

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 19-9076

**ORDER ADOPTING RULE 23 OF THE RULES GOVERNING ADMISSION TO THE
BAR OF TEXAS AND ARTICLE XIV OF THE STATE BAR RULES**

ORDERED that:

1. In recognition of the unique mobility requirements of military families who support the defense of our nation, the Supreme Court adopts Rule 23 of the Rules Governing Admission to the Bar of Texas and Article XIV of the State Bar Rules.
2. The rules take effect December 1, 2019.
3. The rules may be changed before December 1 in response to public comments. Written comments should be sent to rulescomments@txcourts.gov. The Court requests that comments be sent by October 31, 2019.
4. The Court waives the requirement in Rule 23, Section 1(g) of the Rules Governing Admission to the Bar of Texas for a Military Spouse who files an application for temporary licensure before the Texas Law Component is available for administration.
5. 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*.

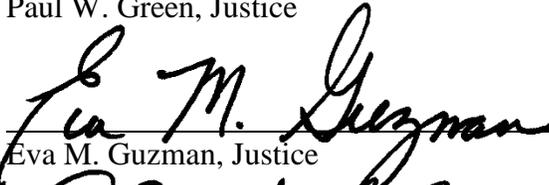
Dated: August 23, 2019.



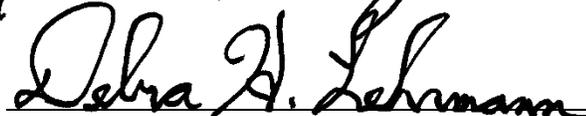
Nathan L. Hecht, Chief Justice



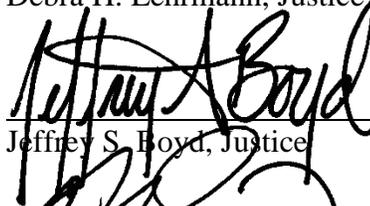
Paul W. Green, Justice



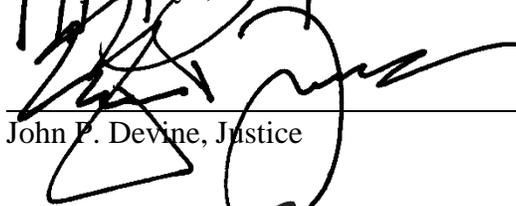
Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



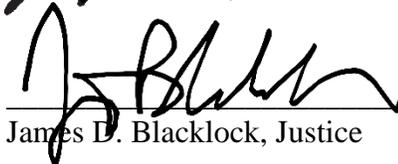
Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey V. Brown, Justice



James D. Blacklock, Justice



J. Brett Busby, Justice

RULES GOVERNING ADMISSION TO THE BAR OF TEXAS

Rule 23 Military Spouse Temporary License

§1 Eligibility

A spouse (“Military Spouse”) of an active-duty military service member who has been ordered stationed in Texas is eligible for a three-year temporary license to practice law in Texas if the Military Spouse:

- (a) is admitted to practice law in another State;
- (b) is in good standing in all jurisdictions where admitted and an active member of the bar in at least one State;
- (c) is not currently subject to discipline or the subject of a pending disciplinary matter in any jurisdiction;
- (d) has never been disbarred or resigned in lieu of discipline in any jurisdiction;
- (e) has never had an application for admission to any jurisdiction denied on character or fitness grounds;
- (f) meets the law study requirements of Rule 3 or is exempted under Rule 13 §§ 3, 4, or 5;
- (g) has satisfactorily completed the Texas Law Component; and
- (h) is residing in Texas.

§2 Application

A Military Spouse must submit to the Board:

- (a) an application for temporary licensure on a form prescribed by the Board;
- (b) a copy of the service member’s military orders;
- (c) a certificate of good standing from the entity with final jurisdiction over professional discipline in each jurisdiction of admission; and
- (d) any other evidence demonstrating that the Military Spouse satisfies the eligibility requirements of Section 1 that the Board may require.

§3 Certification to Supreme Court

If the Board determines that a Military Spouse has satisfied the requirements of Sections 1 and 2, the Board must recommend to the Supreme Court the temporary licensure of the Military Spouse.

§4 Fee Waiver

A Military Spouse is not required to pay:

- (a) the fees required by Rule 18; or
- (b) the licensing fee to the Supreme Court Clerk.

STATE BAR RULES

ARTICLE XIV MILITARY SPOUSE TEMPORARY LICENSE

Section 1. Definitions

A “temporary licensee” is an attorney who:

- is the spouse of an active-duty military service member who has been ordered stationed in Texas; and
- has been issued a three-year temporary license to practice law in Texas by the Court in accordance with the Rules Governing Admission to the Bar of Texas.

Section 2. Licensure

The Texas Board of Law Examiners is responsible for determining whether an applicant seeking a military spouse temporary license meets the conditions set by the Court under the Rules Governing Admission to the Bar of Texas.

Section 3. Rights and Obligations; Discipline

A. A temporary licensee is entitled to all the rights and privileges and subject to all the obligations and responsibilities of active members of the State Bar that are set forth in the State Bar Act, the State Bar Rules, the Texas Disciplinary Rules of Professional Conduct, the Texas Rules of Disciplinary Procedure, and any other Texas laws or rules governing the conduct or discipline of attorneys.

B. A temporary licensee may be sanctioned or disciplined by a court or the State Bar in the same manner as an active member of the State Bar.

Section 4. Education

A. No later than six months after temporary licensure, a temporary licensee must complete the *Justice James A. Baker Guide to Ethics and Professionalism in Texas* course, administered by the Texas Center for Legal Ethics.

B. A temporary licensee is subject to the MCLE requirements in Article XII.

Section 5. Membership Fees

A temporary licensee must pay the State Bar membership fees required of an active member of the State Bar, unless waived under Article III, Section 8.

Section 6. Renewal Prohibited

A temporary licensee cannot renew a military spouse temporary license.

Section 7. Expiration; Notice

A. A military spouse temporary license expires on the third anniversary of the date of issuance, unless terminated earlier pursuant to Section 8.

B. No later than 60 days before the expiration of a temporary license, a temporary licensee must:

1. file a notice in each matter pending before any court, tribunal, agency, or commission that the temporary licensee will no longer be involved in the matter; and
2. provide written notice to all the temporary licensee's clients that the temporary licensee will no longer represent them.

Section 8. Termination; Notice

A. A military spouse temporary license will terminate and a temporary licensee must cease the practice of law in Texas 31 days after any of the following events:

1. the service member's separation or retirement from military service;
2. the service member's permanent relocation to another jurisdiction, unless the service member's assignment specifies that dependents are not authorized to accompany the service member;
3. the temporary licensee's permanent relocation outside of Texas;
4. the temporary licensee's spousal relationship to the service member ends;
5. the denial by the Texas Board of Law Examiners of the temporary licensee's application for regular admission to practice law in Texas;
6. the temporary licensee's regular admission to practice law in Texas;
7. the imposition of a disciplinary sanction, other than a private reprimand or a referral to the State Bar's Grievance Referral Program, in any jurisdiction;
8. the conviction in any jurisdiction of a serious crime or intentional crime as defined in the Texas Rules of Disciplinary Procedure; or
9. the temporary licensee's written request filed with the Texas Board of Law Examiners and the State Bar.

B. Within 30 days after a terminating event in (A), except (A)(6), a temporary licensee must:

1. provide written notice to the Texas Board of Law Examiners and the State Bar;
2. file a notice in each matter pending before any court, tribunal, agency, or commission that the temporary licensee will no longer be involved in the matter; and
3. provide written notice to all the temporary licensee's clients that the temporary licensee will no longer represent them.

C. Upon receipt of a notice required under (B), the State Bar must forward the notice to the Clerk for revocation of the military spouse temporary license.