

ORDER AMENDING RULE XIII
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:

Amend Rule XIII to read as follows:

(a) An attorney holding a valid, active law license issued by another state shall 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 is eligible for exemption from the requirement of successfully completing the Texas Bar Examination, if the attorney:

(A) has been actively and substantially engaged in the lawful practice of law in any state or elsewhere as his/her principal business or occupation for at least five of the last seven years immediately preceding the filing of the application;

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

(C) has not failed the Texas Bar Examination.

(2) An attorney holding a valid, active law license issued by another state is eligible for an exemption from the law study requirement for admission to take the **Texas Bar Examination**, if the attorney:

(A) has been actively and substantially engaged in the lawful practice of law in any state or elsewhere as his/her principal business or occupation for at least three of the last five years immediately preceding the filing of the most recent application or re-application; **and**

(B) (1) holds a J.D. degree, not based on study by correspondence, from an unapproved law school that is accredited in the jurisdiction where it exists **or**

(2) 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.

(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 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/her principal business or occupation for at least five of the last seven years immediately preceding the filing of the most recent application or re-application, 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/her principal business or occupation for at least three of the last five years immediately preceding the filing of the most recent application or re-application, 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.

(c) An attorney 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.

(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;

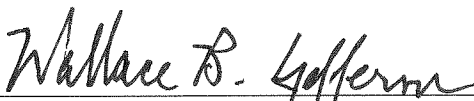
(F) any combination of the preceding categories.

(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.

IT IS FURTHER ORDERED THAT this order shall be effective December 1, 2005.

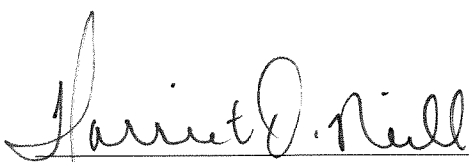
SIGNED AND ENTERED this 22nd day of November, 2005.



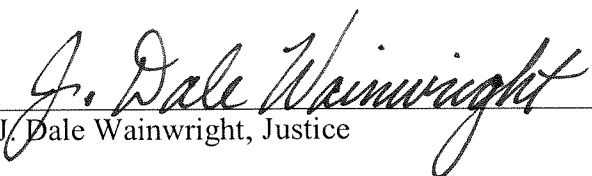
Wallace B. Jefferson, Chief Justice




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