

CIVIL STATUTES OF TEXAS

AND

RULES

OF THE

SUPREME COURT

OF TEXAS



Governing the Examination for Admission  
to the Bar and the Course of Study for  
the Examination; Exemptions from  
the Examination; the Licens-  
ing of Attorneys from  
Other Jurisdictions;  
and Admission of  
Attorneys Gen-  
erally.

Effective July 15, 1934.

STATUTES RELATIVE TO ADMISSION  
TO THE BAR.

Title 14, Revised Statutes 1925.  
(Vernon's Edition).

ARTICLE 304. Board of Examiners.—The Board of Law Examiners shall consist of five lawyers having the qualifications required of members of the Supreme Court. They shall be biennially appointed by the Supreme Court and shall each hold office for two years and be subject to removal by the Supreme Court for incompetency or inattention to duty.

ART. 305. Duties of Board.—Such Board, acting under instructions of the Supreme Court as hereinafter provided, shall pass upon the eligibility of all candidates for examination for license to practice law within this State, and examine such of these as may show themselves eligible therefor, as to their qualifications to practice law. Such Board shall not recommend any person for license to practice law unless such person shall show to the Board, in the manner to be prescribed by the Supreme Court, that he is of such moral character and of such capacity and attainment that it would be proper for him to be licensed.

ART. 306. Authority of Supreme Court.—The Supreme Court is hereby authorized to make such rules as in its judgment may be proper to govern eligibility for such examination and the manner of conducting the same, covering, among other points, proper guarantee to insure:

1. Good moral character on the part of each candidate for license.
2. Adequate pre-legal study and attainment.
3. Adequate study of the law for at least two years, covering the course of study prescribed by the Supreme Court, or the equivalent of such course.
4. The legal topics to be covered by such study and by the examination given.

5. The time and place for holding the examinations, the manner of conducting same and the grades to be made by the candidates to entitle them to be licensed.

Whenever as many as five applicants shall request the Board to conduct an examination in any particular town or city convenient to their place of residence, the examination of such applicants shall be conducted at such town or city at some suitable time, to be determined by the Board.

6. Any other such matters as shall be desirable in order to make the issuance of a license to practice law evidence of good character, and fair capacity and real attainment and proficiency in the knowledge of law.

No license to practice law in this State shall be issued by any court or authority, except by the Supreme Court of this State, under the provisions of this title.

ART. 307. Graduates exempt.—The Supreme Court by general order shall exempt graduates of such law schools as may be approved by such Court from taking any examination as to pre-legal or legal studies and attainments, but such graduates must in all instances furnish evidence as to moral character required of candidates. Every law school in this State shall be approved for this purpose which maintains the following standards:

1. Admission requirements of law equivalent to successful completion of the four years' high school course.

2. A law curriculum extending over at least three scholastic years, with not less than ten hours class room work in law a week for each of the three classes respectively.

3. Standards for credit based upon written examination satisfactory to the Supreme Court.

4. A library of not fewer than twenty-five hundred well selected law books.

ART. 308. Foreign Attorneys.—The Supreme Court shall make such rules and regulations as to admitting attorneys from other

jurisdictions to practice law in this State as it shall deem proper and just. All such attorneys shall be required to furnish satisfactory proof as to good moral character.

ART. 309. Oath of Attorney.—Every person admitted to practice law shall, before receiving license, take an oath that he will support the Constitution of the United States and of this State; that he will honestly demean himself in the practice of law, and will discharge his duty to his client to the best of his ability; which oath shall be indorsed upon his license, subscribed by him and attested by the officer administering the same.

ART. 310. Fees.—The fee for any examination given by the Board shall be fixed by the Supreme Court, not to exceed twenty dollars for each candidate, which shall be paid to the clerk of said Court at the time the application for examination is made. The money thus obtained shall be used to pay all legitimate expenses incurred in holding the examination; and as compensation to the members of the Board, under such regulations as shall be agreed upon by the Board, or determined by the Supreme Court.

ART. 311. Convicts barred.—No person convicted of a felony shall receive license as an attorney at law; or, if licensed, any court of record in which such person may practice shall, on proof of a conviction of any felony, revoke his license and strike his name from the roll of attorneys.

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ART. 3923. The Clerk of the Supreme Court shall receive the following fees:  
Issuing attorney's license, \$1.00.

## RULES.

Pursuant to Title 14, Revised Statutes of 1925, and amendments thereof, the following rules are prescribed by the Supreme Court for the admission of applicants to the Bar of Texas. All former rules are hereby repealed; provided, however, that as to those who have heretofore applied for license, or

who have heretofore entered approved law schools, or who have previously filed written declarations of intention to study law with the Clerk of the Supreme Court, the rules heretofore promulgated shall continue to apply,—except that the provisions of Rules VI and IX hereof, *as to fees*, shall be applicable to them.

## I.

### TIME AND PLACE FOR EXAMINATION

The examinations shall be held at Austin, except in the instance otherwise provided for by the Act.

Three regular examinations shall be held each year, opening respectively on the first Monday in February, the second Monday in June, and the Fourth Monday in October.

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

## II.

### ELIGIBILITY FOR THE EXAMINATION

To be eligible for the examination the applicant shall be a resident of this State, at least twenty-one years of age, and of good moral character and honorable deportment.

As a further prerequisite, there is prescribed an educational qualification of, at least, high school graduation, or the equivalent of a high school education, which requirement shall be satisfied by any one of the following; to-wit:

- (1) High school diploma;
- (2) State teacher's certificate corresponding to high school graduation;
- (3) Certificate of passing of the college entrance examination of the University of Texas, or any other College with like entrance requirements;
- (4) Certificate of passing the high school examinations for college entrance under the State Department of Education;
- (5) Certificate showing the successful completion of the two years' pre-law course

at the University of Texas, or at some other college or university having a pre-law course of equal requirements.

Each applicant who intends to apply for a license to practice law, either by reason of holding a diploma from an approved law school or by examination under these rules shall, within thirty days after he enters such law school, or after he begins the study of law hereunder, file with the Clerk of the Supreme Court a written declaration, on a form to be prescribed by the Board of Legal Examiners, of his present intention to begin the study of law, showing his age, occupation, and the educational qualifications above prescribed. The Clerk shall keep a record of all such declarations, but shall not register anyone who does not at the time have the required educational qualifications.

If the student intends to pursue his studies at some approved law school listed in Rule VII, his declaration shall so state; otherwise, the student's declaration shall show that he intends to pursue his studies in some other law school or under the direction of some practicing attorney in this State; and, in such event, he shall also show, by written certificate of a Judge of the District Court of the district in which he resides, attached to his declaration, that such Judge has approved of said school or attorney. If the applicant resides in a county having an organized Bar Association, the approval of the District Judge shall be conditioned on such Association's likewise having approved such school or attorney. The Judge may, in his discretion, withhold his approval, whenever he does not concur in the conclusion of the Bar Association.

The Local Bar Association, with the approval of the District Court, or the District Judge, in the absence of a local Bar Association, may devise such means as are appropriate for ascertaining from time to time whether or not the applicant is in good faith pursuing his studies as contemplated by these rules; and such studies shall not be pursued further after a finding adverse to the

student has been approved by the District Court. Such Association may, as an aid to the student, institute a course of instruction and lectures or classes, and when it does do so the student shall attend the same.

The applicant before being eligible for final examination which may entitle him to a law license, must have devoted at least twenty-seven months' adequate study under these rules of the legal subjects prescribed in Rule IV.

Each applicant under these rules, not less than thirty days before first appearing for an examination before the State Board of Legal Examiners, shall present to the Board a certificate by the President and Secretary of his County Bar Association; or, if there be no such association in the county of his residence, then from the County Bar Association nearest the county of his residence, showing that the committee of such association selected to investigate the character and fitness of the applicant has determined that the applicant is of good moral character and of good reputation for honorable deportment. In addition to such certificate, the State Board of Legal Examiners, in its discretion, may adopt any other means for the purpose of satisfying itself as to the applicant's good moral character and good reputation for honorable deportment.

### III.

#### TIME OF STUDY

The length of time of study shall be three terms of not less than nine months each; but the student may take a longer period of time for the study designated for each of said terms, if he so desires.

The Board of Legal Examiners shall divide the course of study and subjects of examination herein prescribed into three divisions, corresponding to each of the three terms provided for above, and the student may take the examination as to the course of study provided for each term at the next succeeding examination; or the student may, if he so desires and is prepared, take upon any

one examination the courses prescribed for more than one term; or the student may, if he so desires, first complete his study of each of the three courses, and stand the examination thereon at one time; provided that at the time of his final examination he shall have been engaged in the study of law under these rules for not less than twenty-seven months from the date of his registration with the Clerk of the Supreme Court.

### IV.

#### SUBJECTS FOR EXAMINATION AND COURSE OF STUDY.

The legal subjects named as titles of the following subdivisions in this rule shall constitute the subjects for the examination, and the course of study shall be followed and the books named studied by the student.

1. *Common Law.*  
Morgan, Introduction to the Study of Law.  
Townes, Elementary Law.  
Kent, Commentaries, Vols. 1, 2, 3, 4.  
Blackstone, Commentaries, Vols. 1, 2, 3.
2. *Agency.*  
Mechem, (3d ed.); or Tiffany, (2d ed.); or Huffcutt; or Story.  
Restatement of the Law of Agency.
3. *Bailments and Carriers.*  
Dobie; or Goddard, (2d ed.); or Schouler.  
Revised Statutes, Title 25, "Carriers."
4. *Bills and Notes.*  
Norton, (4th ed.), and Moore, Cases on Bills and Notes.  
Revised Statutes, Title 18, "Bills and Notes."  
Revised Statutes, Title 110, "Principal and Surety."  
Revised Statutes, Title 98, "Uniform Negotiable Instruments Act."  
Brannon on Negotiable Instruments, (4th ed.).

5. *Constitutional and Statutory Law.*  
 Constitution of the United States.  
 Constitution of Texas.  
 Black, *Constitutional Law*.  
 Dodd, *Cases on Constitutional Law*;  
 or Evans, *Cases on Constitutional Law*, (3rd ed.).  
 Black, *Construction and Interpretation of Laws*.  
 Revised Statutes, Title 1 and Final Title.
6. *Contracts.*  
 Clark, (latest ed.).  
 Clark (4th ed. by Throckmorton), and Throckmorton, *Cases on Contracts*.
7. *Corporations.*  
 Clark, (3rd ed. by Wormser); or Ballantine; or Clark and Marshall.  
 Revised Statutes, Title 32, "Corporations."
8. *Criminal Law.*  
 Clark and Marshall, (3d ed.); or Clark, (3d ed. by Mikell).  
 Texas Penal Code.  
 Texas Code of Criminal Procedure.
9. *Domestic Relations.*  
 Madden, *Persons and Domestic Relations*; or Peck, *Persons*, (3d ed.).  
 Speer, *Law of Marital Rights in Texas* (3d ed.).  
 Revised Statutes, Title 75, "Husband and Wife."  
 Revised Statutes, Title 69, "Guardian and Ward."
10. *Equity.*  
 Eaton, (2d ed.); or Walsh.  
 Revised Statutes, Title 76, "Injunctions."  
 Simpkins on Equity.
11. *Evidence.*  
 McKelvey.  
 Greenleaf.  
 Revised Statutes, Title 55, "Evidence," and rules and notes in Vernon's Anno. Rev. Civ. Statutes, under Title 55.
12. *Federal Procedure.*  
 Dobie.  
 U. S. Bankruptcy Act.
13. *Partnership.*  
 Mechem, (4th ed.); or Gilmore; or Burdick.
14. *Pleading and Practice.*  
 Shipman, (3d ed. by Ballentine); or Chitty; or Stephen; or Gould.  
 Clephane, *Equity Pleading and Practice*.  
 Townes, *Texas Pleading*.  
 Revised Statutes, Titles 13 and 68, "Attachment and Garnishment."  
 Revised Statutes, Title 119, "Sequestration."  
 Revised Statutes, Title 124, "Trespass to Try Title."  
 Revised Statutes, Title 125, "Trial of Right of Property."  
 Revised Statutes, Titles 37, 38, 39, "Courts — Supreme, Criminal Appeals, and Civil Appeals."  
 Revised Statutes, Titles 40 and 41, "Courts—District and County."  
 Revised Statutes, Title 42, "Courts—District and County, Practice In."  
 Revised Statutes, Title 45, "Courts—Justices."  
 Smoot's Texas Court Rules.
15. *Real Property.*  
 Tiffany, (2d ed.), 3 vols.  
 Lewis, *Lectures on Real Property in Texas*.  
 Summers on Oil and Gas.  
 Revised Statutes, Title 31, "Conveyances."  
 Revised Statutes, Title 84, "Landlord and Tenant."
16. *Sales.*  
 Tiffany; or Vold; or Waite.
17. *Torts.*  
 Cooley, (Students' Edition by Throckmorton); or Burdick; or Chapin; or Townes.

Revised Statutes, Title 77, "Injuries Resulting in Death."

Revised Statutes, Title 112, Chap. 10, and Art. 6388, "Railroads."

Revised Statutes, Title 130, "Workmen's Compensation Act."

18. *Wills and Estates of Decedents.*  
Rood, (2d ed.); or Gardner, (2d ed.); or Page.  
Simkins, Administration of Estates of Decedents, (3d ed. by Holt).  
Revised Statutes, Title 129, "Wills."  
Revised Statutes, Title 48, "Descent and Distribution."  
Revised Statutes, Title 54, "Estates of Decedents."
19. *Legal Ethics.*  
Sharswood; or Warvelle; or Arant; or Costigan.  
American Bar Association Canons of Professional Ethics.

In addition to the textbooks named above, we recommend that all applicants read the text on the several subjects named found in Texas Jurisprudence.

The references to the statutes are those in the Revision of 1925, with such amendments of a few of the titles as have since been enacted.

## V.

### MANNER OF EXAMINATION AND REQUIRED GRADES.

The examination shall be conducted in writing upon questions and answers, and the answers shall be graded. To successfully pass the examination, the applicant shall make an average of at least 75% upon all the papers considered together; provided, however, that an applicant making a grade of less than 65% upon any paper shall not be licensed. If at any examination the applicant makes a grade of 75% or more upon one-third of the papers of the examination which he is standing, he may be re-examined at any examination, or examinations, held during the next twelve months thereafter,

upon the subjects not passed; and if the results of such subsequent examinations taken in connection with the previous ones show an average grade of at least 75%, with no grade of less than 65% upon any subject, the applicant shall be passed.

When an applicant shall have passed his examination, or examinations, in all the subjects herein prescribed, and shall have made an average grade of at least 75%, with no grade of less than 65% upon any subject, he shall be licensed.

## VI.

### FEEES FOR EXAMINATIONS AND THEIR DISPOSITION.

Each applicant, before entering upon his first examination, shall pay to the Clerk of the Supreme Court a fee of Twenty Dollars (\$20.00); and at *each subsequent* examination at which he appears, an additional fee of Ten Dollars (\$10.00).

The amounts thus derived shall be paid over to the Board of Examiners by the Clerk or the Secretary during the examination, and shall be used by it to defray the incidental expenses of the examinations and of its members in attending and conducting them,—the residue to be paid its members by way of compensation for their services.

The disbursement of the fund for these purposes shall be according to such regulations as the Board may adopt.

## VII.

### EXEMPTION FROM THE EXAMINATION

Graduates of law schools approved by the American Bar Association, situated in states other than the State of Texas, who shall within one year from the date of their graduation make application for license to the Board of Legal Examiners, and present to the Board, when and as it may require, proper evidence of their graduation, shall be entitled to license without examination; provided that the graduates of the school which may have issued the diploma to the applicant are admitted to the Bar of the State

in which such school is located without examination.

Schools, Colleges, and Universities in Texas heretofore designated whose graduates may be admitted without examination are continued in such designated class.

#### LAW SCHOOLS IN TEXAS EXEMPTED

Baylor University, Waco, Texas.

Dallas School of Law, Y. M. C. A., Dallas, Texas.

Jefferson University, School of Law, Dallas, Texas.

Southern Methodist University, Dallas, Texas.

South Texas School of Law, Houston, Texas.

San Antonio School of Law, San Antonio, Texas.

San Antonio Public School of Law, San Antonio, Texas.

University of Texas, Austin, Texas.

Applicants from all schools, within or without the State, whose graduates may be licensed without examination, and who reside in the State of Texas, must present to the Board the certificate, or certificates, of good character and reputation for honorable deportment previously referred to under Rule II. In addition to such certificate, the State Board of Legal Examiners, in its discretion, may adopt any other means for the purpose of satisfying itself of an applicant's good moral character and good reputation for honorable deportment.

Graduates of all such schools, whose residence at the time is without the State of Texas, shall make proof of their good moral character and good reputation for honorable deportment in manner and form satisfactory to the Board of Legal Examiners.

#### VIII.

No applicant subject to these rules who applies for license to practice law in this State by virtue of a diploma from an ap-

proved law school, or by reason of having passed the State bar examination, shall be licensed until he shall present evidence to the State Board of Legal Examiners that during his course of study, or within twelve months after completion of the same, he has served a period of at least six months as a law clerk or apprentice in the office of a reputable practicing attorney actively engaged in the practice within the State of Texas, or as an employee or clerk in the office of one of the trial or appellate courts of this State for a period of at least six months; provided that said six months' time may be served in periods of three months each. The lawyer or law firm with which such apprentice may serve must be one approved by the Local Bar Association and designated for such purpose by the District Court. The principal taking an apprentice under this rule shall keep a substantial record, on a form prescribed by the Board of Legal Examiners, of the performance of his duties by the apprentice, and shall certify and deliver the same to his apprentice for presentation to the Board of Legal Examiners, in order for them to determine whether or not his apprenticeship has been served and his right to a license in this respect matured.

#### IX.

##### LICENSING OF ATTORNEYS FROM OTHER JURISDICTIONS.

Any attorney of law immigrating to this State from another State of the United States, who has been duly licensed by the Supreme Court of such State or by the Supreme Court of the United States, and who has been actively engaged in the practice of law for as long as five years immediately preceding his application for admission in this State, or who has been actively engaged in teaching law for five years in a reputable law school in the United States, or who has been actively engaged in the practice and in such teaching for five years, upon being approved by the Board of Legal Examiners as possessed of such honorable



character, capacity, and general information as in its opinion renders him worthy of admission to the Bar of this State, shall be entitled to license without examination. Provided, however, all such attorneys shall reside in this State and study the *various statutes* referred to and specified as subjects of study in Rule IV hereof for a period of six months immediately preceding their admission to the Bar of this State, and make proof thereof satisfactory to the State Board of Legal Examiners, before license may be issued to them.

The Board of Legal Examiners may adopt any means within its discretion for the purpose of satisfying itself that applicants under this Rule meet its requirements. It shall have the authority to reject any such applicant deemed by it unworthy of admission to the Bar of this State.

Applicants under this rule, at the time of presenting their applications to the Board of Legal Examiners, shall pay to the Clerk of the Supreme Court a fee of Forty Dollars (\$40.00). The amount thus derived shall be paid over to the Board by the Clerk or the Secretary, and shall be applied as provided in Rule VI.

## X.

### GENERAL PROVISIONS

Students who have heretofore entered upon the study of law under the rules may, upon such terms and in such manner as shall be prescribed by the Board of Legal Examiners, change their courses and methods of study, and become subject to these rules and entitled to the benefits thereof.

Candidates for license or for the examination shall give to the Board of Examiners notice of their intention to appear for the examination, addressed to the Board at Austin, at least ten days before the date of the examination. But in special cases the Board, in its discretion, may consider applications at any time after filing.

Each candidate for license or for examination shall furnish the information required

of him by the Board and as specified in these rules, in so far as applicable to him.

The names of applicants approved by the Board of Examiners as entitled to license shall, upon such approval, be certified by the Board to the Clerk of the Supreme Court, who will thereupon issue the license as provided by this Act.

License to practice law issued by virtue of these rules shall be issued upon condition that the applicant has faithfully complied with these rules; and if, at any time it should be made to appear to the Supreme Court that any applicant obtained his license fraudulently or by wilful failure to comply with these rules, his license, upon hearing before and recommendation by the Board of Legal Examiners, shall be withdrawn and cancelled, and his name stricken from the roll of attorneys.

The interpretation and application of these rules is primarily for the Board of Legal Examiners, and the Supreme Court and its members will only act with reference thereto upon application of the Board, or upon application of one or more members thereof, or upon written motion filed under leave of the Court by an interested party with the Clerk of the Court, to be considered and acted upon as any other motion.

The Board of Examiners shall have authority to select such officers from its own members as it may determine and assign their duties, and to formulate the procedure of the Board. The Board shall be authorized to make such regulations and prescribe such forms and certificates as may be essential to carry into effect these rules.

These rules shall become effective July 15, 1934.

Given under our hands at Austin, Texas, this the 30th day of May, 1934.

C. M. CURETON,  
Chief Justice.

THOS. B. GREENWOOD,  
WILLIAM PIERSON,  
Associate Justices of the Supreme Court.