

**IN THE SUPREME COURT OF TEXAS**

Misc. Docket No. 02- 1073

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**ORDER AMENDING XIII,  
RULES GOVERNING ADMISSION TO THE BAR OF TEXAS**

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IT IS ORDERED that the *Rules Governing Admission to the Bar of Texas*, are amended in the following manner:

**Amend Rule XIII to read as follows:**

**Rule XIII  
Attorneys From Other Jurisdictions**

- (a) An attorney holding a valid law license issued by another state shall meet the requirements imposed on any other Applicant under these Rules, unless such attorney qualifies under one of the following exceptions:
  - (1) Such attorney is eligible for admission without examination, if the attorney:
    - (A) at the time the Texas law license is issued, meets the requirements of Rule II(a)(5);
    - (B) satisfies the Board of his/her good moral character and fitness after furnishing to the Board such evidence as the Board may require;
    - (C) has been actively and substantially engaged in the lawful practice of law in any state as his/her principal business or occupation for at least five of the last seven years immediately preceding the filing of the Application;
    - (D) has a J.D. degree from an approved law school; and
    - (E) has failed neither the last Texas Bar Examination taken in Texas, nor the last Short Form Examination taken in Texas.
  - (2) An attorney who does not meet the criteria set out above for admission without examination is eligible for admission after passing the **Texas Bar Examination**, if the attorney:
    - (A) at the time the Texas law license is issued, meets the requirements of Rule II(a)(5);

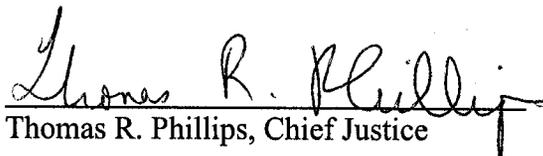
- (B) satisfies the Board of his/her good moral character and fitness after furnishing to the Board such evidence as the Board may require;
  - (C) has been actively and substantially engaged in the lawful practice of law in any State as his/her principal business or occupation for at least three of the last five years immediately preceding the filing of the Application; **and**
  - (D) (1) holds a J.D. degree, not based on study by correspondence, from an unapproved law school **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* 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) The attorney is deemed to have fulfilled the law study requirement without the attorney holding a J.D. degree from an approved law school upon proof of active and substantial engagement in the lawful practice of law in such foreign nation as his/her principal business or occupation for at least five of the last seven years immediately preceding the filing of the application, if such attorney:
    - (A) has been licensed for at least five years to practice law in the highest court of the foreign nation;
    - (B) 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**
    - (C) 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) The attorney is deemed to have fulfilled the law study requirement without the attorney holding a J. D. degree from an approved law school upon proof of active and substantial engagement in the lawful practice of law in such foreign nation as his/her principal business or occupation for at least three of the last five years immediately preceding the filing of the Application, if such attorney:
    - (A) has been licensed for at least three years to practice law in the highest court of the foreign nation;
    - (B) 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;
    - (C) 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**

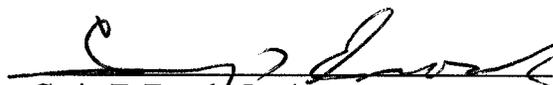
- (D) holds an L.L.M. from an approved law school.
- (c) An attorney applying under this Rule XIII shall furnish to the Board such proof of his/her active and substantial engagement in the practice of law as his/her principal business as the Board may require.
- (1) The phrase practice of law shall include:
- (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.
- (2) 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.

IT IS FURTHER ORDERED THAT this order shall be effective immediately.

SIGNED AND ENTERED this 24<sup>th</sup> day of April, 2002.

  
Thomas R. Phillips, Chief Justice

  
Nathan L. Hecht, Justice

  
Craig T. Enoch, Justice

*Priscilla R. Owen*

Priscilla R. Owen, Justice

*James A. Baker*

James A. Baker, Justice

*Deborah G. Hankinson*

Deborah G. Hankinson, Justice

*Harriet O'Neill*

Harriet O'Neill, Justice

*Wallace B. Jefferson*

Wallace B. Jefferson, Justice

*Xavier Rodriguez*

Xavier Rodriguez, Justice