

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 98- 9128

ORDER AMENDING
RULES GOVERNING ADMISSION TO THE BAR OF TEXAS

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

1. **Amend Rule XIII(a)(2) as reflected below:**

(2) An attorney who does not meet the criteria for admission without examination set out above is eligible for admission after passing the **Short Form Examination**³, 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 not failed the last Texas Bar Examination taken;
- (D) has not failed the last bar examination taken in any other state;
- (E) has not failed the last short form examination (sometimes known as attorney's exam) in any other state; **and**

³ The Short Form Examination shall cover the areas of the Texas substantive law and procedure which the Board may determine advisable. Any Applicant who fails the Short Form Examination twice shall thereafter be required to pass the Texas Bar Examination as provided in Rule XI. The timely application filing deadline for each Short Form Examination is the 180th day preceding the date of that examination, and the absolute application filing deadline for each Short Form Examination is the 150th day preceding the date of that examination. Any application filed after the timely deadline must be accompanied by a \$150.00 late fee.

(F) meets one of the following requirements:

(i) has a J.D. degree from an approved law school and 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; or

(ii) has a J.D. degree, which is not based on study by correspondence, from an unapproved law school and has been actively and substantially engaged in the lawful practice of law as his/her principal business or occupation for at least five of the last seven years immediately preceding the filing of the Application.

2. **Adopt a new Rule XXI, as follows:**

Rule XXI
Civil Immunity

Without limiting, restricting, or waiving any privilege or immunity otherwise available under state or federal law:

(a) The Board and its members, employees, and agents are immune from all civil liability for damages for conduct and communications occurring in the performance of and within the scope of their official duties relating to the character and fitness qualification of Applicants or Declarants, and the eligibility, examination, and licensing of Applicants.

(b) Records, statements of opinion, and other information regarding a Declarant or an Applicant communicated without malice to the Board or to its members, employees, or agents by any person, entity, firm, or institution are privileged, and civil suits for damages predicated thereon are barred.

3. **Amend Rule XVIII in the following manner:**

Rule XVIII
Fees

(a) The following provisions shall govern fees charged by the Board:

FEES RELATING TO DECLARATIONS

Declaration Investigation Fee	\$125 150 ⁴
Late Filing Fee	\$150
Fee for Check Returned for Insufficient Funds.....	\$ 25

⁴This increase in the Declaration filing fee shall be effective with Declarations filed on or after September 1, 1998.

FEEs RELATING TO ELIGIBILITY & EXAMINATIONS

Texas law student:

\$ 150 Application & Examination Fee

~~75~~ Examination Fee

\$ 225

Out-of-state law student:

\$ 150 Application & Examination Fee

~~75~~ Examination Fee

150 Investigation Fee

\$ 300 ~~375~~

Attorneys licensed in another state for less than one year:

\$ 275 ~~700~~ Application Fee

150 Examination Fee

150 Investigation Fee

\$ 575 ~~1,000~~

~~Attorneys licensed in another state for one year or more (unless a full-time professor in a Texas approved law school OR unless qualified for admission without examination):~~

~~\$ 575 Application Fee~~

~~150 Examination Fee~~

~~150 Investigation Fee~~

~~\$ 875~~

~~Full-time professor in approved Texas law school, unless qualified for admission without examination:~~

~~\$ 350 Application Fee~~

~~150 Examination Fee~~

~~150 Investigation Fee~~

~~\$ 650~~

Attorneys qualified for admission without examination under Rule XIII (unless a full-time professor in approved Texas law school):

\$ 625 ~~700~~ Application Fee

150 Investigation Fee

\$ 775 ~~850~~

~~Full-time professor in approved Texas law school, qualified for admission without examination:~~

~~\$ 400 Application Fee
150 Investigation Fee
\$ 550~~

Foreign nation attorney:

\$ ~~575~~ 700 Application Fee
150 Examination Fee
150 Investigation Fee
100 Foreign Nation Inquiry Fee
~~\$975~~ \$1,100

Foreign Legal Consultant:

\$ 700 Application Fee
150 Investigation Fee
100 Foreign Nation Inquiry Fee
\$ 950

Foreign Legal Consultant Re-Application Fee:

\$ 150 Re-Application Fee
150 Supplemental Investigation Fee
(every second renewal year only)
\$ 300 (\$150 in alternate years)

Supplemental Investigation Fee (as required under Rule IX)\$150

Miscellaneous Fees:

Late Filing Fee\$150
Re-application Fee\$150
Fee for Check Returned for Insufficient Funds\$ 25
MBE Transfer Fee\$15 25
~~Application Deposit Fee⁵.....\$ 30~~
~~Incompleteness Fee⁶.....\$ 75~~
~~Examination Typing Fee.....\$ 50~~

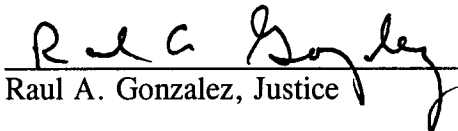
⁵One deposit fee shall be credited toward the filing fee if the application is filed within 1 year of date the deposit is received.

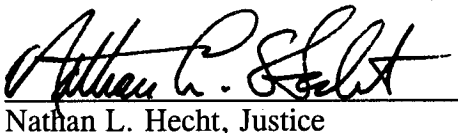
⁶This fee shall be imposed when a document (declaration, application, SI, etc.) is received, for the second and subsequent times, which is determined to be incomplete (e.g., unanswered questions, not signed, not notarized, incorrect fees, etc.)


IT IS FURTHER ORDERED that, except where otherwise specified, this order shall be effective immediately.

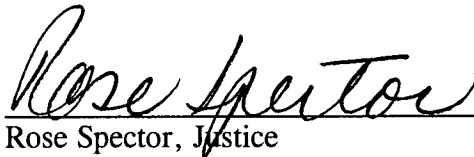
SIGNED AND ENTERED this 26th day of August, 1998.

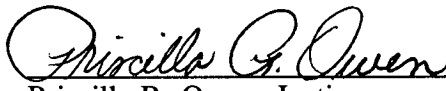

Thomas R. Phillips, Chief Justice


Raul A. Gonzalez, Justice

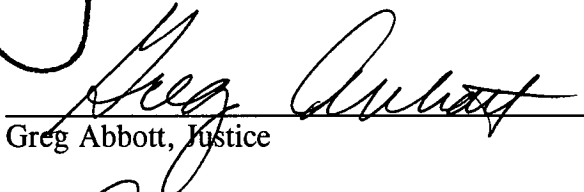

Nathan L. Hecht, Justice

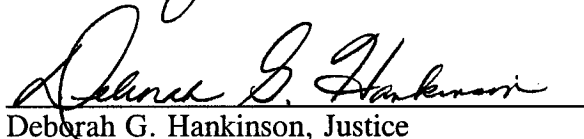

Craig T. Enoch, Justice


Rose Spector, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice


Deborah G. Hankinson, Justice