

*Rules Governing Admission to the
Bar of Texas*

ADOPTED BY

**THE SUPREME COURT
OF TEXAS**

As amended to January 1, 1972



Printed May 1, 1972

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

IRA BUTLER, Chairman
Suite 603, W. T. Waggoner Building,
Fort Worth 76102

WILLIAM ROBERT SMITH
1508 Tower Life Building, San Antonio 78205

GIBSON R. RANDLE
801 International Life Building, Austin 78701

GEORGE T. BARROW
Twelfth Floor, The Main Building,
Houston 77002

WILLIAM E. COLLINS
2300 Republic National Bank Building,
Dallas 75201

MRS. ALTA MOORE
SECRETARY TO THE BOARD
ROOM BG-5, SUPREME COURT BUILDING

Capitol Station
P. O. Box 12248
Austin, Texas 78711

THE SUPREME COURT OF TEXAS

May 1, 1972

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Chief Justice

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THOMAS M. REAVLEY

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Clerk

These Rules include all amendments
to May 1, 1972.

INSTRUCTIONS TO APPLICANTS

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

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GENERAL INFORMATION AS TO BAR EXAMINATIONS

1. File application not less than 30 days before the beginning date of the examination reflected in Rule I. Attach Money Order or Bank Cashier's Check covering examination fee which must accompany application. Be sure you have answered all questions and included the required attachments.

2. Applicants will be informed by a simultaneous mailing of the date, hours, and place of the examination in accordance with Rule I. Generally such mailing is completed one week prior to the examination. You will be notified if your application is incomplete or a personal appearance before the Board for further consideration of your application is required. Please furnish proper mailing address with zip code.

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

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

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

Art. 305. Duties of Board.—Such Board, acting under instructions of the Supreme Court as herein-after 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.

SUGGESTIONS TO ATTORNEYS
APPLYING UNDER RULE X

1. Application for admission to be filed in the office of the Secretary to the Board of Law Examiners, Supreme Court Building, Austin, Texas. The fee of \$100.00 by cashier's check or money order must accompany application and should be made payable to the Clerk of the Supreme Court. Rejection of application will not entitle applicant to refund of fee.

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

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

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

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

The completion of prescribed study in an approved law school as herein defined shall satisfy the law study requirements for taking the aforesaid examination. An approved law school is hereby defined as one which is approved by the Supreme Court as offering the course of study prescribed by the Supreme Court for the period of time designated by such Court, and as maintaining the additional standards prescribed by the Court. No license to practice law in this state shall be issued by any court or authority except by the Supreme Court of this state, under the provisions of this title. The power granted to the Supreme Court by this Act shall not be delegated.

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

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

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

3. He must have commenced his military service prior to the date set for the second State Bar Examinations next following the date of his graduation.

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

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

Military service shall include service in all branches of the Army, Navy, Air Force and other military

forces of the United States, including auxiliary services.

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

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 fees for any examination given by the Board shall be fixed by the Supreme Court, not to exceed forty dollars for each candidate,

which shall be paid to the clerk of said Court at the time the application for examination is made. The money thus obtained shall be used to pay all legitimate expenses incurred in holding the examination; and as compensation to the members of the Board, under such regulations as shall be agreed upon by the Board, or determined by the Supreme Court. As amended July 1, 1967.

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

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

Issuing attorney's license, \$5.00.

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

On this 16th day of January, 1956, it is ORDERED that the Rules Governing Admission to the Bar of Texas as heretofore existing are hereby amended in part, in part repealed, and in part restated and repromulgated, so that the same, including the titles, shall hereafter read as follows, and as so reading shall constitute the entire and only rules of this Court upon the subject matter.

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

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

Unless otherwise clearly shown by the context, references in these rules to "Supreme Court" and "Board" shall be taken to mean respectively the Supreme Court of Texas and the State Board of Law Examiners, and the terms "applicant" or "candidate" shall mean a person seeking to be licensed to practice law in this state, other than immigrant attorneys, as to whom the provisions of Rule X are intended to govern. Similarly the term "approved law school" shall be taken to mean a law school officially approved by the Supreme Court of Texas in the manner provided in Rule V(A) of these rules.

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An applicant having entered upon the study of law in a law school or law office is governed as to educational (including law study) eligibility to take the Bar examinations by the rules effective at the time he or she has so entered; provided, however, that as to the subject matter of the examinations, the rules in effect at the time such examinations are taken shall apply to all who take them.

RULE I

TIMES AND PLACES FOR EXAMINATIONS

Bar examinations shall be held in the City of Austin, Travis County, Texas, and at such other places in the State of Texas as the Board may deem feasible.

Three regular examinations shall be held each year, opening respectively on the Monday which falls in the period of January 28 through February 3, the third Monday in June, and the first Monday in October, except that for the month of January of 1971, the examination shall open on Monday, January 25, 1971. In the event the date scheduled for the opening of an examination is a legal holiday, the examination shall open on the next day which is not a legal holiday. The Board is empowered to postpone any such examination for not exceeding thirty (30) days.

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

RULE II

**ELIGIBILITY FOR THE EXAMINATIONS:
GENERAL**

To be eligible for the examinations, the applicant shall comply with the requirements of these rules, shall be a bona fide citizen of this State, and of the United States, and except as otherwise provided herein, shall have resided in this State continuously for not less than three (3) months, next preceding the date on which he begins his first examination. One who is a resident of Texas at the time of entrance into an out-of-state school for pre-legal or law study shall be considered a resident of Texas at the conclusion of such law course, unless during that period such applicant has affirmatively evidenced an intention to give up his Texas residence. He shall be at least twenty (20) years of age, of good moral char-

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acter and honorable deportment, and shall possess the educational attainments set out in the following rules; provided that if a person twenty (20) years of age and under twenty-one (21) shall pass the bar examinations, he shall not receive a license to practice law until he reaches the age of twenty-one (21). The removal of the applicant's disabilities shall not affect the foregoing requirements as to age.

RULE III

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

Every person intending to apply for admission to the Bar of this State shall file with the Secretary of the Board, not more than sixty (60) days before nor more than one hundred twenty (120) days after beginning the study of law, a declaration of his intention to study law and a certificate showing the completion of a preliminary character examination.

The above declaration shall be made on a form to be prescribed by the Board, and shall show such facts as to the history, experience, and educational qualifications of the declarant as the Board may determine. It shall name the law school in which the declarant proposes to study, which school must be an approved law school.

The provisions of the two preceding paragraphs shall not apply to attorneys from other jurisdictions seeking admission under Rule X.

If the declarant proposes to study law under the direction and supervision of a practicing attorney, as authorized by the pertinent provisions of Rule V, he must include with his declaration a certificate by the city, county, or district bar association of the county in Texas in which he proposes to study, or if no such organization exists, or such organization fails to function, then by the district judge of said county, that the attorney in whose office the declarant is to study is actively engaged in the practice of law in Texas, and is a fit person morally, intellectually, and by reason of legal attainment to instruct the declarant in his legal studies. In the event a declarant makes any change in the school or office in which he pursues his studies, he shall within thirty (30) days after making such change file a supplemental declaration, setting forth such information as may be required by the Board, and attaching thereto a certificate as to the qualifications of the attorney concerned if the new course of study is in a law office, as authorized by the pertinent provisions of Rule V.

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The declarant shall likewise include in his declaration a statement signed by the Committee on Bar Candidates of the city, county, or district bar association, or if there is no such association, or such association fails to appoint such a committee, then by a committee of attorneys appointed by the district judge, or by one of the district judges if there are two or more, where the declarant has his legal residence, to the effect that they have examined him and have investigated his history and reputation, and that in their opinion he is of such good moral character as to be a suitable candidate for admission to the profession. All such reports of bar committees, whether favorable or unfavorable, shall be made in duplicate, one copy to be delivered to the applicant and one mailed to the Secretary of the Board.

If the local bar association or the district judge or the committee, as the case may be, shall fail to function, then the Board shall have the power, at the cost of the declarant, to make its own investigation and finding as to the supervising lawyer and as to the character of the declarant. The Board may require the declarant to deposit, in advance of such investigation, the estimated expense thereof.

If a law student shall show a reasonable excuse for failure to file a declaration of intention and accompany statement at the prescribed time, the Board may permit the same to be filed within a reasonable time after entering upon the study of law.

If a candidate for the bar examination who has graduated from an approved out-of-state law school has failed to file a declaration of intention and accompanying statement as herein-before provided, the Board may permit said applicant to take the examination upon a showing of good cause for such failure and upon such other terms and conditions as the Board may prescribe.

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

The Secretary of the Board shall keep a record of all declarations made pursuant to this rule.

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

Every person filing the declaration of intention to study law provided for in Rule III shall, at the time of filing the same, also file with the Board proof of the required educational qualifications to begin the study of law, namely:
Unconditional credit for not less than ninety (90)

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semester hours of work satisfactorily completed with an over-all or weighted average of not less than C computed on the comprehensive basis of all college work undertaken by the student in his pre-law curriculum, except that if a course is repeated, only the last grade will be counted. Work done in two or more institutions will be averaged together. In computing the average a semester hour of A counts 3 grade points; B, 2; C, 1; D and F, 0. All college work submitted shall be done in residence in a recognized college.

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

RULE V

REQUIRED LAW STUDY

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

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

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

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

(d) Study of law in an approved law school or schools without satisfying all requirements for graduation therefrom, but for the time and in the manner hereinafter provided in paragraph No. 2 of this Rule; or

(e) Study in both an approved law school and in Texas in the office of a qualified practicing lawyer, as authorized in this Rule V, successively and so that the total study thus made by the can-

didate shall, in the opinion of the Board, be the equivalent of the studies described in paragraph No. 2 of this Rule.

2. If the school or schools attended are full-time, and the candidate shall have attended said school or schools for a total of at least twenty-seven months and shall have pursued therein courses requiring at least twelve class hours each week throughout that period, or if less than twelve hours are taken weekly, then for a correspondingly longer period, until he or she has completed eighty semester hours acceptable toward the LL.B. degree, or its equivalent, from such school. If the school in question be a part-time school which conducts the greater part of its classes in the late afternoon or evening hours, then the candidate must have attended a total of at least thirty-six months and pursued courses requiring at least nine class hours each week throughout that period, or, if less than nine class hours are taken weekly, then for a correspondingly longer period, until he or she has completed eighty semester hours acceptable toward the LL.B. degree, or its equivalent, from such school.

3. In connection with paragraph 1. of this rule, a candidate, after entering an approved law school, may transfer to another such school.

4. In connection with paragraph 1. of this rule, transfers from a law school to study law in a law office or vice versa, shall be accompanied by a supplemental Declaration of Intention as provided in the fourth paragraph of Rule III.

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

6. The student must complete his law study within six years after beginning the same, provided that any person who shall have begun or shall hereafter begin the study of law under and in accordance with the rules, who, before completing his study, entered, or may hereafter enter, any active branch of the military service of the United States, shall, after honorable separation from such service, be entitled to continue his studies until they are completed, and have one year after such completion within which to take his first examination, but must take such examination within six years after such separation from the service.

7. For good cause shown to the satisfaction of the Board, exceptions may be made to the requirements described in this Rule V.

RULE V-(A)
APPROVED LAW SCHOOLS

The Supreme Court will keep itself advised concerning the various individual law schools in Texas and throughout the nation through the Board or in such other manner and through such agencies or other sources of information as it shall see fit to consult. The Supreme Court will approve or refrain from approving every such law school in accordance with its views as to whether such school meets or fails to meet the standards specified in this rule, and will from time to time review its action concerning existing schools and determine the matter of approval or nonapproval of new schools as the same shall come into existence. The action of the Court with respect to approval or nonapproval shall be evidenced by a list of approved schools, of which a certified copy shall be maintained by the clerk of the Court and the secretary of the Board, open to public inspection. The first said list is that filed contemporaneously with the date of promulgation of these rules, and said first list will as occasion requires, be supplemented by new lists or written evidence of particular changes in the original list from time to time as the Court may determine, said new lists or evidence of changes in existing lists to be likewise kept on hand, and open to public inspection by the clerk and secretary aforesaid.

Notwithstanding anything in these rules to the contrary, the Court may list its approval of any particular school or schools as conditional or provisional, and the Court may thus admit temporary or conditional exceptions to required standards, where in its judgment the best interest of the state will be served. If the conditions upon which a school is listed shall not be fulfilled, or where the period of temporary listing shall expire, the school in question shall automatically cease to be an approved school. In the latter instance applicants or prospective applicants to take the Bar examinations who shall have entered said school while so conditionally or temporarily listed shall be deemed to have assumed the risk of such school ceasing to be an approved school prior to their graduation therefrom.

Notwithstanding anything in these rules to the contrary, the Court may declare an applicant eligible to take the Bar examinations by special or exceptional order, as it shall deem just, in cases where (a) a law school which an applicant enters is at the time of said entry approved (absolutely, conditionally, or temporarily) under these rules or predecessor

rules but ceases to be approved following said entry, or (b) a law school is not an approved school under these or predecessor rules at the time of the applicant's entry therein, but becomes approved during the period of the applicant's study therein.

Any law school believing itself affected by being omitted from said approved list, or in any other manner incident to said list, and desiring a change therein, may submit in writing its corresponding complaint or statement executed by its highest authorized representative in fifteen original counterparts (carbon copies not being acceptable), which shall be directed jointly to the Court and the Board, and sent originally to the secretary of the Board, who will distribute one counterpart to each member of the latter and also counterparts to the Court. The Board shall within a reasonable time after receipt of said documents make a report with recommendations to the Court, which in turn will decide the matter presented after such consideration, hearings and investigation as it shall consider proper in the premises.

The Board itself, without special authorization of the Court, may at any time investigate any law school on the above-mentioned list or omitted therefrom, and report its findings or views resulting from said investigation of the Court. If such investigation is at the request of the school in question, all travel and other expenses of the Board incident thereto shall be first adequately guaranteed to the Board by said school.

The standards of approval of law schools are:

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

(b) It shall require its students to pursue a course of at least three years of thirty weeks each if substantially all of their working time is devoted to their studies. The curriculum and schedule of work shall be so arranged to accomplish this result.

Students devoting only a part of their time to the study of law shall be required to pursue a course of at least four years of not less than thirty weeks each.

A school which maintains a course for full-time students and a course for part-time students must comply with all the requirements as to both courses.

The school shall require as a condition of graduation the satisfactory completion of at least seventy-two semester hours of work in courses for which credit is given.

(c) The school shall provide an adequate library available for the use of its students. An adequate library shall consist of not less than seventy-five hundred (7500) well selected, usable volumes, not counting obsolete material or broken sets of reports, kept up to date and owned and controlled by the law school or the university with which it is connected. It is required that a five-year expenditure averaging \$3000 per year on library additions be made with a minimum expenditure of \$2000 in any one year.

(d) The school shall be adequately supported and housed so as to make possible efficient work on the part of both students and faculty.

(e) The school shall have not less than one full-time instructor for each hundred students or major fraction thereof; and in no case shall the number of such full-time instructors be less than three. This is to insure that there will be a sufficient number of teachers giving their full time to the school to provide actual personal contact and influence with the whole student body.

(f) The school shall not be operated as a commercial enterprise and the compensation of any officer or member of its teaching staff shall not depend upon the number of students or on the fees received.

(g) The school shall be one which in the opinion of the Court possesses reasonably adequate facilities and maintains a sound educational policy.

RULE VI.

SUBJECTS FOR BAR EXAMINATION

The Supreme Court by separate order has established a list of the subjects for the Bar examinations. From time to time the content of said list may be altered by additional order of the Court. Said list shall be open to public inspection at all reasonable times, and the Board shall cause copies of said list, including any changes therein, published at appropriate periods for distribution to applicants requesting such copies.

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SUBJECTS FOR TEXAS BAR EXAMINATIONS

The Supreme Court's order of October 20, 1970, adopted the following subjects for the Bar Examinations:

1. Business Associations (including corporations, agency and partnerships)
2. Civil Procedure (including Federal and State pleading and procedure)
3. Commercial Transactions (including sales and commercial paper)
4. Conflict of Laws
5. Constitutional Law
6. Contracts
7. Criminal Law and Procedure
8. Evidence
9. Marital Property
10. Real Property (including ownership of interests in oil and gas)
11. Remedies
12. Torts
13. Trusts, Wills and Administration

RULE VII.

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

Candidates to take the Bar examinations shall file their applications therefor with the Secretary of the Board not less than thirty days prior to the first day of examinations in which they seek to participate.

The application shall be made on a form to be prepared and furnished by the Board and calling for such information as the Board may demand which shall be reasonably related to a thorough inquiry into the good moral character and legal training of the applicant. In addition to any other requirements made by the Board, the application shall contain the name, residence, age and citizenship of the applicant, whether the applicant has ever been arrested, indicted or convicted for any crime of the grade of felony or involving moral turpitude, and if so, the nature of the offense in question; the date of filing of the applicant's Declaration of Intention to study law and the date or dates, place or places, and manner of applicant's compliance with the law study requirements provided in Rule V of these rules.

As part of the application and in such manner as the Board shall direct, the applicant shall furnish proof or additional proof of good moral character and honorable deportment. As part of such proof, applicant shall furnish a supplementary statement of a committee constituted as prescribed in the fifth paragraph of Rule III of these rules in respect to preliminary character examination, said supplementary statement to show that the committee has re-examined the applicant within the ninety day period immediately preceding the Bar examination for which applicant is applying, and has investigated the conduct of applicant since the preliminary character examination, and stating that in the opinion of the committee applicant is of such high character as to be acceptable for admission to the profession of law. If such committee shall fail to function, the Board, upon the request of applicant, and at his cost, shall make its own investigation and finding in the premises. The Board may require applicant to deposit, in advance of such investigation, the estimated expenses thereof, and may require that applicant procure the delivery to the Board at applicant's expense of a confidential report by the Na-

tional Conference of Bar Examiners regarding applicant's qualifications and fitness.

At the time of filing the application, the applicant shall furnish, in addition to the above-mentioned proof concerning good character, proof that applicant has duly complied with the law study requirements of Rule V, and has diligently pursued the course of study referred to in Rule VI. If applicant has pursued his studies in whole or in part in a law school, proof thereof shall consist of an original diploma or certificate of graduation or of compliance with requirements for graduation, if applicant relies upon eligibility under Rule V, paragraph 1. (a) of these rules, or a certificate from such school showing compliance with requirements other than those for graduation as to time and subjects of study and credit awarded, if applicant relies upon law school study under portions of Rule V other than paragraph 1. (a) thereof. Any diploma or certificate from any such school shall be signed by the proper authority and bear the seal, if any, of such school. If applicant has pursued his studies in whole or in part in the office of a practicing attorney or firm of attorneys, he shall file with his application the certificate of such attorney or a member of such firm of attorneys stating that the personal knowledge of the party certifying the applicant has in good faith complied with the corresponding requirements in Rules V and VI, and showing in detail the manner of such compliance. The ownership of the LL.B. or higher degree from an approved law school shall be deemed sufficient evidence of the applicant's having complied with the requirements for law study under these rules, but in all other instances the Board may, as aforesaid, require such other evidence of compliance as in its judgment may be proper.

The Board is further authorized to use all reasonable means to satisfy itself of the fair capacity of a declarant or applicant to practice law and may require additional proof of his or her mental and emotional capacity, which proof shall negate the existence of mental, nervous or emotional conditions or disorders which would materially impair the fair capacity of the declarant or applicant to practice law.

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. In this connection the Board is specifically authorized in making any investigation to avail itself of such assistance as may be afforded by the State Bar of Texas or of any local Bar association in the State or officer, board or committee of either.

RULE VII-(A)
SPECIAL EXCEPTION TO U. S. CITIZENSHIP
REQUIREMENT

In its discretion, the Board may admit to the Bar examination a person who has been awarded the LL.B. degree, or its equivalent, by a law school approved by the Supreme Court as provided in Rule V-(A), and who otherwise meets all requirements of these Rules for admission, other than being a citizen of the United States, provided the applicant has been lawfully admitted to this country for permanent residence and has filed, bona fide, a declaration of intention to become a citizen and has all qualifications for such citizenship except the required time of residence in the country. The Board may require such an applicant, at applicant's expense, to furnish a character report from any organization it may specify, or adopt other means, for the purpose of satisfying itself that the applicant under this Rule meets its requirements as to ethics, character, qualifications and general fitness to be admitted to practice law in this state.

After such applicant has complied with the preceding provisions of this Rule, he may be admitted to the Bar examination. If he makes a passing grade on the examination, the applicant may be issued by this Court, upon the recommendation of the Board, a temporary certificate, which, unless sooner revoked or cancelled, will entitle him to practice law in any court of this state for a period of not more than two years. Such a certificate may, upon application to and recommendation of the Board, be renewed for an additional period of not exceeding two years. Such temporary certificate may be revoked by this Court at any time upon recommendation of the Board if it should appear to the Court that the certificate has been obtained fraudulently or that the applicant does not sincerely intend to or will not qualify to be naturalized as a United States citizen at the expiration of his required time of residence.

Provided his temporary certificate is still in full force and effect at the time he is naturalized, the applicant, upon furnishing proof satisfactory to the Board that he has become a citizen of the United States and has continuously resided and practiced law in Texas during such period and has properly

demeaned himself in the practice of law, may then be granted by this Court, upon recommendation of the Board, a license to practice law in this state.

RULE VIII.

REGULATING EXAMINATIONS: REQUIRED GRADE: RE-EXAMINATION

The applicants are required to be in attendance at the office of the Clerk of the Supreme Court at 8:30 A.M. on Monday of the week set for the examination. Announcement will then be made of the hours for the examination.

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

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

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

An applicant who has failed in three examinations must study for a year before taking a fourth examination, and a year of study must intervene between the fourth and fifth examinations. Except as next provided, no more than five examinations can be taken. However, the Board at its discretion may permit an applicant to take additional examinations after such additional study as the Board may prescribe. The Board may for good cause permit a postponement as to the taking on any examination.

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

The Board, upon written request to its Chairman by an applicant who has failed two or more examinations, shall review his papers (and the grades given him) on the examination immediately preceding such request, provided such request is received within two weeks after the mailing of the grades given upon such examination. Such review shall be given at the Board's next regular meeting at Austin unless post-

poned by the Board for good cause. The papers shall be reviewed with the applicant, but such applicant shall not be admitted to the examination during the session at which the review is given. As amended May 1, 1967.

Persons now eligible or who hereafter become eligible to take the first examination, or any other examination they are entitled to take and who enter any active branch of the military service of the United States before the time arrives for taking the examination are granted an additional period immediately succeeding their honorable discharge from such service equal to the length of service but not in excess of one year, within which to take such examination.

RULE IX

FEEES FOR EXAMINATIONS AND THEIR DISTRIBUTION

Each applicant shall pay to the Clerk of the Supreme Court a fee of \$40.00 for each examination taken by him. As amended July 1, 1967.

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

This disbursement of the funds for these purposes shall be according to such rules and regulations as the Board of Law Examiners may adopt. The Clerk shall keep a full record of such receipts and disbursements.

RULE X

ATTORNEYS FROM OTHER JURISDICTIONS

Any attorney at law immigrating or who has heretofore immigrated to this State from a sister State or from the District of Columbia or a territory of the United States, upon written application and approval by the Board, may be licensed to practice law in this State upon the following terms and conditions:

(a) At the time of filing his application, which must comply with the requirements of the Board, he must be a citizen of the United States and show that he has been for at least three months an actual resident of this State and that for at least seven years

preceding such Texas residence he was duly licensed to practice law in the highest court of the State or States of his former residence or in the District of Columbia or a territory of the United States.

(b) He must show that he has been continuously engaged in the practice of law as his principal means of livelihood in the place or places of his former residence for at least seven years preceding his removal to Texas, and has never been disbarred or had his licenses suspended, and that there are no charges of misconduct pending against him, and so far as he knows none are being threatened. Serving as a judge of a court of record or as a full- or part-time instructor in a law school approved by the American Bar Association, in or out of Texas, shall be deemed practicing law within the meaning of these rules, but any such part-time instructor must also be engaged, during the period of such service, in the practice of law in order to secure credit for service. Time spent in the active military service or other war agency in the recent war, not to exceed five years, after the applicant had been licensed to practice law, may be included in the seven-year period above referred to.

(c) He must furnish to the Board evidence as to his moral character as required of candidates to take the bar examination in this State and such further evidence as the Board may require to fully satisfy it as to his ethics, character, qualifications, and general fitness to be admitted to practice law in this State. The Board may adopt any means within its discretion for the purpose of satisfying itself that applicants under this rule meet its requirements and it shall have the authority to reject any such applicant deemed by it not to have met the requirements hereof. The Supreme Court or the Board after investigations as herein provide, may require the applicant to take the regular bar examination or impose such other tests as may be deemed proper.

(d) Any applicant hereunder who has not been practicing law in some other State or States or the District of Columbia or territory of the United States for at least ten years in accordance with the above provisions must show to the satisfaction of the Board that in procuring his license to practice in such other State or States or the District of Columbia or territory of the United States, he then complied with or, as shown by diploma or other certificate in writing, was then qualified to comply with admission requirements which were at least substantially as high as those prevailing in Texas at the

time he make application for a license to practice law in this State. If such applicant has so practiced elsewhere for ten years or longer he may make either the showing provided for in this paragraph or he may show to the satisfaction of the Board that he is of such moral character and has legal attainments and experience as to fully satisfy the Board that he is a reliable and competent attorney.

Provided, however, that any applicant who shows that his license was issued prior to January 1, 1957 need only show with reference to pre-law and law study that at the time he was licensed he then complied with, or was qualified to comply with admission requirements as high as those obtaining in Texas under the rules effective January 1, 1946, namely, 60 semester hours of pre-law study with an average grade of not less than C, and equal to the first two years of work in a Senior College, and law study in a school approved by the American Bar Association for not less than 27 months, resulting in the completion of not less than 72 semester hours of work.

(e) After such applicant has complied with the preceding provisions of this rule and has resided in Texas for at least three months next preceding the date on which his application is approved by the Board, he may be issued by this Court, upon the recommendation of the Board, a temporary certificate which unless sooner revoked or cancelled, will entitle him to practice law in any court in this State for a period of one year from its date. Such temporary certificate may be revoked by this Court at any time upon recommendation of the Board, with or without investigation and with or without cause.

(f) Provided his temporary certificate is still in good standing at the expiration of one year from the date of its issuance, an applicant who has continuously resided and practiced law in Texas during such one year period may then be granted by this Court, upon recommendation of the Board, a license to practice law in this State. All applicants under this rule shall pay, at the time of filing their applications, to the Clerk of the Supreme Court, a fee of One Hundred (\$100.00) Dollars, which shall be disposed of by said Clerk in the same manner as he disposes of all other fees paid by applicants to take the bar examination in this State; provided that such fee shall be only Twenty-five (\$25.00) Dollars in the case of an applicant who, at the time of filing his application, is engaged as a full-time teacher in an approved law school in the State of Texas.

Rejection or withdrawal of application will not entitle applicant to refund of fee. The foregoing provisions of this rule, in so far as they permit the licensing of foreign attorneys in this State without taking bar examinations, shall apply only to attorneys immigrating from other States or the District of Columbia or territories of the United States which give to persons licensed to practice law in Texas the same or similar reciprocal privileges.

(g) The Board, in its discretion, may admit to examination upon all subjects prescribed for the regular examination any attorney who has been admitted to practice law in another jurisdiction and who meets all the other requirements of these rules, including three months' residence in Texas and the prescribed pre-legal education, but who has not practiced under the conditions hereinabove set forth for the required length of time to be admitted as an immigrant attorney hereunder.

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

(i) A reputable nonresident attorney, although not licensed to practice law in Texas, may, after first complying with the requirements hereinafter set forth, participate in the trial or hearing of any particular cause in this State, provided a resident practicing attorney of this State, a member of the State Bar of Texas, is actually employed and associated and personally participates with such non-resident attorney in such trial or hearing.

If such admission is sought to any court of this State by a nonresident attorney, he shall first file with the court wherein he seeks admission a written sworn motion requesting admission. The motion shall contain:

1. The office address of the nonresident attorney.
2. The office address of an attorney of this State with whom the nonresident attorney is associated in the trial.
3. A statement that the nonresident attorney is or is not a member in good standing of the bar of the state of his residence.

4. A statement that the nonresident attorney has or has not been the subject of disciplinary action by the bar or courts of the state of his residence during the preceding five (5) years.
5. A statement that the nonresident 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. That he has familiarized himself with the Rules of the State Bar of Texas governing the conduct of members of the State Bar of Texas, and will at all times abide by and comply with the same so long as such trial or hearing is pending, and he has not withdrawn as counsel therein.

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

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

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

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

(j) An applicant hereunder who is required to take an examination may take the same during the meeting at which his application is granted or at the time of the next regular examination. In case of failure he may take additional examinations as permitted regular applicants under Rule VIII.

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

RULE XI

ISSUANCE OF LICENSE CERTIFICATES: CANCELLATION OF LICENSE UNLAWFULLY OBTAINED

Upon an applicant's becoming entitled to a license under these rules, the Board shall certify its approval of such applicant as being so entitled to the Clerk of the Supreme Court, who shall thereupon issue the corresponding license in the form of a written certificate.

All law licenses are issued upon the condition that the applicant has faithfully complied with these rules; and if at any time it should be made to appear to the Supreme Court that an applicant has obtained a license fraudulently or upon willful failure to comply with these rules, such license, upon hearing before, and upon recommendation by, the Board, shall be withdrawn and cancelled, and the name of the license holder stricken from the roll of attorneys.

RULE XII.

ORGANIZATIONAL AND MISCELLANEOUS POWERS OF THE BOARD

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

The Board shall have authority to select a chairman and other officers from its own membership, assign their respective duties, and to formulate the procedure of the Board.

In so far 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. To the extent above specified the Board may also prescribe forms and certificates to be executed by applicants for admission to the Bar of this State, whether as for a first license to practice law in any state or as a practicing attorney of another jurisdiction, or certificates or other forms to be executed by or on behalf of the Board itself.