process, but such traits must have a rational connection with the applicant's present fitness or capacity to practice law and accordingly must relate to the State's legitimate interests in protecting prospective clients and the system of justice.

C. Fitness, as used in these rules, is the assessment of mental and emotional health as it affects the competence of an applicant. The purpose of requiring an applicant to possess this fitness is to exclude from the practice of law any person having a mental or emotional illness or condition which would prevent his carrying out duties to clients, courts or the profession. A person may be of good moral character, but may be incapacitated from proper discharge of his duties as a lawyer by such illness or condition. The fitness required is a present fitness, and prior mental or emotional illnesses or conditions are relevant only so far as they indicate the existence of a present lack of fitness.

D. The files containing information received in the investigation of moral character and fitness, as provided hereinafter, shall be regarded as confidential, and the contents thereof shall not be disclosed except for the purposes of these rules. Two years following the issuance of a license under these rules, the contents of the file of that licensee shall be destroyed, except that the forms and materials personally composed or supplied by the licensee may be retained so long as the Board may consider them useful.

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

A. Every person intending to apply for admission to the Bar of this State shall file with the Secretary of the Board a Declaration of Intention to Study Law. Such Declaration shall be filed not more than sixty (60) days prior to nor more than one hundred twenty (120) days after entry into an approved law school and, for purposes of uniform administration of this rule, filing deadlines shall be construed as follows: Fall entrants, January 15; Spring entrants, June 1; Summer entrants, October 15; except, however, that the filing deadline for Spring entrants at quarter-hour law schools shall be construed as July 1. Such Declaration shall be made in duplicate on forms to

be prescribed by the Board and shall show such facts as to the history, experience, and educational qualifications of the declarant as the Board may require. It shall name the law school in which declarant proposes to study, or is studying, which school must be an approved law school.

If the declarant proposes, and shows himself entitled, to study law under the direction and supervision of a practicing attorney, as authorized by the pertinent provisions of Rule V, 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, or such organization fails to function, then by the district judge of said county, that the attorney in whose office the declarant 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 attainment to instruct the declarant in his legal studies.

In the event a declarant makes any change in the school or office in which he pursues his studies, he shall within thirty (30) days after making such change file a supplemental declaration, setting forth such information as may be required by the Board, and attaching thereto a certificate as to the qualifications of the attorney concerned if the new course of study is in a law office, as authorized by the pertinent provisions of Rule V.

B. Such Declaration shall be accompanied by supporting documents and other information relating to the declarant as the Board may reasonably require. The declarant shall execute a consent on a form supplied by the Board authorizing all persons, firms, officers, corporations, associations, organizations, and institutions to furnish to the Board or the State Bar, or any of their authorized representatives, all relevant documents, records, or other information pertaining to the declarant.

If the Executive Director or the District Committee, during the course of the investigation of the declarant or applicant, concludes that a complete set of his or her fingerprints would be of substantial assistance in the investigation, the Executive Director shall certify the need for such fingerprints to the Board. If the Board finds a reasonable need for such fingerprints, it may require the declarant or

applicant to furnish these, after considering and passing upon any objections of the declarant or applicant thereto.

C. The provisions of paragraphs A and B shall not apply to attorneys from other jurisdictions seeking admission under Rule XII.

D. If a declarant shall show in writing a reasonable excuse for failure to file a Declaration and other documents required by Rule IV within the prescribed time, the Board may permit the same to be filed within a reasonable time thereafter, except, however, that such declarant shall not be eligible to participate in an examination until such Declaration and other required documents shall have been on file with the Board at least one hundred eighty (180) days unless the Board for good cause shortens such time or otherwise permits a delayed filing of a Declaration without deferment of the time for admission to the examination.

If a declarant fails to file a Declaration and other documents required by Rule IV within the time prescribed in Section A of this Rule III, such declarant shall be assessed a late filing fee. Such late filing fee shall be in the amount of \$25.00 (twenty-five dollars) if such Declaration is filed within one year after the original filing deadline as set forth in Section A of this Rule III, \$50.00 (fifty dollars) if such Declaration is filed within two (2) years of such deadline, and \$75.00 (seventy-five dollars) if such Declaration is filed more than two (2) years after the original filing deadline. Such late filing fee shall be in addition to other fees as hereinafter authorized by these rules. The declarant shall accompany his Declaration with the usual filing fee payable to the State Bar of Texas plus the amount prescribed for appropriate late filing fee if such Declaration is filed after the deadlines provided in Rule III, Section A.

E. The State Bar shall conduct a proper investigation of the moral character and fitness of the declarant and shall carry out the other duties prescribed in these rules. The State Bar is authorized to charge a uniform fee of declarants to defray the reasonable expenses thereof. This fee may be waived or lowered in the case of indigent declarants under such regulations as the State Bar Board of Directors may provide. The declarant shall accompany his

Declaration with the prescribed fee, payable to the State Bar.

F. Compliance with the requirements of this rule is a prerequisite to admission to the Bar.

G. The Secretary of the Board shall keep a record of all Declarations made and filed pursuant to this rule.

H. For the purpose of aiding the Board in determining the good moral character and the fitness of each declarant to become a member of the profession, there is hereby created a District Committee on Admissions in each of the State Bar Districts to investigate qualifications for admission to the Bar. Each District Committee shall consist of not less than fifteen (15) members from the District to be appointed by the Supreme Court with the assistance of the President of the State Bar. A chairman of each District Committee shall be named each year by the Supreme Court. The original District Committee shall consist of one-third of the members appointed for a one-year term, one-third of the members for a two-year term, and one-third of the members shall be appointed annually for three-year terms. Vacancies on District Committees shall be filled by appointments for unexpired terms.

I. Each District Committee shall perform the duties and functions provided in these rules. Three or more members shall constitute a quorum for the transaction of business and shall have the authority to act for the Committee. Reasonable expenses incurred in investigation of declarants by such District Committees shall be borne by the State Bar.

J. On the filing of a Declaration, the Secretary of the Board shall note the filing date and shall refer both copies of the Declaration to the Executive Director together with the investigation fee provided above. On receipt of the Declaration, the Executive Director shall make a preliminary investigation of the declarant's moral character and fitness. On the completion of such investigation, the Executive Director shall refer one copy of the Declaration together with the information received by him in the preliminary investigation to the Chairman of the District Committee in the Bar District where the declarant has his legal residence. If the declarant is not a legal resident of Texas, the Execu-

tive Director may refer such Declaration and information received by him to the District Committee of any Bar District in Texas.

K. On receipt of such Declaration and information the District Committee shall conduct such additional investigation as it deems necessary and may require any declarant to appear before it for a personal interview. It shall grant an interview to any declarant requesting one. It shall invite such a declarant to appear before it for a personal interview before making an unfavorable report as to a declarant's moral character and fitness. Such personal appearance shall be before not less than three (3) members of the District Committee.

L. The Executive Director and the District Committee are authorized to use all reasonable means to satisfy themselves of the good moral character and fitness of a declarant or applicant to practice law and may require proof of his or her mental or emotional capacity, which proof shall negate the existence of mental, nervous, or emotional conditions or disorders which would materially impair the fitness of the declarant to practice law.

M. On completion of its investigation the District Committee shall report as to whether in its opinion such declarant possesses the good moral character and fitness to be a candidate for admission to the Bar. The District Committee shall make such reports in duplicate, and shall furnish one copy to the declarant and mail one copy with the Declaration and attachments to the Executive Director. The Executive Director shall promptly certify to the Secretary of the Board the report of the District Committee, accompanying the same with the Declaration, the supporting documents, and the results of the investigation. The Board shall thereupon determine if the declarant possesses the good moral character and fitness necessary for admission to the Bar.

N. In the event the District Committee reports that in its opinion a declarant does not possess the necessary good moral character and fitness, or in the event the Board is not satisfied with a favorable report by the District Committee on a declarant, the Board shall set the time and place for a public hearing on the question of the declarant's moral

character and fitness. The hearing shall be conducted as follows:

- (1) The declarant shall be given reasonable notice by registered mail or by certified mail of the time and place of the hearing.
- (2) The State Bar, or other opponent of approval of the declarant, shall have the burden of going forward with the evidence on the basis of which it is claimed that the declarant is not of good moral character or fitness. On the production of such evidence, the burden of proceeding shall shift to the declarant to show that he possesses good moral character and fitness as defined in these rules.
- (3) The hearing of the Declaration by the Board shall be de novo.
- (4) The declarant shall be given the opportunity to be present in person and by attorney, to present evidence, to confront and to cross-examine adverse witnesses, and to present argument to the Board on the issues of law and fact.
- (5) The Board shall have authority to have oaths administered, issue subpoenas, and employ court reporters in connection with the hearing.
- (6) Evidence and argument for or against a declarant may be presented by the State Bar either on the State Bar's own initiative or at the request of the Board.
- (7) Upon request to the State Bar by the declarant within a reasonable time prior to the hearing, the State Bar shall state in writing to the declarant the specific nature of the unfavorable information to be presented against him.
- (8) The Board shall determine, on the basis of evidence and argument adduced at the hearing, whether the declarant possesses good moral character and fitness.
- (9) The declarant shall be notified in writing as to the decision of the Board within a reasonable time following the conclusion of the hearing. If the decision be adverse to the declarant, the Board, upon request by the declarant, shall promptly

state in writing the evidence relied upon and the reasons for denying the application.

(10) The Board shall have authority to adopt such other rules of procedure for hearings, not inconsistent with these rules, as may be necessary to implement these rules. The State Bar shall defray the reasonable expenses of the Board in any hearing under this Rule III.

(11) Proceedings for review of any decision of the Board may be instituted within sixty (60) days of the date of the written decision by filing a petition against the Board, as defendant, in a district court of Travis County and not elsewhere. The petition for review shall be served on the Board. After service of such petition, and within the time permitted for filing an answer, the Board shall certify to the district court in which such petition is filed the record of the proceedings to which the petition refers.

(12) The review of such decision of the Board, referred to above, shall be tried by the court without a jury. The burden of proof shall be on the plaintiff and the court shall determine from the Board's record of the proceeding filed with it whether or not the Board's decision is reasonably supported by substantial evidence. The reviewing court may affirm the action complained of or remand the matter to the Board for further proceedings. Appeals from any final judgment of the court may be taken by either party in the manner provided for in civil actions generally, but no appeal bond shall be required of the Board.

O. This Rule III, as amended by this Order, shall apply to all candidates who enter law school for the first time after August 1, 1974, and to all candidates previously enrolled in law school whose Preliminary Character Certificates, in connection with their Declarations of Intention to Study Law have not been acted upon by the appropriate Committee on Bar Candidates of local bar associations and filed with the Secretary of the Board on or before August 1, 1974, under prior Rules Governing Admission to the Bar of Texas. Candidates whose Preliminary Character Certificates have been so acted upon and filed will be governed by Rule III of the prior Rules Governing Admission to the Bar of Texas in effect prior to the date of this Order.

RULE IV
DECLARATION OF INTENTION TO STUDY LAW
(CONTINUED): PRE-LEGAL EDUCATIONAL
QUALIFICATIONS OF DECLARANT

Every person filing the Declaration of Intention to Study Law provided for in Rule III shall, at the time of filing the same, also file with the Board proof of the required educational qualifications to begin the study of law, namely: Unconditional credit for not less than ninety (90) semester hours of college work satisfactorily completed with an overall or weighted average of not less than C computed on the comprehensive basis of all college work undertaken by the student in his pre-law curriculum, except that if a course is repeated, only the last grade will be counted. Work done in two or more institutions will be averaged together. In computing the average a semester hour of A counts 3 grade points; B, 2; C, 1; D and F, 0. All college work submitted shall be done in residence in a recognized college.

A recognized college, for the purpose of evaluation of transcripts, is one which has been given a rating in the Annual Report compiled by the American Association of Collegiate Registrars, including schools that have been provisionally or conditionally approved as such and appear as such on the Registrar's Report, or a college having membership (full, associate or affiliate) in the Association of Texas Colleges.

RULE V
REQUIRED LAW STUDY

A. The law study requirements for eligibility of a candidate to take the Bar examination are:

(1) Graduation, or satisfaction of all requirements for graduation, from an approved law school; or

(2) Study of law in an approved law school or schools without satisfying all requirements for graduation therefrom provided the candidate has completed eighty (80) semester hours acceptable toward the LL.B. degree, or its equivalent, from such school; or

Effective July 1, 1977 the above Rule V, A., (2) will read as follows:

(2) Study of law in an approved law school or schools by satisfying all requirements for graduation except for not more than four semester hours or its equivalent in quarter hours.

(3) Any declarant who duly filed his Declaration of Intention to Study Law in the office of a practicing lawyer prior to January 1, 1972, and whose Declaration has been approved, may establish his eligibility by means of the study of law in the office of a practicing lawyer in Texas qualified to supervise such study for a period of thirty-six (36) months, devoting to such study an average of at least thirty (30) hours per week; or

(4) The Board may in its discretion authorize the study of law in the office of a practicing lawyer as permitted by the Rules in effect immediately prior to January 1, 1972, for establishing eligibility, referred to in preceding subsection (3) of this Rule, provided the Board finds that the declarant has attended an approved law school and has completed at least fifty-two (52) semester hours acceptable toward a law degree but, because of unexpected and unusual occurrences resulting in severe hardship, is unable to complete the required law study therein, or in any other approved law school, and has no reasonable expectation of being able to do so within a reasonable time; or

(5) Study in both an approved law school and in the office of a qualified practicing lawyer in Texas, as authorized in this Rule V, successively and so that the total study of the candidate shall, in the opinion of the Board, be the equivalent of the studies described in Section A. (2) of this Rule.

B. Miscellaneous Provisions:

(1) A candidate, after entering an approved law school, may transfer to another such school.

(2) Applications to the Board for transfers from a law school to the study of law in a law office (when such study is permitted under this Rule), or vice versa, shall be accompanied by a supplemental Declaration.

(3) No candidate shall be permitted to take the Bar examination at the same time that he is regis-

tered as a student in a law school pursuing courses requiring more than four (4) class hours each week, unless such candidate already enjoys an LL.B. degree, or its equivalent, from an approved law school.

Effective July 1, 1977, the above Rule V, B., (3) will read as follows:

(3) No candidate shall be permitted to take the Bar examination at the same time that he is registered as a student in a law school pursuing courses requiring more than four (4) hours of class attendance each week, unless such candidate already enjoys an LL.B. degree, or its equivalent, from an approved law school.

(4) The student must complete his or her law study within six (6) years after beginning the same, provided that any person who shall have begun or shall hereafter begin the study of law under and in accordance with the Rules, who, before completing such study, entered, or may hereafter enter, any active branch of the military service of the United States, shall, after honorable separation from such service, be entitled to continue his or her studies until they are completed, but must complete such studies within a total of six (6) school years. A student failing to so complete his or her law study within six (6) years after beginning the same shall be required to file a new Declaration.

RULE VI APPROVED LAW SCHOOLS

A. The Standards of Approval of Law Schools. A law school, to be approved, shall comply with the following standards:

(1) The school shall not be operated as a commercial enterprise or for private profit.

(2) The school shall have a physical plant adequate for its program.

(3) The school shall have a competent Dean or other administrative head and a competent faculty devoting adequate time to administration, instruction, and student counseling.

(4) The school shall maintain a sound educational program and may not allow credit for study by correspondence.

(5) The school shall maintain an adequate library.

(6) The school shall maintain a sound admission policy, designed to exclude at the outset the obviously unqualified. It shall require as a condition to admission unconditional credit for not less than ninety (90) semester hours of college work satisfactorily completed with a weighted average of not less than C on all work undertaken by the student in his pre-law curriculum. All work submitted shall be done in residence in a college given a rating in the Annual Report of the American Association of Collegiate Registrars, or a college having membership in the Association of Texas Colleges.

(7) The school shall maintain scholastic standards designed to identify and exclude, as soon as possible, those admitted students who are not qualified to continue with their studies.

(8) The school shall require as a condition of graduation the satisfactory completion of at least eighty-four (84) semester hours of work in courses for which credit is given.

(9) A law school which is either provisionally or fully approved by the American Bar Association shall prima facie be deemed to comply with these standards unless the Court finds that such school is not conforming to the standards established by these rules.

B. Procedures Relative to Approval.

(1) The Supreme Court shall approve law schools which meet the standards specified in Section A. of this Rule, and will from time to time review its action concerning existing schools and determine the matter of approval of new schools as the same shall come into existence. The action of the Court with respect to approval shall be evidenced by a list of approved schools, which shall be maintained by the Clerk of the Court and the Secretary of the Board. The present list on file will as occasion requires be supplemented from time to

time as the Court may determine and evidence of changes in existing lists will likewise be kept on hand by the Clerk and the Secretary of the Board.

(2) Notwithstanding anything in these rules to the contrary, the Court may list its approval of any particular school or schools as conditional or provisional, and the Court may thus grant temporary or conditional exceptions to required standards, where in its judgment the best interest of the State will be served. If the conditions upon which a school is listed shall not be fulfilled, or where the period of temporary listing shall expire, the school in question shall automatically cease to be an approved school.

(3) The Board may by special or exceptional order permit an applicant eligible to take the Bar examinations in cases where (a) a law school which an applicant enters is at the time of said entry approved (absolutely, conditionally, or temporarily) under these rules or predecessor rules but ceases to be approved following said entry, or (b) a law school is not an approved school under these or predecessor rules at the time of the applicant's entry therein, but becomes approved during the period of the applicant's study therein.

(4) Any law school believing itself adversely affected by being omitted from said approved list, or in any other manner incident to said list, and desiring a change therein, may submit in writing its corresponding complaint or statement executed by its highest authorized representative in fifteen (15) counterparts, which shall be directed jointly to the Court and the Board, and sent originally to the Secretary of the Board, who will distribute one (1) counterpart to each member of the Court and the Board. The school shall pay all travel and other expenses of the Board incident to its investigation of the school. The board shall within a reasonable time after receipt of said documents make a report with recommendations to the Court.

(5) The Board itself, without special authorization of the Court, may at any time investigate any law school on the above-mentioned list or one omitted therefrom. It will report its findings and recommendations to the Court. If such investiga-

tion is at the request of the school in question, all travel and other expenses of the Board incident thereto shall be first adequately guaranteed to the Board by said school.

RULE VII SUBJECTS FOR BAR EXAMINATION

The Supreme Court by separate order has established a list of the subjects for the Bar examinations which shall be open to public inspection at all reasonable times. The Board shall cause copies of said list, including any subsequent changes therein, to be published at appropriate periods for distribution to applicants upon request.

RULE VIII APPLICATION FOR PERMISSION TO TAKE THE BAR EXAMINATION: SUPPLEMENTARY INVESTIGATION OF GOOD MORAL CHARACTER AND PROOF OF REQUIRED LAW STUDY

A. Candidates to take the Bar examination shall file their Application therefor in triplicate with the Secretary of the Board not more than one hundred fifty (150) days nor less than ninety (90) days prior to the first day of the examination in which they seek to participate.

B. The Application shall be made on a form to be furnished by the Board and calling for information reasonably related to a thorough inquiry into the good moral character, fitness, and legal education of the applicant.

C. At the time of filing the Application, the applicant shall furnish proof satisfactory to the Board that he or she has complied with the law study requirements of Rule V and no applicant shall be admitted to the examination until the Board has determined that these requirements have been met.

D. On the filing of an Application, the Secretary of the Board shall note the filing date and shall refer two (2) copies of the Application to the Executive Director. On receipt of the Application, the Executive Director shall make a supplemental investigation of the applicant to cover the period of time subsequent to the date of the Declaration of Intention to Study Law and investigation incident thereto. On completion of such investigation the

Executive Director shall refer a copy of the Application and investigation report, together with a copy of the applicant's Declaration of Intention to Study Law, and such other relevant information from the files of the State Bar, to the chairman of the District Committee in the Bar District where such applicant has his legal residence.

E. On receipt of such Application and other documents the District Committee shall conduct such investigation as it deems necessary. It may require an applicant to appear before it for a personal interview. It shall grant an interview to any applicant upon request. It shall invite an applicant to appear before it for a personal interview before making an unfavorable report as to moral character and fitness. Such personal appearance shall be before not less than three (3) members of the District Committee.

F. The District Committee shall complete its investigation of the applicant not less than forty-five (45) days prior to the first day of the examination in which such applicant seeks to participate. It shall report its opinion of the applicant's moral character and fitness to the Executive Director and to the applicant. The Executive Director shall promptly certify to the Secretary of the Board the report of the District Committee, accompanying the same with the Application, the supporting documents and the results of the investigation. The Board shall thereupon determine if the applicant possesses good moral character and fitness.

G. In the event the District Committee reports that in its opinion an applicant does not possess good moral character and fitness, or in the event the Board is not satisfied with a favorable report by the District Committee on an applicant, a hearing on the question of the applicant's moral character and fitness shall be held in the manner and under the procedure prescribed in Rule III N. hereof.

H. No applicant shall be allowed to take the Bar examination until the investigation of his or her moral character and fitness has been completed and it has been determined that applicant possesses good moral character and fitness. Where any applicant is, because of time required under these rules, not admitted to the examination for which he or she applied and his or her Application is finally ap-

proved, no additional Application shall be required provided such applicant takes the examination within eight (8) months after final approval.

I. An applicant who takes the Bar examination in either July, 1974 or in October, 1974, shall be governed by Rule VII of the Rules Governing Admission to the Bar of Texas, as it existed prior to the date of this order. Applicants for later examinations shall be governed by this Rule VIII. Applicants for examinations later than October, 1974, who are not governed by Rule III, as amended by this Order, shall accompany their Applications with the prescribed investigation fee, payable to the State Bar. Other applicants shall pay no additional investigation fee. All applicants shall pay the examination fee provided in Article 310, Vernon's Annotated Revised Civil Statutes of Texas.

J. Regardless of any specific authorization or direction herein as to the particular means or data for the proof contemplated by this Rule, the Board shall enjoy wide discretion to use additional means and ascertain or require additional data in order to satisfy itself in the premises; provided only that its actions in this behalf be not unreasonable.

RULE IX APPLICATIONS OF PERSONS WHO ARE NOT UNITED STATES CITIZENS

A. In its discretion, the Board may admit to the Bar examination a resident alien who has been awarded the LL.B. degree, or its equivalent, by a law school approved by the Supreme Court as provided in Rule VI, and who otherwise meets all requirements of these rules for admission, provided the applicant has been lawfully admitted to this country for permanent residence. The Board may require such an applicant, at applicant's expense, to furnish a character report from any organization or source it may specify, including the National Conference of Bar Examiners, or adopt other means, at applicant's expense, for the purpose of satisfying itself that the applicant under this rule meets the requirements as to good moral character and fitness as those terms are used in Rule II.

B. All persons applying under this Rule IX will be required to pay a fee of Two Hundred Dollars (\$200.00) in addition to the required fee for a char-

acter and background report from the National Conference of Bar Examiners.

**RULE X
REGULATING EXAMINATIONS: REQUIRED
GRADE: RE-EXAMINATION**

The applicants for an examination are required to be in attendance at the time and place designated by the Board. Announcement will then be made of the hours for the examination.

The questions need not be labeled as to subjects on the question sheet as the applicant will be expected to be prepared to determine the field or fields in which the problem falls.

To pass the examination, the applicant must make an average grade of 75 on the entire examination.

Applicants, including immigrant attorneys who have satisfied all other requirements and are required to take the regular examination, may take such examination at any time after completion of the required law study, but must furnish proof of good moral character as of such time. An applicant who fails his or her first examination may take two (2) additional examinations at his or her discretion.

An applicant who has failed in three (3) examinations must study for a year, or for such other period of time as the Board may fix, before taking a fourth examination, and a like period of time must intervene between the fourth and fifth examinations. Except as next provided, no more than five (5) examinations can be taken. However, the Board at its discretion may permit an applicant to take additional examinations after such additional study as the Board may prescribe.

The foregoing provisions concerning failure in three (3) examinations shall apply to those who have heretofore failed three (3) or more examinations and entitle them to further examinations as herein provided.

The Board, upon written request to its Chairman by an applicant who has failed two (2) or more examinations, shall review his or her papers (and the grades given him or her) on the examination immediately preceding such request, provided such

request is received within two (2) weeks after the mailing of the grades given upon such examination. Such review shall be given at the Board's next regular meeting at Austin unless postponed by the Board for good cause. The papers shall be reviewed with the applicant, but such applicant shall not be admitted to the examination during the session at which the review is given.

**RULE XI
FEES FOR EXAMINATIONS AND THEIR
DISTRIBUTION**

Each applicant, other than one who has been licensed in a sister state, the District of Columbia, a territory of the United States or in any other country, shall pay to the Clerk of the Supreme Court a fee of forty dollars (\$40.00) for each examination taken by him or her. If an applicant applies for a license without examination under Article 307A of Vernon's Annotated Revised Civil Statutes of Texas, he or she shall pay such fee.

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 funds 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.

**RULE XII
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 or a territory of the United States, 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 or her Application, which must comply with the requirements of the Board, applicant must be a citizen of the United

States and show that he or she has been for at least three (3) months an actual resident of this State and that for at least seven (7) years preceding such Texas residence applicant was duly licensed to practice law in the highest court of the state or states of his or her former residence or in the District of Columbia or a territory of the United States.

(b) Applicant must show he or she has been continuously engaged in the practice of law as applicant's principal means of livelihood in the place or places of his or her former residence for at least seven (7) years preceding applicant's removal to Texas, and has never been disbarred or had his or her license suspended, and that there are no charges of misconduct pending against him or her, and so far as applicant 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 service. Time spent in the active military service, not to exceed five (5) years, after the applicant had been licensed to practice law, may be included in the seven-year period above referred to.

(c) Applicant must furnish to the Board evidence as to his or her moral character as required of candidates to take the Bar examination in this State and such further evidence as the Board may require, including a character report at applicant's expense from the National Conference of Bar Examiners, to fully satisfy it as to his or her 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 requirements and it shall have the authority to reject any such applicant deemed by it not to have met the requirements hereof. The Board after investigations as herein provided may require the applicant to take the regular Bar examination or a short-form examination covering such provisions of the Texas Constitution, Texas statutes and the Texas Rules of Civil Procedure, as the Board may determine advisable.

(d) Any applicant hereunder who has not been practicing law in some other state or states or the

District of Columbia or territory of the United States for at least ten (10) years in accordance with the above provisions must show to the satisfaction of the Board that in procuring his or her license to practice in such other state or states or the District of Columbia or territory of the United States, applicant 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 or she makes application for a license to practice law in this State. If such applicant has so practiced elsewhere for ten (10) years or longer he or she may make either the showing provided for in this paragraph or may show to the satisfaction of the Board that applicant is of such moral character and has legal attainments and experience as to fully satisfy the Board that he or she 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 (3) months next preceding the date on which his or her application is approved by the Board, he or she may, upon the recommendation of the Board, be issued a temporary certificate which will entitle him or her to practice law in any court in this State for a period of one (1) year from its date unless sooner revoked or cancelled. Such temporary certificate may be revoked at any time upon recommendation of the Board for cause.

(f) Each applicant who applies under this rule prior to expiration of twelve (12) months after the date he is licensed in the sister state will be required to pay a fee of One Hundred Dollars (\$100.00) in connection with such application. Each other attorney applicant from a sister state will be required to pay a fee of Two Hundred Dollars (\$200.00). Such fee in each instance shall be payable to the Clerk of the Supreme Court, which shall be disposed of by said Clerk in the same manner as other fees paid by applicants to take the bar examination in this state; provided that such fee shall be only Twenty-Five Dollars (\$25.00) in the case of an applicant who, at the time of filing the application, is engaged as a full-time teacher in an approved law school in the State of Texas. Rejection or withdrawal of application will not entitle applicant to refund of fee. Such fees are in addition to the required fee for a character and background report from the National Conference of

Bar Examiners. The foregoing provisions of this rule, insofar as they permit the licensing of attorneys in this State without taking the bar examination, shall apply only to attorneys immigrating from other states or the District of Columbia or territories of the United States which give to persons licensed to practice law in Texas the same or similar reciprocal privileges.

(g) Provided his or her temporary certificate is still in good standing at the expiration of one year from the date of its issuance, an applicant who has continuously resided and practiced law in Texas during such one (1) year period may upon recommendation of the Board be granted a license to practice law in this State. The Board may, before making such a recommendation, adopt any means within its discretion for the purpose of satisfying itself that the applicant while practicing law during such period has demonstrated that he or she possesses the character, qualifications, and fitness to receive a license to practice law in this State. The Board may, in its discretion, require the applicant to furnish at his or her expense a report by the State Bar of his or her conduct and demeanor during the period, utilizing the services of the State Bar, the Executive Director, and the District Committee.

(h) 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 (3) months' residence in Texas and the prescribed pre-legal 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.

(i) A non-resident attorney who resides within and is a citizen of the United States and who has for the preceding two (2) years resided within five miles of the Texas border shall be eligible to take the Bar examination provided he or she complies with the other provisions of these rules, including pre-legal education. Upon successfully passing such examination he or she may practice law in the Texas courts, though not a citizen of this State, if he or she is a member of the State Bar.

(j) An applicant hereunder who is required to take an examination may take the same during the

meeting at which his or her Application is granted or at the time of the next regular examination. In case of failure he or she may take additional examinations as permitted regular applicants under Rule X.

(k) In order to make application under the preceding subdivisions of this Rule as a resident of Texas, the applicant under this Rule must file his Application within two (2) years after becoming a resident of Texas unless good cause is shown to the satisfaction of the Board for delaying beyond the two-year period.

(l) A reputable non-resident attorney, although not licensed to practice law in Texas, may, after first complying with the requirements hereinafter set forth, participate in the trial or hearing of any particular cause in this State, provided a resident practicing attorney of this State, a member of the State Bar of Texas, is actually employed and associated and personally participates with such non-resident attorney in such trial or hearing. If such admission is sought to any court of this State by a non-resident attorney, applicant shall first file with the court wherein he or she seeks admission a written sworn motion requesting admission. The motion shall contain:

- (1) The office address of the non-resident attorney.
- (2) The office address of an attorney of this State with whom the non-resident attorney is associated in the trial.
- (3) A statement that the non-resident attorney is or is not a member in good standing of the Bar of the state of his residence.
- (4) A statement that the non-resident attorney has or has not been the subject of disciplinary action by the Bar or courts of the state of his residence during the preceding five (5) years.
- (5) A statement that the non-resident attorney has or has not been denied admission to the courts of any state or to any federal court during the preceding five (5) years.
- (6) A statement that applicant is familiar with the Rules of the State Bar of Texas governing

the conduct of members of the State Bar of Texas, and will at all times abide by and comply with the same so long as such trial or hearing is pending, and he or she has not withdrawn as counsel therein.

The motion of the non-resident attorney seeking admission shall be accompanied by motion of the resident practicing attorney of this State with whom he or she shall be associated in the trial or hearing of a particular cause, which shall contain a statement that the resident attorney finds the applicant to be a reputable attorney and recommends his or her admission to practice before the court.

The judge may examine the non-resident attorney to satisfy himself that the non-resident attorney is aware of and will observe the ethical standards required of attorneys of this State. If the judge is not satisfied that the non-resident attorney is a reputable attorney and will observe the ethical standards required of attorneys in this State, he may in his discretion deny the motion.

If after admission to practice in this State the non-resident attorney engages in professional misconduct as that term is defined by the Rules Governing the State Bar of Texas, the admitting judge may revoke his or her admission to practice and may cite him or her as for contempt. In addition, the admitting judge may refer the matter to the Grievance Committee of the Bar District wherein the court is located for such action by the Committee as it deems necessary and desirable.

The filing of a motion requesting admission to a court of this State by a non-resident attorney shall constitute his or her submission to the jurisdiction of the State Bar of Texas Grievance Committee for the Bar District wherein the court is located. The county in which the court is located shall be considered the county of his or her residence for purpose of determining venue in any disciplinary action taken against him or her.

RULE XIII
ISSUANCE OF LICENSE CERTIFICATES:
CANCELLATION OF LICENSE UNLAWFULLY
OBTAINED

Upon an applicant's becoming entitled to a license under these rules, the Board shall certify its

approval of such applicant as being so entitled to the Clerk of the Supreme Court, who shall thereupon issue the corresponding license in the form of a written certificate.

All law licenses are 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 an applicant has obtained a license fraudulently or upon willful failure to comply with these rules, such license, upon hearing before, and upon recommendation by, the Board, shall be withdrawn and cancelled, and the name of the license holder stricken from the roll of attorneys.

RULE XIV
ORGANIZATIONAL AND MISCELLANEOUS
POWERS OF THE BOARD

Upon completion of the tabulation of grades given on an examination and approval of such tabulation by the Chairman, the grades shall be mailed to the examinees at the addresses given on their Applications and the Deans of the Law Schools in the State of Texas shall promptly be furnished by mail a list of the examinees from their respective schools and the grades made by each on the examination. No grades shall be given by the Secretary by telephone to any person nor shall the Secretary give grades in person to an examinee or anyone inquiring on behalf of an examinee.

Unless the Court designates the member of the Board who shall serve as chairman, the Board shall have authority to select a chairman. The Board shall select other officers from its own membership, assign their respective duties, may delegate power and authority to one or more of its members, and shall have authority to formulate the procedure of the Board.

Insofar as may be consistent with these rules, the Board is authorized to make all reasonable regulations, including written interpretations of general application with respect to these rules or provisions of general application for relevant subjects not covered by these rules. The Board may also prescribe forms and certificates to be executed by applicants for admission to the Bar of this State, whether as for a first license to practice law in any state or as a practicing attorney of another jurisdic-

tion, or certificates or other forms to be executed by or on behalf of the Board itself.

The Board is given discretion in the interpretation and application of these rules. For good cause shown to the satisfaction of the Board, exceptions may be made to the specific requirements described in the foregoing rules unless it appears therefrom that no exceptions are contemplated by the Supreme Court.