

or rule specifically provides to the contrary.

- (n) The Board may assess costs against any Applicant or Declarant who has been sent reasonable notice of a hearing before the Board and who does not appear.

Rule 16

Probationary Licenses

- (a) The Board shall have the authority to grant conditional approval of the present good moral character and fitness of an Applicant and to recommend the granting of a Probationary License, after the Applicant meets all other requirements under these Rules, in the following circumstances:
 - (1) when the Board determines that the Applicant suffers from chemical dependency or has been convicted of, or is on probation for, a first offense of driving while intoxicated under Texas Penal Code §49.04; or
 - (2) in other circumstances in which, on the record before it, the Board determines that the protection of the public requires the temporary monitoring of the Applicant in question.
- (b) The Board shall not have authority to refuse to recommend the granting of a Probationary License to an Applicant who has passed the applicable bar examination solely because the Applicant suffers from chemical dependency or has been convicted for a first offense for driving while intoxicated under Texas Penal Code §49.04.
- (c) In any order recommending the issuance of a Probationary License to practice law, the Board shall specify the conditions of the license, which may include, but are not limited to, the following:
 - (1) prohibiting the use of alcohol or controlled substances;
 - (2) requiring treatment for chemical dependency;
 - (3) requiring the individual to practice law under the supervision of an attorney admitted to the Bar;
 - (4) requiring submission to periodic, random drug testing;
 - (5) requiring the individual to report periodically to the Board;
 - (6) requiring suspension, for any portion of the probationary period, of an activity for which a license to practice law is required;
 - (7) requiring the individual to reside continuously in Texas during the period of the Probationary License, unless for good cause shown, the Board waives such requirement; or
 - (8) requiring the individual to take specific actions designed to cure or end any

deficiencies in his or her moral character and fitness, as determined by the Board.

(d) Probationary Licenses shall expire as follows:

- (1) A Probationary License issued solely because of the Board's determination that the individual suffers from chemical dependency shall expire on the second anniversary of the date on which it is issued, unless temporarily extended hereunder.
- (2) Any other Probationary License shall expire on the date specified by the Board in the order recommending issuance of the Probationary License, unless temporarily extended hereunder.
- (3) The term of a Probationary License may be temporarily extended, upon the request of the Probationary Licensee, in the event that the normal expiration date falls before the Board has had the opportunity to make a redetermination as provided hereunder.

(e) A Probationary Licensee may apply for a renewal of the Probationary License or for a regular license to practice law, by filing a written request and a Supplemental Investigation Form and the requisite fees, at least 60 days before the expiration date of the Probationary License.

(f) The Board shall require any Probationary Licensee issued a Probationary License because of a determination of chemical dependency, before the redetermination hearing, to submit to an evaluation, at the sole cost of the Probationary Licensee, by a licensed mental health professional designated by the Board.

(g) After a hearing held subject to Rule 15 on the redetermination of the character and fitness of a Probationary Licensee, the Board may:

- (1) recommend, upon a finding of the requisite present good moral character and fitness, the issuance of a regular license to practice law in Texas; provided, however, that in any case in which a Probationary License was issued on the basis of chemical dependency, the Board shall not recommend the Probationary Licensee for regular admission until the Board finds that the Probationary Licensee has successfully completed treatment and has been free from chemical dependency for the preceding two years;
- (2) recommend, upon a finding that a condition of the Probationary License has been violated:
 - (A) extension of the Probationary License; or
 - (B) termination or immediate revocation of the Probationary License.

(h) The Board shall initiate and maintain a working relationship with the Lawyers Assistance Program or similar program of the Bar in order to provide for the

evaluation and referral to treatment for those persons issued a Probationary License hereunder. The treatment and professional evaluation shall be at the sole expense of the Probationary Licensee.

- (i) The Board shall initiate and maintain a working relationship with the Bar to coordinate disclosure of information concerning an individual's status as a Probationary Licensee. On request, the Board, in coordination with the Bar, shall inform a member of the public whether a particular individual is a Probationary Licensee. This disclosure may occur via the official website of the Bar or other means reasonably available to members of the public. Any information that forms the basis for the issuance of a Probationary License is confidential, as required by statute.
- (j) A person whose Probationary License has been terminated or revoked upon recommendation by the Board must begin the licensure process anew in accordance with the Board order recommending such termination or revocation if the person wishes to attempt re-licensure.

Rule 17

Issuance of License Certificates and Cancellation of License Unlawfully Obtained

- (a) Upon an Applicant's becoming entitled to a license under these Rules, the Board must certify the Applicant to the Supreme Court, whose Clerk will issue the corresponding license in the form of a written certificate. The license may be issued only in the name shown on a valid, government-issued identification card, except that a given name may be omitted or represented by an initial if the Applicant so requests in writing. No license may be issued using an alias, assumed name, nickname, or abbreviation of a name.
- (b) All law licenses are issued on the condition that the Applicant has faithfully complied with these Rules. If at any time it appears that an Applicant has obtained a license fraudulently or by willful failure to comply with these Rules, after notice and hearing, the Board may recommend to the Supreme Court that the license be withdrawn and canceled, and the name of the license holder stricken from the roll of attorneys.
- (c) No license issued under this Rule is valid unless the license holder has paid all required fees and has enrolled in the Bar in compliance with the State Bar Rules.
- (d) The license certificate belongs to the Supreme Court and must be surrendered to the Court upon proper demand.