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ABOUT THE TEXAS BOARD OF LAW EXAMINERS

The Texas Board of Law Examiners is an agency of the Texas Supreme Court. The Board's sole purpose is to qualify applicants for admission to the State Bar of Texas. The Supreme Court is ultimately responsible for admitting those applicants certified by the Board as eligible for admission to the State Bar of Texas. In performing its duties, the Board administers and interprets the *Rules Governing Admission to the Bar of Texas*, promulgated by the Supreme Court. The State Bar of Texas licenses and disciplines its members, independent of the Board's work.

Nine Texas lawyers serve as members of the Board. They are appointed by the Supreme Court to serve staggered six year terms. Each member must be a U.S. citizen, licensed to practice law in Texas, over the age of 35, and have been a practicing lawyer or judge of a court of record for a combined total of at least ten years.

The Board staff investigates the background of every Bar applicant. The process begins with investigation of all first year students in ABA-approved Texas law schools who intend to apply for admission after graduation. When Texas law students later apply for admission, the Board updates its investigation as the final step in certification of their character and fitness. Applicants for admission from other states and foreign countries are also investigated before being certified by the Board as eligible for admission. The investigation focuses on conduct indicating whether the applicant may have certain character traits or any currently existing mental or emotional condition likely to cause injury to a client, obstruct the administration of justice, or violate the *Texas Disciplinary Rules of Professional Conduct* if licensed to practice law.

The Board finally determines whether each applicant for admission has the good moral character and present fitness to practice law. In some cases, the Board may conduct a hearing to consider evidence offered by the Board staff and the applicant that is relevant to an applicant's moral character and present fitness. After consideration of the evidence and argument presented at the hearing, the Board issues a written order either certifying the applicant for admission, conditionally certifying, or declining to certify and stating its findings of fact and conclusions of law in support of that decision. The Board's character and fitness investigations, hearings, and orders are confidential by statute.

In addition to evaluating the character and fitness of Bar applicants, the Board is responsible for administration of the Texas Bar Exam as prescribed by the *Rules Governing Admission to the Bar of Texas*. The bar exam is administered semi-annually over three days during the last full weeks of February and July. Members of the Board draft the Texas Essay and Texas

Procedure and Evidence portions of the exam and are responsible for grading answers to those portions as well as the Multistate Performance Test.

The Board's business meetings and final decisions in character and fitness hearings are conducted in open sessions with public notice under the Texas Open Meetings Act. Board records are subject to the Public Information Act, except where confidentiality is required by statute or order of the Supreme Court. At every public meeting of the Board, time is allotted for interested persons to address the Board on matters of public interest and concern.

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Rules of the Supreme Court
Governing Admission to the Bar of Texas
Rule I
Definitions and General Provisions

(a) Frequently used terms are defined as follows:

(1) "Accredited" means that a law school is recognized as being qualified by the competent accrediting agency of a state or foreign jurisdiction, by a political subdivision of a state or foreign jurisdiction, or by another authorized body of a state or foreign jurisdiction.

(2) "Applicant" means a person who files with the Board any Application or Re-application to take the Texas Bar Examination, to be admitted without examination, or for Certification as a Foreign Legal Consultant.

(3) "Application" means an Application or Re-application to take the Texas Bar Examination, to be admitted without examination to the Texas Bar, or for Certification as a Foreign Legal Consultant.

(4) "Approved law school" means a law school approved by the American Bar Association.

(5) "Authorized to practice law" means that the Applicant has achieved the ability to engage in activities that would be recognized in the United States as the practice of law.

(6) "Board" means the Board of Law Examiners.

(7) "Chemical dependency" means substance use disorder as defined by the American Psychiatric Association in the Diagnostic and Statistical Manual DSM-5 and any subsequent revisions thereof.

(8) "Controlled substance" has the meaning assigned by Section 462.001, Health and Safety Code.

(9) "Declarant" means a person who files with the Board a Declaration of Intention to Study Law.

(10) "Declaration" means a Declaration of Intention to Study Law.

(11) "Practice of law" includes:

(A) private practice as a sole practitioner or for a law firm, legal services office, legal clinic, public agency, or similar entity;

(B) practice as an attorney for an individual or for a corporation, partnership, trust, or other entity with the primary duties of furnishing legal counsel and advice; drafting and interpreting legal documents and pleadings; interpreting and giving advice regarding the law; or preparing, trying, or presenting cases before courts, departments of government, or administrative agencies;

(C) practice as an attorney for a local government or the state or federal government, with the same primary duties described in the preceding subsection;

(D) employment as a judge, magistrate, referee, or similar official for a local government or the state or federal government, provided that the employment is open only to licensed attorneys;

(E) employment as a full-time teacher of law at an approved law school;

(F) any combination of the preceding categories.

(12) "State" means any state or territory of the United States, as well as the District of Columbia.

(13) "Supreme Court" means the Supreme Court of Texas.

(14) "Texas Bar Examination" means the full bar examination.

(15) "Treatment" has the meaning assigned by Section 462.001, Texas Health and Safety Code.

(16) "Treatment facility" has the meaning assigned by Section 462.001, Texas Health and Safety Code.

(b) The terms "admitted," "admitted to the Bar," "admitted to the Texas Bar," "licensed," and "licensed to practice law in Texas" are used interchangeably in these Rules.

(c) A document is considered filed when:

(1) the document and any required fee are submitted electronically through the Board's website; or

(2) the document and any required fee are received by the Board in accordance with the Board's written policies and instructions.

(d) A document submitted electronically is considered signed if the document includes:

(1) a name typed in the space where the signature would otherwise appear;

(2) an electronic or scanned image of the signature;

(3) a digital signature; or

(4) any other form of signature allowed by the Board's written policies and instructions.

(e) The Board must not disclose to any third party any information obtained with respect to the character or fitness of any Applicant, Declarant, or probationary licensee, except:

(1) upon written authority of the Applicant, Declarant, or probationary licensee;

(2) in response to a valid subpoena from a court of competent jurisdiction; or

(3) to the Office of the Chief Disciplinary Counsel of the State Bar of Texas or to the Texas Unauthorized Practice of Law Committee.

Rule II
General Eligibility Requirements for Admission to the Texas Bar

(a) To be eligible for admission or reinstatement as a licensed attorney in Texas, an Applicant must:

(1) comply with all applicable requirements of these Rules;

(2) be at least 18 years of age;

(3) be of present good moral character and fitness;

(4) have completed the law study required under these Rules, unless specifically exempted under Rule XIII;

(5) qualify under one of the following categories:

(A) be a United States citizen;

(B) be a United States national;

(C) be an alien lawfully admitted for permanent residence;

(D) be otherwise authorized to work lawfully in the United States, including in a period of Optional Practical Training; or

(E) be an Applicant who does not reside in the United States when the Application is submitted;

(6) have satisfactorily completed the Texas Bar Examination, unless exempted from the Bar Examination under Rule XIII (but in no event shall an Applicant for reinstatement be so exempted);

(7) have satisfactorily completed the Multistate Professional Responsibility Examination;

(8) be willing to take the oath required of attorneys in Texas;

(9) pay the appropriate licensing fee to the Clerk of Supreme Court of Texas; and

(10) enroll in the State Bar of Texas by filing an enrollment form and paying the appropriate fees and assessments due within the time specified in Article III, Sec. 2(A) of the State Bar Rules.

(b) If an Applicant has not satisfied all requirements for admission to the Texas Bar within two years from the date that the Applicant is notified that the Applicant has passed all parts of the Texas Bar Examination, the Applicant's examination scores shall be void; provided, however, that the Board may waive this provision for good cause shown.

Rule III
Law Study Requirement

(a) The law study requirement for eligibility of an Applicant to take the Texas Bar Examination, unless otherwise provided by these Rules, is met by:

(1) graduation with a J.D. degree or its equivalent from an approved law school;

(2) satisfaction of all requirements for graduation from an approved law school with a J.D. degree or its equivalent; or

(3) study of law in an approved law school or schools by satisfying all requirements for graduation with a J.D. degree or its equivalent, except for not more than four semester hours or its equivalent in quarter hours; provided, however, that no person shall be licensed to practice law until graduation or satisfaction of all requirements for graduation, unless specifically excepted hereunder. If an Applicant under this subsection has not graduated with a J.D. degree or satisfied all requirements for graduation within two years from the date that all parts of the bar examination are satisfactorily completed, the Applicant's examination scores shall be void.

(b) If a law school was an approved law school when the Applicant enrolled, the law school is deemed to be an approved law school as to that Applicant for four years thereafter, regardless of its status when the Applicant graduated. If a law school was an approved law school when the Applicant graduated, the Applicant is deemed to be a graduate of an approved law school, regardless of the status of the school when the Applicant enrolled.

(c) If an Applicant graduated from a law school that was not an approved law school when the Applicant enrolled and was not an approved law school when the Applicant graduated, the Applicant is not a graduate of an approved law school even if the law school later became or becomes an approved law school.

Rule IV
Good Moral Character and Fitness Requirement

(a) No one shall be eligible for admission to the Texas Bar or for certification as a Foreign Legal Consultant until the investigation of such person's moral character and fitness has been completed, and it has been determined by the Board that such individual possesses good moral character and fitness.

(b) Good moral character is a functional assessment of character and fitness of a prospective lawyer. The purpose of requiring an Applicant to possess present good moral character is to exclude from the practice of law those persons possessing character traits that are likely to result in injury to future clients, in the obstruction of the administration of justice, or in a violation of the *Texas Disciplinary Rules of Professional Conduct*. These character traits usually involve either dishonesty or lack of trustworthiness in carrying out responsibilities. There may be other

character traits that are relevant in the admission process, but such traits must have a rational connection with the Applicant's present fitness or capacity to practice law and accordingly must relate to the legitimate interests of Texas in protecting prospective clients and in safeguarding the system of justice within Texas.

(c) Fitness, as used in these Rules, is the assessment of mental and emotional health as it affects the competence of a prospective lawyer. The purpose of requiring an Applicant to possess this fitness is to exclude from the practice of law any person having a mental or emotional illness or condition which would be likely to prevent the person from carrying out duties to clients, courts or the profession. A person may be of good moral character, but may be incapacitated from proper discharge of his or her duties as a lawyer by such illness or condition. The fitness required is a present fitness, and prior mental or emotional illness or conditions are relevant only so far as they indicate the existence of a present lack of fitness.

(d) The following provisions shall govern the determination of present good moral character and fitness of a Declarant or an Applicant who has been convicted of a felony in Texas or placed on probation for a felony with or without an adjudication of guilt in Texas, or who has been convicted or placed on probation with or without an adjudication of guilt in another jurisdiction for a crime which would be a felony in Texas. A Declarant or Applicant may be found lacking in present good moral character and fitness under this rule based on the underlying facts of a felony conviction or deferred adjudication, as well as based on the conviction or probation through deferred adjudication itself.

(1) The record of conviction or order of deferred adjudication is conclusive evidence of guilt.

(2) An individual guilty of a felony under this rule is conclusively deemed not to have present good moral character and fitness and shall not be permitted to file a Declaration of Intention to Study Law or an Application for a period of five years after the completion of the sentence and/or period of probation.

(3) Upon a credible showing that a felony conviction or felony probation, either with or without an adjudication of guilt, has been reversed on review by an appellate court, or that an executive pardon has been granted, the Declarant or Applicant shall be permitted to file a Declaration of Intention to Study Law or an Application.

(e) The following provisions shall govern the determination of present good moral character and fitness of a Declarant or Applicant who has been licensed to practice law in any jurisdiction and has been disciplined, or allowed to resign in lieu of discipline, in that jurisdiction.

(1) A certified copy of the order or judgment of discipline from the jurisdiction is prima facie evidence of the matters contained in such order or judgment, and a final adjudication in the other jurisdiction that the individual in question has committed professional misconduct is conclusive of the professional misconduct alleged in such order or judgment.

(2) An individual disciplined for professional misconduct in the course of practicing law in any jurisdiction or an individual who resigned in lieu of disciplinary action ("disciplined individual") is deemed not to have present good moral character and fitness and is therefore ineligible to file an Application for Admission to the Texas Bar during the period of such discipline imposed by such jurisdiction, and in the case of disbarment or resignation in lieu of disciplinary action, until the disciplined individual has properly filed an application for re-licensure in the disciplining jurisdiction, in accordance with the procedures established for re-licensure in that jurisdiction, and has obtained a final determination on that application.

Notwithstanding the foregoing provision of this subsection (e)(2) and except as provided in Rule IV(d)(2), if the period of discipline imposed by another jurisdiction exceeds five years, the disciplined individual may file an Application after the expiration of five years from the date of imposition of such discipline, provided that (s)he has obtained a final determination on his/her application for re-licensure in the disciplining jurisdiction.

(3) The only defenses available to an Applicant or Declarant under section (e) are outlined below and must be proved by clear and convincing evidence:

(A) The procedure followed in the disciplining jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process.

(B) There was such an infirmity of proof establishing the misconduct in the other jurisdiction as to give rise to the clear conviction that the Board, consistent with its duty, should not accept as final the conclusion on the evidence reached in the disciplining jurisdiction.

(C) The deeming of lack of present good moral character and fitness by the Board during the period required under the provisions of section (e) would result in grave injustice.

(D) The misconduct for which the individual was disciplined does not constitute professional misconduct in Texas.

(4) If the Board determines that one or more of the foregoing defenses has been established, it shall render such orders as it deems necessary and appropriate.

(f) An individual who applies for admission to practice law in Texas or who files a petition for redetermination of present moral character and fitness after the expiration of the five-year period required under subsection (d)(2) above or after the completion of the disciplinary period assessed or ineligibility period imposed by any jurisdiction under subsection (e) above shall be required to prove, by a preponderance of the evidence:

(1) that the best interest of the public and the profession, as well as the ends of justice, would be served by his or her admission to practice law;

(2) that (s)he is of present good moral character and fitness; and

(3) that during the five years immediately preceding the present action, (s)he has been living a life of exemplary conduct.

(g) An individual who files a petition for redetermination of present moral character and fitness after a negative determination based on a felony conviction, felony probation with or without adjudication of guilt, or professional misconduct or resignation in lieu of disciplinary action and whose petition is denied after a hearing, is not eligible to file another petition for redetermination until after the expiration of three years from the date of the Board's order denying the preceding petition for redetermination.

Rule V
Professional Responsibility Examination Requirement

No Applicant for admission to the Texas Bar shall be issued a license to practice law in Texas until such person has furnished to the Board evidence that (s)he has passed the Multistate Professional Responsibility Examination (MPRE) with a scaled score of 85.

Rule VI
Declaration of Intention to Study Law
General Provisions

(a) Every person who is beginning law study in an approved law school in Texas for the first time (an entrant) and who intends to apply for admission to the Bar of Texas shall, unless prohibited from filing by these Rules, file with the Board a Declaration of Intention to Study Law, on a form promulgated by the Board.

(1) The Declaration shall show:

(A) the history, experience, and educational qualifications of the Declarant;

(B) the approved law school in which the Declarant is or was enrolled;

(C) the Declarant's criminal history;

(D) the Declarant's history of mental illness;

(E) the Declarant's history with regard to charges of fraud in any legal proceeding;

(F) the Declarant's involvement in any civil litigation or bankruptcy proceedings;

(G) the Declarant's willingness to take the oath required of attorneys in Texas;

(H) the Declarant's history as to compliance with court orders regarding child support and spousal support;

(I) the Declarant's history regarding re-payment of federally guaranteed student loans;

(J) the Declarant's history regarding the filing of required federal income tax returns and the payment of federal income tax liability;

(K) the Declarant's history regarding payment to the IRS of payroll taxes (s)he collected as an employer of others; and

(L) such other information regarding the Declarant as the Board deems reasonably related to its investigation of the Declarant's moral character and fitness.

(2) The Board may require the Declarant to provide, in addition, such supporting documents relating to the Declarant as the Board deems reasonable.

(3) The Board may also require the Declarant to execute a consent form supplied by the Board, authorizing all persons, firms, officers, corporations, associations, organizations, and institutions to furnish to the Board or any of its authorized representatives, all relevant documents, records, or other information pertaining to the Declarant.

(b) The timely filing deadline for such Declaration, for which no late fees shall be charged, shall be as follows:

Fall entrants, October 1;
Regular spring entrants, May 1;
Spring entrants at quarter-hour law schools, June 1;
Summer entrants, September 15.

(c) Declarations filed with the Board after the timely filing deadline will be accepted with the payment of applicable late fees as set forth in Rule XVIII, so long as they are filed by the absolute deadline set out in Rule IX(a)(3). However, regardless of the date a Declaration is filed, the Board shall have 270 days from the date the Declaration is filed to

conduct its character and fitness investigation and notify the Declarant of the Board's determination, as provided in Rule VIII(a).

(d) Upon receipt of a Declaration, the Board shall note the filing date in its records. Absent a Declarant's written request to retain a Declaration, all Declarations will be destroyed five years after the date of filing if the Declarant has not activated his or her file by applying to take the Texas Bar Examination during that five year period.

(e) The Board shall conduct a complete investigation of the moral character and fitness of the Declarant.

Rule VII
District Committees on Admission

[Repealed effective September 1, 2003.]

Rule VIII
Determination of Declarant Character and Fitness

(a) After completing its own investigation, the Board shall thereupon determine whether, on all the documentation before it at this stage, the Board is satisfied that the Declarant possesses the good moral character and fitness necessary for admission to the Texas Bar and shall advise the Declarant accordingly, no later than the 270th day after the date the Declaration and fees were filed with the Board. If the determination is that the Declarant does not have the requisite good moral character and fitness, such notice shall include:

(1) a detailed analysis of the results of the investigation; and

(2) an objective list of actions, if any, which the Declarant may take to correct the deficiencies and become qualified for admission to the bar after passing the Texas Bar Examination.

(b) A hearing may be set on any such preliminary negative determination, in accordance with the provisions of Rule XV.

(c) If the Board determines that a Declarant may suffer from chemical dependency, the Board shall direct the Declarant to meet with representatives of the Lawyers Assistance Program of the State Bar of Texas or a similar program of the State Bar, and may require that the Declarant submit to a treatment facility for evaluation.

(d) If the Board determines that a Declarant does suffer from chemical dependency, the Board shall assist the Declarant in working with the Lawyers Assistance Program of the State Bar of Texas or a similar program of the State Bar in order to address the dependency.

(e) Any preliminary determination that the Declarant possesses the good moral character and fitness necessary for admission to the Texas

Bar is issued on the condition that the Declarant has faithfully complied with these Rules. If at any time before the Declarant is certified to the Supreme Court for licensure it appears that the Declarant obtained such preliminary determination via fraud, concealment, deception, material omission, or by failure to comply with these Rules, the Board may suspend such preliminary determination and continue its investigation for an additional 90 days from the date the Board discovers the apparent fraud, concealment, deception, material omission, or failure to comply with these Rules.

Rule IX
Application to Take the Texas Bar Examination

(a) Every Applicant to take the Texas Bar Examination, whether or not such Applicant was required under Rule VI to file a Declaration, shall, unless prohibited from filing by these Rules, file an Application therefore with the Board as follows:

(1) For the February Examination, an Application shall be timely filed if the Board receives the required forms and fees between June 30 and August 30 of the year preceding the examination.

(2) For the July Examination, an Application shall be timely filed if the Board receives the required forms and fees between the preceding November 30 and January 30.

(3) Upon a showing of good cause or to prevent hardship, the Board may permit the Application to be filed later, upon the payment of applicable late fees as set forth in Rule XVIII. Other than as provided in subsection (f) of this Rule or Texas Government Code, Section 82.027, no Applicant shall be eligible to take an examination until such Application has been on file with the Board by the preceding October 30, for the February Examination, or by March 30, for the July Examination.

(b) The Application shall be made on a form furnished by the Board and calling for information reasonably related to a thorough inquiry into the Applicant's good moral character, fitness, legal education and other qualifications required in these Rules. Applicants who have filed a Declaration required under these Rules shall be required to complete the Application with information relating only to the period since the filing of the Declaration.

(c) The Board may require the filing of a Supplemental Investigation Form in situations deemed appropriate by the Board.

(d) The Applicant shall furnish proof satisfactory to the Board of compliance with the law study requirements of Rule III, and no Applicant shall be admitted to the examination until the Board has determined that these requirements have been met.

(e) Upon the filing of an Application, the Board shall note the filing date and shall initiate an investigation of the Applicant. For Applicants who filed a Declaration required under these Rules, the investigation shall cover only the period of time subsequent to the filing of the Declaration, unless other matters relevant to moral character or fitness not previously revealed in such Declaration shall have come to the attention of the Board.

(f) The filing deadlines and applicability of the late fees set out in subsection (a) of this rule shall not apply to Re-Applicants who failed the **immediately preceding** Texas Bar Examination and therefore could not have met the subsection (a) deadlines. Any such Re-Applicant may take the **next** examination given upon filing a Re-application and paying the required fees by:

November 30, for the February Examination;
or May 30, for the July Examination.

Rule X
Determination of Applicant Character and Fitness

(a) After completing its investigation on the Application, the Board shall determine whether, on all the documentation before it, the Board is satisfied that the Applicant possesses the requisite present good moral character and fitness and shall advise the Applicant accordingly, no later than the 150th day after the date the Application or Re-application and fees were filed with the Board. If the determination is that the Applicant does not have the requisite present good moral character and fitness, such notice shall include:

(1) a detailed analysis of the results of the investigation; and

(2) an objective list of actions, if any, which the Applicant may take to correct the deficiencies and become qualified for admission to the bar after passing the bar examination.

(b) If, after investigation, the Board determines:

(1) that an Application may suffer from chemical dependency, the Board shall require the Applicant to submit to a treatment facility for evaluation;

(2) that an Applicant suffers from chemical dependency, the Board shall assist the Applicant in working with the Lawyers Assistance Program of the State Bar of Texas or a similar program of the State Bar.

(c) A hearing may be set on any such preliminary negative determination, in accordance with the provisions of Rule XV.

(d) Any preliminary determination that the Applicant possesses the requisite present good moral character and fitness is issued on the condition that the Applicant has faithfully complied with these Rules. If at

any time before the Applicant is certified to the Supreme Court for licensure it appears that the Applicant obtained such preliminary determination via fraud, concealment, deception, material omission, or by failure to comply with these Rules, the Board may suspend such preliminary determination and continue its investigation for an additional 90 days from the date the Board discovers the apparent fraud, concealment, deception, material omission, or failure to comply with these Rules.

(e) The Applicant has a continuing duty to ensure the accuracy and completeness of the Applicant's responses on the Application and to update those responses until the Applicant is certified to the Supreme Court for licensure. The Applicant shall notify the Board, in writing, as soon as practicable, but no later than 30 days after the Applicant knew or should have known of any information necessary to ensure the accuracy and completeness of the Applicant's responses. The Applicant shall promptly furnish any additional documentation requested by the Board in connection therewith. The Board is authorized to re-open its investigation for up to 90 days following receipt of any addition, change, or update to information previously provided to the Board.

Rule XI
Texas Bar Examination

(a) The Supreme Court, by separate order, has established a list of the subjects for the Texas Bar Examination which shall be open to public inspection at all reasonable times.[1]

(b) The Texas Bar Examination shall be given at such places as the Board may direct.

(c) The Texas Bar Examination shall be given two times each year, beginning on the Tuesday before the last Wednesday of the months of February and July, unless the Board otherwise directs.

(d) The approved Applicants for an examination are required to be in attendance at the time and place designated by the Board.

(e) The Texas Bar Examination shall last two and one-half days and shall consist of the Multistate Performance Test (MPT), given on Tuesday morning; the Procedure and Evidence Questions (P&E), given on Tuesday morning; the Multistate Bar Examination (MBE), given on Wednesday; and the Texas Essay Questions (Essays), given on Thursday. After grading the answers to the MPT, the P&E, and the Essays, the resulting raw scores

[1]A list of such subjects, established by the Supreme Court as of the time of publication, is included in Appendix A to these Rules. In the event the Court changes such list, the Board will provide a copy of the revised list upon request.

on each of these portions will be scaled to the Multistate Bar Examination, using the standard deviation method. Scores on the various portions of the examination will be weighted as follows: MPT, 10%; P&E, 10%; MBE, 40%; and Essays, 40%. Applicants who earn a combined scaled score of 675 (out of a possible 1000 points) shall pass the examination. A partial score on any portion of a failed examination shall not be applied to any subsequent examination.

(f) An Applicant may take no more than five (5) examinations. However, for good cause shown, the Board at its discretion may waive this limitation upon such conditions as the Board may prescribe.

(g) Any Applicant who has failed at least two Texas Bar Examinations may submit a written request, within two weeks of the release of the examination results, for a Formal Review of the Applicant's performance on the immediately preceding examination (excluding the MBE multistate portion). Such Formal Review shall take place in Austin, Texas at a time selected by the Board and shall consist of an individual oral review of such examination papers by the examining members of the Board. Regardless of the number of examinations taken, an Applicant may receive only one Formal Review under the provisions of this paragraph, provided, however, that no Applicant may obtain both a Formal Review and Informal Review of the same examination.

(h) Any Applicant who has failed the examination may submit a written request, within two weeks of the release of the examination results, for an Informal Review of the Applicant's performance on his/her failed parts of the immediately preceding examination (excluding the MBE multistate portion). The form of such Informal Review shall be either oral or written, at the discretion of the examining members of the Board. An Applicant may request an Informal Review each time (s)he fails an examination.

(i) The Board shall keep, for one year from the date of every examination, all failing examinations. The Board shall not be required to keep any part of passing examinations.

Rule XII
Examinees With Disabilities

(a) The Texas Bar Examination shall be administered to all eligible Applicants in a reasonable manner, while maintaining the integrity of the examination. In each city in which an examination is administered, the Board shall provide facilities that are reasonably accessible and which enable persons having disabilities to take the examination.

(b) Any Applicant who desires special testing accommodations based upon a disability shall submit a written request to the Board on forms

designated by the Board, such request to be submitted at the same time as the Application is submitted.

(c) A request for special testing accommodations must be accompanied by written proof evidencing the existence of the disability. Statements from licensed physicians or a professional specialist that specifically set forth the physical, mental or emotional handicap or disability and the relationship between the disability and the inability to take the examination under standard conditions shall be required. The Board may require additional information or evidence from the Applicant and may, at its option, seek professional evaluation of such data. The Applicant will be responsible for the cost of obtaining documented medical evidence and other required information.

(d) After considering the written request of the Applicant and the evidence submitted, the Board shall determine what reasonable special testing accommodations will be granted.

(e) Board deliberations and determinations regarding the request of an Applicant for testing accommodations on the Texas Bar Examination shall be closed to the public and associated records are confidential. However, this does not limit the Board's option under (c) above to seek professional evaluation of any confidential information supplied by applicants.

Rule XIII
Applicants From Other Jurisdictions

§ 1 Exemption from the Bar Examination for Applicants Who Are Authorized to Practice Law in Another State

An Applicant who is authorized to practice law in another state must meet the requirements imposed on any other Applicant under these Rules, except that the Applicant is exempt from the requirement of successfully completing the Texas Bar Examination if the Applicant:

(a) has been actively and substantially engaged in the lawful practice of law as the Applicant's principal business or occupation for at least five of the last seven years immediately preceding the filing of the Application;

(b) has a J.D. degree from an approved law school; and

(c) has not failed the Texas Bar Examination.

§ 2 Exemption from the Law Study Requirement for Applicants Who Are Authorized to Practice Law in Another State

An Applicant who is authorized to practice law in another state is exempt from the law study requirement prescribed by Rule III if the Applicant:

(a) has been actively and substantially engaged in the lawful practice of law as the Applicant's principal business or occupation for at least three of the last five years immediately preceding the filing of the most recent Application; and

(b) either;

(1) holds a J.D. degree, from an unapproved law school that is accredited in the state where it is located; or

(2) holds the equivalent of a J.D. degree from a law school that is accredited in the state where it is located and that requires a course of study that is substantially equivalent in duration and substance to the legal education provided by an approved law school.

§ 3 Exemption from the Law Study Requirement for Foreign Applicants With a Common-Law Legal Education or Who Are Authorized to Practice Law in a Common-Law Country

An Applicant is exempt from the law study requirement prescribed by Rule III if the Applicant satisfies the requirements of subsection (a), (b), or (c) below:

(a) the Applicant:

(1) has completed a course of study at a foreign law school that is accredited in the jurisdiction where it is located, and the course of study is:

(A) based on the principles of English common law; and

(B) substantially equivalent in duration to the legal education provided by an approved U.S. law school;

(2) is authorized to practice law in a foreign jurisdiction or another state; and

(3) has been actively and substantially engaged in the lawful practice of law for at least three of the last five years immediately preceding the Applicant's most recent Application;

(b) the Applicant:

(1) has completed a course of study at a foreign law school that is accredited in the jurisdiction where it is located, and the course of study is:

(A) based on the principles of English common law; and

(B) at least two years in duration; and

(2) has completed an LL.M. degree that meets the curricular requirements of Section 8 at an approved U.S. law school; or

(c) the Applicant:

(1) is authorized to practice law in a foreign jurisdiction, the jurisprudence of which is based on the principles of English common law; and

(2) has completed an LL.M. degree that meets the curricular requirements of Section 8 at an approved U.S. law school.

§ 4 Exemption from Law Study Requirement for Foreign Applicants Without a Common-Law Legal Education

An Applicant is exempt from the law study requirement prescribed by Rule III if the Applicant satisfies the requirements of subsections (a)-(c) below:

(a) the Applicant has completed a course of study at a foreign law school that is accredited in the jurisdiction where it is located, and the course of study is:

(1) not based on the principles of English common law; and

(2) substantially equivalent in duration to the legal education provided by an approved U. S. law school;

(b) the Applicant has completed an LL.M. degree that meets the curricular requirements of Section 8 at an approved U.S. law school; and

(c) the Applicant is authorized to practice law in a foreign jurisdiction or in another state.

§ 5 No Degree By Correspondence

A J.D. degree or an equivalent degree completed at a foreign law school that is earned primarily through online courses or other distance-learning mediums does not satisfy the requirements of this Rule.

§ 6 Transfer of Foreign Law School

An Applicant may be exempt from the law study requirement under Sections 3 or 4 even if the Applicant completed his or her course of study at a different foreign law school than the school at which the Applicant began, provided that all coursework and credit hours that count towards the applicable durational requirement are based on the same type of legal system--English common law or other--and are earned at a school accredited in the jurisdiction where it is located.

§ 7 Accreditation of Foreign Law Schools

(a) If a law school was accredited when the Applicant enrolled, the law school is deemed to be an accredited law school as to that Applicant for four years thereafter, regardless of its status at the date of the Applicant's graduation. If a law school was accredited when the Applicant graduated, the Applicant is deemed to be a graduate of an accredited law school, regardless of the status of the school when the Applicant enrolled.

(b) If an Applicant graduated from a law school that was not accredited when the Applicant enrolled and was not accredited when the

Applicant graduated, the Applicant is not a graduate of an accredited law school even if the law school later became or becomes an accredited law school.

(c) Notwithstanding Sections 3 and 4, an Applicant is excused from demonstrating that a foreign law school is accredited if the Applicant demonstrates that no entity accredits or approves law schools in the jurisdiction in which the school is located.

§8 LL. M. Curricular Criteria

(a) Unless subsection (b) or (c) applies, for an LL.M. degree to satisfy the requirements of this Rule, the course of study for which the degree is awarded must meet each of the following requirements;

(1) the program must consist of minimum of 24 semester hours of credit--or the equivalent, if the law school is on an academic schedule other than a conventional semester system--which must consist of courses in substantive and procedural law or professional skills;

(2) the program must require at least 700 minutes of instruction time, exclusive of examination time, for the granting of one semester of credit;

(3) the program must include a period of instruction consisting of no fewer than two semesters of least 13 calendar weeks each, or the equivalent thereof, exclusive of reading periods, examinations, and breaks;

(4) the program must not be completed exclusively during summer semesters, but a maximum of four semester hours of credit may be earned in courses completed during summer semesters;

(5) the program must be completed within 24 months of matriculation;

(6) all coursework for the program must be completed at the campus of an approved law school in the United States, except as otherwise permitted by paragraph 8 or subsection (b);

(7) the program must include:

(A) at least two semester hours of credit in professional responsibility;

(B) at least two semester hours of credit in legal research, writing, and analysis, which may not be satisfied by a research-and-writing requirement in a substantive law course;

(C) at least two semester hours of credit in a course designed to introduce students to distinctive aspects and fundamental principles of United States law, which may be satisfied by an introductory course in the American legal system or a course in United States constitutional law, civil procedure, or contract law--additional credit hours earned in a

course that meets the requirements of this subparagraph may be applied towards the requirements of subparagraph (D); and

(D) at least six semester hours of credit in subjects tested on the Texas Bar Examination;

(8) the program may also include, towards satisfaction of the 24 semester hours of credit required by this Rule;

(A) up to four semester hours of credit in clinical coursework, if:

(i) the coursework includes a classroom instructional component that incorporates discussion, review, and evaluation of the clinical experience;

(ii) the clinical work is performed under the direct supervision of a member of the law school faculty or instructional staff; and

(iii) the time and effort required and the anticipated educational benefit are commensurate with the credit awarded; and

(B) up to six semester hours of credit in other coursework related to the law or legal training taught in conjunction with a joint degree program by a member of the law school faculty, a faculty member of the university or college with which the law school is affiliated, or a faculty member of a university or college with which the law school offers a joint degree program-provided that the coursework is completed at the U.S. campus of the law school, university, or college; and

(9) courses completed online or by other distance-learning mediums must not count towards the required minimum 24 semester hours of credit.

(b) A law school may petition the Board for an exception to the requirements of subsection (a)(6). The law school must demonstrate to the satisfaction of the Board that the quality of education provided at the school's campus abroad is substantially equivalent to the quality of education provided at the school's U.S. campus.

(c) An Applicant who completed an LL.M. degree prior to, or within two years after, the effective date of this Rule [October 1, 2014] is exempt from demonstrating that the degree meets the curricular requirements of subsection (a).

§9 Proof of Active and Substantial Engagement in the Practice of Law and Authorization to Practice Law in a Foreign Jurisdiction

(a) An Applicant who seeks exemption from the Texas Bar Examination or the law study requirement under a section of this Rule that requires a period of active and substantial engagement in the practice of law preceding the Application must furnish to the Board proof of active and substantial engagement in the practice of law. But this

requirement may not be satisfied by proof of practice *pro hac vice* under Rule XIX.

(b) Unless subsection (c) or (d) applies, an Applicant who seeks exemption from the Texas Bar Examination or the law study requirement under a section of this Rule that requires that the Applicant be authorized to practice law in a foreign jurisdiction or another state must submit written proof of the authorization from the entity with final jurisdiction over professional discipline in the foreign jurisdiction or state where the Applicant is authorized to practice. The document must certify;

(1) that the Applicant is authorized to practice law in the jurisdiction or state;

(2) the date that the Applicant became authorized to practice law in the jurisdiction or state; and

(3) that the Applicant remains in good standing as an attorney or counselor at law in the jurisdiction or state.

(c) The Board may waive the requirements of subsection (b) if an Applicant demonstrates good cause for failing to obtain the certificate required by that subsection.

(d) Proof of authorization to practice law may be satisfied by proof that the Applicant is lawfully engaged in the practice of law as an in-house counsel in a foreign jurisdiction that requires a person to surrender that person's law license in order to practice in-house.

Rule XIV
Foreign Legal Consultants

§ 1 General Requirements as to Certification

In its discretion, the Supreme Court may certify to practice in Texas as a legal consultant (a "Foreign Legal Consultant"), without examination, an Applicant who satisfies the requirements of subsection (a) or (b):

(a) the Applicant:

(1) for at least three of the five years immediately preceding the Application, has been a member in good standing of a recognized legal profession in a foreign country, the members of which are authorized to practice as attorneys or counselors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority;

(2) possesses the good moral character and general fitness requisite for a member of the Texas Bar;

(3) is at least 26 years of age; and

(4) intends to practice as a Foreign Legal Consultant in Texas and to maintain an office in Texas for that purpose; or

(b) the Applicant:

(1) for at least three of the five years immediately preceding the Application:

(A) has been authorized to practice law in a foreign jurisdiction;

(B) has been a member in good standing of the bar of another state; or

(C) has been actively and substantially engaged in the lawful practice of law in a foreign country or another United States jurisdiction;

(2) possesses the good moral character and general fitness requisite for a member of the Texas Bar;

(3) is at least 26 years of age; and

(4) intends to practice as a Foreign Legal Consultant in Texas only as an in-house counsel on behalf of an individual, corporation, limited liability company, partnership, association, nonprofit entity, or governmental agency whose primary business is not the provision of legal services to the public.

§ 2 Application for Certification

An Applicant under this Rule must submit to the Board:

(a) an Application on the forms designated by the Board, that is signed by both the Applicant and a sponsoring member of the Texas Bar who is in good standing and has been a member of the Texas Bar for at least five years;

(b) the fee required by Rule XVIII(a);

(c) either:

(1) a certificate or other document from the entity with final jurisdiction over professional discipline in the foreign jurisdiction or state where the Applicant is authorized to practice that certifies:

(A) that the Applicant is authorized to practice law in the jurisdiction or state;

(B) the date that the Applicant was authorized to practice law in the jurisdiction or state; and

(C) that the Applicant remains in good standing as an attorney or counselor at law in the jurisdiction or state; or

(2) if the Applicant seeks certification under Section 1(b)(1)(C) of this Rule, but the Applicant is not authorized to practice in a foreign jurisdiction or another state, proof that the Applicant has been actively and substantially engaged in the lawful practice of law in a foreign jurisdiction or another state for at least three of the five years immediately preceding the Application;

(d) a duly authenticated English translation of every document required by this Rule, if the original is not in English; and

(e) any other evidence demonstrating that the Applicant satisfies the requirements of Section 1 of this Rule that the Board may require.

Upon completion of the Board's review of the information submitted by the Applicant and its investigation of the Applicant's qualifications, moral character, and fitness, if the Board determines that Applicant has satisfied the requirements of Sections 1 and 2 of this Rule, the Board must recommend to the Court the certification of the Applicant to practice in Texas as a Foreign Legal Consultant.

§ 3 Scope of Practice

A person certified to practice as a Foreign Legal Consultant under this Rule may render legal services in Texas in the manner and to the extent permitted by the jurisdiction in which the person is authorized to practice or, in the case of a person who satisfies the requirements of Section 1(b)(1)(C) of this rule, to the extent permitted by the jurisdiction in which the person has been actively and substantially engaged in the lawful practice of law. But the Foreign Legal Consultant must not:

(a) appear for a person other than himself or herself as an attorney in any court, or before any magistrate or other judicial officer, in Texas;

(b) prepare any instrument effecting the transfer or registration of title to real estate located in the United States of America;

(c) prepare:

(1) any will or trust instrument effecting the disposition on death of any property located in the United States of America and owned by a resident thereof; or

(2) any instrument relating to the administration of a decedent's estate in the United States of America;

(d) prepare any instrument in respect of the marital or parental relations, rights, or duties of a resident of the United States of America, or the custody or care of the children of such a resident;

(e) render professional legal advice on the law of Texas or of the United States (unless the person is licensed in another state), except:

(1) on the basis of advice from a person, whom the Foreign Legal Consultant has identified to the client , who:

(A) is authorized to practice law in Texas or in the United States; and

(B) either:

(i) serves as co-counsel with the Foreign Legal Consultant on a matter for the client;

(ii) is affiliated with the Foreign Legal Consultant through employment, partnership, or membership in the same law firm, company, or governmental agency; or

(2) as an in-house counsel advising the Foreign Legal Consultant's employer in the scope of his or her employment;

(f) in any way hold himself or herself out as a member of the Bar of Texas; or

(g) carry on his or her practice under, or utilize in connection with such practice, any name, title, or designation other than one or more of the following:

(1) his or her own name;

(2) the name of the law firm with which he or she is affiliated;

(3) his or her authorized title in the foreign country in which he or she is authorized to practice, which may be used in conjunction with the name of such country; and

(4) the title "Foreign Legal Consultant," which may be used in conjunction with the words "authorized to the practice of law in [name of the foreign country in which he or she is authorized to practice]."

§ 4 Rights and Obligations

Subject to the limitations set forth in Section 3 of this Rule, a person certified as a Foreign Legal Consultant under this Rule is considered to be a lawyer affiliated with the Bar of Texas and is entitled and subject to:

(a) the rights and obligations of a member of the Texas Bar that are set forth in the State Bar Act, the State Bar Rules, and the Texas Disciplinary Rules of Professional Conduct or that arise from the other conditions and requirements that apply to a member of the Bar of Texas under the Texas Disciplinary Rules of Professional Conduct; and

(b) the rights and obligations of a member of the Bar of Texas with respect to:

(1) affiliation in the same law firm with one or more members of the Bar of Texas, including by:

(A) employing one or more members of the Bar of Texas;

(B) being employed by one or more members of the Bar of Texas or by any partnership or professional corporation that includes members of the Bar of Texas or that maintains an office in Texas; and

(C) being a partner in any partnership or a shareholder in any professional corporation that includes members of the Bar of Texas or that maintains an office in Texas; and

(2) attorney-client privilege, work-product privilege, and similar professional privileges.

A person certified as a Foreign Legal Consultant under this Rule is not a "nonlawyer" as that term is used in rule §5.03 or 5.04 of the Texas Disciplinary Rules of Professional Conduct.

A person who receives legal advice from a Foreign Legal Consultant is entitled to all privileges arising from the attorney-client relationship.

§ 5 Disciplinary Provisions

(a) Every person certified to practice as a Foreign Legal Consultant under this Rule is subject to censure, suspension, removal, or revocation of his or her certification to practice by the Supreme Court.

(b) Every Foreign Legal Consultant must execute and file with the Board, in such form and manner as the Board may prescribe:

(1) a written commitment

(A) to observe the State Bar Act, the State Bar Rules, and the Texas Disciplinary Rules of Professional Conduct, to the extent that the Act and the Rules are applicable to the legal services authorized under Section 3 of this Rule; and

(B) to notify the Board of any change in the person's good standing as a member of a foreign legal profession and of any final disciplinary action of the professional body or public authority that regulates attorneys in the foreign jurisdiction in which the Foreign Legal Consultant is authorized to practice law; and

(2) a notarized document that sets forth the person's address in Texas and designates the Executive Director of the Board as the person's agent for service of process in any action or proceeding brought against the person that arises from legal services rendered or offered to be rendered by the person within or to residents of Texas, whenever after due diligence service cannot be made on the person at the address on file with the Board.

(c) Service of process on the Executive Director of the Board under subsection (b)(2) must be made by personally delivering to, and leaving with, the Executive Director, or another person at the office of the Board who is authorized to receive service, two copies of the citation and petition and a fee of $10. The Board must promptly send one copy to the Foreign Legal Consultant by certified mail, return receipt requested, at the address designated by the Foreign Legal Consultant under subsection (b)(2).

§ 6 Renewal of Certification

(a) Unless revoked by the Board under Section 7 of this Rule, a certification to practice as a Foreign Legal Consultant is valid for one year.

(b) A Foreign Legal Consultant may renew his or her certification by submitting to the Board at least 60 days before the certification expires:

(1) a written request for renewal of the certification;

(2) The renewal fee required by Rule XVIII(a);

(3) Proof that the Applicant completed three hours of minimum continuing legal education in ethics courses accredited by the State Bar of Texas; and

(4) a written statement, signed by the Applicant under oath, that the Applicant complied with the terms of the certificate and this Rule during the certification period.

(c) The Board must grant the Applicant's request unless it determines that the Applicant is not entitled to renew his or her certification under this Rule.

(d) If the renewal application is timely submitted, the Board must notify the Applicant of the Board's decision before the Applicant's certification expires. If the renewal application is not timely submitted, the Applicant, upon a showing of good cause, may submit a renewal application up to 180 days after the Applicant's certification expires. After the 180-day grace period has passed, an Applicant must reapply for certification under Section 2 of this Rule.

§ 7 Revocation of Certification

If the Board determines that a person certified as a Foreign Legal Consultant under this Rule no longer meets the requirements for certification set forth in Section 1, the Board must recommend to the Court that the person's certification be revoked, unless the Board waives under Rule XX(e) the requirements that are lacking.

§ 8 Admission to Bar

If a person certified as a Foreign Legal Consultant under this Rule is subsequently admitted to the Texas Bar under other provisions of these Rules, the certification to practice as a Foreign Legal Consultant is superseded by the license to practice law as a person admitted to the Texas Bar.

Rule XV
Hearings

(a) The Board shall set a time and place for a hearing on the question of the requisite moral character and fitness of an Applicant or Declarant, under the following circumstances:

(1) When any Applicant or Declarant who is the subject of a preliminary negative character and fitness determination files a written request for such a hearing within thirty (30) days of his or her receipt of the Board's letter containing the notice of such determination; or

(2) When the Board determines that, in the interest of fairness, such a hearing is necessary regardless of whether the Applicant or Declarant files a timely request for hearing.

(b) If there are pending proceedings involving the Applicant or Declarant, the resolution of which could impact the determination of

his/her character and fitness, the Board may exercise its discretion to defer the hearing until such time as the pending proceeding is resolved.

(c) Board hearings, deliberations, and determinations relating to the moral character and fitness of an Applicant or Declarant shall be closed to the public and records relating to these subjects are confidential. On written request of an Applicant or Declarant, however, the Applicant or Declarant is entitled to have the hearing open to persons designated by the Applicant or Declarant.

(d) The Applicant or Declarant shall be given reasonable notice, by registered or certified mail, return receipt requested, of the time and place of the hearing.

(e) An Applicant or Declarant, either before or after receiving notice of a hearing, may agree to waive the hearing, stipulate to the facts regarding good moral character and fitness, and allow the Board to proceed with making a final determination as to the Applicant's moral character and fitness under these Rules. An Applicant may additionally agree to a Probationary License and to any conditions imposed by the Board to protect the public.

(f) At the hearing:

(1) The Board or any opponent of approval of the moral character and fitness of the Applicant or Declarant, shall have the burden of proof and be required to present evidence that the Applicant or Declarant does not have the requisite good moral character or fitness. Upon the admission of such evidence, the burden of proof shall shift to the Applicant or Declarant to show that the Applicant possesses good moral character and fitness as defined in these Rules. However, in a redetermination hearing on a Probationary License, the burden of proof shall be on the Probationary Licensee to demonstrate that (s)he has complied with the conditions of the Probationary License.

(2) The Applicant or Declarant shall be given the opportunity to be present in person and by attorney, to present evidence, to confront and to cross-examine adverse witnesses, and to present argument to the Board on the issues of law and fact; provided, however, that evidence otherwise inadmissible may be admitted if the evidence is of a type on which a reasonably prudent person commonly relies in the conduct of the person's affairs.

(3) Evidence and argument for or against the Applicant or Declarant may be presented by the Board or any other interested party.

(g) In connection with hearings conducted under this Rule, the Board shall have the authority to administer oaths, issue subpoenas, take depositions, and employ court reporters.

(h) After the hearing, in closed deliberations, the Board may:

(1) determine that an Applicant or Declarant has the requisite present good moral character and fitness and, in the case of an Applicant, should be recommended for admission to the Texas Bar;

(2) determine that a Declarant should be granted conditional approval of his or her present good moral character and fitness and be required to meet such conditions as the Board deems appropriate;

(3) determine that an Applicant should be granted conditional approval of his or her present good moral character and fitness and be recommended for a Probationary License subject to the terms of Rule XVI, after meeting all other requirements of these Rules;

(4) determine that an Applicant or Declarant does not possess the requisite present good moral character and fitness required for admission to the Texas Bar; or

(5) defer a decision until such time as the Board has the opportunity to consider further information, evaluations, or documentation as deemed necessary by the Board;

(6) in the case of either a temporary or probationary license, recommend to the Supreme Court that the license should be renewed in its present form, renewed with additional or amended conditions, or revoked and no regular license be issued.

(i) Within a reasonable period of time after the decision is made, the Board shall furnish to the Applicant or Declarant a written order setting forth the decision of the Board. If the decision is adverse, such order shall specify the bases of the Board's determination and shall include an objective list of actions, if any, the Applicant or Declarant may take to become qualified for a license to practice law in Texas. Any such order containing a determination that the Applicant or Declarant suffers from chemical dependency shall include provisions setting out the rights under Section 82.038, Texas Government Code.

(j) An individual who has been the subject of a Board order containing a negative character and fitness determination may petition the Board in writing for a redetermination hearing subject to the provisions of Rule XV herein on the issue of character and fitness, as follows:

(1) No petition for redetermination may be filed earlier than the date specified in the Board's order (or if none, then no earlier than twelve months from the date of the hearing), nor more often than once every twelve months.

(2) Such individual shall have the burden of proof as to rehabilitation and the possession of present good moral character and fitness.

(3) Such individual shall complete and file with the Board a Supplemental Investigation Form and pay the requisite fees therefore within thirty (30) days of the filing of the redetermination petition.

(4) This subsection (j) shall not apply to character and fitness redeterminations in Probationary License cases, which are governed under the provisions of Rule XVI.

(k) The following provisions shall govern judicial review of the Board's decisions:

(1) The affected Applicant or Declarant shall institute, in the district courts of Travis County, Texas proceedings for review of such decision within sixty (60) days after the date the written decision is mailed to the Applicant.

(2) The petition for review shall name the Board as defendant and shall be served on the Executive Director of the Board.

(3) After service of such petition, and within the time permitted for filing an answer, the Board shall file with the district court a certified copy of the record of the Board's proceedings.

(4) The review of the Board's decision shall be tried by the court without a jury.

(5) The court shall determine from the certified record on file whether or not the Board's decision is reasonably supported by substantial evidence. The reviewing court may affirm the action complained of or remand the matter to the Board for further proceedings.

(6) Appeals from any final judgment of the court may be taken by either party in the manner provided for in civil actions generally, but no appeal bond shall be required of the Board.

(l) The Board shall have the authority to adopt such other rules of procedure for character and fitness hearings, not inconsistent with these Rules, as the Board deems necessary or appropriate to implement these Rules.

(m) Decisions of the Board on matters other than character and fitness following a hearing under this Rule shall not be subject to judicial review unless another statute 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 XVI
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 the 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 Texas 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 sixty (60) days prior to 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, prior to the redetermination hearing, to submit to an evaluation, at the sole cost of the Probationary Licensee, by a treatment facility approved by the Board.

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

(1) recommend, upon a finding of the requisite 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 State Bar of Texas 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 State Bar of Texas to coordinate disclosure of information concerning an individual's status as a Probationary Licensee. On request, the Board, in coordination with the State Bar of Texas, 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 State Bar of Texas or other means reasonably available to members of the public. Any information that forms the basis for the issuance of the 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 XVII
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 the required fees and has enrolled in the State Bar of Texas in compliance with the State Bar Rules.

(d) The license certificate belongs to the Supreme Court of Texas and must be surrendered to the Court upon proper demand.

Rule XVIII
Fees

(a) The following provisions shall govern the fees charged by the Board:

FEES RELATING TO DECLARATIONS

Declaration Investigation Fee	$150
Fingerprint Card Processing Fee	$ 40
	$190

Late Filing Fee	$150
Fee for Check Returned for Insufficient Funds	$ 25

FEES RELATING TO ELIGIBILITY & EXAMINATIONS

Texas Law Student:

$150	Application Fee
95	Examination Fee
55	Investigation Fee
$300	

Out-of-State Law Student:

$150	Application Fee
40	Fingerprint Card Processing Fee
150	Examination Fee
150	Investigation Fee
$490	

Attorneys Licensed in another State:

$700	Application Fee
40	Fingerprint Card Processing Fee
150	Examination Fee
150	Investigation Fee
$1,040	

Attorneys Qualified for Admission Without Examination Under Rule XIII:

$700	Application Fee
40	Fingerprint Card Processing Fee
150	Investigation Fee
$890	

Foreign Nation Attorney – Texas Bar Exam Applicant only:

$700	Application Fee
40	Fingerprint Card Processing Fee
150	Examination Fee
150	Investigation Fee
100	Foreign Nation Inquiry Fee
$1,140	

Foreign Nation Attorney – Concurrent Texas Bar Exam and
Foreign Legal Consultant Applications:

$700	Application Fee
150	Foreign Legal Consultation Supplemental Processing Fee
40	Fingerprint Card Processing Fee
150	Examination Fee
150	Investigation Fee
100	Foreign Nation Inquiry Fee
$1,290	

Re-application for Examination

$150	Re-application Fee
95	Examination Fee
75	Investigation Fee on Re-Application
$320	

Foreign Legal Consultant – Application only:

$700	Application Fee
40	Fingerprint Card Processing Fee
150	Investigation Fee
100	Foreign Nation Inquiry Fee
$990	

Foreign Legal Consultant Re-Application Fee:

$150	Re-Application Fee
150	Supplemental Investigation Fee (every second renewal year only)
$300	($150 in alternate years)

Supplemental Investigation (S.I.) Fee (as required under Rule IX)… $150
Fingerprint Card Processing Fee… ..... $ 40
$190

Military Attorney Application Fee..... $ 25
(as required under Rule XXII)
Military Attorney Renewal Application Fee..... $ 25
(as required under Rule XXII)

Miscellaneous Fees:

Late Filing Fee… $150
Fee for Check Returned for Insufficient Funds… ..... $ 25
MBE Transfer Fee… ..... $ 25
Application Deposit Fee[1]… ..... $ 30
Incompleteness Fee[2]… ..... $ 75
Laptop Examination Fee… ..... $ 50

[1] One deposit fee shall be credited toward the filing fee if the application is filed within one (1) year of the date the deposit is received.

[2] This fee shall be imposed when a document (Declaration, Application, Supplemental investigation, etc.,) is received, for the second and subsequent times, which is determined to be incomplete (e.g., unanswered questions, not signed, not notarized, incorrect fees, etc.).

(b) No refund or transfer of fees will be made in the event of the withdrawal of any Declaration or Application, nor in the event a determination is made by the Board that the Applicant or Declarant does not meet the requirements imposed under these Rules.

(c) Any fee required under these Rules may be waived or lowered by the Board upon written request and proof of indigence.

Rule XIX
Requirements for Participation in Texas Proceedings by a Non-Resident Attorney

(a) A reputable attorney, licensed in another state or in a foreign jurisdiction but not in Texas, who resides outside of Texas may seek permission to participate in the proceedings of any particular cause in a Texas court by complying with the requirements of Texas Government Code Section 82.0361 concerning payment of a non-resident attorney fee to the Board of Law Examiners as a mandatory initial requirement. Upon completion of this requirement and receipt of an acknowledgment issued by the Board of Law Examiners, the non-resident attorney shall file with the applicable Texas court a written, sworn motion requesting permission to participate in a particular cause. The motion shall contain:

(1) the office address, telephone number, fax number, and email address of the non-resident attorney movant;

(2) the name and State Bar card number of an attorney licensed in Texas, with whom the non-resident attorney will be associated in the Texas proceedings, and that attorney's office address, telephone number, fax number, and email address;

(3) a list of all cases and causes, including cause number and caption, in Texas courts in which the non-resident attorney has appeared or sought leave to appear or participate within the past two years;

(4) a list of jurisdictions in which the non-resident attorney is licensed, including federal courts, and a statement that the non-resident attorney is or is not an active member in good standing in each of those jurisdictions;

(5) a statement that the non-resident attorney has or has not been the subject of disciplinary action by the Bar or courts of any jurisdiction in which the attorney is licensed within the preceding five years, and a description of any such disciplinary actions;

(6) a statement that the non-resident attorney has or has not been denied admission to the courts of any State or to any federal court during the preceding five years;

(7) a statement that the non-resident attorney is familiar with the State Bar Act, the State Bar Rules, and the Texas Disciplinary Rules of

Professional Conduct 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 Texas proceeding is pending and said Applicant has not withdrawn as counsel therein.

(b) The motion of the non-resident attorney seeking permission to participate in Texas 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 of Law Examiners.

(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 XX
Organizational and Miscellaneous Powers of the Board

(a) Upon completion of the tabulation of grades given on an examination and approval of such tabulation by the Chairman, the grades shall be mailed to the examinees at the addresses given on their Applications. The Deans of the Law Schools in the State of Texas shall be furnished a list of the candidates passing the Bar examination after release of results to the individual candidates. Prior to mailing 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 Chairman, the Board shall have authority to select a Chairman. 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 keep and 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 (5) 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 ten (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 (5) 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 (5) 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 data base 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 Texas 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 there from 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 creates the Board of Law Examiners Fund which shall be comprised of all fees and monies received and interest earned by the Board and 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 XXI
Civil Immunity

Without limiting, restricting, or waiving any privilege or immunity otherwise available under state 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.

Rule XXII
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 or in a territory of the United States or the District of Columbia, 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 XIX 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 or territory of the United States or the District of Columbia;

(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. As used in this rule, the term Accredited CLE Activity has the meaning ascribed to it in Article XII of the State Bar Rules.

§ 4 No State Bar of Texas 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 State Bar of Texas 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 of this rule. 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 state 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 State Bar of Texas. The State Bar of Texas, 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 of this rule - to terminate the military attorney's privilege to practice law in Texas under this rule.

Appendix A
Texas Bar Examination Subjects

Multistate Subjects

- Civil Procedure
- Constitutional Law
- Contracts
- Criminal Law and Procedure
- Evidence
- Real Property
- Torts

Multistate Performance Test

The Texas Bar Examination includes the Multistate Performance Test (MPT), a skills test designed to assess the examinee's ability to use fundamental lawyering skills in a realistic situation. During the test, each examinee will receive a "file" of source documents and a "library" of cases, statutes, and rules. Using these materials, the examinee will perform an assigned lawyering task, such as writing a memorandum to a supervising attorney, a letter to a client, a contract provision, a proposal for settlement, or a closing argument. Contact the National Conference of Bar Examiners for sample MPT exams. The NCBE website is www.ncbex.org or reach the agency by telephone at 608-280-8550.

Texas Essay Subjects

- Business associations, including agency, corporations, partnerships, limited liability companies, and professional associations
- Trusts and guardianships
- Wills and administration
- Family law
- Uniform Commercial Code
- Consumer rights, including DTPA and insurance
- Real property, including oil and gas

Cross-Over Topics

- Income, estate, and gift tax issues, to be included where appropriate as an element of questions in other subjects, such as family law, oil and gas, wills, etc.
- Bankruptcy, to be included where appropriate as an element of questions in other subjects, such as family law, wills and estates, real property, etc.

Procedure and Evidence Subjects

- Texas civil procedure and evidence, including jurisdiction
- Federal and Texas criminal procedure and evidence

Appendix B
Outline of New or Revised Subjects on the Texas Bar Examination
Effective July 1999

I. Consumer Law
   A. Texas and federal debt collection acts: Federal Fair Debt Collection Practices Act and Texas Debt Collection Practices Act
   B. Texas Deceptive Trade Practices - Consumer Protection Act (DTPA)
   C. Other Texas statutes specifically providing that a violation of the statute is likewise a violation of the DTPA, including:
      1. Home Solicitation Transactions see Texas Business & Commerce Code, Chapter 39, Cancellation of Certain Consumer Transactions
      2. Business Opportunity Act see Texas Business & Commerce Code, Chapter 41
      3. Telephone Solicitation see Texas Business & Commerce Code, Chapters 37 & 38, Regulation of Telephone Solicitation
   D. Insurance law issues, including:
      1. Texas Insurance Code, Articles 21.21 and 21.55, and the insurer's common law duty of good faith and fair dealing
      2. Basic rights and obligations as between insurer and insured arising from standard policies as well as statutory and common law

II. Real Property
   A. Homesteads
   B. Conveyances
   C. Types of estates
   D. Statute of Frauds
   E. Limitations and adverse possession
   F. Essential terms
   G. Liens, including:
      1. Mechanics' liens
      2. Deeds of trust and vendors' liens
      3. Foreclosure
   H. Landlord and tenant
   I. Oil and gas

III. Guardianship (as a new component of the Trusts and Guardianship topic)
   A. Jurisdiction and venue
   B. Appointment and qualification of a guardian

C. Administration of guardianship
D. Compensation
E. Role of attorney ad litem

IV. Taxation, as a cross-over topic, to be included where appropriate as an element of questions in other subjects, such as family law, oil and gas, trusts, wills and estates, etc.

V. Bankruptcy, as a cross-over topic, to be included where appropriate as an element of questions in other subjects, such as family law, wills and estates, real property, etc.

Appendix C
Instructions for Completing Application for Testing Accommodations

Please read Rule XII of the Rules Governing Admission to the Bar of Texas and these instructions carefully. They provide details about steps that must be followed for the Board to consider your request for testing accommodations. A testing accommodation application form may be downloaded from the Board's website at www.ble.state.tx.us or obtained by contacting the Board's office. To meet the filing deadlines specified in Rules IX(a) and XII(b), it is best to begin preparing your application forms well in advance of the timely filing deadline. Your properly completed testing accommodation application forms must be filed at the same time as your application or re-application for the Texas Bar Examination for which you are requesting accommodations.

As an applicant claiming a disability that requires testing accommodations, you must properly complete and submit the forms applicable to your disability. The burden of proof is on you to establish the existence of a disability protected by the Americans with Disabilities Act Amendments Act (the ADAAA), as well as to establish the need for testing accommodations and the reasonableness of the accommodations requested. Each application for testing accommodations is evaluated on a case-by-case basis. The Board's objective is to provide effective and necessary accommodations to qualified applicants as defined under the Americans with Disabilities Act of 1990 as amended in 2009 by the ADAAA, without substantially altering the nature of the examination.

The ADAAA requires the Board to provide testing accommodations to those individuals who have a permanent disability that substantially limits a major life activity. Although you may provide the required documentation establishing that you have been diagnosed with a disability that does not automatically entitle you to testing

accommodations on the Texas Bar Examination. Unless you establish that your disability has substantially impaired a major life activity, you will not be entitled to testing accommodations on the exam.

"Testing Accommodation" means an adjustment or modification of the standard testing conditions that ameliorates the impact of the applicant's disability on the examination process without fundamentally altering the nature of the exam, imposing an undue administrative or financial burden on the Board, compromising the security, validity or reliability of the exam, or providing an unfair advantage to the applicant with the disability.

The ADAAA authorizes the Board to require specific documentation and to establish procedures to evaluate that documentation in order to ensure that the applicant is an individual for whom accommodations are required under the ADAAA.

Detailed documentation is required to establish the existence of a disability protected by the ADAAA and to provide the Board with all necessary information for determining the specific accommodations, if any, which are merited. The pertinent disability verification forms described below must be completed and signed by a professional who is familiar with your disability. The health care provider or other qualified professional must identify your disability, substantiate the diagnosis, describe the functional limitations it imposes on you, and detail the manner in which it limits an identified major life activity. He or she must also make recommendations about the specific accommodations you need on each segment of the examination and provide an explicit rationale for these recommendations. The **Application for Testing Accommodations** consists of Forms A - G, which are described as follows:

Form A -- Applicant Information: Every applicant for testing accommodations must complete and file this form, simultaneous with the filing of the application or re-application for the specific exam being taken. Answer the questions in the spaces provided. DO NOT refer to an attachment as a substitute for answering a question in the space provided.

Form B – Physical Disability Verification: This form must be filed, simultaneous with the filing of the application or re-application for the specific exam being taken, only if the claimed disability is based on a physical disability.

i. Complete the first block of information before submitting the form to your licensed health care provider.
ii. This form must be completed by a health care provider with sufficient expertise and credentials in the area of disability you are claiming.

iii. This form must document your disability at the **current** time.
iv. Testing and assessment establishing your disability must be conducted by a qualified diagnostician/health care provider and must have been conducted within **one (1) year** of the filing of the application for testing accommodations for the specific bar examination for which you are applying.
v. Note: you or your physician must submit copies of the **actual medical records** upon which your physician has relied in responding to Form B.

Form C -- Learning Disorder Verification: This form must be filed, simultaneous with the filing of the application or re-application for the specific exam being taken, only if the claimed disability is based on a learning disorder.

i. Complete the first block of information before submitting it to your licensed health care provider or other qualified professional, who must have comprehensive training and direct experience in working with the adult population.
ii. This form must be completed by a health care provider with sufficient expertise and credentials in the area of disability you are claiming.
iii. Please note that you must submit, in addition to the information requested on Form C, a **comprehensive psychoeducational or neuropsychological assessment**, which demonstrates the impact of your impairment on your ability to perform on each testing component of the Texas Bar Examination under standard time conditions.
iv. Your testing and assessment must be conducted by a qualified diagnostician and must have been conducted within **five (5) years** of the filing of the application for testing accommodations for the specific Texas Bar Examination for which you are applying.
v. The documentation must include both diagnostic information and an explanation of the current manifestations or functional limitations of the condition. It should be thorough enough to demonstrate whether or not a major life activity is substantially limited, i.e., the extent, duration, and impact of the condition.
vi. If you have been retested, you must submit not only the evaluation and sub-tests from the retesting, but also copies of any previous evaluations and the accompanying sub-tests.

Form D -- ADD/ADHD Verification: This form must be filed, simultaneous with the filing of the application or re-application for the specific exam being taken, only if your disability is ADD/ADHD.

i. Complete the first block of information before submitting this form to your licensed health care provider or other qualified professional, who must have comprehensive training and direct experience in working with the adult population.
ii. This form must be completed by a health care provider with sufficient expertise and credentials in the area of disability you are claiming.
iii. **Please note that you must submit, in addition to the information requested on Form D, a comprehensive psychoeducational or neuropsychological assessment**. This assessment must demonstrate the impact of your impairment on your ability to perform on each testing component of the Texas exam under standard time conditions.
iv. Your testing and assessment must be conducted by a qualified diagnostician and must have been conducted within **three (3) years** of the filing of the application for testing accommodations for the specific Texas Bar Examination for which you are applying.
v. The documentation must include both diagnostic information and an explanation of the current manifestations or functional limitations of the condition. It should be thorough enough to demonstrate whether or not a major life activity is substantially limited, i.e., the extent, duration, and impact of the condition.
vi. If you have been retested, you must submit not only the evaluation and sub-tests from the retesting, but also copies of any previous evaluations and the accompanying sub-tests.

Form E – Visual Disability Verification: This form must be filed, simultaneous with the filing of the application or re-application for the specific exam being taken only if the claimed disability is a visual disability.

i. Complete the first block of information before submitting the form to be completed by your licensed health care provider.
ii. This form must be completed by a health care provider with sufficient expertise and credentials in the area of disability you are claiming.
iii. This form must document your disability at the **current** time.
iv. Testing and assessment establishing your disability must be conducted by a qualified diagnostician/health care provider and must have been conducted within **one (1) year** of the filing of the application for testing accommodations for the specific bar examination for which you are applying.

v. Note: you or your physician must submit copies of the **actual medical records** upon which your physician has relied in responding to Form E.

Form F – Psychological Disability Verification: This form must be filed, simultaneous with the filing of the application or re-application for the specific exam being taken, only if you have a psychological disability, other than a learning Disability or ADHD.

i. Complete the first block of information before submitting it to your licensed health care provider or other qualified professional, who must have comprehensive training and direct experience in working with the adult population.
ii. This form must be completed by a health care provider with sufficient expertise and credentials in the area of disability you are claiming.
iii. Please note that you must submit, in addition to the information requested on Form F, a **comprehensive evaluation**, which demonstrates the impact of your impairment on your ability to perform on each testing component of the Texas Bar Examination under standard time conditions.
iv. Your testing and assessment must be conducted by a qualified diagnostician and must have been conducted within **one (1) year** of the filing of the application for testing accommodations for the specific bar examination for which you are applying.

Form G – Certification of Accommodations History: This form must be filed, simultaneous with the filing of the application or re-application for the specific exam being taken, for each educational institution or testing agency from which you requested accommodations, regardless of whether accommodations were granted or denied.

i. Complete the first block of information before you submit the form to be completed by the appropriate official.
ii. You must submit a Form G from each educational institution or testing agency from which you requested accommodations, regardless of whether you received accommodations. Make additional copies of the form as needed.

Your application for testing accommodations and accompanying documentation will be reviewed for completeness shortly after it is filed. Before making a decision regarding your accommodations, the Board's staff may submit your application for testing accommodations and the accompanying documentation to an expert of the Board's choice for evaluation and recommendations. After all of your testing accommodations application materials have been appropriately evaluated, you will receive a letter from the Board telling you whether

you have been granted testing accommodations. Testing accommodations applications are processed in the order received. Therefore, the earlier you file your application for testing accommodations, the earlier you will receive notification of whether your application has been granted or not. If your application for accommodations is granted, you will receive a letter from the Board detailing the accommodations granted and including a written agreement for you to sign and return if you accept the terms of the testing accommodations.

If your application for testing accommodations is denied in whole or in part, you may appeal the decision of the staff to the Accommodations Review Committee (ARC) of the Board. In order to appeal, you must send a letter addressed to the Executive Director of the Board, stating the specific basis of your appeal. **Your appeal letter must reach the Board's office no later than the date specified in the partial grant or denial letter**. The appeal will be considered by the ARC of the Board of Law Examiners in a meeting held in compliance with applicable state law. An appeal of testing accommodations is not a hearing at which new evidence is produced or oral arguments made. It is a review, by the members of the ARC, of the record in the Board's file relating to your application for testing accommodations, including your application and other materials required to be provided with your application, the medical and other records submitted in support of the application, and the follow-up information generated as a result of your application for testing accommodations.

Any questions about the testing accommodations application process should be directed to: Director of Eligibility & Examination, Board of Law Examiners, P.O. Box 13486, Austin, Texas 78711-3486.

Texas Constitutional Provisions
and
Civil Statutes Relating to Admission to the Bar

Constitutional Provisions
Article II
The Powers of Government

§ 1. Division of powers; three separate departments; exercise of power properly attached to other departments

Sec. 1. The powers of the Government of the State of Texas shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to wit: Those which are Legislative to one; those which are Executive to another, and those which are Judicial to another; and no person, or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

Government Code
Title 2. Judicial Branch
Subtitle G. Attorneys
Chapter 82. Licensing of Attorneys
Subchapter A. Board of Law Examiners

§ 82.001. Board of Law Examiners

(a) The Board of Law Examiners is composed of nine attorneys who have the qualifications required of members of the supreme court.

(b) The supreme court shall appoint the members of the board for staggered six-year terms, with the terms of one-third of the members expiring August 31 of each odd-numbered year. A member is subject to removal by the supreme court as provided by Section 82.0021.

(c) Appointments to the board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

§ 82.002. Conflict of Interest

(a) In this section, “Texas trade association” means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person may not be a member of the Board of Law Examiners and may not be a board employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of board interest; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of board interest.

(c) A person may not be a member of the board or act as the general counsel to the board if the person is required to register as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf of a profession related to the operation of the board.

(d) A member of the board who has a financial interest, other than a remote financial interest, in a decision pending before the board is disqualified from participating in the decision.

§ 82.0021. Removal of Board Members

(a) It is a ground for removal from the Board of Law Examiners that a member:

(1) does not have, at the time of taking office, the qualifications required by Section 82.001;

(2) does not maintain during service on the board the qualifications required by Section 82.001;

(3) is ineligible for membership under Section 82.002;

(4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term;

(5) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the board;

(6) is incompetent; or

(7) is inattentive to the member's duties.

(b) The validity of an action of the board is not affected by the fact that it is taken when a ground for removal of a board member exists.

(c) If the executive director of the board has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the board of the potential ground. The presiding officer shall then notify the supreme court that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the board, who shall then notify the supreme court that a potential ground for removal exists.

§ 82.003. Open Records and Open Meetings

(a) Except as provided by this section, the Board of Law Examiners is subject to Chapter 552 and Chapter 551.

(b) Examination questions that may be used in the future and examinations other than the one taken by the person requesting it are exempt from disclosure.

(c) Board deliberations, hearings, and determinations relating to moral character and fitness of an applicant shall be closed to the public, and records relating to these subjects are confidential. On the written request of an applicant, however, the applicant is entitled to:

(1) have the applicant's character and fitness hearing open to persons designated by the applicant; or

(2) have disclosed to the applicant records relating to the applicant's own moral character and fitness unless the person who supplied the information has requested that it not be disclosed.

(d) The board shall not inquire of a person who supplies information relating to an applicant's moral character and fitness whether the person objects to disclosure nor inform the person of the right to object.

(e) Board deliberations, hearings, and determinations relating to a request by an applicant who has a disability for testing accommodations under Section 82.0272 on the bar examination shall be closed to the public, and records relating to that subject are confidential.

§ 82.004. Board Duties

(a) The Board of Law Examiners, acting under instructions of the supreme court as provided by this chapter, shall determine the eligibility of candidates for examination for a license to practice law in this state.

(b) The board shall examine each eligible candidate as to the candidate's qualifications to practice law.

(c) The board may not recommend any person for a license to practice law unless the person has shown to the board, in the manner prescribed by the supreme court, that the person is of the moral character and of the capacity and attainment proper for that person to be licensed.

(d) On written request of an applicant who fails an examination administered by the board, the board shall give the applicant an oral or written analysis of the applicant's performance on the examination. The applicant may record an oral analysis.

(e) In each city in which an examination is administered, the board shall provide facilities that enable persons having physical, mental, or developmental disabilities to take the examination.

§ 82.005. Board Compensation

(a) The supreme court shall set the compensation of each member of the Board of Law Examiners, excluding reasonable and necessary actual expenses, at an amount that does not exceed $30,000 a year.

(b) Subchapter B, Chapter 659, does not apply to the compensation set under this section.

§ 82.006. Sunset Provision

The Board of Law Examiners is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished September 1, 2017.

§ 82.007. Career Ladder; Annual Performance Evaluations

(a) The executive director of the Board of Law Examiners or the executive director's designee shall develop an intraagency career ladder program. The program shall require intraagency postings of all nonentry level positions concurrently with any public posting.

(b) The executive director or the executive director's designee shall develop a system of annual performance evaluations. All merit pay for board employees must be based on the system established under this subsection.

§ 82.0071. Equal Employment Opportunity Policy

(a) The executive director of the Board of Law Examiners or the executive director's designee shall prepare and maintain a written policy statement that implements a program of equal employment opportunity to ensure that all personnel decisions are made without regard to race, color, disability, sex, religion, age, or national origin.

(b) The policy statement must include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, training, and promotion of personnel, that show the intent of the board to avoid the unlawful employment practices described by Chapter 21, Labor Code; and

(2) an analysis of the extent to which the composition of the board's personnel is in accordance with state and federal law and a description of reasonable methods to achieve compliance with state and federal law.

(c) The policy statement must be:

(1) updated annually;

(2) reviewed by the Commission on Human Rights for compliance with Subsection (b)(1); and

(3) filed with the governor's office and the supreme court.

§ 82.0072. Standards of Conduct

The executive director of the Board of Law Examiners or the executive director's designee shall provide to members of the board and to board employees, as often as necessary, information regarding the requirements for office or employment under this chapter, including information regarding a person's responsibilities under applicable laws relating to standards of conduct for state officers or employees.

§ 82.0073. Separation of Responsibilities

The Board of Law Examiners shall develop and implement policies that clearly separate the policymaking responsibilities of the board and the management responsibilities of the executive director and the staff of the board.

§ 82.008. Public Information

(a) The Board of Law Examiners shall prepare information of public interest describing the functions of the board. The board shall make the information available to the public and appropriate agencies.

(b) The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the board. However, the board may prohibit public testimony that would reveal the examination questions described by Section 82.003(b) or would relate to the moral character or fitness of an applicant for a license.

§ 82.009. Program Accessibility

The Board of Law Examiners shall prepare and maintain a written plan that describes how a person who has a physical, mental, or developmental disability can be provided reasonable access to the board's programs.

§ 82.010. Training Program Required

(a) A person who is appointed to and qualifies for office as a member of the Board of Law Examiners may not vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) the legislation that created the board;

(2) the programs operated by the board;

(3) the role and functions of the board;

(4) the rules of the board, with an emphasis on the rules that relate to disciplinary and investigatory authority;

(5) the current budget for the board;
(6) the results of the most recent formal audit of the board;
(7) the requirements of:
(A) the open meetings law, Chapter 551;
(B) the public information law, Chapter 552;
(C) the administrative procedure law, Chapter 2001; and
(D) other laws relating to public officials, including conflict-of-interest laws; and
(8) any applicable ethics policies adopted by the board or the Texas Ethics Commission.

§ 82.011. Written Complaints

(a) The Board of Law Examiners shall maintain a file on each written complaint filed with the board. The file must include:
(1) the name of the person who filed the complaint;
(2) the date the complaint was received by the board;
(3) the subject matter of the complaint;
(4) the name of each person contacted in relation to the complaint;
(5) a summary of the results of the review or investigation of the complaint; and
(6) an explanation of the reason the file was closed, if the board closed the file without taking action other than to investigate the complaint.

(b) The board shall provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the board's policies and procedures relating to complaint investigation and resolution.

(c) The board, at least quarterly until final disposition of the complaint, shall notify the person filing the complaint and each person who is a subject of the complaint of the status of the investigation unless the notice would jeopardize an undercover investigation.

§ 82.012. [Repealed effective June 19, 2009.]

§ 82.013. Effective Use of Technology

The Board of Law Examiners shall develop and implement a policy requiring the executive director and board employees to research and propose appropriate technological solutions to improve the board's ability to perform its functions. The technological solutions must:
(1) ensure that the public is able to easily find information about the board on the Internet;
(2) ensure that persons who want to use the board's services are

able to:

(A) interact with the board through the Internet; and

(B) access any service that can be provided effectively through the Internet; and

(3) be cost-effective and developed through the board's planning processes.

Subchapter B. Licensing of Attorneys

§ 82.021. Supreme Court Authority

Only the supreme court may issue licenses to practice law in this state as provided by this chapter. The power may not be delegated.

§ 82.022. Supreme Court Rulemaking

(a) The supreme court may adopt rules on eligibility for examination for a license to practice law and on the manner in which the examination is conducted. The rules may include:

(1) provisions to ensure:

(A) good moral character of each candidate for a license;

(B) adequate prelegal study and attainment; and

(C) adequate study of the law for at least two years, covering the course of study prescribed by the supreme court or the equivalent of that course;

(2) the legal topics to be covered by the course of study and by the examination;

(3) the times and places for holding the examination;

(4) the manner of conducting the examination;

(5) the grades necessary for licensing; and

(6) any other matter consistent with this chapter desirable to make the issuance of a license to practice law evidence of good character and fair capacity and attainment and proficiency in the knowledge of law.

(b) The supreme court shall adopt rules necessary to administer its functions and to govern the administration of the Board of Law Examiners' functions relating to the licensing of lawyers.

(c) The supreme court may adopt rules relating to the nonrenewal of the license of a lawyer who is in default on a loan guaranteed under Chapter 57, Education Code, by the Texas Guaranteed Student Loan Corporation.

§ 82.023. Declaration of Intention to Study Law

(a) Each person intending to apply for admission to the bar must file with the Board of Law Examiners, on a form provided by the board, a declaration of intention to study law.

(b) The form for the declaration must clearly identify those conditions of character and fitness set out in Section 82.027 that may be investigated by the board and that may result in the denial of the declarant's application to take the examination.

(c) The board shall notify each first-year law student who files the declaration on or before January 1 of the year in which the student begins law school, not later than August 1 of the following year, of the board's decision as to the student's acceptable character and fitness. The board shall notify all other declarants not later than the 270th day after the date the declaration was filed whether or not it has determined that the declarant has acceptable character and fitness.

(d) If the board determines that an applicant does not have acceptable character and fitness, the notice of the decision must be accompanied by an analysis of the character investigation that specifies in detail the results of the investigation. The analysis must include an objective list of actions the applicant may take to become qualified for a license to practice law.

(e) If the board determines that an applicant may suffer from chemical dependency, the board shall require the applicant to meet with representatives of the Lawyers' Assistance Program of the State Bar of Texas or a similar program of the state bar and may require the applicant to submit to a treatment facility for evaluation.

(f) If the board determines that an applicant suffers from chemical dependency, the board shall assist the applicant in working with the Lawyers' Assistance Program of the State Bar of Texas or a similar program of the state bar.

(g) in this section:

(1) "Chemical dependency" has the meaning assigned by Section 82.038.

(2) "Treatment facility" has the meaning assigned by Section 462.001, Health and Safety Code.

§ 82.024. Law Study Requirements; Eligibility for Examination

A person who has completed the prescribed study in an approved law school has satisfied the law study requirements for taking the examination for a license to practice law and is eligible to take the bar examination. An approved law school is one that is approved by the supreme court for the time period designated by the court as maintaining the additional standards to retain approval.

§ 82.0241. Unaccredited Schools of Law

All matters relating to licensing of persons who were enrolled at unaccredited schools of law in this state are within the exclusive

jurisdiction of the Supreme Court of the State of Texas.

§ 82.0242. [This section expired September 1, 2004.]

§ 82.025. [Repealed effective September 1, 2003.]

§ 82.026. [Repealed effective September 1, 1991.]

§ 82.027. Application for Examination

(a) Each applicant to take a bar examination must file an application with the Board of Law Examiners not later than the 180th day before the first day of the examination for which the person is applying.

(b) The application consists of a verified affidavit stating that since the filing of the applicant's original declaration of intention to study law,

(1) has not been formally charged with any violation of law, excluding:

(A) cases that have been dismissed for reasons other than technical defects in the charging instrument;

(B) cases in which the applicant has been found not guilty;

(C) minor traffic violations;

(D) cases in which the record of arrest or conviction was expunged by court order;

(E) pardoned offenses; and

(F) Class C misdemeanors;

(2) is not mentally ill;

(3) has not been charged with fraud in any legal proceeding; and

(4) has not been involved in civil litigation or bankruptcy proceedings that reasonably bear on the applicant's fitness to practice law.

(c) On a showing of good cause or to prevent hardship, the board may permit an applicant to file an application with the board not later than the 60th day after the deadline prescribed by Subsection (a) on payment of applicable late fees.

(d) The filing deadlines and late fees do not apply to an applicant who failed the preceding bar examination. Any such applicant may take the next examination administered on filing an application with the board and paying the required examination fees not later than the date established by supreme court rule.

§ 82.0271. Residency or Citizenship Status of Applicant

A person who has applied to take the bar examination may not be denied admission to the bar examination based on the applicant's lack of:

(1) permanent residency in the United States; or

(2) United States citizenship.

§ 82.0272. Testing Accommodations for Applicants with Disabilities

An applicant who has a physical, mental, or developmental disability may request that the Board of Law Examiners provide testing accommodations on the bar examination. An applicant whose request is denied may appeal the decision to a committee appointed by, and composed of three or more members of, the board.

§ 82.028. Moral Character and Fitness of Applicant

(a) The Board of Law Examiners may conduct an investigation of the moral character and fitness of each applicant for a license.

(b) The board may contract with public or private entities for investigative services relating to the moral character and fitness of applicants.

(c) The board may not recommend denial of a license and the supreme court may not deny a license to an applicant because of a deficiency in the applicant's moral character or fitness unless:

(1) the board finds a clear and rational connection between a character trait of the applicant and the likelihood that the applicant would injure a client or obstruct the administration of justice if the applicant were licensed to practice law; or

(2) the board finds a clear and rational connection between the applicant's present mental or emotional condition and the likelihood that the applicant will not discharge properly the applicant's responsibilities to a client, a court, or the legal profession if the applicant is licensed to practice law.

(d) The board shall limit its investigation under this section to those areas clearly related to the applicant's moral character and present fitness to practice law.

§ 82.029. Release of Bar Examination Results

(a) On request of a law school that is conducting research on the achievement of the law school's students or graduates on the Texas bar examination, the Board of Law Examiners shall provide the law school with information concerning the results of a bar examination and the achievement of particular applicants on the examination, including examination results disaggregated by section or portion of the examination and any relevant statistics related to the results of the examination.

(b) An applicant may request that the board not release the applicant's identity to a law school that requests information under Subsection (a). The board shall grant the applicant's request if the applicant:

(1) sends the request to the board by certified mail or a comparable mailing method that provides proof of delivery; and

(2) makes the request before the applicant takes the bar examination.

(c) A law school that receives information from the board under Subsection (a) is subject to any restriction on the release of the information under federal or state law.

(d) Notwithstanding any other law, information that the board provides to a law school under Subsection (a) is confidential and may not be disclosed under any law related to open records or public information.

§ 82.0291. [This section expired January 1, 2005.]

§ 82.030. Board Assessment of Moral Character and Fitness

(a) The Board of Law Examiners shall assess each applicant's moral character and fitness based on:

(1) the investigation of character and fitness performed after the filing of the declaration of intention to study law; and

(2) the filing of the affidavit required by Section 82.027 and the board's investigation into the accuracy and completeness of the affidavit.

(b) If the board determines that the applicant does not have the requisite good moral character and fitness, the board, not later than the 150th day after the day on which the application is filed, shall furnish the applicant an analysis of the character investigation that specifies in detail the results of the investigation. The analysis must include an objective list of actions the applicant may take to become qualified for a license to practice law.

(c) If the board determines that an applicant may suffer from chemical dependency, the board shall require the applicant to submit to a treatment facility for evaluation.

(d) If the board determines that an applicant suffers from chemical dependency, the board shall assist the applicant in working with the Lawyers' Assistance Program of the State Bar of Texas or a similar program of the state bar.

(e) The board may not deny an applicant the opportunity to take the bar examination solely because the applicant:

(1) suffers or appears to suffer from chemical dependency; or

(2) has been convicted of or is on community supervision for a first offense of operating a motor vehicle while intoxicated under Section 49.04, Penal Code, or intoxication assault committed while operating a motor vehicle under Section 49.07, Penal Code.

(f) In this section, "treatment facility" has the meaning assigned by Section 462.001, Health and Safety Code.

(g) Subject to supreme court adoption by rule, the board shall define "chemical dependency."

§ 82.031. [Repealed effective September 1, 2003.]

§ 82.032. [Repealed effective September 1, 2003.]

§ 82.033. Fees

(a) The supreme court shall set the fee for the investigation of the moral character and fitness of each candidate at an amount that does not exceed $150. The candidate must pay the investigation fee to the Board of Law Examiners at the time it is requested by the board.

(b) The supreme court shall set the fee for any examination given by the board at an amount that does not exceed $150. The candidate must pay the fee to the board at the time the candidate applies for examination.

(c) The supreme court may set an application fee for foreign attorneys at an amount that does not exceed $700.

(d) The supreme court may set reasonable fees for additional services provided by the board, but the fee for any single additional service may not exceed $150.

(e) The fees set by the supreme court must be sufficient to pay all costs of the board, including staff salaries, compensation to members of the board, and costs of investigation and administering the examinations, so that state general revenue funds are not necessary to operate the board.

(f) The board may adopt rules that provide for waiving or lowering for indigent persons a fee required by this section.

§ 82.034. Use of Funds

Fees received by the Board of Law Examiners shall be deposited in a fund established by the supreme court. The fund may be used only to administer the functions of the supreme court and the board relating to the licensing of lawyers. The fund shall be used as directed by the supreme court and under supreme court rules.

§ 82.035. Audit; Financial Report

(a) The financial transactions of the Board of Law Examiners are subject to audit by the state auditor in accordance with Chapter 321.

(b) The board shall file annually with the supreme court, the governor, and the presiding officer of each house of the legislature a copy of the annual financial report prepared by the board under Section 2101.011.

§ 82.036. 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.

§ 82.0361. Nonresident Attorney Fee

(a) In this section, "nonresident attorney" means a person who resides in and is licensed to practice law in another state but who is not a member of the State Bar of Texas.

(b) Except as provided by Subsection (e), a nonresident attorney requesting permission to participate in proceedings in a court in this state shall pay a fee of $250 for each case in which the attorney is requesting to participate. The attorney shall pay the fee to the Board of Law Examiners before filing with the applicable court a motion requesting permission to participate in proceedings in that court as provided by rules adopted by the supreme court.

(c) Fees under this section shall be collected in the same manner as other fees collected by the Board of Law Examiners. The board shall remit the fees collected under this section to the comptroller not later than the 10th day after the end of each calendar quarter.

(d) The comptroller shall deposit the fees received under this section to the credit of the basic civil legal services account of the judicial fund for use in programs approved by the supreme court that provide basic civil legal services to the indigent.

(e) The supreme court may adopt rules to waive or reduce the fee required by this section for a nonresident attorney who seeks to represent an indigent person in proceedings in a court in this state.

(f) A nonresident attorney who files a motion requesting permission to participate in proceedings in a court in this state shall provide to that court proof of payment of the fee required by this section. The supreme court by rule shall prescribe the method of proof.

§ 82.037. Oath of Attorney

(a) Each person admitted to practice law shall, before receiving a license, take an oath that the person will:

(1) support the constitutions of the United States and this state;

(2) honestly demean oneself in the practice of law;

(3) discharge the attorney's duty to the attorney's client to the best of the attorney's ability; and

(4) conduct oneself with integrity and civility in dealing and communicating with the court and all parties.

(b) The oath shall be endorsed on the license, subscribed by the person

taking the oath, and attested by the officer administering the oath.

§ 82.038. Probationary License for Applicant Suffering From Chemical Dependency

(a) If, after a moral character and fitness assessment, the Board of Law Examiners determines that the applicant suffers from chemical dependency, the board shall notify the applicant of its determination and of the applicant's rights under this section.

(b) To obtain judicial review of the board's determination that the applicant suffers from chemical dependency, an applicant must file a petition in the district court of Travis County before the 60th day after the date that the board delivers notice of its determination. The petition must name the board as a defendant and be served on the executive director of the board. Before the date on which the applicant may obtain a default judgment against the board, the board shall file with the district court a certified record of the proceedings before the board.

(c) A party is not entitled to a jury in a judicial review of the board's determination that an applicant suffers from chemical dependency. The court may not substitute its judgment for that of the board as to the weight of the evidence on questions submitted to the board's discretion but shall affirm the board's decision if the decision is reasonably supported by substantial evidence in view of the reliable and probative evidence in the record as a whole.

(d) The board may not deny a person who successfully takes the bar examination a probationary license to practice law solely because the person:

(1) suffers from chemical dependency; or

(2) has been convicted of or is on community supervision for a first offense of operating a motor vehicle while intoxicated under Section 49.04, Penal Code, or intoxication assault committed while operating a motor vehicle under Section 49.07, Penal Code.

(e) The board shall specify the conditions of a probationary license to practice law, which must be designed to protect the public from the potential harm the person might cause. Conditions of a probationary license may include one or more of the following:

(1) prohibiting the person from using alcohol or controlled substances;

(2) treatment for chemical dependency;

(3) supervision of the person's work by a licensed attorney;

(4) submissions to periodic drug testing;

(5) periodic reporting by the person to the board; or

(6) suspension, for a portion of the probationary period, of an activity for which a license to practice law is required.

(f) A probationary license issued under this section expires on the second anniversary of the date on which the license is issued. A person who holds a probationary license may apply for a renewal of the probationary license or for a regular license to practice law. The board, after redetermination of the character and fitness of a person who holds a probationary license, may recommend to the supreme court that it grant the person a regular license to practice law. The redetermination must include an evaluation of the person by a treatment facility. The board may not recommend to the supreme court that the person be granted a regular license to practice law unless the board finds that the person has successfully completed treatment and has been free from chemical dependency for the preceding two years.

(g) The supreme court shall adopt rules under which the board and the State Bar of Texas jointly develop and fund a program for evaluation and referral to treatment for persons who have been issued a probationary license under this section.

(h) A probationary license may be immediately revoked if the person violates a condition of probation imposed by the board.

(i) On request, the board in coordination with the State Bar of Texas shall inform a member of the public whether a particular person holds a probationary license. Any information that forms the basis for the issuance of the probationary license is confidential.

(j) In this section:

(1) "Chemical dependency" has the meaning provided by supreme court rule adopted under Section 82.030.

(2) "Controlled substance," "treatment facility," and "treatment" have the meanings assigned by Section 462.001, Health and Safety Code.

Title 4. Executive Branch
Subtitle B. Law Enforcement and Public Protection

Chapter 411. Department of Public Safety of the State of Texas
Subchapter F. Criminal History Record Information
(excerpts pertaining to Board of Law Examiners)

§ 411.081. Application of Subchapter

(a) A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure under Subsection (d) to the following noncriminal justice agencies or entities only:

*****

(5) the Board of Law Examiners

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§ 411.100. Access to Criminal History Record Information: Board of Law Examiners

(a) The Board of Law Examiners is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is an applicant to take a bar examination.

(b) Criminal history record information obtained by the board under Subsection (a) may not be released or disclosed to any person, except on court order or with consent of the applicant.

(c) Immediately following the board's decision on recommending an applicant, the board shall collect and seal all criminal history record information obtained by the board that relates to that applicant.