

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 09-**9141**

ORDER ESTABLISHING THE TASK FORCE ON INTERNATIONAL LAW PRACTICE IN TEXAS

1. The globalization of business and industry has led to calls for change across the nation in the state licensing requirements for foreign-trained lawyers. Businesses engaged in international transactions need lawyers who are familiar with the new global landscape in order to remain competitive. Texas law firms assisting clients in locations around the world are finding it increasingly important to have foreign-trained lawyers on staff with knowledge of foreign jurisdictions. This has led to an increasing focus on the need to review the provisions regulating the practice of foreign-trained lawyers in an effort to balance both the interests of the state in protecting its residents and justice system and the interests of lawyers and clients working in an international economy.

2. Data from the National Conference of Bar Examiners shows that the number of foreign-educated lawyers sitting for the bar exam nationwide has increased by 43 percent since 2000, to 4,869 in 2007. Although Texas is a global leader in business and industry and is home to numerous top-notch international law firms doing business for its clients worldwide, only 14 foreign-trained lawyers sat for the Texas bar in 2007. The vast majority—4,049 of the 4,869—sat for the New York bar. Currently, to be eligible to sit for the Texas bar exam, a foreign-trained lawyer must have practiced 5 of the last 7 years in his or her foreign jurisdiction, obtained the equivalent of a J.D. through a course of study that is the substantial equivalent of the law education received in an accredited U.S. law school and either hold an LLM from an ABA-approved law school or show that the law of the foreign nation is comparable to Texas law. TEX. GOVERN. B. ADM'N XIII(b)(1). If the foreign-trained lawyer has only practiced 3 of the last 5 years in the foreign jurisdiction, he must both hold an LLM from an ABA-approved law school

and show that the law of the foreign nation is comparable to Texas law. TEX. GOVERN. B. ADM'N XIII(b)(2).

3. The International Law Section of the State Bar of Texas is in the process of reviewing Texas' admission requirements for foreign-trained lawyers in an effort to promote international economic activity within Texas by increasing the ability of Texas lawyers and firms to provide legal services to clients engaged in international business. *See Resolution Regarding Eligibility of Foreign Lawyers to Sit for the Texas Bar Examination*, presented by the International Law Section of the State Bar of Texas Board of Directors on September 25, 2006, without adoption (copy attached). The Section proposed in their resolution that rules II and XIII of the Rules Governing Admission to the State Bar of Texas should be amended to permit qualified foreign lawyers to be admitted to practice in Texas on the same or similar basis as they are admitted to practice in other states with substantial international economic and legal activities. As an example, New York's admission requirements allow individuals with at least three years of formal education in the common law to take the bar exam. Individuals with two years of common law training or three years of civil law training may take the bar exam after completing a one-year Master of Laws (LL.M.) program at an American institution.

4. The question of whether states should modify the educational and training requirements of foreign-trained lawyers seeking admission to the bar is not limited to Texas. A recent article in the Boston Business Journal noted that Massachusetts is currently looking to the New York rules governing the admission of foreign lawyers as a model to modify their current admission criteria. *See Catherine Williams, Boston Business Journal, Foreign Exchange: Push is on for Bar Exam Guidelines*, Aug. 1, 2008. The Law Council of Australia is actively working to make it easier for Australian lawyers to qualify to sit for the bar exam in the U.S. At the request of the Law Council of Australia, the U.S. Conference of Chief Justices passed a resolution recommending that each state consider permitting Australian lawyers to sit for the bar exam.

5. The Supreme Court of Texas must ultimately approve any new admission standards. While there is an increasing call for changes to modernize the rules on foreign-trained lawyers, any proposed modifications to the current rule should be carefully reviewed to ensure that the proposed new criteria adequately protect the quality of legal services in Texas.

The Supreme Court of Texas, having reviewed the issues, **HEREBY ORDERS:**

6. The creation of the Task Force on International Law Practice in Texas. The Task Force is charged with reviewing and recommending revisions to the rules necessary to clarify the relevant issues, reflect recent developments in the law related to foreign-trained lawyers, modernize existing criteria to meet the needs of international practice in Texas. The Task Force will also draft any proposed amendments for consideration by the Court.

7. The Task Force will submit a final report and recommendations to the Court no later than December 31, 2010.

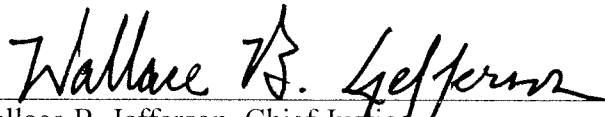
8. The following persons are appointed to serve as members of the Task Force on International Law Practice in Texas:

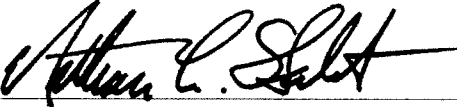
Julia Vaughan	Austin
LeLand DelaGarza	Dallas
Eduardo R. Rodriguez	Brownsville
Lawrence Sager	Austin
Sylvia J. Kerrigan	Houston
Jill C. F. Atha	Houston
Joe A. Rudberg	Dallas
Stephen D. Davis	Houston
Albert C. Tan	Dallas
Larry B. Pascal	Dallas
Abel Martinez	San Antonio
Frederico P. Porto	Dallas
Ernesto "Ernie" L. Cisneros	El Paso
David J. Cibrian	San Antonio

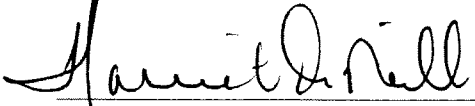
9. Larry Pascal, is appointed Chair of the Task Force. LeLand DelaGarza is appointed Vice-Chair.

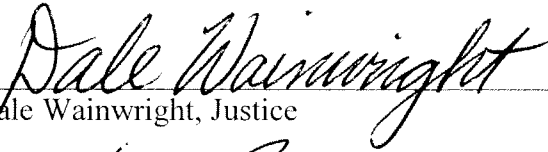
10. The Court's liaison to the Task Force is Chief Justice Wallace B. Jefferson. The Court's General Counsel will serve as the staff representative to the Task Force.


SIGNED AND ENTERED, this 24th day of August, 2009.

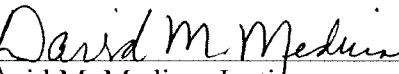

Wallace B. Jefferson, Chief Justice



Nathan L. Hecht, Justice



Harriet O'Neill, Justice



Dale Wainwright, Justice


Scott Brister, Justice


David M. Medina, Justice


Paul W. Green, Justice


Phil Johnson, Justice


Don R. Willett, Justice