

By: Gervin-Hawkins

H.B. No. 2386

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of certain legal
paraprofessionals and establishing a legal paraprofessional
licensing pilot program; requiring an occupational license;
imposing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subtitle G, Title 2, Government
Code, is amended to read as follows:

SUBTITLE G. ATTORNEYS AND LEGAL PARAPROFESSIONALS

SECTION 2. The heading to Subchapter E, Chapter 81,
Government Code, is amended to read as follows:

SUBCHAPTER E. ATTORNEY DISCIPLINE

SECTION 3. Chapter 81, Government Code, is amended by
adding Subchapter E-3 to read as follows:

SUBCHAPTER E-3. LEGAL PARAPROFESSIONAL DISCIPLINE

Sec. 81.0891. DISCIPLINARY JURISDICTION AND RULES. (a)
Each legal paraprofessional admitted to practice in this state is
subject to the disciplinary and disability jurisdiction of the
supreme court and the Commission for Lawyer Discipline, a committee
of the state bar.

(b) The Committee on Disciplinary Rules and Referenda
established under Subchapter E-1 shall propose and the supreme
court shall adopt rules of professional conduct applicable to legal
paraprofessionals under Subchapter E-1.

1 (c) In furtherance of the supreme court's powers to
2 supervise the conduct of legal paraprofessionals, the court shall
3 establish disciplinary and disability procedures for legal
4 paraprofessionals licensed by the court.

5 SECTION 4. The heading to Chapter 82, Government Code, is
6 amended to read as follows:

7 CHAPTER 82. LICENSING OF ATTORNEYS AND LEGAL PARAPROFESSIONALS

8 SECTION 5. Chapter 82, Government Code, is amended by
9 adding Subchapter E to read as follows:

10 SUBCHAPTER E. LICENSING OF LEGAL PARAPROFESSIONALS

11 Sec. 82.151. SUPREME COURT RULEMAKING. (a) The supreme
12 court may adopt rules relating to an individual's eligibility for
13 examination for issuance of a legal paraprofessional license and to
14 the manner in which the examination is conducted.

15 (b) The supreme court shall adopt rules necessary to
16 administer its functions relating to the licensing of legal
17 paraprofessionals under this subchapter.

18 Sec. 82.152. BOARD OF LAW EXAMINERS DUTIES. (a) In
19 addition to its duties under Section 82.004, the Board of Law
20 Examiners, acting under the instruction of the supreme court, shall
21 examine the qualification of each candidate for licensure as a
22 legal paraprofessional.

23 (b) The Board of Law Examiners may not recommend any
24 individual for a legal paraprofessional license unless the
25 individual demonstrates to the board, in the manner the supreme
26 court prescribes, that the individual has the moral character and
27 proper capacity and qualifications for licensure as a legal

1 paraprofessional.

2 Sec. 82.153. ELIGIBILITY REQUIREMENTS. To be eligible for
3 licensure as a legal paraprofessional, an applicant must:

4 (1) be at least 18 years old;

5 (2) hold a high school diploma or high school
6 equivalency certificate;

7 (3) be authorized to work in the United States;

8 (4) satisfy at least one of the following
9 qualifications:

10 (A) hold a paralegal certificate issued by:

11 (i) the Board of Law Examiners;

12 (ii) the National Association of Legal
13 Assistants; or

14 (iii) the National Federation of Paralegal
15 Associations;

16 (B) have successfully completed a paralegal
17 education program approved by the American Bar Association or the
18 supreme court;

19 (C) have at least five years' employment
20 experience as a paralegal with at least 50 percent of the
21 applicant's workload consisting of substantive legal work; or

22 (D) hold a bachelor's degree or a graduate or
23 professional degree conferred by an accredited institution of
24 higher education;

25 (5) be of good moral character and fitness;

26 (6) have successfully completed an examination
27 administered by the Board of Law Examiners for a legal

paraprofessional license; and

(7) pay appropriate application, licensing, examination, and enrollment fees.

Sec. 82.154. PROBATIONARY PERIOD. An attorney licensed in this state shall supervise a licensed legal paraprofessional for a period not to exceed one year after the issuance date of the paraprofessional's initial license. The supreme court shall adopt rules regarding the supervisory requirement under this section.

Sec. 82.155. LIMITED PRACTICE OF LAW BY LICENSED LEGAL PARAPROFESSIONAL. (a) Except as provided by Section 82.154, a legal paraprofessional licensed under this subchapter may represent a client without attorney supervision in a civil suit filed in a justice court in this state, including by:

(1) preparing, litigating, and settling the suit;

(2) communicating with an opposing party or with an attorney representing an opposing party;

(3) perfecting an appeal of a court judgment; and

(4) administering post-judgment collections, discovery, and receiverships.

(b) The supreme court by rule may authorize a legal paraprofessional licensed under this subchapter to engage in additional duties relating to the limited practice of law.

Sec. 82.156. REQUIREMENTS OF REPRESENTATION. To represent a client under Section 82.155, a legal paraprofessional licensed under this subchapter must:

(1) obtain a self-certification affidavit or unsworn declaration under Chapter 132, Civil Practice and Remedies Code,

1 signed by the client indicating the client has low income;

2 (2) execute a written agreement with the client
3 explaining the licensed legal paraprofessional is not an attorney
4 and describing the limited scope of the paraprofessional's
5 representation; and

6 (3) provide the client with a brochure approved by the
7 state bar explaining the steps for reporting potential concerns
8 with the legal paraprofessional's representation or violations of
9 rules governing the paraprofessional's professional conduct.

10 SECTION 6. Subchapter C, Chapter 61, Education Code, is
11 amended by adding Section 61.0765 to read as follows:

12 Sec. 61.0765. LEGAL PARAPROFESSIONAL LICENSING PILOT
13 PROGRAM. (a) The board, in cooperation with the governing boards
14 of The University of Texas System and The Texas A&M University
15 System, shall establish a pilot program under which a participating
16 student may enroll in a one-year residential graduate degree
17 program at a school of law that is a component institution of either
18 system. The program shall serve as preparation and fulfillment of
19 the licensure requirements for a licensed legal paraprofessional
20 under Subchapter E, Chapter 82, Government Code.

21 (b) The board shall establish eligibility requirements for
22 students seeking to participate in the program, including
23 admissions requirements.

24 (c) The program must require coursework relevant to the
25 licensing requirements under Subchapter E, Chapter 82, Government
26 Code, including:

27 (1) courses on:

1 (A) constitutional law;

2 (B) Texas civil procedure;

3 (C) Texas criminal procedure;

4 (D) legal writing;

5 (E) trial advocacy; and

6 (F) professional responsibility; and

7 (2) at least six credit hours of an experiential
8 educational requirement fulfilled by a practical learning
9 simulation or experience selected by the participating school of
10 law.

11 (d) Not later than September 1, 2029, the board shall submit
12 to each standing committee of the legislature with jurisdiction
13 over higher education a report that:

14 (1) evaluates the effectiveness of the pilot program,
15 including details regarding the educational outcomes under the
16 program and the institutional cost of the program; and

17 (2) makes recommendations regarding the continuation
18 or expansion of the pilot program.

19 (e) The board may adopt rules as necessary to implement this
20 section.

21 (f) This section expires September 1, 2030.

22 SECTION 7. As soon as practicable after the effective date
23 of this Act:

24 (1) the Texas Supreme Court shall adopt the rules
25 necessary to implement this Act;

26 (2) the State Bar of Texas shall approve a brochure as
27 required under Section 82.156(3), Government Code, as added by this

1 Act; and

2 (3) the Texas Higher Education Coordinating Board
3 shall establish the pilot program under Section 61.0765, Education
4 Code, as added by this Act.

5 SECTION 8. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2025.