

Rule 22
Registration Program for Military Attorneys
on Military Assignment in Texas but not Licensed in Texas

§1 General Requirements for Registration and Limited Permission to Practice Law

Upon the Board's approval, a military attorney who is admitted to practice law in a State other than Texas, and who is a full-time, active-duty military officer serving in the office of a Staff Judge Advocate of the United States Air Force, Army, Navy, Marines, or Coast Guard, a Naval Legal Service Office, or a Trial Service Office, located in Texas, may appear as an attorney and practice law before the courts and other tribunals of Texas in any civil proceeding, subject to the conditions and limitations in this Rule and applicable law. This Rule does not preclude a non-resident military attorney's request under Rule 19 to participate in the proceedings of a particular cause in a Texas court.

§2 Specific Requirements

The military attorney must be of good moral character and apply for registration annually by:

- (a) filing an application and paying fees in the form and manner that the Board prescribes;
- (b) presenting satisfactory proof of admission to practice law and current good standing as a member of the bar in any State;
- (c) complying with the training requirements in this Rule and
- (d) furnishing any additional information or proof that the Board requires in the course of processing the application.

§3 Training

Permission to practice law under this Rule requires that the military attorney complete at least 15 credit hours of Accredited Continuing Legal Education (CLE) Activity, including a minimum of three hours of legal ethics or professional responsibility, within the first year of registration. The minimum of three hours of legal ethics or professional responsibility must also be completed within each subsequent year of registration. Accredited CLE Activity has the meaning assigned by Article XII of the State Bar Rules.

§4 No Bar Membership or Texas Law License Granted

Military attorneys permitted to practice law under this Rule are not, and shall not

represent themselves to be, members of the Bar or licensed to practice law in the State of Texas.

§5 Termination

The military attorney's privilege to practice law under this Rule may be terminated by the Board at any time, with or without cause. In addition, the military attorney's privileges under this Rule shall be terminated when the military attorney ends full-time, active-duty military service as described in Section 1. The military attorney registered under this Rule or the military attorney's supervisory Staff Judge Advocate or other supervisory military attorney shall:

- (a) advise the Board as soon as practicable of any change in the military attorney's status that may affect the military attorney's right to practice law under this Rule;
- (b) immediately notify each court or tribunal in which the military attorney is involved in a pending civil proceeding when the military attorney is unable to continue to serve as counsel under this Rule; and
- (c) immediately obtain substitution of counsel when the military attorney involved in any pending civil proceeding is unable to continue to serve as counsel under this Rule.

§6 Subject-Matter Jurisdiction, Authorized Clients, and Pleading Requirements

A military attorney granted limited permission to practice law under this Rule may, with approval of the military attorney's supervisory Staff Judge Advocate or other supervisory military attorney, represent:

- (a) enlisted military personnel in grades E-1 through E-4; and
- (b) immediate family members who qualify under armed services regulations as dependents of enlisted military personnel in grades E-1 through E-4 if the military attorney's supervisory Staff Judge Advocate or other supervisory military attorney determines that retaining civilian legal counsel for the matter in controversy would present a substantial financial hardship for the family member involved.

A military attorney granted limited permission to practice law under this Rule may represent other military personnel, as well as their immediate family members who qualify under armed services regulations as their dependents, only if the military attorney receives written approval from the Judge Advocate General of the Army, Navy, Coast Guard, or Air Force, or the Staff Judge Advocate to the Commandant of the Marine Corps, as appropriate. The written authorization must include a determination that retaining civilian legal counsel for the matter in controversy would present a substantial financial hardship for the service member or family member involved.

A military attorney granted limited permission to practice law under this Rule may not demand or receive any compensation, beyond the military attorney's regular pay and allowances, for the legal services provided under this Rule.

The practice of a military attorney under this Rule shall be subject to the limitations and restrictions of 10 U.S.C. § 1044 and the regulations of that attorney's military service and shall be further limited to:

- (a) cases arising under all Titles, except Title 3, of the Family Code;
- (b) guardianships;
- (c) landlord-tenant disputes on behalf of tenants;
- (d) consumer-law cases on behalf of consumers;
- (e) garnishment defenses;
- (f) estate planning and probate matters;
- (g) enforcement of rights under the Servicemembers Civil Relief Act;
- (h) enforcement of rights under the Uniformed Services Employment and Reemployment Rights Act; and
- (i) other cases within the discretion of the court or tribunal before which the civil proceeding is pending, provided that written permission of the court or tribunal is obtained in advance of the appearance.

All pleadings filed in a civil proceeding by a military attorney under this Rule shall expressly disclose that limited permission to practice in Texas has been obtained under this Rule ; include the name, complete address, and telephone number of the military legal office of the military attorney representing the client and of the military attorney's supervisory Staff Judge Advocate or other supervisory military attorney; and include the name, grade, and armed service of the military attorney who is registered under this Rule and providing representation. Upon making an appearance in a civil proceeding, the military attorney shall file a document with the court or other tribunal in which the civil proceeding is pending, designating each individual authorized to accept service of process on the military attorney's behalf and providing the name and complete address of each authorized individual. If the military attorney does not file this document, the military attorney's agent for service of process shall be the supervisory Staff Judge Advocate or supervisory military attorney whose name appears on the military attorney's most recent application filed pursuant to this Rule, or the successor to that office.

§7 Discipline

A military attorney granted limited permission to practice law in Texas under this Rule is subject to the Rules Governing Admission to the Bar of Texas, the Texas Disciplinary Rules of Professional Conduct, the Texas Rules of Disciplinary Procedure, and any other rules and laws governing the discipline of attorneys admitted to the Bar. The Bar, Supreme Court of Texas, and other Texas courts have jurisdiction over the discipline of the military attorney, regardless of whether the military attorney retains the right to practice in the state, for the military attorney's professional conduct while practicing in this state. This jurisdiction includes, but is not limited to, the authority—concurrent with the Board's authority under Section 5—to terminate the military attorney's privilege to practice law in Texas under this Rule.

Rule 23 Military Spouse Temporary License

§1 Eligibility

A spouse (“Military Spouse”) of an active-duty military service member who has been ordered stationed in Texas is eligible for a three-year temporary license to practice law in Texas if the Military Spouse:

- (a) is admitted to practice law in another State;
- (b) is in good standing in all jurisdictions where admitted and an active member of the bar in at least one State;
- (c) is not currently subject to discipline or the subject of a pending disciplinary matter in any jurisdiction;
- (d) has never been disbarred or resigned in lieu of discipline in any jurisdiction;
- (e) has never had an application for admission to any jurisdiction denied on character or fitness grounds;
- (f) meets the law study requirements of Rule 3 or is exempted under Rule 13 §§ 3, 4, or 5;
- (g) has satisfactorily completed the Texas Law Component; and
- (h) is residing in Texas.

§2 Application

A Military Spouse must submit to the Board:

- (a) an application for temporary licensure on a form prescribed by the Board;
- (b) a copy of the service member's military orders;