

POLICY STATEMENT ON PRACTICE REQUIREMENTS FOR RULE XIII

This Policy Statement is intended to guide the Board of Law Examiners' staff in computation of practice qualifications based on actual documented employment histories produced in connection with pending applications that have been filed with the Board for seeking admission pursuant to Rule XIII. This Policy Statement is not to be used to render general or specific opinions as to the lawfulness of prospective activities that might be undertaken in Texas by non-lawyers or by attorneys from other jurisdictions without a license to practice law in Texas.

I. The following activities in Texas, without holding a Texas law license, shall be considered for purposes of meeting the practice requirements of Rule XIII(a), Rules Governing Admission to the Bar of Texas:

A. Employment in Texas as in-house or corporate counsel for a company or business (other than a law firm or business engaged in the practice of law) having offices in Texas if:

1. the individual so employed holds a valid, active law license issued by another state (including any territory of the United States, as well as the District of Columbia) and is not prohibited by the laws and rules of the issuing jurisdiction from the activities for which the individual is employed; and

2. the individual has not taken any of the following actions, agrees not to do so until licensed in Texas, and submits an affidavit so affirming:

a. appear for the corporation in Texas courts, either in person or by signing pleadings;

b. interpret Texas law or give any advice concerning Texas law for anyone other than the corporation;

c. participate in the Texas representation of any client other than the corporation, in any manner;

d. prepare any legal instrument affecting title to real property, including a deed, deed of trust, note, mortgage, or transfer or release of lien, as proscribed by Sec. 83.001, Tex. Gov. Code Ann.; or

e. render, to anyone except the corporation, any service requiring the use of legal skill or knowledge or perform any other act constituting the practice of law under Sec. 81.101, Tex. Gov. Code Ann.

B. Employment in Texas as a military attorney with the United States Armed Forces, if:

1. the individual so employed holds a valid law license issued by another state (including any territory of the United States, as well as the District of Columbia) and is not prohibited by the laws and rules of the issuing jurisdiction from the activities for which the individual is employed; and

2. the individual has not taken and agrees not to take any of the following actions until licensed in Texas, except within the scope of employment by the United States government and as authorized by federal law or regulation, and submits an affidavit so affirming:

a. appear in Texas courts, either in person or by signing pleadings;

- b. interpret Texas law or give any advice concerning Texas law for anyone other than the clients authorized by federal statute or regulation;
- c. participate in the Texas representation of any client, in any manner;
- d. prepare any legal instrument affecting title to real property, including a deed, deed of trust, note, mortgage, or transfer or release of lien, as proscribed by Sec. 83.001, Tex. Gov. Code Ann.; or
- e. render, outside the authorized scope of employment as a military attorney, any service requiring the use of legal skill or knowledge or perform any other act constituting the practice of law under Sec. 81.101, Tex. Gov. Code Ann.

C. Verifiable employment or self-employment in Texas in the practice of exclusively federal law if:

- 1. the individual so employed holds a valid, active law license issued by another state (including any territory of the United States, as well as the District of Columbia) and is not prohibited by the laws and rules of the issuing jurisdiction from the activities for which the individual is employed; and
- 2. the individual so employed has met the prerequisites for licensure by the federal jurisdiction in which such practice occurs, and is lawfully licensed by such jurisdiction; and
- 3. the individual has not taken any of the following actions, agrees not to do so until licensed in Texas, and submits an affidavit so affirming:
 - a. appear in Texas courts, either in person or by signing pleadings;
 - b. interpret Texas law or give any advice concerning Texas law other than in a federal court proceeding;
 - c. participate in the Texas representation of any client, in any manner;
 - d. prepare any legal instrument affecting title to real property, including a deed, deed of trust, note, mortgage, or transfer or release of lien, as proscribed by Sec. 83.001, Tex. Gov. Code Ann.; or
 - e. render, other than in a federal court proceeding, any service regarding Texas law requiring the use of legal skill or knowledge or perform any other act constituting the practice of law under Sec. 81.101, Tex. Gov. Code Ann.

II. Employment in another state (including any territory of the United States, as well as the District of Columbia) as in-house or corporate counsel, military attorney, or in the performance of verifiably exclusive federal practice shall be considered for purposes of meeting the practice requirements of Rule XIII(a), Rules Governing Admission to the Bar of Texas, provided that:

- A. while so employed, the individual holds a valid, active license issued by each jurisdiction in which the practice occurs;
- B. the jurisdiction (state and/or federal) in which the practice occurs regards such practice as lawful and so confirms in writing to the Board¹; or

¹ When written confirmation of lawful practice has been sought from the jurisdiction and cannot be obtained, alternate proof of lawfulness can be provided in the form of a written statement citing court rule, statute or other authority in the jurisdiction, demonstrating to the satisfaction of the Board that the jurisdiction does not regard such activity or practice as unlawful.

C. employment as a military attorney in the armed forces of the United States is deemed to be within a state or territory of the United States regardless of location, and a military attorney, while so employed, may hold a valid, inactive license issued by any state or territory of the United States, as well as the District of Columbia.

III. The following activities, whether occurring in Texas or any other jurisdiction, shall not be considered for purposes of meeting the practice requirements of Rule XIII, Rules Governing Admission to the Bar of Texas:

A. Employment as a “landman,” unless the employer confirms that at the time of hiring the individual, the requirements of the job included both a law degree and a valid, active law license;

B. Employment as a trust officer, unless the employer confirms that at the time of hiring the individual, the requirements of the job included both a law degree and a valid, active law license;

C. Employment in any job entailing some legal work but for which a law degree and a valid, active law license is not required;

D. Employment as in-house or corporate counsel without holding a valid, active law license issued by another state (including any territory of the United States, as well as the District of Columbia);

E. Employment as a military attorney without holding a valid law license issued by another state (including any territory of the United States, as well as the District of Columbia);

F. Practicing federal law under a federal license without also holding a valid, active law license issued by another state (including any territory of the United States, as well as the District of Columbia);

G. Working for a law firm between law school graduation and licensure to practice law in such jurisdiction;

H. Pro hac vice practice in any jurisdiction, including Texas;

I. Working as a public adjuster;

J. Working as an insurance adjuster;

K. Working as a legal assistant or paralegal under the supervision of a licensed attorney.