

### NOTICE OF AMENDMENT

*The following reflects an amendment to Rule XI(f). This amendment replaces the entire paragraph indicated. The amendment became effective December 12, 2006, and applies to the July 2007 Texas Bar Examination and subsequent examinations.*

(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.

### NOTICE OF AMENDMENT

*The following reflects an amendment to Rule XI. This amendment replaces each paragraph indicated in its entirety. The amendment becomes effective January 1, 2008.*

(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 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.

(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.

# Rules Governing Admission to the Bar of Texas

*Adopted by*  
**The Supreme Court of Texas**



*Effective September 1, 2006*



**THE SUPREME COURT OF TEXAS**

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---

205 West 14th Street, 5th Floor  
Austin, Texas 78701

Post Office Box 13486  
Austin, Texas 78711-3486

Phone: (512) 463-1621

Fax: (512) 463-5300

TDD: 1-800-RELAYTX

**Internet Website:** [www.ble.state.tx.us](http://www.ble.state.tx.us)

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## About the Board of Law Examiners . . . .

The Board of Law Examiners is an agency of the Supreme Court of Texas with nine Board members appointed by the Supreme Court. Each Board member must be an attorney, at least 35 years of age, with a minimum of ten years of experience in the practice of law. The Board's rules are adopted and promulgated by the Supreme Court of Texas.

The Board and its staff investigate the character and fitness of applicants for admission to the Texas Bar. The investigation covers such matters as whether the individual has been involved in criminal activities, fraudulent practices, failure to comply with legal obligations or court orders or other serious matters suggestive of character traits which would adversely impact the responsibilities an attorney owes to clients, the courts, and the legal profession.

The Board is charged with determining whether each applicant has the present good moral character and fitness required for admission. Therefore, while an applicant is not automatically barred from becoming an attorney if any of these matters appear in his or her history, the Board must make a determination as to whether such past activities have a present bearing on the individual's character and fitness at the time admission is sought. The Board conducts hearings to consider evidence to aid the Board in deciding whether such problems establish a lack of present good moral character or fitness. If the Board finds that the behavior evidences a lack of present good moral character or fitness, the Board renders an order to that effect and declines to certify the individual to the Supreme Court for licensure and admission to the Bar of Texas.

When the Board determines that an applicant has met all requirements for admission, the Board certifies the applicant to the Supreme Court as being eligible for licensure. While the Board makes these determinations as to eligibility, only the Supreme Court has the authority to issue a law license. Once an applicant is certified to the Supreme Court as eligible for a regular license, the Board's jurisdiction over this individual ceases. Disciplinary and grievance matters concerning licensed attorneys are within the jurisdiction of the State Bar of Texas.

Members of the Board also prepare and supervise the grading of the Texas Bar Examination. The Board sets policy, construes rules, and considers whether to grant waivers of the rules. The Board's business is conducted in meetings of the full Board, panels of the Board, the Accommodations Review Committee, and other duly appointed committees. The Board is subject to both the Open Meetings Act and the Open Records Act (with certain exceptions authorized by statute and order of the Supreme Court), and notices of the Board's meetings are posted with the Secretary of State and published in the Texas Register, as required by law. The agenda of each full board meeting includes an item entitled "communications from the public," and members of the public are invited and encouraged to attend the Board's meetings.

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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) “Applicant” shall mean 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.

(2) “Application” shall mean 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.

(3) “Approved law school” shall mean a law school approved by the American Bar Association.

(4) “Board” shall mean the Board of Law Examiners.

(5) “Chemical dependency” shall mean substance abuse or dependency as defined by the American Psychiatric Association in the Diagnostic and Statistical Manual DSM-IV-TR and any subsequent revisions thereof.

(6) “Controlled substance” shall have the meaning assigned by Section 462.001, Health and Safety Code.

(7) “Declarant” shall mean a person who files with the Board a Declaration of Intention to Study Law.

(8) “Declaration” shall mean a Declaration of Intention to Study Law.

(9) “State” shall mean any state or territory of the United States, as well as the District of Columbia.

(10) “Supreme Court” shall mean the Supreme Court of Texas.

(11) “Texas Bar Examination” shall mean the full bar examination.

(12) “Treatment” shall have the meaning assigned by Section 462.001, Texas Health and Safety Code.

(13) “Treatment facility” shall have the meaning assigned by Section 462.001, Texas Health and Safety Code.

(14) “Valid law license” shall mean, unless otherwise specified in written policy adopted by the Board, an active law license under which the licensee, at all times during the period of practice for which credit is sought and at the time of filing a Texas application, has been entitled to engage lawfully in the practice of law in the jurisdiction which issued the license.

(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) If any completed document required to be filed hereunder is placed, along with all required fees, in a postpaid envelope properly addressed to the Board and then deposited in a post office or official depository under the care and custody

of the United States Postal Service, such document shall be deemed timely filed if the envelope bears a legible U.S. Postal Service postmark which is dated on or before the applicable deadline date.

(d) The Board shall 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 such Applicant or 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, the Applicant shall:

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

(2) be at least eighteen (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 the terms of 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 an alien otherwise authorized to work lawfully in the United States;

(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 (s)he 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 [from September 1, 2003 through September 1, 2004 not more than twelve 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 at the time the Applicant enrolled, the law school shall be deemed an approved 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 an approved law school at the time the Applicant graduated, the Applicant shall be deemed to be a graduate of an approved law school, regardless of the status of the school at the time the Applicant enrolled.

(c) If a person graduated from a law school that was not an approved law school at either the time the person enrolled or at the time the person graduated, the person 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.

### **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 Applicant 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.

## 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.<sup>1</sup>

(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 on each of these portions will be scaled to the Multistate Bar Examination, using the equipercentile 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.

(g) Any Applicant who has failed the examination at least two times 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 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 multistate portion). The form of such Informal Review shall be either oral or written, at the discretion of the examining

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<sup>1</sup>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.

members of the Board. An Applicant may request an Informal Review each time (s)he fails all or part of an examination.

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

## **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**

### **Attorneys From Other Jurisdictions**

(a) An attorney holding a valid, active law license issued by another state shall meet the requirements imposed on any other Applicant under these Rules, except that:

(1) An attorney holding a valid, active law license issued by another state is eligible for exemption from the requirement of successfully completing the Texas Bar Examination, if the attorney:

(A) has been actively and substantially engaged in the lawful practice of law in any state or elsewhere as his/her 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) An attorney holding a valid, active law license issued by another state is eligible for an exemption from the law study requirement for admission to take the **Texas Bar Examination**, if the attorney:

(A) has been actively and substantially engaged in the lawful practice of law in any state or elsewhere as his/her principal business or occupation for at least three of the last five years immediately preceding the filing of the most recent application or re-application; **and**

(B) (1) holds a J.D. degree, not based on study by correspondence, from an unapproved law school that is accredited in the jurisdiction where it exists **or**

(2) holds the equivalent of a J.D. degree, not based on study by correspondence, from a law school accredited in the jurisdiction where it exists and which requires the equivalent of a three-year course of study that is the substantial equivalent of the legal education provided by an approved law school.

(b) An attorney holding a *valid*, active law license issued by a foreign nation is eligible for admission after passing the Texas Bar Examination and after meeting all other requirements for admission imposed on any other Applicant under these Rules, **except that:**

(1) a foreign nation attorney who has not completed the law study required under these Rules is eligible for an exemption from the law study requirement for admission to take the Texas Bar Examination without holding a J.D. degree from an approved law school if the attorney:

(A) has been actively and substantially engaged in the lawful practice of law of said foreign nation in that nation or elsewhere as his/her principal business or occupation for at least five of the last seven years immediately preceding the filing of the most recent application or re-application, and such attorney:

(B) has been licensed for at least five years to practice law in the highest court of the foreign nation;

(C) holds the equivalent of a J.D. degree, not based on study by correspondence, from a law school accredited in the jurisdiction where it exists and which requires the equivalent of a three-year course of study that is the substantial equivalent of the legal education provided by an approved law school; **and**

(D) meets one of the following criteria:

(i) demonstrates to the Board that the law of such foreign nation is sufficiently comparable to the law of Texas that, in the judgment of the Board, it enables the foreign attorney to become a competent attorney in Texas without additional formal legal education; **or**

(ii) holds an L.L.M. from an approved law school.

(2) a foreign nation attorney who has not completed the law study required under these Rules is eligible for an exemption from the law study requirement for admission to take the Texas Bar Examination, without holding a J.D. degree from an approved law school if the attorney:

(A) has been actively and substantially engaged in the lawful practice of law of said foreign nation in that nation or elsewhere as his/her principal business or occupation for at least three of the last five years immediately preceding the filing of the most recent application or re-application, and such attorney:

(B) has been licensed for at least three years to practice law in the highest court of the foreign nation;

(C) holds the equivalent of a J.D. degree, not based on study by correspondence, from a law school accredited in the jurisdiction where it exists and which requires the equivalent of a three-year course of study that is the substantial equivalent of the legal education provided by an approved law school;

(D) demonstrates to the Board that the law of such foreign nation is sufficiently comparable to the law of Texas that, in the judgment of the Board, it enables the foreign attorney to become a competent attorney in Texas without additional formal legal education; **and**

(E) holds an L.L.M. from an approved law school.

(c) An attorney applying under this Rule XIII shall furnish to the Board such proof of his/her active and substantial engagement in the practice of law as his/her principal business as the Board may require.

(1) Unless otherwise specified in written policy adopted by the Board, the attorney must hold a valid, active law license under which the licensee, at all times during the period of practice for which credit is sought and at the time of filing a Texas application, has been entitled to engage lawfully in the practice of law in the jurisdiction which issued the license.

(2) The phrase practice of law shall include:

(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, 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 local, 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 the local, state, or federal government, provided that such employment is open only to licensed attorneys;

(E) employment as a full-time teacher of law at a law school approved by the American Bar Association;

(F) any combination of the preceding categories.

(3) The requirement of active and substantial engagement in the

practice of law as his/her principal business or occupation cannot be satisfied with practice by an attorney under Rule XIX.

(d) Any attorney applying and qualifying under this Rule XIII is required to take and pass the Multistate Professional Responsibility Examination (MPRE) as required under Rule V.

## **Rule XIV**

### **Foreign Legal Consultants**

#### § 1 General Requirement 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:

(a) is a member in good standing of a recognized legal profession in a foreign country, the members of which are admitted 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;

(b) for at least three of the five years immediately preceding his or her Application has been a member in good standing of such legal profession and has actively and substantially been engaged in the lawful practice of law of the said foreign country in that country or elsewhere;

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

(d) is at least twenty-six (26) years of age; and

(e) intends to practice as a Foreign Legal Consultant in Texas and to maintain an office in Texas for that purpose.

#### § 2 Proof Required

An Applicant under this Rule shall file with the Board, on forms designated by the Board, accompanied by the requisite fee, an Application 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 Bar of Texas for at least five (5) years, and including but not limited to:

(a) a certificate from the professional body or public authority in such foreign country having final jurisdiction over professional discipline, certifying as to the Applicant's admission to practice and the date thereof, and as to his or her good standing as such attorney or counselor at law or the equivalent;

(b) a letter of recommendation from one of the members of the executive body of such professional body or public authority or from one of the judges of the highest law court or court of original jurisdiction of such foreign country;

(c) a duly authenticated English translation of such certificate and such letter if, in either case, it is not in English;

(d) documentation in duly authenticated form evidencing that the Applicant is lawfully entitled to reside and be employed in the United States of America pursuant to the immigration laws thereof; and

(e) such other evidence as to the Applicant's educational and professional qualifications, good moral character and fitness, and compliance with the requirements of Section 1 of this Rule as 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 shall recommend to the Court the certification of the Applicant to practice in Texas as a Foreign Legal Consultant.

The certification to practice in Texas as a Foreign Legal Consultant is valid for one year, unless revoked for good cause shown, and is renewable upon the filing with the Board of an annual request, which shall be accompanied by

- (a) payment of the annual renewal fee,
- (b) evidence satisfactory to the Board reflecting the completion of three hours of Texas Mandatory Continuing Legal Education approved ethics programs, and
- (c) such evidence as the Board shall deem necessary that the requirements for the original certification continue to be met.

### § 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 such person is admitted to practice, subject, however, to the limitations that he or she shall not:

- (a) appear for a person other than himself or herself as attorney in any court, or before any magistrate or other judicial officer, in Texas; or
- (b) prepare any instrument effecting the transfer or registration of title to real estate located in the United States of America; or
- (c) prepare:
  - (i) 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
  - (ii) any instrument relating to the administration of a decedent's estate in the United States of America; or
- (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; or
- (e) render professional legal advice on the law of Texas or of the United States of America (whether rendered incident to the preparation of legal instruments or otherwise) except on the basis of advice from a person duly qualified and entitled (otherwise than by virtue of having been certified under this Rule) to render professional legal advice in Texas on such law and with whom the Foreign Legal Consultant
  - (i) is co-counsel with a Texas lawyer that has been identified to the client, or

(ii) has an identified affiliation, employment, partnership, shareholder or other membership relationship in or with

- (A) the same law firm,
- (B) a company partnership, or other entity, or
- (C) a governmental agency or unit; or

(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:

- (i) his or her own name;
- (ii) the name of the law firm with which he or she is affiliated;
- (iii) his or her authorized title in the foreign country of his or her admission to practice, which may be used in conjunction with the name of such country; and
- (iv) the title "Foreign Legal Consultant," which may be used in conjunction with the words "admitted to the practice of law in [name of the foreign country of his or her admission 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 shall be considered a lawyer affiliated with the Bar of Texas and shall be entitled and subject to:

- (a) the rights and obligations set forth in the State Bar Act and the State Bar Rules that apply to a member of the Bar of Texas under the Texas Disciplinary Rules of Professional Conduct or arising 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:
  - (i) 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 which includes members of the Bar of Texas or which maintains an office in Texas; and
    - (C) being a partner in any partnership or shareholder in any professional corporation which includes members of the Bar of Texas or which maintains an office in Texas; and
  - (ii) attorney-client privilege, work-product privilege and similar professional privileges.

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

## § 5 Disciplinary Provisions

A person certified to practice as a Foreign Legal Consultant under this Rule shall be subject to professional discipline in the same manner and to the same extent as persons admitted to the Texas Bar and to this end:

(a) Every person certified to practice as a Foreign Legal Consultant under this Rule:

(i) shall be subject to control by the Board and to censure, suspension, removal or revocation of his or her certification to practice by the Supreme Court and shall otherwise be governed by Texas Disciplinary Rules of Professional Conduct; and

(ii) shall execute and file with the Court, in such form and manner as the Board may prescribe:

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

(B) a written undertaking to notify the Board of any change in such person's good standing as a member of the foreign legal profession referred to in Section 1(a) of this Rule and of any final action of the professional body or public authority referred to in Section 2(a) of this Rule imposing any disciplinary censure, suspension, or other sanction upon such person; and

(C) a duly acknowledged instrument, in writing, setting forth his or her address in Texas and designating the Executive Director of the Board as his or her agent upon whom process may be served, with like effect as if served personally upon him or her, in any action or proceeding thereafter brought against him or her and arising out of or based upon any legal services rendered or offered to be rendered by him or her within or to residents of Texas, whenever after due diligence service cannot be made upon him or her at such address or at such new address in Texas as he or she shall have filed with the Board by means of a duly acknowledged supplemental instrument in writing.

(b) Service of process on the Executive Director of the Board, pursuant to the designation filed as aforesaid, shall be made by personally delivering to and leaving with the Executive Director of the Board, or with a deputy or assistant authorized to receive such service, at the office of the Board, duplicate copies of such process together with a fee of \$10. Service of process shall be complete when the Executive Director of the Board has been so served. The Board shall promptly send one of such copies to the Foreign Legal Consultant to whom the process is directed, by certified mail, return receipt requested, addressed to such Foreign Legal Consultant at the address specified by him or her as aforesaid.

## § 6 Application and Renewal Fees

An Applicant for certification as a Foreign Legal Consultant under this Rule shall pay the Foreign Legal Consultant fee in the amount specified in Rule XVIII(a) of these Rules. A person certified as a Foreign Legal Consultant shall pay annual renewal fees in the amount specified in Rule XVIII(a) of these Rules.

## § 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 Sections 1(a) or 1(c) of this Rule, it shall recommend to the Court that the certification granted to such person hereunder be revoked.

## § 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 granted to such person hereunder shall be deemed superseded by the license granted to such person to practice law as a person admitted to the Texas Bar.

## § 9 Application for Waiver of Provisions

The Board, upon application, may in its discretion waive any provision of this Rule in accordance with the provisions of Rule XX(e) of these Rules.

## **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) 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 shall certify such Applicant to the Supreme Court, whose Clerk shall

thereupon issue the corresponding license in the form of a written certificate. The license shall be issued only in the name as shown on the Applicant's birth certificate or as changed by the final order of a court of competent jurisdiction or by marriage, except that a given name may be omitted or represented by initial if the Applicant so requests in writing. No license shall be issued using an alias, assumed name, nickname, or abbreviation of a name.

(b) All law licenses are issued upon 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 such license be withdrawn and canceled, and the name of the license holder stricken from the roll of attorneys.

(c) No license issued hereunder shall be valid unless the Applicant named therein 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 shall 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 .....	<u>\$ 40</u>
.....	\$190

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

**FEES RELATING TO ELIGIBILITY & EXAMINATIONS**

Texas law student:

\$ 150	Application Fee
75	Examination Fee
<u>75</u>	Investigation Fee
\$ 300	

Out-of-state law student:

\$ 150	Application Fee
40	Fingerprint Card Processing Fee

75	Examination Fee
<u>150</u>	Investigation Fee
\$ 415	

Attorneys licensed in another state:

\$ 700	Application Fee
40	Fingerprint Card Processing Fee
150	Examination Fee
<u>150</u>	Investigation Fee
\$ 1,040	

Attorneys qualified for admission without examination under Rule XIII:

\$ 700	Application Fee
40	Fingerprint Card Processing Fee
<u>150</u>	Investigation Fee
\$ 890	

Foreign nation attorney:

\$ 700	Application Fee
40	Fingerprint Card Processing Fee
150	Examination Fee
150	Investigation Fee
<u>100</u>	Foreign Nation Inquiry Fee
\$ 1,140	

Foreign Legal Consultant:

\$ 700	Application Fee
40	Fingerprint Card Processing Fee
150	Investigation Fee
<u>100</u>	Foreign Nation Inquiry Fee
\$ 990	

Foreign Legal Consultant Re-Application Fee:

\$ 150	Re-Application Fee
<u>150</u>	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	<u>\$ 40</u>
.....	\$190

Miscellaneous Fees:

Late Filing Fee	\$150
Re-Application Fee	\$150
Investigation on Re-Application	\$150
Fee for Check Returned for Insufficient Funds	\$ 25
MBE Transfer Fee	\$ 25
Application Deposit Fee <sup>1</sup>	\$ 30
Incompleteness Fee <sup>2</sup>	\$ 75
Examination Typing Fee	\$ 50

(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 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

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<sup>1</sup> 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.

<sup>2</sup> This fee shall be imposed when a document (Declaration, Application, 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.).

Texas court a written, sworn motion requesting permission to participate in a particular cause. The motion shall contain:

(1) the office address, telephone number, and, if available, the telecopier number 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, and, if available, telecopier number;

(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 (5) 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 (5) 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 shall be accompanied by motion of the resident practicing Texas attorney with whom the non-resident attorney shall be associated in the proceeding of a particular cause, which motion shall 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 shall 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, 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 such non-resident attorneys permission to participate in the Texas proceedings and may cite the non-resident attorney as for contempt. In addition, the court may refer the matter to the Grievance Committee of the Bar District wherein the court is located for such action by the Committee as it deems necessary and desirable.

(f) The filing of a motion under this Rule shall constitute submission to the jurisdiction of the Grievance Committee for the District wherein the court is located. The county in which the court is located shall be considered the county of residence of said non-resident attorney for purpose of determining venue in any disciplinary action involving said 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 therefrom 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 of Applicants or Declarants, and the eligibility, examination, and licensing of Applicants.

(b) Records, statements of opinion, and other information regarding a Declarant or an Applicant 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.

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## **Appendix A Texas Bar Examination Subjects**

### *Multistate Subjects*

- Constitutional law
- Contracts
- Criminal law
- 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](http://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

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**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.

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**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](http://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 (the ADA), 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, without substantially altering the nature of the examination.

The ADA requires the Board to provide testing accommodations to those individuals who have a *permanent* disability which *substantially limits a major life activity*. Although you may provide the required documentation establishing that you have 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 ADA 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 ADA.

Detailed documentation is required to establish the existence of a disability protected by the ADA 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 - F, which are described as follows:

**Form A -- Applicant Information Form:** 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 or Psychological Disability Verification Form:** 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 or psychological disability (other than Learning Disability or Attention Deficit Hyperactivity Disorder).

- 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. Make sure your health care provider understands that (s)he must answer each question **in the space provided**. References to an attached document WILL NOT SUFFICE as a substitute for an answer. However, additional pages may be attached to further explain the answer given in the space provided.
- 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. The testing and assessment must have been conducted within **three (3) years** 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 Disability Verification Form:** 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 disability.

- 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. Make sure your health care provider reviews and initials the checklist included at the beginning of the form and understands that in completing the form (s)he must answer each question **in the space provided**. References to an attached document WILL NOT SUFFICE as a substitute for an answer. However, additional pages may be attached to further explain the answer given in the space provided.
- 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 Form:** 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. Make sure your health care provider reviews and initials the checklist included at the beginning of the form and understands that in completing the form (s)he must answer each question **in the space provided**. References to an attached document WILL NOT SUFFICE as a substitute for an answer. However, additional pages may be attached to further explain the answer given in the space provided.

- 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 -- Statement of Law School Official:** This form must be filed, simultaneous with the filing of the application or re-application for the specific exam being taken, regardless of whether you received accommodations in law school or not.

- i. Complete the first block of information before submitting the form to be completed by the appropriate official at your law school.
- ii. If you attended more than one law school, you must submit a Form E from each law school attended. Make additional copies of the form if needed.

**Form F -- Statement of Another Bar Jurisdiction:** 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 applied to take the bar examination in another jurisdiction.

- i. Complete the first block of information before you submit the form to be completed by the appropriate bar admission official in the other jurisdiction.
- ii. If you applied in more than one other jurisdiction, you must submit a Form F from each jurisdiction in which you applied to take the bar exam regardless of whether you received accommodations on the exam or not. Make additional copies of the form if 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: Josh Henslee, Director of Eligibility & Examination, Board of Law Examiners, P.O. Box 13486, Austin, Texas 78711-3486.

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**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, 2015.

**§ 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.**

(c) 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.

(d) 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.

(e) 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. State Employee Incentive Program.**

The executive director of the Board of Law Examiners or the executive director's designee shall provide to board employees information and training on the benefits and methods of participation in the state employee incentive program.

**§ 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. Law Study Requirement for Certain Students.**

(a) Notwithstanding any other provision of law, the law study requirement for taking the bar examination is satisfied and a person is eligible to take the bar examination if the person has pursued the study of law at an approved law school or schools and has satisfied all requirements for graduation with a J.D. degree or its equivalent, other than completing the final 12 semester hours or the equivalent of 12 semester hours in quarter hours required for graduation.

(b) Any person qualifying to take the bar examination under Subsection (a) may not be licensed to practice law until graduation or until satisfying all requirements for graduation.

(c) If a person described by Subsection (a) has not graduated with a J.D. degree or satisfied all requirements for graduation within two years from the date that the person satisfactorily completes all parts of the bar examination, the person's examination scores are void.

(d) This section expires 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, the applicant:

- (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.

(Former § 82.029; repealed effective September 1, 1993.)

**§ 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. Report on Applicants Who Fail Examination.**

(a) The Board of Law Examiners shall compile a report indicating the number of applicants who fail the July 2004 bar examination. The data shall be aggregated by gender, ethnicity, and race. The report shall also include an analysis of the identifiable causes of failure and recommendations, if any, to address the causes of failure. The board shall deliver the report to the legislature not later than December 31, 2004.

(b) This section expires 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 complete and detailed written report accounting for all funds received or disbursed by the board during the preceding fiscal year. The annual report must be in the form and reported in the time provided by the General Appropriations Act.

**§ 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 himself in the practice of law; and
- (3) discharge the attorney's duty to his client to the best of the attorney's ability.

(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

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

\* \* \* \*

(5) the Board of Law Examiners

\* \* \* \*

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

(k) 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.

(l) 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.

(m) 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.