

## **BILL ANALYSIS**

Senate Research Center  
79R6764 KLA-D

S.B. 1550  
By: Van de Putte  
Jurisprudence  
4/11/2005  
As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Currently, the Texas Board of Law Examiners (board), through rulemaking authority, limits to five the number of times the Texas Bar Exam can be taken. Thirty-one of the 50 states have no limit on the number of times the bar examination can be taken.

Additionally, the board discriminates in its requirements for an attorney from another jurisdiction to become licensed in Texas. An attorney from another jurisdiction who has been practicing five of the last seven years and who has taken the bar exam in Texas and failed is ineligible to become a licensed attorney without re-taking the bar examination in Texas and passing, while an attorney from another jurisdiction who has been practicing five of the last seven years, and never taken the Texas bar examination is eligible to become an attorney without taking and passing the bar examination.

As proposed, S.B. 1550 eliminates the rule imposing a five-time limit on the number of times the bar examination can be taken in Texas. Furthermore, this legislation offers an incentive to graduates of Texas law schools to be able to return to the state in as little as three years if they have never taken the Texas Bar Exam and be licensed without examination. The bill also allows lawyers who have attended and graduated from a Texas law school to be able to return to Texas if they have been practicing law five of the past seven years in another jurisdiction and become a licensed attorney, regardless of whether the attorney has taken the Texas bar examination.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Supreme Court of Texas is modified in SECTION 2 (Section 82.036, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 82.024, Government Code, as follows:

Sec. 82.024. LAW STUDY REQUIREMENTS; ELIGIBILITY FOR EXAMINATION.

(a) Creates subsection from existing text.

(b) Prohibits the supreme court from adopting rules regarding the eligibility of an applicant for examination for a license to practice law that prohibit the applicant from taking the examination after failing a specified number of previous examinations.

SECTION 2. Amends Section 82.036, Government Code, as follows:

Sec. 82.036. FOREIGN ATTORNEYS. (a) Creates subsection from existing text.

(b) Requires rules adopted under this section to allow an attorney licensed to practice law in another jurisdiction to be admitted to practice law in this state without examination if the attorney meets certain requirements.

SECTION 3. Requires the Texas Supreme Court, as soon as practicable after the effective date of this Act, to adopt rules to implement Section 82.036, Government Code, as amended by this Act.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2005.