

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 14-9113

ORDER ADOPTING AMENDMENTS TO THE RULES GOVERNING ADMISSION TO THE BAR OF TEXAS

ORDERED that:

1. The Supreme Court of Texas amends Rules I, II, III, XIII, XIV, XVII, and XIX of the Rules Governing Admission to the Bar of Texas, effective October 1, 2014.

2. The Clerk is directed to:

- a. file a copy of this order with the Secretary of State;
- b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
- c. send a copy of this order to each elected member of the Legislature; and
- d. submit a copy of the order for publication in the *Texas Register*.

3. These amendments may be changed in response to public comments received before September 1, 2014. Any interested party may submit written comments to Rules Attorney Martha Newton at rulescomments@txcourts.gov.

Dated: June 9, 2014.



Nathan L. Hecht, Chief Justice



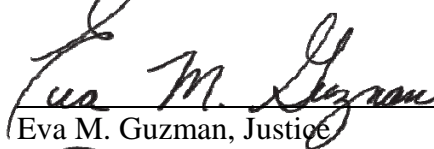
Paul W. Green, Justice



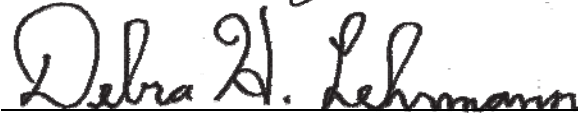
Phil Johnson, Justice



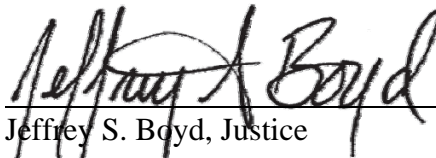
Don R. Willett, Justice



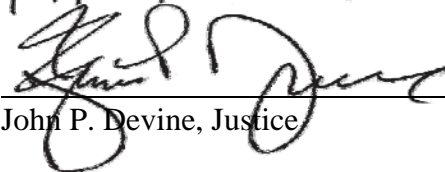
Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey V. Brown, Justice

Rule I
Definitions and General Provisions

(a) Frequently used terms are defined as follows:

- (1) “Accredited” means that a law school is recognized as being qualified by the competent accrediting agency of a state or foreign jurisdiction, by a political subdivision of a state or foreign jurisdiction, or by another authorized body of a state or foreign jurisdiction.
- (12) “Applicant” ~~shall~~ means 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.
- (23) “Application” ~~shall~~ means 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.
- (34) “Approved law school” ~~shall~~ means a law school approved by the American Bar Association.
- (5) “Authorized to practice law” means that the Applicant has achieved the ability to engage in activities that would be recognized in the United States as the practice of law.
- (46) “Board” ~~shall~~ means the Board of Law Examiners.
- (57) “Chemical dependency” ~~shall~~ means 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.
- (68) “Controlled substance” ~~shall have~~ has the meaning assigned by Section 462.001, Health and Safety Code.
- (79) “Declarant” ~~shall~~ means a person who files with the Board a Declaration of Intention to Study Law.
- (810) “Declaration” ~~shall~~ means a Declaration of Intention to Study Law.
- (11) “Practice of law” includes:
- (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 or for 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 a local government or the 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 a local government or the state or federal government, provided that the employment is open only to licensed attorneys;

(E) employment as a full-time teacher of law at an approved law school;

(F) any combination of the preceding categories.

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

(103) “Supreme Court” ~~shall~~ means the Supreme Court of Texas.

(114) “Texas Bar Examination” ~~shall~~ means the full bar examination.

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

(136) “Treatment facility” ~~shall have~~ has 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~~ by these Rules 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 the~~ document ~~shall~~ will be deemed timely filed if the envelope bears a legible U.S. Postal Service postmark ~~which that~~ that is dated on or before the applicable deadline date.

- (d) The Board ~~shall~~ must 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.

Amendments to Rule II, Rules Governing Admission to the Bar of Texas

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~~ an 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;~~
 - (65) 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);
 - (76) have satisfactorily completed the Multistate Professional Responsibility Examination;
 - (87) be willing to take the oath required of attorneys in Texas;
 - (98) pay the appropriate licensing fee to the Clerk of the Supreme Court of Texas; and
 - (109) 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~~ the Applicant 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.

Amendments to Rule III, Rules Governing Admission to the Bar of Texas

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 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 exempted hereunder. If an Applicant under this subsection has not graduated with a J.D. degree or satisfied all the 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 when~~ the Applicant enrolled, the law school ~~shall be~~ is deemed to be an approved law school as to that Applicant for four years thereafter, regardless of its status ~~at the date of when~~ the Applicant's ~~graduation graduated~~. If a law school was an approved law school ~~at the time when~~ the Applicant graduated, the Applicant ~~shall be~~ is deemed to be a graduate of an approved law school, regardless of the status of the school ~~at the time when~~ the Applicant enrolled.
- (c) If ~~a person~~ an Applicant graduated from a law school that was not an approved law school ~~at either the time the person when the Applicant~~ enrolled or at the time the person and was not an approved law school when the Applicant graduated, the ~~person~~ Applicant is not a graduate of an approved law school even if the law school later became or becomes an approved law school.

Amendments to Rule XIII, Rules Governing Admission to the Bar of Texas

Rule XIII
Attorneys Applicants From Other Jurisdictions

§ 1 Exemption from the Bar Examination for Applicants Who Are Authorized to Practice Law in Another State

~~(a) An attorney Applicant holding a valid, active law license issued by~~ who is authorized to practice law in another state shall must 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 the Applicant is eligible for exemption from the requirement of successfully completing the Texas Bar Examination, if the attorney Applicant:~~

- ~~(a) (A)~~ (a) has been actively and substantially engaged in the lawful practice of law ~~in any state or elsewhere~~ as ~~his/her~~ the Applicant's principal business or occupation for at least five of the last seven years immediately preceding the filing of the ~~a~~Application;
- ~~(b) (B)~~ (b) has a J.D. degree from an approved law school; and
- ~~(c) (C)~~ (c) has not failed the Texas Bar Examination.

§ 2 Exemption from the Law Study Requirement for Applicants Who Are Authorized to Practice Law in Another State

~~(2) An attorney Applicant holding a valid, active law license issued by~~ who is authorized to practice law in another state is eligible for an exemption from the law study requirement prescribed by Rule III for admission to take the Texas Bar Examination, if the attorney Applicant:

- ~~(a) (A)~~ (a) has been actively and substantially engaged in the lawful practice of law ~~in any state or elsewhere~~ as ~~his/her~~ the Applicant's principal business or occupation for at least three of the last five years immediately preceding the filing of the most recent ~~a~~Application or re-application; and
- ~~(b) either:~~
 - ~~(1) (B) (1)~~ (1) holds a J.D. degree, ~~not based on study by correspondence,~~ from an unapproved law school that is accredited in the jurisdiction state where it exists is located; or
 - ~~(2)~~ (2) holds the equivalent of a J.D. degree, ~~not based on study by~~ ~~correspondence,~~ from a law school that is accredited in the jurisdiction state where it exists is located and which that requires the equivalent of a three-year course of study that is the substantially equivalent in duration and substance to 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~~

§ 3 Exemption from the Law Study Requirement for Foreign Applicants With a Common-Law Legal Education or Who Are Authorized to Practice Law in a Common-Law Country

~~An Applicant is eligible for an exemption from the law study requirement prescribed by Rule III for admission to take the Texas Bar Examination without holding a J.D. degree from an approved law school if the attorney the Applicant satisfies the requirements of subsection (a), (b), or (c) below:~~

(a) the Applicant:

(1) has completed a course of study at a foreign law school that is accredited in the jurisdiction where it is located, and the course of study is:

(A) based on the principles of English common law; and

(B) substantially equivalent in duration to the legal education provided by an approved U.S. law school;

(2) is authorized to practice law in a foreign jurisdiction or another state; and

(3) has been actively and substantially engaged in the lawful practice of law for at least three of the last five years immediately preceding the Applicant's most recent Application;

(b) the Applicant:

(1) has completed a course of study at a foreign law school that is accredited in the jurisdiction where it is located, and the course of study is:

(A) based on the principles of English common law; and

(B) at least two years in duration; and

(2) has completed an LL.M. degree that meets the curricular requirements of Section 8 at an approved U.S. law school; or

(c) the Applicant:

- (1) is authorized to practice law in a foreign jurisdiction, the jurisprudence of which is based on the principles of English common law; and
- (2) has completed an LL.M. degree that meets the curricular requirements of Section 8 at an approved U.S. law school.

§ 4 Exemption from Law Study Requirement for Foreign Applicants Without a Common-Law Legal Education

An Applicant is exempt from the law study requirement prescribed by Rule III if the Applicant satisfies the requirements of subsections (a)-(c) below:

- (a) the Applicant has completed a course of study at a foreign law school that is accredited in the jurisdiction where it is located, and the course of study is:
 - (1) not based on the principles of English common law; and
 - (2) substantially equivalent in duration to the legal education provided by an approved U.S. law school;
- (b) the Applicant has completed an LL.M. degree that meets the curricular requirements of Section 8 at an approved U.S. law school; and
- (c) the Applicant is authorized to practice law in a foreign jurisdiction or in another state.

~~(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 reapplication, 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 or her principal business or occupation for at least three of the last five years immediately preceding the filing of the most recent application or reapplication, 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.~~

§ 5 No Degree By Correspondence

A J.D. degree or an equivalent degree completed at a foreign law school that is earned primarily through online courses or other distance-learning mediums does not satisfy the requirements of this Rule.

§ 6 Transfer of Foreign Law School

An Applicant may be exempt from the law study requirement under Sections 3 or 4 even if the Applicant completed his or her course of study at a different foreign law school than the school at which the Applicant began, provided that all coursework and credit hours that count towards the applicable durational requirement are based on the same type of legal system—English common law or other—and are earned at a school accredited in the jurisdiction where it is located.

§ 7 Accreditation of Foreign Law Schools

- (a) If a law school was accredited when the Applicant enrolled, the law school is deemed to be an accredited 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 accredited when the Applicant graduated, the Applicant is deemed to be a graduate of an accredited law school, regardless of the status of the school when the Applicant enrolled.
- (b) If an Applicant graduated from a law school that was not accredited when the Applicant enrolled and was not accredited when the Applicant graduated, the Applicant is not a graduate of an accredited law school even if the law school later became or becomes an accredited law school.
- (c) Notwithstanding Sections 3 and 4, an Applicant is excused from demonstrating that a foreign law school is accredited if the Applicant demonstrates that no entity accredits or approves law schools in the jurisdiction in which the school is located.

§ 8 LL.M. Curricular Criteria

- (a) Unless subsection (b) or (c) applies, for an LL.M. degree to satisfy the requirements of this Rule, the course of study for which the degree is awarded must meet each of the following requirements:
 - (1) the program must consist of a minimum of 24 semester hours of credit—or the equivalent, if the law school is on an academic schedule other than a conventional semester system—which must consist of courses in substantive and procedural law or professional skills;
 - (2) the program must require at least 700 minutes of instruction time, exclusive of examination time, for the granting of one semester of credit;
 - (3) the program must include a period of instruction consisting of no fewer than two semesters of at least 13 calendar weeks each, or the equivalent thereof, exclusive of reading periods, examinations, and breaks;
 - (4) the program must not be completed exclusively during summer semesters, but a maximum of four semester hours of credit may be earned in courses completed during summer semesters;
 - (5) the program must be completed within 24 months of matriculation;
 - (6) all coursework for the program must be completed at the campus of an approved law school in the United States, except as otherwise permitted by paragraph 8 or subsection (b);

(7) the program must include:

(A) at least two semester hours of credit in professional responsibility;

(B) at least two semester hours of credit in legal research, writing, and analysis, which may not be satisfied by a research-and-writing requirement in a substantive law course;

(C) at least two semester hours of credit in a course designed to introduce students to distinctive aspects and fundamental principles of United States law, which may be satisfied by an introductory course in the American legal system or a course in United States constitutional law, civil procedure, or contract law—additional credit hours earned in a course that meets the requirements of this subparagraph may be applied towards the requirements of subparagraph (D); and

(D) at least six semester hours of credit in subjects tested on the Texas Bar Examination;

(8) the program may also include, towards satisfaction of the 24 semester hours of credit required by this Rule:

(A) up to four semester hours of credit in clinical coursework, if:

(i) the coursework includes a classroom instructional component that incorporates discussion, review, and evaluation of the clinical experience;

(ii) the clinical work is performed under the direct supervision of a member of the law school faculty or instructional staff; and

(iii) the time and effort required and the anticipated educational benefit are commensurate with the credit awarded; and

(B) up to six semester hours of credit in other coursework related to the law or legal training taught in conjunction with a joint degree program by a member of the law school faculty, a faculty member of the university or college with which the law school is affiliated, or a faculty member of a university or college with which the law school offers a joint degree program—provided that the coursework is completed at the U.S. campus of the law school, university, or college; and

(9) courses completed online or by other distance-learning mediums must not count towards the required minimum 24 semester hours of credit.

(b) A law school may petition the Board for an exception to the requirements of subsection (a)(6). The law school must demonstrate to the satisfaction of the Board that the quality

of education provided at the school's campus abroad is substantially equivalent to the quality of education provided at the school's U.S. campus.

- (c) An Applicant who completed an LL.M. degree prior to, or within two years after, the effective date of this Rule is exempt from demonstrating that the degree meets the curricular requirements of subsection (a).

§ 9 Proof of Active and Substantial Engagement in the Practice of Law and Authorization to Practice Law in a Foreign Jurisdiction

- (a) ~~(e)~~ An attorney Applicant who seeks exemption from the Texas Bar Examination or the law study requirement under a section of this Rule that requires a period of active and substantial engagement in the practice of law preceding the Application must 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. But this requirement may not be satisfied by proof of practice *pro hac vice* under Rule XIX.

- (b) Unless subsection (c) or (d) applies, an Applicant who seeks exemption from the Texas Bar Examination or the law study requirement under a section of this Rule that requires that the Applicant be authorized to practice law in a foreign jurisdiction or another state must submit written proof of the authorization from the entity with final jurisdiction over professional discipline in the foreign jurisdiction or state where the Applicant is authorized to practice. The document must certify:

(1) that the Applicant is authorized to practice law in the jurisdiction or state;

(2) the date that the Applicant became authorized to practice law in the jurisdiction or state; and

(3) that the Applicant remains in good standing as an attorney or counselor at law in the jurisdiction or state.

- (c) The Board may waive the requirements of subsection (b) if an Applicant demonstrates good cause for failing to obtain the certificate required by that subsection.

- (d) Proof of authorization to practice law may be satisfied by proof that the Applicant is lawfully engaged in the practice of law as an in-house counsel in a foreign jurisdiction that requires a person to surrender the person's law license in order to practice in-house.

(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 Requirements 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 satisfies the requirements of subsection (a) or (b):

(a) the Applicant:

(1) ~~(a)~~ for at least three of the five years immediately preceding the Application, has been is a member in good standing of a recognized legal profession in a foreign country, the members of which are authorized 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;~~

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

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

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

(b) the Applicant:

(1) for at least three of the five years immediately preceding the Application:

(A) has been authorized to practice law in a foreign jurisdiction;

(B) has been a member in good standing of the bar of another state; or

(C) has been actively and substantially engaged in the lawful practice of law in a foreign country or another United States jurisdiction;

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

(3) is at least 26 years of age; and

(4) intends to practice as a Foreign Legal Consultant in Texas only as an in-house counsel on behalf of an individual, corporation, limited liability company, partnership, association, nonprofit entity, or governmental agency whose primary business is not the provision of legal services to the public.

§ 2 ~~Proof Required~~ Application for Certification

An Applicant under this Rule ~~shall~~ must file with submit to the Board,;

(a) an Application, on the forms designated by the Board, ~~accompanied by the requisite fee, an Application that is~~ 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 Texas Bar of Texas for at least five (5) years, ~~and including but not limited to:~~

(b) the fee required by Rule XVIII(a);

(c) either:

(1) ~~(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; or other document from the entity with final jurisdiction over professional discipline in the foreign jurisdiction or state where the Applicant is authorized to practice that certifies:~~

(A) that the Applicant is authorized to practice law in the jurisdiction or state;

(B) the date that the Applicant was authorized to practice law in the jurisdiction or state; and

(C) that the Applicant remains in good standing as an attorney or counselor at law in the jurisdiction or state; or

(2) if the Applicant seeks certification under Section 1(b)(1)(C) of this Rule, but the Applicant is not authorized to practice in a foreign jurisdiction or another state, proof that the Applicant has been actively and substantially engaged in the lawful practice of law in a foreign jurisdiction or another state for at least three of the five years immediately preceding the Application;

~~(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;~~

~~(d) (e)~~ a duly authenticated English translation of every document required by this Rule, ~~such certificate and such letter if, in either case, it~~ if the original is not in English; and

~~(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 any other evidence as to demonstrating that the Applicant's educational and professional qualifications, good moral character and fitness, and compliance with~~ satisfies the requirements of Section 1 of this Rule as that 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~~ must 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~~ the person is ~~admitted~~ authorized to practice or, in the case of a person who satisfies the requirements of Section 1(b)(1)(C) of this rule, to the extent permitted by the jurisdiction in which the person has been actively and substantially engaged in the lawful practice of law. ~~subject, however, to the limitations that he or she shall~~ But the Foreign Legal Consultant must not:

(a) appear for a person other than himself or herself as an 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:

- ~~(1) (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
- ~~(2) (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 (unless the person is licensed in another state), ~~(whether rendered incident to the preparation of legal instruments or otherwise)~~ except:
- ~~(1) on the basis of advice from a person, whom the Foreign Legal Consultant has identified to the client, who: 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~~
- ~~(A) is authorized to practice law in Texas or in the United States; and~~
- ~~(B) either:~~
- ~~(i) is serves as co-counsel with the Foreign Legal Consultant on a matter for the client; with a Texas lawyer that has been identified to the client; or~~
- ~~(ii) has an identified affiliation is affiliated with the Foreign Legal Consultant through; employment, partnership, shareholder or other membership relationship in or with in the same law firm, company, or governmental agency; or~~
- ~~(A) the same law firm,~~
- ~~(B) a company, partnership, or other entity, or~~
- ~~(C) a governmental agency or unit; or~~
- ~~(2) as an in-house counsel advising the Foreign Legal Consultant's employer in the scope of his or her employment;~~
- (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:

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

- (a) the rights and obligations of a member of the Texas Bar that are set forth in the State Bar Act, ~~and the State Bar Rules, that apply to a member of the Bar of Texas under~~ and the Texas Disciplinary Rules of Professional Conduct or ~~that arising~~ arise 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:
 - (1) ~~(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 that~~ includes members of the Bar of Texas or ~~which that~~ maintains an office in Texas; and
 - (C) being a partner in any partnership or a shareholder in any professional corporation ~~which that~~ includes members of the Bar of Texas or ~~which that~~ maintains an office in Texas; and
 - (2) ~~(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~~ is not a “nonlawyer” as that term is used in ~~either~~ Rule §5.03 or Rule 5.04 of the Texas Disciplinary Rules of Professional Conduct.

A person who receives legal advice from a Foreign Legal Consultant is entitled to all privileges arising from the attorney-client relationship.

§ 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 is 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,~~

(b) ~~(ii) Every Foreign Legal Consultant shall~~ must execute and file with the ~~Court~~ Board, in such form and manner as the Board may prescribe:

(1) ~~(A) his or her~~ a written commitment

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

(B) ~~a written undertaking commitment~~ to notify the Board of any change in ~~such~~ the person's good standing as a member of ~~the~~ a foreign legal profession ~~referred to in Section 1(a) of this Rule~~ and of any final disciplinary action of the professional body or public authority that regulates attorneys in the foreign jurisdiction in which the Foreign Legal Consultant is authorized to practice law referred to in Section 2(a) of this Rule imposing any disciplinary censure, suspension, or other sanction upon such person; and

(2) ~~(C) a duly acknowledged instrument, in writing, notarized document that sets~~ setting forth ~~his or her~~ the person's address in Texas and ~~designating~~ designates the Executive Director of the Board as ~~his or her~~ the person's agent for service of process 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 the person and arising out of or based upon any that arises from legal services rendered or offered to be rendered by ~~him or her~~ the person within or to residents of Texas, whenever after due diligence service cannot be made ~~upon him or her~~ on the person at ~~such~~ the 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 on file with the Board.~~

(bc) ~~Service of process on the Executive Director of the Board, pursuant to the designation filed as aforesaid, under subsection (b)(2) shall~~ must be made by personally delivering to, and leaving with, the Executive Director of the Board, or with a deputy or assistant another person at the office of the Board who is authorized to receive such service, at the office of the Board, duplicate two copies of such process the citation and petition together with and a fee of \$10. ~~Service of process shall be complete when the Executive Director of the Board has been so served.~~ The Board shall must promptly send one of such copies copy 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~~ designated by him or her as aforesaid the Foreign Legal Consultant under subsection (b)(2).

§ 6 Renewal of Certification

- (a) Unless revoked by the Board under Section 7 of this Rule, a certification to practice as a Foreign Legal Consultant is valid for one year.
- (b) A Foreign Legal Consultant may renew his or her certification by submitting to the Board at least 60 days before the certification expires:
- (1) a written request for renewal of the certification;
 - (2) the renewal fee required by Rule XVIII(a);
 - (3) proof that the Applicant completed three hours of minimum continuing legal education in ethics courses accredited by the State Bar of Texas; and
 - (4) a written statement, signed by the Applicant under oath, that the Applicant complied with the terms of the certificate and this Rule during the certification period.
- (c) The Board must grant the Applicant's request unless it determines that the Applicant is not entitled to renew his or her certification under this Rule.
- (d) If the renewal application is timely submitted, the Board must notify the Applicant of the Board's decision before the Applicant's certification expires. If the renewal application is not timely submitted, the Applicant, upon a showing of good cause, may submit a renewal application up to 180 days after the Applicant's certification expires. After the 180-day grace period has passed, an Applicant must reapply for certification under Section 2 of this Rule.

§ 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(e) of this Rule, it the Board shall must recommend to the Court that the person's certification ~~granted to such person hereunder~~ be revoked, unless the Board waives under Rule XX(e) the requirements that are lacking.~~

§ 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 to practice as a Foreign Legal Consultant is ~~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 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~~ must certify ~~such~~ the Applicant to the Supreme Court, whose Clerk ~~shall thereupon will~~ issue the corresponding license in the form of a written certificate. The license ~~shall~~ may be issued only in the name as shown on ~~the Applicant's birth certificate or a valid, government-issued identification card 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 an initial if the Applicant so requests in writing. No license ~~shall~~ may be issued using an alias, assumed name, nickname, or abbreviation of a name.
- (b) All law licenses are issued ~~upon~~ on 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 a hearing, the Board may recommend to the Supreme Court that ~~such~~ the 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~~ under this Rule is valid unless the Applicant ~~named therein~~ license holder 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~~ must be surrendered to the Court upon proper demand.

Rule XIX

Requirements for Participation in Texas Proceedings by a Non-Resident Attorney

- (a) A reputable attorney, licensed in another state or in a foreign jurisdiction 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 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~~ fax number, and email address 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~~ fax number, and email address;
 - (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~~ must be accompanied by motion of the resident practicing Texas attorney with whom the non-resident attorney ~~shall~~ will be associated in the proceeding of a particular cause-. The ~~which~~ motion ~~shall~~ must 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~~ must 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, or 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~~ the non-resident attorney's 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~~ in which 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~~ constitutes submission to the jurisdiction of the Grievance Committee for the District ~~wherein~~ in which the court is located. The county in which the court is located ~~shall be~~ is considered the county of residence of ~~said~~ the non-resident attorney for purposes of determining venue in any disciplinary action involving ~~said~~ the attorney.