

IN THE SUPREME COURT OF TEXAS

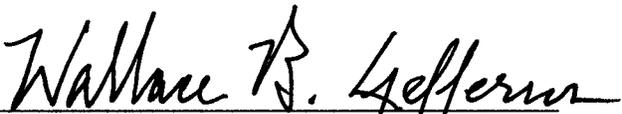
Misc. Docket No. 11- 9253

**AMENDMENTS TO RULE XVI OF
THE RULES GOVERNING ADMISSION TO THE BAR OF TEXAS**

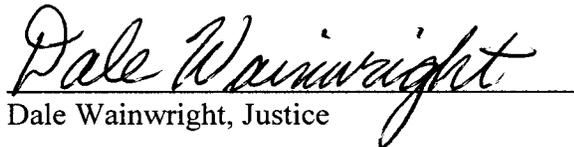
ORDERED that:

Pursuant to Sections 82.022 of the Texas Government Code, the Supreme Court of Texas amends Rule XVI of the Rules Governing Admission to the Bar of Texas as follows, effective January 1, 2012.

Dated: December 12th, 2011.


Wallace B. Jefferson, Chief Justice


Nathan L. Hecht, Justice

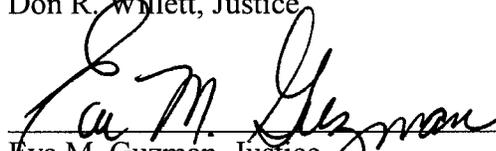

Dale Wainwright, Justice

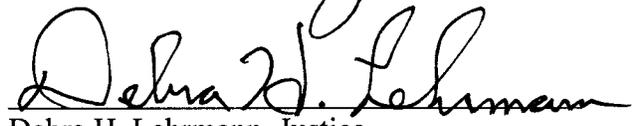
David M. Medina, Justice


Paul W. Green, Justice


Phil Johnson, Justice


Don R. Willett, Justice


Eva M. Guzman, Justice


Debra H. Lehrmann, Justice

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 Article 67011-1, V.T.C.A.; 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 Article 67011-1, V.T.C.A.

(c) In any order recommending the issuance of a Probationary License to practice law, the Board shall specify the conditions of the license, which may include, but are not limited to, the following:

- (1) prohibiting the use of alcohol or controlled substances;
 - (2) requiring treatment for chemical dependency;
 - (3) requiring the individual to practice law under the supervision of an attorney admitted to the Texas Bar;
 - (4) requiring submission to periodic, random drug testing;
 - (5) requiring the individual to report periodically to the Board;
 - (6) requiring suspension, for any portion of the probationary period, of an activity for which a license to practice law is required;
 - (7) requiring the individual to reside continuously in Texas during the period of the Probationary License, unless for good cause shown, the Board waives such requirement;
- or

(8) requiring the individual to take specific actions designed to cure or end any deficiencies in his or her moral character and fitness, as determined by the Board.

(d) Probationary Licenses shall expire as follows:

(1) A Probationary License issued solely because of the Board's determination that the individual suffers from chemical dependency shall expire on the second anniversary of the date on which it is issued, unless temporarily extended hereunder.

(2) Any other Probationary License shall expire on the date specified by the Board in the Order recommending issuance of the Probationary License, unless temporarily extended hereunder.

(3) The term of a Probationary License may be temporarily extended, upon the request of the Probationary Licensee, in the event that the normal expiration date falls before the Board has had the opportunity to make a redetermination as provided hereunder.

(e) A Probationary Licensee may apply for a renewal of the Probationary License or for a regular license to practice law, by filing a written request and a Supplemental Investigation Form and the requisite fees, at least sixty (60) days prior to the expiration date of the Probationary License.

(f) The Board shall require any Probationary Licensee issued a Probationary License because of a determination of chemical dependency, prior to the redetermination hearing, to submit to an evaluation, at the sole cost of the Probationary Licensee, by a treatment facility approved by the Board.

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

(1) recommend, upon a finding of the requisite good moral character and fitness, the issuance of a regular license to practice law in Texas; provided, however, that in any case in which a Probationary License was issued on the basis of chemical dependency, the Board shall not recommend the Probationary Licensee for regular admission until the Board finds that the Probationary Licensee has successfully completed treatment and has been free from chemical dependency for the preceding two years;

(2) recommend, upon a finding that a condition of the Probationary License has been violated:

(A) extension of the Probationary License, or

(B) termination or immediate revocation of the Probationary License.

(h) The Board shall initiate and maintain a working relationship with the Lawyers' Assistance Program or similar program of the State Bar of Texas in order to provide for the evaluation and referral to treatment for those persons issued a Probationary License hereunder. The treatment and professional evaluation shall be at the sole expense of the Probationary Licensee.

(i) The Board shall initiate and maintain a working relationship with the State Bar of Texas to coordinate disclosure of information concerning an individual's status as a Probationary Licensee. On request, the Board, in coordination with the State Bar of Texas, shall inform a member of the public whether a particular individual is a Probationary Licensee. This disclosure may occur via the official website of the State Bar of Texas or other means reasonably available to members of the public. Any information that forms the basis for the issuance of the Probationary License is confidential, as required by statute.

(j) A person whose Probationary License has been terminated or revoked upon recommendation by the Board must begin the licensure process anew in accordance with the Board order recommending such termination or revocation if the person wishes to attempt re-licensure.