

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 08- **9040**

ORDER REGARDING THE WAIVER OF STATE BAR OF TEXAS DUES FOR MILITARY ATTORNEYS SERVING IN A COMBAT ZONE

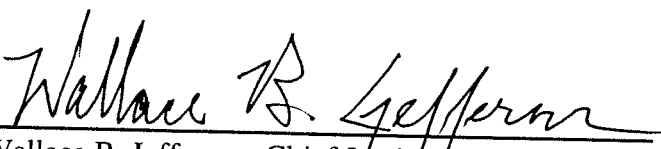
ORDERED THAT:

After full consideration of the attached Resolution of the State Bar of Texas Board of Directors Regarding Waiver of Dues and MCLE Requirements for Military Attorneys Serving in Combat Zones, the Court hereby agrees to grant a waiver of State Bar of Texas dues for any member serving in a combat zone.

Under this Order, Texas licensed attorneys who are serving in the Armed Forces of the United States and are also performing services in a combat zone as designated by an executive Order of the President of the United States shall have their State of Texas bar dues waived for any dues year upon receipt of the attached Active Military Dues Waiver Form/MCLE Waiver Form certifying that the member is or will be serving in a combat zone as a member of the Armed Forces of the United States.

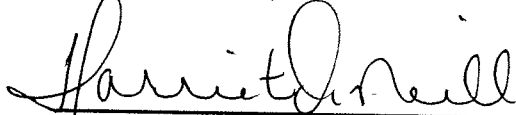
It is also ordered that the member's dues obligation will be reactivated commencing the next dues year upon notification of the member's release from duty in a combat zone.

In Chambers, this 28th day of April, 2008.

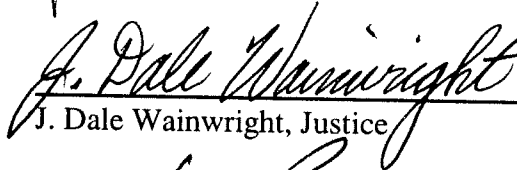

Wallace B. Jefferson, Chief Justice



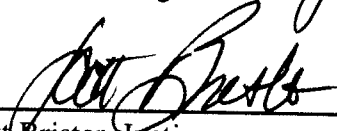
Nathan L. Hecht, Justice



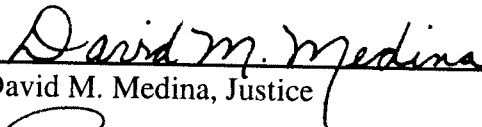
Harriet O'Neill, Justice



J. Dale Wainwright, Justice



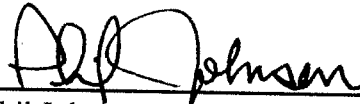
Scott Brister, Justice



David M. Medina, Justice



Paul W. Green, Justice



Phil Johnson, Justice



Don R. Willett, Justice

STATE BAR OF TEXAS



RESOLUTION OF THE BOARD OF DIRECTORS REGARDING WAIVER OF DUES AND MCLE REQUIREMENTS FOR MILITARY ATTORNEYS SERVING IN COMBAT ZONES

WHEREAS, the Board of Directors of The State Bar of Texas, at its January 25, 2008 regularly scheduled meeting at which a quorum is present, has considered the special circumstances of Texas licensed attorneys who are serving in the Armed Forces of the United States and are also performing services in a combat zone (as designated by an Executive Order of the President of the United States); and,

WHEREAS, the Board of Directors of The State Bar of Texas supports its members who are in active duty and recognizes that in many such instances the payment of dues and the need to meet MCLE requirements to maintain one's law license presents a real and practical problem, as well as often creating a definite hardship for attorneys serving in a combat zone; and,

WHEREAS, The Supreme Court of Texas has the inherent authority to regulate the practice of law, including the authority to set member dues and establish MCLE requirements for lawyers licensed in Texas; and,

WHEREAS, The State Bar of Texas Membership Department provides assistance to attorneys seeking dues waivers from The Supreme Court of Texas, and has available and will provide a form to be used by Texas licensed military attorneys seeking waivers from The Supreme Court of Texas; and,

WHEREAS, the State Bar Rules, as promulgated by The Supreme Court of Texas, allow the MCLE Committee of The State Bar of Texas to grant hardship exemptions to attorneys in special circumstances and that such hardship exemptions are currently given to Texas licensed attorneys serving in the Armed Forces of the United States who are serving outside the United States; and,

WHEREAS, the Membership and MCLE Departments of The State Bar of Texas should continue to assist Texas licensed military attorneys performing services in a combat zone in seeking waivers of dues and MCLE requirements; and,

WHEREAS, the Board of Directors of The State Bar of Texas believes that Texas licensed attorneys serving in the Armed Forces of the United States and performing services in a combat zone, although eligible to petition The Supreme Court of Texas for waiver of their annual

membership dues, may not be aware of such eligibility and that such a request by The Supreme Court of Texas will be considered; and,

WHEREAS, Texas licensed attorneys serving in the Armed Forces of the United States should be informed of the availability of such a dues and/or MCLE waiver while performing services in a combat zone and the methodology of requesting such a waiver;

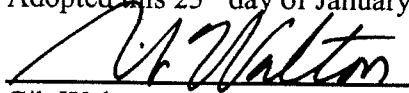
THEREFORE BE IT RESOLVED THAT the Board of Directors of The State Bar of Texas notify all of its members believed to be currently serving on active duty in one of the Armed Forces of the United States of the availability of the dues and/or MCLE requirement waiver form and the process for applying for such a waiver by publication of the same in the Texas Bar Journal, reference to it in the Executive Director's Report, email transmissions by the Military Law Section to its membership and a posting on its website, and/or such other methods of communication likely to notify those members serving in and/or likely to serve in a combat zone.

BE IT FURTHER RESOLVED THAT the Board of Directors of The State Bar of Texas recommends that the State Bar of Texas establish an email address, such as combatzone@TexasBar.com, by which a Texas licensed attorney serving in a combat zone can easily and expeditiously notify the State Bar of Texas, acting for and/or on behalf of The Supreme Court of Texas, of their combat zone service and the beginning and ending dates thereof.

BE IT FURTHER RESOLVED THAT the Board of Directors of The State Bar of Texas recommends and supports that The Supreme Court of Texas, as a matter of policy, grant a waiver of a member of the State Bar's dues requirements for any "dues year" in which that member is serving in a combat zone, upon receipt of notification that the member of this State Bar is or will be serving in a combat zone as a member of the Armed Forces of the United States. Under this policy, the member should notify the Bar upon the member's release from duty in a Combat Zone and membership dues obligations will be reactivated commencing the next "dues year".

BE IT FURTHER RESOLVED THAT the Board of Directors of The State Bar of Texas recommends and supports that the MCLE Committee, as a matter of policy, grant a waiver of a member of the State Bar's MCLE requirements for any MCLE year in which that member is serving in a combat zone, upon receipt of notification that the member is or will be serving in a combat zone as a member of the Armed Forces of the United States. Under this policy, the member should notify the Bar upon the member's release from duty in a Combat Zone and MCLE requirements will be reactivated at that time.

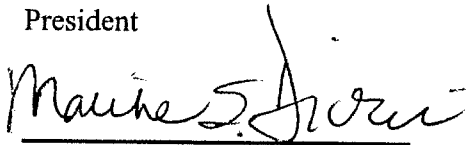
Adopted this 25th day of January, 2008.



Gib Walton
President



Harper Estes
President-Elect



Martha Dickie
Immediate Past President

Witnessed by



John Edwards
Executive Director



The Supreme Court of Texas

BLAKE A. HAWTHORNE
CLERK OF THE SUPREME COURT

State Bar of Texas

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KATHY M. HOLDER
DIRECTOR OF MEMBERSHIP

NANCY SMITH
DIRECTOR OF MCLE

Active Military Dues Waiver Form/MCLE Waiver Form

I hereby request the Supreme Court of Texas waive my membership dues beginning _____, and ending _____. I certify that I am serving in the U. S. Armed Forces performing services in a Combat Zone as designated by an Executive Order of the President of the United States and will not practice law in Texas during the time period stated above. I further certify that I will contact the State Bar upon my release from duty in a Combat Zone to reactivate my membership status before practicing law in Texas. Attached are my military assignment orders.

I hereby request a MCLE HARDSHIP EXEMPTION for my MCLE Compliance year beginning on my birth month _____, 20____, and ending _____, 20____. I certify that I am, or will be serving in the U. S. Armed Forces performing services in a Combat Zone as designated by an Executive Order of the President of the United States during this period of time. I further certify that I will contact the State Bar MCLE Department upon my release from duty in a Combat Zone for the purposes of updating my MCLE status.

I understand that this waiver form must be filed with the State Bar of Texas in order to be considered for a waiver of membership dues and MCLE requirements.

Signature: _____

Bar Number: _____

Date: _____