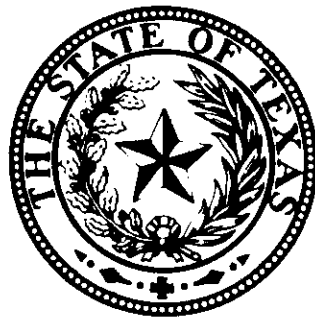


*Rules Governing Admission to the  
Bar of Texas*

ADOPTED BY

**THE SUPREME COURT  
OF TEXAS**

*As Amended to September 1, 1989*



**THE SUPREME COURT OF TEXAS**



|                                |                      |
|--------------------------------|----------------------|
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| <b>OSCAR H. MAUZY</b>          |                      |
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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; "State" and "Jurisdiction" shall mean the states and territories of the United States and the District of Columbia. 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 a 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:  
 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.

(b) Good moral character is a functional assessment of character and 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 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 Board a Declaration of Intention to Study Law. The filing deadline for such Declarations shall be as follows: Fall entrants, December 1; Spring entrants, May 1; Summer entrants, September 15; except that the filing deadline for Spring entrants at quarter-hour law schools shall be construed as June 1. An entrant shall be defined as a person who is beginning law study in an approved law school for the first time. 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. No Declaration shall be considered as filed until the Board receives the forms, fees, and all required documents. A supplemental investigation may be required if a declarant does not apply for a bar examination within four (4) years from the date the Declaration was filed, or within one (1) year after graduation from an approved law school, which ever comes first.

(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 who has not been previously licensed to practice law. However, a graduate of an approved law school in another state who was a resident of Texas at the time of entrance into that law school may file a Declaration of Intention to Study Law in accordance with Rule III.

(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 by the deadlines established in this Rule the Board may, upon a showing of good cause for the delay, permit the same to be filed within a reasonable time thereafter and may assess a late filing fee. 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 will 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 Committees 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 Board shall note the filing date. On receipt of the Declaration, the Board shall make a preliminary investigation of

the declarants 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, under such guidelines as the Board may establish.

(m) The Board may direct the District Committees to employ such practices and procedures as the Board

may deem appropriate and may require such reports and information with respect to the work of the District committees as it may determine necessary.

#### **RULE IV REQUIRED LAW STUDY**

(a) The law study requirements for eligibility of an applicant to take the Bar examination are:

(1) Graduation with a J.D. degree or its equivalent from an approved law school, or satisfaction of all requirements for graduation with a J.D. degree or its equivalent; or

(2) Study of law in an approved law school or schools by satisfying all requirements for graduation with a J.D. degree or its equivalent, 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. If an applicant under this subsection has not graduated with a J.D. degree or satisfied all requirements for graduation within two years from the date that all Parts of the bar examination are satisfactorily completed, the applicant's examination scores shall be void.

(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.

#### **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.

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\*Refer to page 31 for the enumeration of the current subjects prescribed by the Court.

**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 V.T.C.A. Government Code Section 82.025, 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. No application shall be considered as filed until the Board receives the forms, fees, and all required documents.

(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 the Declaration.

(c) The applicant shall furnish proof satisfactory to the Board of compliance with the law study requirements of Rule IV 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 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 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) The approved applicants for an examination are required to be in attendance at the time and place designated by the Board.

(d) The examination 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 Evidence; however, this First Part may include such three subjects or questions related to them. The Second Part shall be given Friday morning and shall only cover Civil Procedure, Criminal Procedure, and Evidence. To pass the examination, the applicant must pass both Parts with an average grade of 75 on each Part.

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



(e) 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 Rule VI(g) and VII.

(f) An applicant may take no more than five (5) examinations. However, the Board at its discretion may permit an applicant to take additional examinations upon such conditions as the Board may prescribe.

(g) 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.

(h) 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.

(i) 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. The form of the analysis, whether oral or written, shall be in the discretion of the Board.

### **RULE VIII ATTORNEYS FROM OTHER JURISDICTIONS**

(a) Any attorney at law duly licensed to practice law in another state, 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.

(2) Applicant must show that for at least three (3) years applicant has been duly licensed to practice law in the highest court of another state and 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. For the purposes of these Rules, practice shall be defined as the practice of law within the state in which the applicant is duly licensed.

(3) Applicant shall disclose all past charges of professional misconduct and shall show that he or she 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.

(4) 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.

(5) 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 is licensed in a state and that jurisdiction has been determined by the Board to have licensing standards equivalent to or exceeding those of this State. An applicant who is licensed in a jurisdiction with licensing standards that are not equivalent to or do not exceed those of this State shall be required to take the bar examination as provided for other applicants in accordance with Rule VII. 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 examinations or admits to its examination persons who are not graduates of approved law schools, other than attorneys immigrating to that jurisdiction.

(6) If any applicant under Rule VIII either (A) fails to satisfy the provisions of Rule VIII(a)(5) 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 (B) otherwise satisfies the provisions of Rule VIII (a)(2) but has not been engaged in such practice of law during the seven years immediately preceding such filing or (C) otherwise satisfies the provisions of Rule VIII(a)(2) or (5) but the applicant's practice has not been within the state in which licensed, the Board may require the applicant to take a short form examination in lieu of the full bar examination. The short form examination shall cover such provisions of the Texas Constitution, Texas statutes and the Texas rules of procedure and evidence, as the Board may determine advisable. If the applicant passes such examination with a grade of 75 or higher a license to practice law in this State shall be issued. Any applicant who fails the short form examination twice shall thereafter be required to pass a regular examination as provided in Rule VII.

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

(8) 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 to pass or election not to sit, the applicant may take additional examinations as permitted other applicants under 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), (3) and (4) of 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, in the jurisdiction in which licensed, 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 Rule VIII(b) the applicant may be admitted to the examination and upon passing it may be issued a license to practice law in this State.

#### **RULE IX PROFESSIONAL RESPONSIBILITY**

No person, whether an applicant under Rule VI or under Rule VIII shall be issued 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. A passing score is valid if achieved two years before or after the date of application. An application may be terminated if the applicant does not meet this requirement in a timely manner.

#### **RULE X FEES AND THEIR DISTRIBUTION**

(a)(1) 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 \$125.00 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.

(2) Each person required under Rule III to file a Declaration who fails to file such Declaration within the time prescribed by Rule III(a)(1) shall, in addition to all other fees, pay a late filing fee. If such Declaration is filed within one year after such deadline, such late filing fee shall be \$75.00, and if filed more than one year after such deadline, such late filing fee shall be \$150.00. Such late filing fee shall be paid upon the filing of the Declaration, and the Board shall not be required to accept for filing any Declaration until all fees required by this Rule X have been paid.

(b) Each applicant for admission to a bar examina-

tion shall pay to the Board a fee of \$100.00 for each examination, which fee shall be payable upon the filing of the application. Each applicant for admission who is required to take the Short Form Examination shall pay to the Board a fee of \$100.00 for each examination. In addition to the examination fees set out above, each applicant who fails to file the application in accordance with the 180 day deadline set out in Rule VI(a) or the applicable deadline in Rule VI(g), shall pay a late filing fee of \$50.00, which late filing fee shall be payable upon 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 another state will be required to pay in addition a fee of \$150.00 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 \$450.00. Such fees shall be payable to the Board; provided that such fee shall be \$225.00 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 \$125.00 fee for the Board's investigation of good moral character and fitness and the \$100.00 fee for the examination if the applicant is required by Rule VIII to take an examination.

(e) If a check submitted in payment of any fee established in these Rules is returned to the Board by a bank for non-payment, the declarant or applicant shall be charged an additional fee of \$25.00.

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

(g) The Supreme Court hereby creates the Board of Law Examiners Fund which shall be comprised of all fees and monies received and interest earned by the Board and shall be used by the Board to administer the functions of the Supreme Court and the Board relating to the licensing of lawyers as directed by the Court. The Fund shall be maintained in one or more financial institutions in the State of Texas, as designated by the Board.

(h) 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 functions in accordance with sound accounting principles based upon the percentage of expense attributable to each function. 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. The Board shall have full power to contract in 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.

(i) 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.

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

## **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, take depositions, 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) After the hearing, the Board shall determine 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) After the hearing, the Board shall have the authority to conditionally approve the applicant's good moral character and fitness and recommend that the applicant be issued a Temporary License to practice law in this State. The Board's recommendation for issuance of a Temporary License shall be subject to the applicant meeting all other admission requirements.

(1) The Board shall determine the length of time that the Temporary License will be valid, up to three years. The Board may establish conditions which the applicant must meet to retain the Temporary License. Such Temporary License may be revoked for cause at any time upon recommendation of the Board.

(2) Provided the Temporary License is still in good standing at the expiration of the period of time designated by the Board, an applicant who has continuously resided and practiced law in Texas during such period may, upon recommendation of the Board, be granted a Permanent License to practice law in this State. The Board may satisfy itself by any means within its discretion that during the period of the Temporary License the applicant has met the conditions established by the Board and that the applicant, while practicing law during such period, has demonstrated the character, qualifications, and fitness to receive a Permanent License to practice law in this State.

(l) 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 the 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.

(m) 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 any Board member or employee of the Board 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) The Board may, in conjunction with its investigation of moral character and fitness or the administration of the bar examination, require Declarants and Applicants to furnish a complete set of fingerprints.

### **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:

(a) upon written authority of such applicant or declarant,

(b) in response to a valid subpoena from a court of competent jurisdiction,

(c) to the General Counsel's Office of the State Bar of Texas or the Texas Unauthorized Practice of Law Committee.

### **RULE XV 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 nonresident 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 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.

**RULE XVI  
FOREIGN LEGAL CONSULTANTS**

(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 for such action by the Committee as it deems necessary and desirable.

(e) The filing of a motion requesting admission to a court of this State by a non-resident attorney shall constitute submission to the jurisdiction of the Grievance Committee for the 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.

(a) A "FOREIGN LEGAL CONSULTANT" is a person who

(1) has been admitted to practice law in a foreign country, and while so admitted, has engaged in the practice of law in that country for a period of not less than five of the seven years immediately preceding the date of application and has been in good standing as an attorney or counselor at law or the equivalent in that country throughout the period of such admission; and

(2) possesses the good moral character and fitness requisite for a member of the Bar of Texas; and

(3) is an actual resident of this state; and

(4) is over twenty-six (26) years of age; and

(5) possesses the requisite documentation evidencing compliance with the immigration laws of the United States; and

(6) has been issued a Certificate of Registration as Foreign Legal Consultant, which certificate is in current status; and

(7) is licensed in a foreign country which allows a member of the Bar of Texas an opportunity to render services as a Foreign Legal Consultant under substantially equivalent circumstances as are provided by this Rule.

(b) An applicant for a Certificate of Registration as a Foreign Legal Consultant shall file an application with the Board on a form furnished by the Board accompanied by the requisite fee. Such application shall include, but not be limited to:

(1) a certificate from the authority in such foreign country having final jurisdiction over professional admission and discipline, certifying as to the applicant's admission to practice and the date thereof and as to his good standing as such attorney or counselor at law or the equivalent, together with a duly authenticated English translation of such certificate if it is not in English; and

(2) a letter of recommendation from one of the members of the executive body of such authority or from one of the judges of the highest law court or intermediate appellate court of such foreign country, together with a duly authenticated English translation of such letter if it is not in English; and

(3) a summary of the law or rules of such foreign country which permits members of the Bar of Texas to establish offices for the giving of legal advice to clients in such foreign country, together with a duly

authenticated English translation of such law or rules if it is not in English; and

(4) such other evidence as to the applicant's educational and professional qualifications, required practice, and good moral character and fitness, as the Board may require, including the furnishing by the applicant of a report from the National Conference of Bar Examiners; and

(5) documentation in duly authenticated form evidencing that the applicant is lawfully entitled to reside and be employed in the United States of America pursuant to the immigration laws thereof; and

(6) a duly acknowledged instrument in writing setting forth the applicant's address of actual residence in the State of Texas and designating an agent for service in this State upon whom process may be served, with like effect as if served personally upon the applicant, in any action or proceeding thereafter brought against the applicant and arising out of or based upon any legal services rendered or offered to be rendered by the applicant within or to residents of the State of Texas whenever, after due diligence, service cannot be made upon the applicant at such address or at such new address as filed by a supplemental instrument; and

(7) in such amount as the Board may prescribe, evidence of professional liability insurance or such other proof of financial responsibility as the Board may require, to assure the applicant's proper professional conduct and responsibility; and

(8) a duly acknowledged statement affirming that the Board will be immediately advised of any law suit brought against the applicant which arises out of or is based upon any legal services rendered or offered to be rendered by the applicant within this State.

(c)(1) The Board shall investigate the qualifications, moral character, and fitness of any applicant for a certificate, and may require the applicant to submit any additional proof or information which the Board deems appropriate.

(2) The applicant shall disclose all past charges of professional misconduct and shall show that the applicant has never been disbarred or had their license suspended and that there are no charges of misconduct pending against applicant, and so far as the applicant knows none are being threatened.

(3) Upon a showing that strict compliance with the provisions of (b)(1) or (2) of this rule is impossible or very difficult for reasons beyond the control of the applicant, the Board may in its discretion, waive or vary the application of such provisions and permit the applicant to submit other evidence.

(4) Upon completion of its investigation, if the Board determines that the applicant possesses all the qualifications set forth in paragraph (a) of this Rule, the Board shall recommend to the Court the issuance of a Certificate of Registration as a Foreign Legal Consultant.

(d)(1) The Certificate of Registration as a Foreign Legal Consultant shall be valid for one year, unless revoked for good cause shown, and may be renewed upon the filing of an annual request with the Board.

(2) The annual request for renewal shall be accompanied by payment of the annual renewal fee, and such evidence as the board shall deem necessary that all requirements for the issuance of an original Certificate continue to be met.

(3) Certified Foreign Legal Consultants shall be subject to control by the Supreme Court of Texas and to censure, suspension, removal or revocation of the Certificate of Registration in accordance with the Rules of Professional Responsibility and Disciplinary Procedural Rules applicable to members of the State Bar of Texas.

(4) Each applicant, prior to the issuance of the Certificate of Registration, shall execute and file with the Supreme Court of Texas an oath in the form prescribed attesting that the Foreign Legal Consultant will abide by the rules and regulations applicable to such Certified Foreign Legal Consultant.

(e)(1) The fee for filing an original application for a Certificate of Registration as a Foreign Legal Consultant shall be the sum in United States dollars which is equal to the fee charged by the foreign country in which the applicant is licensed to members of the Bar of Texas who are applying in that country for registration as foreign legal consultants, but in no event shall such fee be less than \$700.00.

(2) The annual renewal fee shall be the sum in United States dollars which is equal to the annual renewal fee charged by the foreign country in which the applicant is licensed to members of the Bar of Texas who are registered as foreign legal consultants, but in no event shall such fee be less than \$150.00.

(3) If a National Conference of Bar Examiners' report is required by the Board, such fee shall be paid by the applicant at the time required by the Board.

(f) A Foreign Legal Consultant may render legal services and give professional legal advice only on the law of the foreign country where the legal consultant is admitted to practice, subject, however, to the limitations that such person shall not:

(1) appear for a person other than himself as attorney in any Court, before any magistrate or other

judicial officer, or before any administrative agency in this State or prepare pleadings or any other papers or issue subpoenas in any action or proceeding brought in any such Court, before any such magistrate or other judicial officer, or before any such administrative agency; or

(2) prepare any deed, mortgage, assignment, discharge, lease, trust instrument, or any other instrument affecting title to real estate located in the United States; or

(3) prepare:

(A) any will or trust instrument affecting the disposition on death of any property located in the United States; or

(B) any instrument relating to the administration of a decedent's estate in the United States; or

(4) prepare any instrument in respect to the marital relations, rights or duties of a resident of the United States or the custody or care of the children of such a resident; or

(5) otherwise render professional legal services or advice on the law of the State of Texas or of the United States or of any other jurisdiction (domestic or foreign) in which such person is not authorized to practice law (whether rendered incident to the preparation of legal instruments or otherwise); or

(6) in any way hold himself out as an attorney licensed in Texas, as a member of the State Bar of Texas, or as an attorney licensed in any United States jurisdiction; or

(7) use any title other than "Foreign Legal Consultant", or his authorized title and/or firm name in the foreign country of his admission to practice, in each case in conjunction with the name of such foreign country.

**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 department.

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.

**GOVERNMENT CODE - TITLE 2  
JUDICIAL BRANCH**

**Chapter 82. Licensing of Attorneys  
Subchapter A. Board of Law Examiners**

**Sec. 82.001. Board of Law Examiners**

(a) The Board of Law Examiners is composed of nine attorneys who have the qualifications required of members of the supreme court.

(b) The supreme court biennially shall appoint the members of the board for two-year terms that expire September 30 of each odd-numbered year. A member is subject to removal by the supreme court for incompetency or inattention to duty.

(c) Appointments shall be made without regard to race, creed, sex, religion, or national origin. (V.A.C.S. Arts. 304(a),(c).)

**Sec. 82.002. Conflict of Interest**

(a) A member of the Board of Law Examiners who has a financial interest, other than a remote financial interest, in a decision pending before the board is disqualified from participating in the decision.

(b) A member or employee of the board may not be an employee or paid consultant of a trade association in the field of board interest.

(c) A person who is required to register as a lobbyist under Chapter 305 may not act as general counsel to the board or serve as a member of the board. (V.A.C.S. Arts. 304(b), (d), (e).)



**Sec. 82.003. Open Records and Open Meetings.**

(a) Except as provided by subsections (b) and (c), the Board of Law Examiners is subject to the open records law, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), and the open meetings law, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-17, Vernon's Texas Civil Statutes).

(b) Examination questions that may be used in the future and examinations other than the one taken by the person requesting it are exempt from disclosure.

(c) Deliberations relating to moral character and fitness of an applicant may be closed to the public, and records relating to these subjects are exempt from disclosure. On the written request of an applicant, however, the applicant is entitled to have disclosed to the applicant records relating to the applicant's own moral character and fitness unless the person who supplied the information has requested that it not be disclosed. The board shall not inquire of a person who supplies information whether the person objects to disclosure nor inform the person of the right to object. (V.A.C.S. Art. 304(f).)

**Sec. 82.004. Board Duties**

(a) The Board of Law Examiners, acting under instructions of the supreme court as provided by this chapter, shall determine the eligibility of candidates for examination for a license to practice law in this state.

(b) The board shall examine each eligible candidate as to the candidate's qualifications to practice law.

(c) The board may not recommend any person for a license to practice law unless the person has shown to the board, in the manner prescribed by the supreme court, that the person is of the moral character and of the capacity and attainment proper for that person to be licensed.

(d) On written request of an applicant who fails an examination administered by the board, the board shall give the applicant an oral or written analysis of the applicant's performance on the examination. The applicant may record an oral analysis. (V.A.C.S. Art. 305.)

**Sec. 82.005. Board Compensation**

(a) The supreme court shall set the compensation of each member of the Board of Law Examiners, excluding reasonable and necessary actual expenses, at an amount that does not exceed \$20,000 a year.

(b) Chapter 46, Acts of the 59th Legislature, Regular Session, 1965 (Article 6813b, Vernon's Texas Civil

Statutes), does not apply to the compensation set under this section. (New; V.A.C.S. Arts. 310 (a) (part), (c) (part).)

**Sec. 82.006. Sunset Provision**

The Board of Law Examiners is subject to the Texas Sunset Act (Chapter 325). Unless continued in existence as provided by that chapter, the board is abolished September 1, 1991. (V.A.C.S. Art. 304a.)

**Subchapter B. Licensing of Attorneys**

**Sec. 82.021. Supreme Court Authority.**

Only the supreme court may issue licenses to practice law in this state as provided by this chapter. The power may not be delegated. (V.A.C.S. Art. 306(a) (part).)

**Sec. 82.022. Supreme Court Rulemaking**

(a) The supreme court may adopt rules on eligibility for examination for a license to practice law and on the manner in which the examination is conducted. The rules may include:

(1) provisions to ensure:

(A) good moral character of each candidate for a license;

(B) adequate prelegal study and attainment; and

(C) adequate study of the law for at least two years, covering the course of study prescribed by the supreme court or the equivalent of that course;

(2) the legal topics to be covered by the course of study and by the examination;

(3) the times and places for holding the examination;

(4) the manner of conducting the examination;

(5) the grades necessary for licensing; and

(6) any other matter consistent with this chapter desirable to make the issuance of a license to practice law evidence of good character and fair capacity and attainment and proficiency in the knowledge of law.

(b) The supreme court shall adopt rules necessary to administer its functions and to govern the administration of the Board of Law Examiner's function relating to the licensing of lawyers. (V.A.C.S. Arts. 306(a) (part), (b).)

**Sec. 82.023. Declaration of Intention to Study Law.**

(a) Each person intending to apply for admission to the bar must file with the Board of Law Examiners, on a form provided by the board, a declaration of intention to study law.

(b) The form for the declaration must clearly identify those conditions of character and fitness set out in Section 82.027 that may be investigated by the board and that may result in the denial of the declarant's application to take the examination.

(c) The board shall notify each first-year law student who files the declaration on or before January 1 of the year in which the student begins law school, not later than August 1 of the following year, of the board's decision as to the student's acceptable character and fitness. The board shall notify all other declarants not later than the 270th day after the date the declaration was filed whether or not it has determined that the declarant has acceptable character and fitness.

(d) If the board determines that an applicant does not have acceptable character and fitness, the notice of the decision must be accompanied by an analysis of the character investigation that specifies in detail the results of the investigation. (V.A.C.S. Art. 305a(d) (part).)

#### **Sec. 82.024. Law Study Requirements.**

A person who has completed the prescribed study in an approved law school has satisfied the law study requirements for taking the examination for a license to practice law. An approved law school is one that is approved by the supreme court for the time period designated by the court as maintaining the additional standards to retain approval. (V.A.C.S. Art. 306(a) (part).)

#### **Sec. 82.027. Application for Examination.**

(a) Each applicant to take a bar examination must file an application with the Board of Law Examiners not later than the 180th day before the first day of the examination for which the person is applying.

(b) The application consists of a verified affidavit stating that since the filing of the applicant's original declaration of intention to study law, the applicant:

(1) has not been formally charged with any violation of law excluding:

(A) cases that have been dismissed for reasons other than technical defects in the charging instrument;

(B) cases in which the applicant has been found not guilty;

(C) minor traffic violations;

(D) cases in which the record of arrest or conviction was expunged by court order;

(E) pardoned offenses; and

(F) Class C misdemeanors;

(2) is not mentally ill,

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

(4) has not been involved in civil litigation or bankruptcy proceedings that reasonably bear on the applicant's fitness to practice law. (V.A.C.S. Art. 305a(e).)

#### **Sec. 82.028. Moral Character and Fitness of Applicant.**

(a) The Board of Law Examiners may conduct an investigation of the moral character and fitness of each 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.

(c) The board may not recommend denial of a license and the supreme court may not deny a license to an applicant because 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 were 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) The board shall limit its investigation under this section to those areas clearly related to the applicant's moral character and present fitness to practice law. (V.A.C.S. Arts. 305a(a), (b), (c), (d) (part).)

#### **Sec. 82.029. Access to Criminal History Records.**

(a) The Board of Law Examiners is authorized to obtain criminal history record information (CHRI) relating to an applicant that is maintained by the Texas Department of Public Safety or the Federal Bureau of Investigation identification division.

(b) The board may obtain criminal history record information from any law enforcement agency.

(c) The criminal history record information obtained under this section is for the exclusive use of the board and is privileged and confidential. The criminal history record information may not be released or otherwise disclosed to any person or agency except on court order or consent of the applicant. Immediately following the board's decision on recommending the applicant, the board shall collect and seal all criminal history record information obtained under this section.

(d) Except as authorized by Subsection (c), a person commits an offense if the person intentionally or knowingly releases or discloses criminal history record information obtained under this section. An offense under the subsection is a Class B misdemeanor. (V.A.C.S. Art. 305b.)

**Sec. 82.030. Board Assessment of Moral Character and Fitness.**

(a) The Board of Law Examiners shall assess each applicant's moral character and fitness based on:

(1) the investigation of character and fitness performed after the filing of the declaration of intention to study law; and

(2) the filing of the affidavit required by Section 82.027 and the board's investigation into the accuracy and completeness of the affidavit.

(b) If the board determines that the applicant does not have the requisite good moral character and fitness, the board, not later than the 150th day after the day on which the application is filed, shall furnish the applicant an analysis of the character investigation that specifies in detail the results of the investigation. (V.A.C.S. Art. 305a(f).)

**Sec. 82.031. District Committee on Admissions.**

(a) The supreme court shall appoint a district committee on admissions in each of the state bar districts to investigate qualifications for admission to the bar. A district committee must be composed of at least 15 members.

(b) Three members of each district committee must be at the time of appointment representatives of the general public who do not have, other than as consumers, a financial interest in the practice of law. Three members must be at the time of appointment lawyers who are licensed to practice law in this state. Except as provided by Subsection (c), the remaining members must be either similarly qualified representatives of the general public or lawyers.

(c) 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 appointment law students who are enrolled in a law school in the bar district approved by the supreme court.

(d) Members of a district committee on admission serve two-year terms that expire January 21 of each odd-numbered year.

(e) The supreme court shall appoint a chairman of each district committee on admissions.

(f) Five members of a district committee on admissions constitute a quorum. (V.A.C.S. Arts. 305c(a) (part), (b), (c), (d), (e), (f).)

**Sec. 82.032. District Committee Investigation.**

(a) The district committee shall aid the board in investigating the moral character and fitness of persons filing declarations of intention to study law. The district committee on admissions investigates the qualifications of a person for admission to the bar only at the time of filing of the declaration of intention to study law.

(b) The supreme court shall adopt rules that:

(1) require the district committees to treat uniformly and impartially persons filing declaration of intention to study law;

(2) establish uniform practices and procedures for the district committees; and

(3) provide for guidance and oversight of the committees by the board. (V.A.C.S. Arts. 305c(a) (part), (g), (h), (i).)

**Sec. 82.033. Fees.**

(a) The supreme court shall set the fee for the investigation of the moral character and fitness of each candidate at an amount that does not exceed \$150. The candidate must pay the investigation fee to the Board of Law Examiners at the time it is requested by the board.

(b) The supreme court shall set the fee for any examination given by the board at an amount that does not exceed \$150. The candidate must pay the fee to the board at the time the candidate applies for examination.

(c) The supreme court may set an application fee for foreign attorneys at an amount that does not exceed \$700.

(d) The supreme court may set reasonable fees for additional services provided by the board, but the fee for any single additional service may not exceed \$150.

(e) The fees set by the supreme court must be sufficient to pay all costs of the board, including staff salaries, compensation to members of the board, and costs of investigation and administering the examinations, so that state general revenue funds are not necessary to operate the board.

(f) The board may adopt rules that provide for waiving or lowering for indigent persons a fee required by this section (V.A.C.S. Arts. 310(a) (part), (b), (e), (f), (g), (h).)

**Sec. 82.034. Use of Funds.**

Fees received by the Board of Law Examiners shall be deposited in a fund established by the supreme court. The fund may be used only to administer the functions of the supreme court and the board relating

to the licensing of lawyers. The fund shall be used as directed by the supreme court and under supreme court rules, (V.A.C.S. Art. 310 (c) (part).)

**Sec. 82.035. Audit.**

The state auditor shall audit the financial transactions of the Board of Law Examiners. (V.A.C.S. Art. 310(d).)

**Sec. 82.036. Foreign Attorneys.**

(a) The Board of Law Examiners shall recommend to the supreme court that it license and the supreme court shall issue a license to an applicant who:

(1) has practiced law for at least three years; and

(2) has a license to practice law issued by another state whose licensing standards are at least equivalent to the licensing standards of this state.

(b) If an applicant is from another state whose licensing standards are not equivalent to or do not exceed those of this state but the applicant otherwise meets the requirements of Subsection (a), the board may require the applicant to take the examination for a license to practice law.

(c) All foreign attorneys licensed as provided by this section must furnish satisfactory proof of good moral character and fitness. (V.A.C.S. Art. 308.)

**Sec. 82.037. Oath of Attorney.**

(a) Each person admitted to practice law shall, before receiving a license, take an oath that the person will:

(1) support the constitutions of the United States and this state;

(2) honestly demean himself in the practice of law; and

(3) discharge the attorney's duty to his client to the best of the attorney's ability.

(b) The oath shall be endorsed on the license, subscribed by the person taking the oath, and attested by the officer administering the oath. (V.A.C.S. Art. 309.)

**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. Family Law
11. Trusts (including resulting and constructive trusts)
12. Wills & Administration

**EXAMINATION—PART II**

1. Civil Procedure (including Federal and State court jurisdiction, pleading and practice)
2. Criminal Procedure
3. Evidence

**NON-EQUIVALENT JURISDICTIONS  
[RULE VIII (a)(5)]**

Alabama  
California  
District of Columbia  
Georgia  
Indiana  
Louisiana  
Maine  
Montana  
New York  
North Carolina  
Rhode Island  
Tennessee  
Vermont  
Virginia  
Washington  
West Virginia  
Wisconsin  
Wyoming

The above list consists of those jurisdictions determined by the Board to have licensing standards that are not equivalent to those of this State. This is the list in effect on August 1, 1987 and is subject to change.