

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 91 - 0023

AMENDMENTS TO THE
RULES GOVERNING ADMISSION TO THE BAR OF TEXAS

ORDERED:

That the Rules Governing Admission to the Bar of Texas, as amended to September 1, 1989, shall be amended, effective March 6, 1991, to read as follows:

RULE VIII
ATTORNEYS FROM OTHER JURISDICTIONS

(a) An attorney, duly licensed to practice law in another state, shall be eligible to be licensed to practice law in this State after meeting all of the requirements of these Rules, after taking and passing the Texas Bar Examination, and upon the following conditions:

(1) All applicants under this Rule shall:

(A) Have been an active member in good standing at all times in at least one of the jurisdictions in which licensed.

(B) Disclose all past charges of professional misconduct, all disciplinary actions instituted whether formal or informal, any disbarment or suspension of the applicant's law license, and whether there are any charges of misconduct or disciplinary actions pending against applicant or being threatened.

(C) Furnish to the Board evidence as to applicant's moral character and fitness as required of applicants to take the Bar examination in this State and such further evidence as the Board may require, including a character report at applicant's expense from the National Conference of Bar Examiners, to fully satisfy it as to applicant's ethics, character, qualifications, and general fitness to be admitted to practice law in this State. The Board may adopt any means within its discretion for the purpose of satisfying itself that applicants under this Rule meet its requirements and it shall have the authority to reject any such applicant deemed by it not to have met the requirements hereof.

(D) Be either a citizen of the United States or an alien lawfully admitted to the United States for permanent residence at the time of licensing.

(2) An attorney who meets the requirements of paragraph (a)(1) of this Rule, shall be eligible to be licensed to practice law in this State without examination if the attorney:

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

(B) has taken and passed a bar examination and been duly licensed to practice law in the highest court of another state; and,

(C) has been actively and substantially engaged in the lawful practice of law as a principal business or occupation for at least five of the seven years immediately preceding the filing of the application.

(3) An attorney who meets the requirements of paragraph (a)(1) of this Rule and meets all except one of the requirements in paragraph (a)(2) above, shall be eligible to be licensed to practice law in this State by taking and passing the Short Form Examination; provided that the attorney must have been actively and substantially engaged in the lawful practice of law as a principal business or occupation for at least three of the five years immediately preceding the filing of the application.

(4) The Short Form Examination shall cover such provisions of the Texas Constitution, Texas statutes and the Texas rules of procedure and evidence, as the Board may determine advisable. If the applicant passes such examination with a grade of 75 or higher a license to practice law in this State shall be issued. Any applicant who fails the short form examination twice shall thereafter be required to pass a regular examination as provided in Rule VII.

(5) For purposes of this Rule, the term "practice of law" shall include:

(A) private practice as a sole practitioner or for a law firm, legal services office, legal clinic, 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, drafting 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 the Federal government or a state or local government with the same primary duties described in paragraph (a)(5)(B) above;

(D) employment as a judge, magistrate, referee, or similar official for the Federal, state, or local government, provided that such employment is available 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 above.

Applicant shall furnish such proof of practice as may be required by the Board.

(b) Any licensed attorney at law immigrating or who has heretofore immigrated to this State from a foreign country, upon written application and approval by the Board, may be licensed to practice law in this State upon the following terms and conditions:

(1) The applicant must meet the requirements of paragraphs (a)(1) of this Rule and the applicant must show that for at least seven (7) years applicant has been duly licensed to practice law in the highest court of the nation of his former residence and that for at least seven (7) of the ten (10) years immediately preceding the filing of the Application the applicant has been, in the jurisdiction in which licensed, lawfully engaged in the practice of law as the applicant's principal means of livelihood.

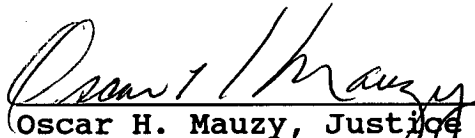
(2) Applicant must likewise show to the satisfaction of the Board that the applicant has graduated from a law school which requires legal study for a comparable length of time as is required by approved law schools for graduation, that the licensing standards in the nation in which the applicant has a license to practice law are equivalent to or exceed the licensing requirements of this State, except the requirement of graduation from an approved law school, and that the law of said nation is basically common law and is sufficiently comparable to the law of this State as in the judgment of the Board will enable the applicant to become a competent attorney in this State without additional formal legal education.

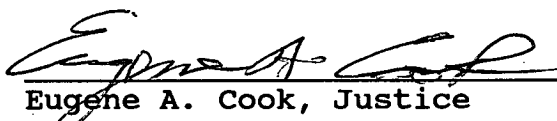
(3) After such applicant has complied with the preceding provisions of Rule VIII(b) the applicant may be admitted to the Texas Bar Examination and upon passing it may be issued a license to practice law in this State.


SIGNED AND ENTERED this 15th day of March, 1991.

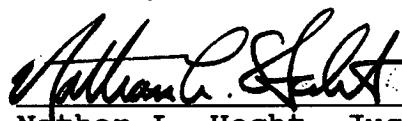

Thomas R. Phillips, Chief Justice

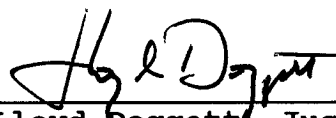

Raul A. Gonzalez, Justice

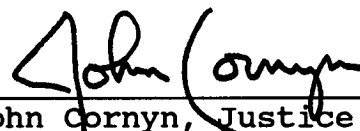

Oscar H. Mauzy, Justice


Eugene A. Cook, Justice


Jack Hightower, Justice


Nathan L. Hecht, Justice


Lloyd Doggett, Justice


John Cornyn, Justice


Bob Gammage, Justice