

proceedings must be accompanied by motion of the resident practicing Texas attorney with whom the non-resident attorney will be associated in the proceeding of a particular cause. The motion must contain a statement that the resident attorney finds the Applicant to be a reputable attorney and recommends that the Applicant be granted permission to participate in the particular proceeding before the court.

- (c) The motion of the non-resident attorney must also be accompanied by the proof of payment or proof of indigency acknowledgment issued by the Board.
- (d) The court 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 licensed in Texas and to determine whether the non-resident attorney is appearing in courts in Texas on a frequent basis. If the court determines that the non-resident attorney is not a reputable attorney who will observe the ethical standards required of Texas attorneys, that the non-resident attorney has been appearing in courts in Texas on a frequent basis, that the non-resident attorney has been engaging in the unauthorized practice of law in the State of Texas, or that other good cause exists, the court or hearing officer may deny the motion.
- (e) If, after being granted permission to participate in the proceedings of any particular cause in Texas, the non-resident attorney engages in professional misconduct as that term is defined by the State Bar Act, the State Bar Rules, or the Texas Disciplinary Rules of Professional Conduct, the court may revoke the non-resident attorney's permission to participate in the Texas proceedings and may cite the non-resident attorney for contempt. In addition, the court may refer the matter to the Grievance Committee of the Bar District in which the court is located.
- (f) The filing of a motion under this Rule constitutes submission to the jurisdiction of the Grievance Committee for the District in which the court is located. The county in which the court is located is considered the county of residence of the non-resident attorney for purposes of determining venue in any disciplinary action involving the attorney.

## **Rule 20**

### **Organizational and Miscellaneous Powers of the Board**

- (a) Upon completion of the tabulation of grades given on the Texas Bar Examination and approval of such tabulation by the Chairman, the grades shall be released to the examinees in the manner directed by the Board. The Deans of the Law Schools in the State of Texas shall be furnished a list of the candidates passing the Texas Bar Examination after release of results to the individual candidates. Before releasing grades to examinees, 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.

- (b) Unless the Court designates the member of the Board who shall serve as Chair, the Board shall have authority to select a Chair. 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) The Board shall maintain its files on Declarants and Applicants until such time as their destruction is authorized, as follows:
  - (1) Files in which a regular license has been issued shall be destroyed five years from the date the license was issued.
  - (2) Files in which a Probationary License has been issued but no regular license has been issued shall be destroyed 10 years from the date of the last formal activity on the file (i.e., petition for redetermination, hearing, order, expiration of last term of Probationary License, issuance of regular license following redetermination hearing, etc.).
  - (3) Files in which a Declaration, but not an Application, has been filed shall be destroyed five years from the date the Declaration was filed.
  - (4) Files in which an Application has been filed, but no regular or Probationary License issued, shall be destroyed five years from the date of the last formal activity on the file (i.e., re-application, examination, hearing, petition for redetermination, etc.), after inputting into the Board's computer database pertinent and necessary data contained therein.
- (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, whether for a first license to practice law 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, upon written request, waivers of specific requirements described in these Rules may be granted, unless it appears 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.

- (g) The Board may delegate its duties to a panel of the Board or to the staff, as necessary and where not prohibited by law; provided, however, that the Board shall not delegate to staff its authority to make final determinations that an Applicant or Declarant lacks the requisite good moral character and fitness.
- (h) The Supreme Court hereby establishes the Board of Law Examiners Fund, into which shall be deposited all fees and monies received and interest earned by the Board and which 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 Texas, as designated by the Board.
- (i) The Board shall have full power to contract for the performance of all of its functions, and any person dealing or contracting with the Board shall be conclusively entitled to rely upon the Board's written determination that the expense thus incurred or contracted is for a proper function of the Board.
- (j) 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.

## **Rule 21**

### **Civil Immunity**

Without limiting, restricting, or waiving any privilege or immunity otherwise available under Texas or federal law:

- (a) The Board and its members, employees, and agents are immune from all civil liability for damages for conduct and communications occurring in the performance of and within the scope of their official duties relating to the character and fitness qualification, eligibility, examination, monitoring, and licensing of Declarants, Applicants and Probationary Licensees.
- (b) Records, statements of opinion, and other information regarding a Declarant, Applicant, or Probationary Licensee communicated without malice to the Board or to its members, employees, or agents by any person, entity, firm, or institution are privileged, and civil suits for damages predicated thereon are barred.