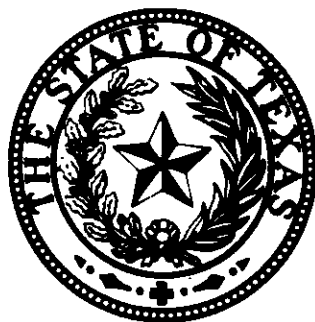


*Rules Governing Admission to the
Bar of Texas*

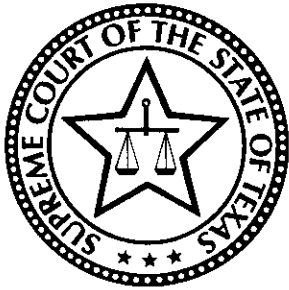
ADOPTED BY

**THE SUPREME COURT
OF TEXAS**

As Amended to March 1, 1983



THE SUPREME COURT OF TEXAS



JACK POPE

Chief Justice

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CHARLES W. BARROW
ROBERT M. CAMPBELL
FRANKLIN S. SPEARS
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**INDEX OF RULES,
CONSTITUTION AND STATUTES**

Supreme Court Rules

Definitions and General Provisions	3
Rule I Examination Requirement	3
Rule II Eligibility for Examination and Licensing After Examination: General	3
Rule III Declaration of Intention to Study Law	4
Rule IV Required Law Study	7
Rule V Subjects for Bar Examination	8
Rule VI Application to Take the Bar Examination	8
Rule VII Examinations	9
Rule VII-A Professional Responsibility	11
Rule VIII Attorneys From Other Jurisdictions	11
Rule IX Fees and Their Distribution	14
Rule X Requirements for Participation in Trial or Hearing in Texas by a Non-Resident Attorney	16
Rule XI Hearings	18
Rule XII Issuance of License Certificates: Cancellation of License Unlawfully Obtained	19
Rule XIII Organizational and Miscellaneous Powers of the Board	20
Rule XIV Confidentiality	21

Constitution

Art. 2, § 1 Division of powers; three separate departments; exercise of power properly attached to other departments	22
Art. 5, § 25 Rules of Court	22

Statutes—General

Art. 304 Board of Law Examiners	22
Art. 304a Application of Sunset Act	23
Art. 305 Duties of Board	23
Art. 305a Moral character and fitness of applicants	24
Art. 305c District Committee on Admissions	25
Art. 306 Authority of Supreme Court	26
Art. 308 Foreign attorneys	27
Art. 309 Oath of attorney	28
Art. 310 Fees	28
Art. 1730 Court to make rules	28

Statutes—Special

.....	29
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**RULES OF THE SUPREME COURT
GOVERNING BAR ADMISSION
DEFINITIONS AND GENERAL PROVISIONS**

As used in these Rules unless otherwise clearly shown by the context, "Supreme Court," "Board," and "District Committee" shall mean respectively the Supreme Court of Texas, the Board of Law Examiners, and a District Committee on Admissions; the term "approved law school" shall mean a law school officially approved by the American Bar Association; "Declaration" shall mean a Declaration of Intention to Study Law; "Application" shall mean the Application to Take the Bar Examination. If any completed Declaration or Application is sent to the Board office by first class United States Mail in an envelope properly addressed and stamped and is received by the Board office not more than 10 days after any deadline prescribed by these rules, the same shall be deemed timely filed if the envelope bears a legible postmark affixed by the United States Postal Service and dated on or before such deadline date.

**RULE I
EXAMINATION REQUIREMENT**

No person shall be licensed to practice law in this State who has not taken and passed the Bar examination as provided in these Rules, except attorneys who are licensed in another jurisdiction and who qualify for admission without examination under the provisions of Rule VIII.

**RULE II
ELIGIBILITY FOR EXAMINATION AND
LICENSING AFTER EXAMINATION:
GENERAL**

(a) To be eligible for an examination, the applicant shall comply with the requirements of these rules, shall be at least eighteen (18) years of age, of good moral character and fitness, shall possess the educational attainments set out in these rules, and shall be either a citizen of the United States or an alien lawfully admitted to the United States for permanent residence. To be eligible for licensing, an applicant who is required by these Rules to take and pass the examination shall be a resident of this State either on the beginning date of the examination or at the time of licensing. When an applicant has met all other eligibility requirements, the Board will so notify the applicant in writing. If an applicant who was not a resident of Texas at the beginning date of the examination, does not become a resident within 180 days after the date of such notice, the application shall lapse and be of no further effect and the score on the

examination shall no longer be valid. 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 Texas residence.

(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 related 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 a prospective lawyer. 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 be likely to prevent the person from 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 illness or conditions are relevant only so far as they indicate the existence of a present lack of fitness.

RULE III DECLARATION OF INTENTION TO STUDY LAW

(a)(1) Except as provided in Section (a)(2) of this Rule, every person intending to apply for admission to the Bar examination in 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 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 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.

(2) This Rule III shall not apply to an attorney from another jurisdiction seeking admission under Rule VIII or to any graduate from an approved law school located in another state or in the District of Columbia or in a territory of the United States who has not been previously licensed to practice law and who was not a resident of Texas at the time of entrance into the out-of-state law school.

(b) Such Declaration shall be accompanied by supporting documents and other information relating to the declarant as the Board may reasonably require, including proof that the declarant has been admitted to an approved law school. 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 any of its authorized representatives, all relevant documents, records, or other information pertaining to the declarant.

(c) If a declarant shall show in writing a reasonable excuse for failure to file a Declaration and supporting documents required by this Rule within 120 days after entry into an approved law school the Board may, upon a showing a good cause for the delay, permit the same to be filed within a reasonable time thereafter. However, no declarant shall be eligible to participate in an examination until such Declaration and other required documents have been on file with the Board at least two hundred seventy (270) days.

(d) The Board shall conduct a proper investigation of the moral character and fitness of the declarant.

(e) The Board shall keep a record of all Declarations made and filed pursuant to this Rule.

(f) 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 a District Committee on Admissions in each of the State Bar Districts to investigate qualifications for admission to the Bar. Any lawyer member or general public member who ceases to reside in the district and any law student member who ceases to be enrolled in a law school in the bar district shall thereupon cease to be a member of that District Committee. Vacancies on the District Com-

mittees shall be filled by appointments for unexpired terms.

(g) Each District Committee shall perform the duties and functions provided in these Rules. Five (5) 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 Board.

(h) On the filing of a Declaration, the Secretary of the Board shall note the filing date. On receipt of the Declaration, the Board shall make a preliminary investigation of the declarant's moral character and fitness. On the completion of such investigation, the Board shall refer one copy of the Declaration together with the information received by it in the preliminary investigation to the Chairman of the District Committee in the geographical district where the declarant has maintained his or her legal residence immediately prior to entering law school. If the declarant is not a legal resident of Texas, the Board may refer such Declaration and information received by it to the District Committee of any geographical district in Texas.

(i) On receipt of such Declaration and information the District Committee shall conduct such additional investigation as it deems necessary and describe its findings. It may require any declarant to appear for a personal interview. It shall grant an interview to any declarant requesting one. Such personal appearance shall be before not less than five (5) members of the District Committee. Any personal interview shall, if so requested by a declarant attending an approved law school in Texas, be conducted by the District Committee in the district where the law school is located. In such event the District Committee to which the Declaration was originally referred shall in its discretion, either transfer the Declaration to the other District Committee or request such other District Committee to conduct such interview and report its findings to the original District Committee.

(j) The District Committee is authorized to use all reasonable means to satisfy itself of the good moral character and fitness of a declarant to practice law and may require proof of the declarant's 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.

(k) The District Committee upon completion of any further investigation it makes, 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 not make an unfavorable report without conducting a personal interview of the declarant or affording the declarant an opportunity for such an interview. The District Committee shall make its written report to the Board. The Board shall thereupon determine whether on the record before it the Board is satisfied that the declarant possesses the good moral character and fitness necessary for admission to practice law in Texas and shall advise the declarant accordingly.

(1) Persons filing Declarations shall be treated uniformly and impartially by the District Committees.

RULE IV REQUIRED LAW STUDY

(a) The law study requirements for eligibility of an applicant 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 by satisfying all requirements for graduation except for not more than four semester hours or its equivalent in quarter hours; provided, however, that no person shall be licensed to practice law until graduation or satisfaction of all requirements for graduation except immigrant attorneys who qualify for licensing under Rule VIII.

(b) If a law school was an approved law school at the time the applicant enrolled, the law school shall be deemed an approved law school as to that applicant for four years thereafter regardless of its status at the date of the applicant's graduation.

(c) No applicant shall be permitted to take the Bar examination while registered as a student in a law school pursuing courses requiring more than four (4) hours of class attendance each week, unless such applicant already has a J.D. degree, or its equivalent, from an approved law school.

(d) A person to whom Rule III applies must complete 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, and 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 such studies until they are completed, but must complete such studies within a total of six (6) school years. A person failing to so complete law study within six (6) years after beginning the same shall be required to file a new Declaration.

**RULE V
SUBJECTS FOR BAR EXAMINATION**

The Supreme Court by separate order has established a list of the subjects for the Bar examination 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 VI
APPLICATION TO TAKE
THE BAR EXAMINATION**

(a) Each applicant to take the Bar examination, whether or not such applicant was required under Rule III to file a Declaration, shall file an Application therefor in duplicate with the Board not more than two hundred forty (240) days nor less than one hundred eighty (180) days before the first day of the examination in which such applicant seeks to participate. The Board, upon a showing of good cause or to prevent hardship, may permit the Application to be filed later. Other than as provided in Rule VI(g) or Article 306a, Revised Civil Statutes of Texas, no applicant shall be eligible to participate in an examination until such Application and other required documents shall have been on file with the Board at least one hundred twenty (120) days.

(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. For applicants who filed a Declaration required by Rule III the information shall relate only to the period since the filing of Declaration.

(c) The applicant shall furnish proof satisfactory to the Board of compliance 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 the Board shall make an investigation of the applicant. For applicants who filed a Declaration required by Rule III, the investigation shall cover only the period of time subsequent to the filing of the Declaration unless other matters relevant to moral character or fitness not revealed in such Declaration shall have come to the attention of the Board.

(e) No applicant shall be allowed to take the Bar

*Refer to the inside of the back cover for the enumeration of the current subjects prescribed by the Court.

examination until the investigation of the applicant's moral character and fitness has been completed and it has been determined by the Board that the applicant possesses good moral character and fitness. If the Board is not satisfied on the record before it that the applicant possesses the requisite good moral character and fitness, the Board shall furnish to the applicant an analysis of the character investigation that specifies the results of that investigation in detail. Where any applicant, because of time required under these Rules, is not admitted to the examination for which Application was made and the Application is finally approved, no additional Application shall be required provided such applicant takes the examination within eight (8) months after final approval.

(f) 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.

(g) Any applicant who fails the first examination taken may sit for the next examination upon filing a new Application and payment of the then required fee at least forty-five (45) days before the beginning of such examination. Any applicant who elects not to sit for an examination to which admitted may sit for the next examination upon filing a new Application and payment of the then required fee at least one hundred twenty (120) days before the beginning of such examination. If an applicant fails or elects not to sit for two successive examinations, a new Application must be filed and the fee paid within the time required by, and in accordance with the provisions of, Rule VI(a).

**RULE VII
EXAMINATIONS**

(a) Bar examinations shall be held in the City of Austin, Texas, and at such other places in the State of Texas as the Board may direct.*

(b) Two regular examinations shall be held each year beginning on the last Wednesday of the months of February and July, unless the Board otherwise directs.

(c) In addition to the regular examinations, special examinations may be held, at the discretion of the Board, at such time as it may direct.

*It is the Board's present policy to hold the Bar examination simultaneously in six Texas cities, namely Austin, Dallas, Houston, Lubbock, San Antonio and Waco.

(d) The approved applicants for an examination are required to be in attendance at the time and place designated by the Board.

(e) 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.

(f) Prior to July, 1983, the examination shall last two days. To pass the examination, the applicant must make an average grade of 75 on the entire examination.

(g) The examination to be given in July, 1983, and each examination to be given thereafter shall last two and one-half days and shall consist of two Parts. The First Part shall be given on Wednesday and Thursday and shall include all subjects except Civil Procedure, Criminal Procedure, and Texas Rules of Evidence. The Second Part shall be given on Friday morning and shall cover only Civil Procedure, Criminal Procedure and Texas Rules of Evidence. To pass the examination, the applicant must pass both Parts with an average grade of 75 on each Part. An applicant shall be required to sit for both Parts of any examination until such time as the applicant shall pass one Part, after which the applicant may sit for only the failed Part. If all parts of the examination are not satisfactorily completed within five years after the taking of the first examination, the applicant must, if he is eligible to be admitted to a subsequent examination, retake all parts as if he were a new applicant. The fee for either Part taken separately shall be the same as the fee for the entire examination. An applicant who fails either Part of an examination shall be deemed to have failed an examination for the purpose of Rules VI(g) and VII.

(h) An applicant who fails the first examination may take two (2) additional examinations. 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.

(i) The Board, upon written request to its Chairman by an applicant who has failed two (2) or more examinations, shall review the essay papers of such applicant and the grades given on the essay portion of each failed Part of 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. Regardless of the number of examinations taken, an applicant may receive only one review under the provisions of this paragraph.

(j) The Board shall keep for one year from the date that an examination was given the examination papers of an applicant who failed the examination except the papers for either Part of the examination that was passed. The Board shall not be required to keep the examination papers of any applicant who passes an examination or the papers of any Part of any examination passed by any applicant.

(k) The examining Members of the Board, upon written request by an applicant to the Chairman of the Board within thirty (30) days after the mailing of grades given upon an examination, shall individually furnish to any failing applicant an oral or written analysis of the applicant's performance on the essay portion of either Part failed.

RULE VII-A PROFESSIONAL REONSIBILITY

No person, whether an applicant under Rule II or under Rule VIII shall, after January 1, 1984, be issued a temporary certificate or a license to practice law in this State until there has been furnished by the applicant to the Board evidence that such person has passed the Multistate Professional Responsibility Examination (MPRE) with a scaled score of 75 within five years before or after the date of application.

RULE VIII ATTORNEYS FROM OTHER JURISDICTIONS

(a) 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:

(1) At the time of filing the Application, which must comply with the requirements of the Board, applicant must be either a citizen of the United States or an alien lawfully admitted to the United States for permanent residence and must show that for at least three (3) years applicant was duly licensed to practice law in the highest court of another state or territory or in the District of Columbia.

(2) Applicant must show that he or she has lawfully engaged in the practice of law as applicant's principal means of livelihood for at least three (3) years and has never been disbarred or had his or her license suspended, and that there are no charges of

misconduct pending against applicant, and so far as applicant knows none are being threatened.

(3) Applicant must furnish to the Board evidence as to applicant's moral character and fitness as required of applicants 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 applicant's 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.

(4) The foregoing provisions of this Rule, insofar as they permit the licensing of attorneys in this State without taking the examination, shall apply only to an attorney who shows to the satisfaction of the Board that the licensing standards in the state, territory, or District of Columbia in which such attorney has a license to practice law are equivalent to or exceed those of this State. If the applicant is unable to do so, the Board shall require the applicant to take the Bar examination as provided for other applicants in accordance with Rule VII; provided that if such applicant has so practiced immediately preceding the filing of the application for ten (10) years or more the applicant may be licensed without taking the examination upon showing to the satisfaction of the Board that the applicant is of such moral character and fitness and has such legal attainments and experience as to fully satisfy the Board that the applicant is a reliable and competent attorney. Without excluding other factors that the Board may consider relevant in determining equivalence, the licensing standards of another jurisdiction are not equivalent to those of this State if the other jurisdiction either licenses persons without examination or admits to its examination persons who are not graduates of approved law schools, other than attorneys immigrating to that jurisdiction.

(5) After such applicant has complied with the preceding provisions of this Rule and has met all other eligibility requirements, the Board will so notify the applicant in writing. If the applicant is not a resident of this State within 180 days after the date of such notice, the application shall lapse and be of no further effect. If the applicant is a resident of this State within said 180 day period, a temporary certificate shall be issued which will entitle the applicant to practice law in any court in this State for a period of one 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.

(6) Provided the said 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 applicant shall make written request to the Board for a license no more than sixty (60) days nor less than thirty (30) days prior to the expiration of the temporary certificate. 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 the applicant possesses the character, qualifications, and fitness to receive a license to practice law in this State.

(7) Each applicant who is licensed to practice law in another state, territory or the District of Columbia but is not eligible for admission under any of the preceding paragraphs of this Rule VIII shall nevertheless be considered an applicant under this Rule VIII but must satisfy all requirements of other Rules applicable to applicants who are not so licensed to practice law elsewhere.

(8) 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 said attorney complies with the other provisions of these Rules. Upon successfully passing such examinations said attorney may practice law in the Texas courts, though not as a citizen of this State, if a member of the State Bar.

(9) An applicant hereunder who is required to take the examination may take the first examination given after the Application is granted or the next regular examination. In case of failure or election not to sit, the applicant may take additional examinations as permitted other applicants under Rule VII.

(10) If any applicant under this Rule VIII either (1) fails to satisfy the provisions of Rule VIII(a)(4) but has been continuously and lawfully engaged in the practice of law as applicant's principal means of livelihood for at least five of the seven years immediately preceding the filing of the Application or (2) otherwise satisfies the provisions of this Rule VIII but has not been engaged in such practice of law during the seven years immediately preceding such filing, the Board may in its discretion require the applicant to take 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. If the applicant passes such examination with a grade of 75 or higher a temporary certificate shall be issued as provided by Rule VIII (a)(5). Any applicant who fails the short form examination twice shall thereafter be required to pass a regular examination as provided in Rule VII.

(b) Any licensed attorney at law immigrating or who has heretofore immigrated to this State from a foreign country, upon written application and approval by the Board, may be licensed to practice law in this State upon the following terms and conditions:

(1) The applicant must meet the requirements of paragraphs (a)(1), (2) and (3) of this Rule VIII except that the applicant must show that for at least seven (7) years applicant has been duly licensed to practice law in the highest court of the nation of his former residence and that for at least seven (7) of the ten (10) years immediately preceding the filing of the Application the applicant has been lawfully engaged in the practice of law as the applicant's principal means of livelihood.

(2) Applicant must likewise show to the satisfaction of the Board that the applicant has graduated from a law school which requires legal study for a comparable length of time as is required by approved law schools for graduation, that the licensing standards in the nation in which the applicant has a license to practice law are equivalent to or exceed the licensing requirements of this State, except the requirement of graduation from an approved law school, and that the law of said nation is basically common law and is sufficiently comparable to the law of this State as in the judgment of the Board will enable the applicant to become a competent attorney in this State without additional formal legal education.

(3) After such applicant has complied with the preceding provisions of this Rule VIII(b) the applicant may be admitted to the examination and upon passing it may be issued a temporary certificate to practice law in this State, and the provisions of Rule VIII(a) shall apply with respect to the obtaining of a permanent license.

RULE IX FEES AND THEIR DISTRIBUTION

(a) Each person intending to apply for admission to the Bar examination or for a license to practice law without examination in this State shall pay to the Board a fee of Seventy-Five Dollars (\$75.00) for investigation of the moral character and fitness of such person. Each person to whom Rule III applies shall pay such fee upon the filing of the Declaration. Each other person shall pay such fee upon the filing of

the Application to take the Bar examination or for licensing without examination.

(b) Each applicant for admission to the Bar examination in this State shall also pay to the Clerk of the Supreme Court a fee of \$75.00 for each examination which fee shall be payable upon the filing of the application.

(c) Each applicant who is not required to file a Declaration under Rule III shall in addition deliver to the Board the required fee for a character and background report from the National Conference of Bar Examiners by check payable to the National Conference of Bar Examiners and the application required by the National Conference of Bar Examiners for such character and background report. The Board will transmit the check and the application to the National Conference of Bar Examiners.

(d) Each applicant who applies under the provisions of Rule VIII prior to expiration of twelve (12) months from the date the applicant is licensed to practice law in a sister state, territory or the District of Columbia, will be required to pay in addition a fee of One Hundred Dollars (\$100.00) upon the filing of such Application. Each other applicant who applies under the provisions of Rule VIII will be required to pay a fee of Three Hundred Fifty Dollars (\$350.00). Such fees 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 fees paid by applicants to take the Bar examination in this State; provided that such fee shall be only Seventy-Five Dollars (\$75.00) 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 this State. Such fees are in addition to the required fee for a character and background report from the National Conference of Bar Examiners, the \$75.00 fee for the Board's investigation of good moral character and fitness and the \$75.00 fee for the examination if the applicant is required by Rule VIII to take the examination.

(e) No refund of fees will be made in the event of rejection or withdrawal of a Declaration or Application.

(f) All amounts derived from fees pursuant to Subdivisions (b) and (d) of this Rule IX shall be paid over to the Board by the Clerk of the Supreme Court and shall be used by the Board to pay all legitimate expenses incurred in holding the examination, in determining eligibility of applicants for reasons other than character and fitness, and as compensation to the members of the Board, provided that the compensation to each member of the Board, excluding reasonable and necessary actual expenses, shall not exceed

\$15,000.00 per annum for the period from October 1 of each year through September 30 of the following year.

(g) Expenses of the Board shall be apportioned between its functions of investigating moral character and fitness and of holding the examination. Expenses of investigating moral character include those incurred in connection with the review and processing of National Conference reports, Declarations, and Applications insofar as such review and processing relate to such investigation. Expenses of holding the examination include those incurred in connection with determining eligibility for reasons other than character and fitness and the preparation, obtaining, administration and grading of the examination. Expenses of determining eligibility for the purpose of the preceding sentence include those incurred in connection with the review and processing of National Conference reports, Declarations and Applications insofar as such review and processing relate to eligibility other than on the basis of character and fitness. All overhead expenses incurred by the Board including the acquiring and maintaining of its office, staff, supplies, furniture and equipment, and expenses incurred by the Board members and staff, shall be allocated among the Board's function in accordance with sound accounting principles based upon the percentage of expense attributable to each. The Board shall have full power to contract in the performance of all of its functions and any person dealing or contracting with the Board shall be conclusively entitled to rely upon the Board's written determination that the expense thus incurred or contracted is for a proper function of the Board.

(h) The disbursement of funds shall be according to such rules, regulations and budgets as the Board may adopt. The Board shall keep a full record of such receipts and disbursements.

(i) Any fee required by this Rule IX may be waived or lowered in the case of indigent persons under such regulations as the Board may provide.

**RULE X
REQUIREMENTS FOR PARTICIPATION
IN TRIAL OR HEARING IN TEXAS
BY A NON-RESIDENT ATTORNEY**

(a) 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 at-

torney 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 said attorney 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 and Bar card number 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 said attorney's 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 said attorney's 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 said applicant has not withdrawn as counsel therein.

(b) The motion of the non-resident attorney seeking admission shall be accompanied by motion of the resident practicing attorney of this State with whom the non-resident attorney 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 the applicant's admission to practice before the court.

(c) The judge may examine the non-resident attorney to determine 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, the judge may deny the motion.

(d) 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 the admission to practice and may cite the non-resident attorney 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. The county in which the court is located shall be considered the county of residence of said non-resident attorney for purpose of determining venue in any disciplinary action involving said attorney.

RULE XI HEARINGS

As used in this Rule XI the term "applicant" includes declarant and the term "Application" includes Declaration. If upon the record before it the Board is not satisfied that an applicant possesses the necessary good moral character or fitness, the Board shall set a time and place for a public hearing on the question of the applicant's moral character and fitness. The hearing shall be conducted and appeals from the Board's action may be taken as follows:

(a) The applicant shall be given reasonable notice by registered or certified mail of the time and place of the hearing.

(b) The Board or other opponent of approval of the applicant shall have the burden of going forward with the evidence on the basis of which it is claimed that the applicant is not of good moral character or fitness. On the production of such evidence, the burden of proceeding shall shift to the applicant to show that the applicant possesses good moral character and fitness as defined in these rules.

(c) The hearing of the Application by the Board shall be de novo.

(d) The applicant 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.

(e) The Board shall have the authority to have oaths administered, issue subpoenas, and employ court reporters in connection with the hearing.

(f) Evidence and argument for or against the applicant may be presented by the Board or any other interested party.

(g) Upon request to the Board by the applicant within a reasonable time prior to the hearing, the Board shall state in writing to the applicant the specific nature of the unfavorable information to be presented against the applicant.

(h) The Board shall determine, on the basis of evidence and argument adduced at the hearing, whether the applicant possesses good moral character and fitness.

(i) The applicant 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 is adverse to the applicant, the Board, upon request by the applicant, shall promptly state in writing the evidence relied upon and the reasons for denying the application.

(j) The Board shall have the authority to adopt such other rules of procedure for hearings, not inconsistent with these rules, as may be necessary to implement these rules.

(k) 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 Executive Director of 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.

(l) The review of such decision of the Board, 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.

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

(a) Upon an applicant's becoming entitled to a license under these Rules, the Board shall certify its approval of such applicant to the Supreme Court, whose Clerk shall thereupon issue the corresponding license in the form of a written certificate. The license shall be issued only in the name as shown on the applicant's birth certificate or as changed by the final order of a court of competent jurisdiction or by marriage, except that a given name may be omitted or represented by initial if the applicant so requests. No license shall be issued using an alias, assumed name, nickname, or abbreviation of a name.

(b) 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 XIII
ORGANIZATIONAL AND MISCELLANEOUS
POWERS OF THE BOARD**

(a) 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. The Deans of the Law Schools in the State of Texas shall be furnished a list of the candidates passing the Bar examination after release of results to the individual candidates. No grades shall be given by the Board by telephone to any person nor shall the Secretary give grades in person to an examinee or anyone inquiring on behalf of an examinee prior to such mailing to examinees.

(b) 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.

(c) 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.

(d) 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 this State or as a practicing attorney of another jurisdiction, or certificates or other forms to be executed by or on behalf of the Board itself.

(e) 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.

(f) If a District Committee, during the course of its investigation of a declarant, concludes that a complete set of fingerprints would be of substantial assistance in the investigation, the District Committee shall certify the need for fingerprints to the Board. If the Board finds a reasonable need for fingerprints, after considering and passing upon any objections of the declarant, it may require the declarant to furnish same. Similarly, the Board in passing upon the moral character and fitness of applicants including immigrant attorneys may likewise require fingerprints if it finds a reasonable need therefore after considering and passing upon any objections of the applicant.

**RULE XIV
CONFIDENTIALITY**

Neither the Board nor any District Committee shall disclose to anyone else any information obtained with respect to the character or fitness of any applicant or declarant, except upon written authority of such applicant or declarant, or in response to a valid subpoena from a court of competent jurisdiction.

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

CONSTITUTIONAL PROVISIONS

**ARTICLE II
THE POWERS OF GOVERNMENT**

§ 1. Division of powers; three separate departments; exercise of power properly attached to other departments

Section 1. The powers of the Government of the State of Texas shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to wit: Those which are Legislative to one; those which are Executive to another, and those which are Judicial to another; and no person, or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

**ARTICLE V
JUDICIAL DEPARTMENT**

§ 25. Rules of court

Section 25. The Supreme Court shall have power to make and establish rules of procedure not inconsistent with the laws of the State for the government of said court and the other courts of this State to expedite the dispatch of business therein. As amended Aug. 11, 1891, proclamation Sept. 22, 1891.

CIVIL STATUTES—GENERAL

Article 304. [317] [257] Board of Examiners

(a) The Board of Law Examiners shall consist of nine lawyers having the qualifications required of members of the Supreme Court. Members 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. Any appointment made shall be without regard to race, creed, sex, religion, or national origin.

(b) If a member of the Board has a financial interest, other than a remote financial interest, in a decision pending before the Board, the member is disqualified from participating in the decision.

(c) A person holding office as a member of the Board of Law Examiners on September 1, 1979, continues to hold office for the term for which the member was originally appointed. The terms of office of all succeeding members expire September 30 of odd-numbered years.

(d) No Board member or employee of the Board shall be an employee or paid consultant of a trade association in the field of Board interest.

(e) A person who is required to register as a lobbyist under Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252—9c, Vernon's Texas Civil Statutes), may not act as the general counsel to the Board or serve as a member of the Board.

(f) The Board is subject to the open records law, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252—17a, Vernon's Texas Civil Statutes), the open meetings law, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252—17, Vernon's Texas Civil Statutes).

Examination questions that may be used in the future, examinations other than the one taken by the person requesting it, and deliberations and records relating to the moral character and fitness of applicant shall be exempted from the open meetings law and the open records law. Such records, however, shall be disclosed to individual applicants upon written request, unless the person supplying the information requests that it not be disclosed; provided, however, that the Board shall not inquire whether the person objects to disclosure or inform him of his right to do so.

Amended by Acts 1977, 65th Leg., p. 320, ch. 153, § 1, eff. May 13, 1977; Acts 1979, 66th Leg., p. 1253, ch. 594, § 1, eff. Sept. 1, 1979.

Article 304a. Application of Sunset Act

The Board of Law Examiners is subject to the Texas Sunset Act;¹ and unless continued in existence as provided by that Act the board is abolished effective September 1, 1991.

Added by Acts 1977 65th Leg., p. 1834, ch. 735, § 2.018, eff. Aug. 29, 1977. Amended by Acts 1979, 66th Leg., p. 1253, ch. 594, § 1, eff. Sept. 1, 1979.

Article 305. Duties of Board

(a) 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 ex-

amine 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.

(b) If requested in writing by any applicant for a license who takes and fails an examination administered by the Board, the Board shall furnish to the applicant an oral or written analysis of the applicant's performance on the examination. An oral analysis may be recorded by the applicant.

Amended by Acts 1979, 66th Leg., p. 1253, ch. 594, § 1, eff. Sept. 1, 1979.

Article 305a. Moral character and fitness of applicants

(a) The Board may conduct an investigation of the moral character and fitness of an applicant for a license.

(b) The Board may contract with public or private entities for investigative services relating to the moral character and fitness of applicants for licenses.

(c) The Board may not recommend the denial of a license and the Supreme Court may not deny a license to an applicant on the ground of a deficiency in the applicant's moral character or fitness unless:

(1) the Board finds a clear and rational connection between a character trait of the applicant and the likelihood that the applicant would injure a client or obstruct the administration of justice if the applicant is licensed to practice law; or

(2) the Board finds a clear and rational connection between the applicant's present mental or emotional condition and the likelihood that the applicant will not discharge properly the applicant's responsibilities to a client, a court, or the legal profession if the applicant is licensed to practice law.

(d) Each 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. The declaration shall be filed on a form provided by the Board. Forms provided by the Board for the filing of a Declaration of Intention to Study Law shall clearly identify those conditions of character and fitness provided in Subsection (e) of this article that may be investigated by the Board and that may result in the denial of the declarant's application to sit for the bar examination. Within 180 days after the filing of the declaration the Board shall notify the declarant

whether or not it has determined he has acceptable character and fitness. If the Board determines he does not have acceptable character and fitness, the notice shall be accompanied by an analysis of the character investigation which specifies the results of that investigation in detail. The Board shall limit its investigation of the moral character and fitness of an applicant to those areas clearly related to the applicant's moral character and present fitness to practice law.

(e) All candidates to take the bar examination must file an application to take the examination with the secretary of the Board. Applications shall be filed not less than 180 days prior to the first day of the examination in which the applicant wishes to participate. The requirements of the application shall be limited to an affidavit, duly verified, setting forth the following statements that since the filing of his or her original declaration:

(1) the applicant has not been formally charged of any violation of law, excluding cases which have been dismissed for reasons other than technical defects in the charging instrument or in which he has been found not guilty, minor traffic violations, records of arrests or convictions expunged by court order, pardoned offenses, and records of arrests for and convictions of Class C misdemeanors;

(2) the applicant is not mentally ill;

(3) the applicant has not been charged with fraud in any legal proceeding; and

(4) the applicant has not been involved in civil litigation or bankruptcy proceedings that reasonably bear on the applicant's fitness to practice law.

(f) Based on the investigation of the preceding conditions of character and fitness performed after the filing of a Declaration of Intent to Study Law, the filing of an affidavit attesting to the preceding statements on application to take the bar exam, and its investigation into the accuracy of the statements in, or truth of statements omitted from the affidavit required by Subsection (e) of this section, the Board shall assess the applicant's fitness and moral character. If the Board determines the applicant does not possess the requisite good moral character and fitness, the Board shall furnish to the applicant an analysis of the character investigation that specifies the results of that investigation in detail within 150 days after the filing of the application.

Added by Acts 1979, 66th Leg., p. 1255, ch. 594, § 2, eff. Sept. 1, 1979.

Article 305c. District Committee on Admissions

(a) For the purpose of aiding the Board in deter-

mining the good moral character and the fitness of each declarant to become a member of the profession, there is created a District Committee on Admissions in each of the state bar districts to investigate qualifications for admission to the bar at the time of filing the Declaration of Intent to Study Law only.

(b) A district committee is composed of at least 15 members appointed by the Supreme Court.

(c) Three members of a district committee must be at the time of their appointments representatives of the general public who do not have, other than as consumers, financial interests in the practice of law, three members must be at the time of their appointments lawyers who are licensed to practice law in the state, and the remaining members must be similarly qualified representatives of the general public or lawyers. In a bar district in which a law school approved by the Supreme Court is located, three members of the committee must be at the time of their appointments law students who are enrolled in a law school in the bar district that is approved by the Supreme Court.

(d) Except for the initial appointees, members of a district committee hold office for two-year terms expiring on January 21 of each odd-numbered year. The initial appointees serve for terms expiring on January 31, 1983.

(e) The Supreme Court shall appoint the chairman of each district committee.

(f) Five members of a district committee constitute a quorum.

(g) The district committee shall aid the Board in investigating the moral character and fitness of a person filing a Declaration of Intent to Study Law.

(h) The Supreme Court shall adopt rules requiring that persons filing Declaration of Intent to Study Law be treated uniformly and impartially by the district committees.

Added by Acts 1979, 66th Leg., p. 1255, ch. 594, § 2, eff. Sept. 1, 1979.

Article 306. Authority of Supreme Court

(a) 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 times and places for holding the examination, the manner of conducting same, and the grades to be made by the candidates to entitle them to be licensed;

6. Any other such matters consistent with this Act 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 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.

(b) The Supreme Court shall adopt rules necessary to administer its functions and to govern the administration of the Board's functions relating to the licensing of lawyers.

Amended by Acts 1979, 66th Leg., p. 1253, ch. 594, § 1, eff. Sept. 1, 1979.

Article 308. Foreign attorneys

(a) The Board shall recommend to the Supreme Court that it license and the Supreme Court shall issue a license to an applicant if the applicant has practiced law for three years and has a license to practice law issued by another state or territory or by the District of Columbia, and the licensing standards of the other state or territory or the District of Columbia are equivalent to or exceed those of this state.

(b) If the licensing standards of the other state or territory or the District of Columbia are not equivalent to or do not exceed those of this state, the Board may require that the applicant take the examination for a license to practice law. All such immigrant attorneys shall be required to furnish satisfactory proof as to good moral character and fitness.

Amended by Acts 1979, 66th Leg., p. 1253, ch. 594, § 1, eff. Sept. 1, 1979.

Article 309. [322] [260] [225] 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.

Acts 1860, p. 23; G.L. vol. 4, p. 1385.

Article 310. Fees

(a) The fee for any examination given by the Board shall be fixed by the Supreme Court, not to exceed \$75 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 determined by the Supreme Court. Provided that the compensation, not including reasonable and necessary actual expenses paid to any member of the Board, shall not exceed Fifteen Thousand Dollars (\$15,000.00) per annum.

(b) The fee for an investigation of the moral character and fitness of each candidate is set by the Supreme Court, not to exceed \$75. The candidate must pay the investigation fee to the Board at the time it is requested by the Board. If the fees collected from individuals for the investigation of moral character and fitness are in excess of the cost to the Board of conducting the investigation, the fees shall be proportionately decreased to insure that excessive fees are not collected by the Board.

(c) Fees received by the clerk or the Board shall be deposited in a fund established by the Supreme Court and may be used only to administer the functions of the Supreme Court and the Board relating to the licensing of lawyers as directed by the Court.

(d) The financial transactions of the board shall be audited annually by the State Auditor.

Amended by Acts 1977, 65th Leg., p. 320, ch. 153, § 1, eff. May 13, 1977; Acts 1979, 66th Leg., p. 1253, ch. 594, § 1, eff. Sept. 1, 1979.

Article 1730. [1523] [944] [1011] Court to make rules

The Supreme Court shall from time to time make and promulgate suitable rules, forms and regulations

for carrying into effect the articles in this title relating to the jurisdiction and practice of said Court.

Acts 1892, p. 19; G.L. vol. 10, p. 383.

CIVIL STATUTES—SPECIAL

Article 306a. Exemption from examination; membership in legislature as equivalent of prelegal study

Article 307A. Licenses to law graduates in, or formerly in, military service

Article 307A—1. Licenses to certain former legislators and war veterans

Article 307A—2. Licenses to certain graduates entering military service; application; affidavit

Article 307B. Military or Merchant Marine Service; exemption from examination in subjects passed prior to

**SUBJECTS FOR
TEXAS BAR EXAMINATION
EXAMINATION—PART I**

MULTISTATE SUBJECTS

1. Constitutional Law
2. Contracts
3. Criminal Law
4. Evidence
5. Real Property
6. Torts

ESSAY SUBJECTS

7. Oil & Gas
8. Uniform Commercial Code
9. Business Associations (including corporations, agency and partnerships)
10. Legal Ethics
11. Marital Property
12. Trust, Wills and Administration

EXAMINATION—PART II

13. Civil Procedure (including Federal and State court jurisdiction, pleading and practice)
14. Criminal Procedure
15. Evidence