

By: Solis

H.B. No. 3033

Substitute the following for H.B. No. 3033:

By: Flores

C.S.H.B. No. 3033

A BILL TO BE ENTITLED

AN ACT

relating to licensing of attorneys.

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

SECTION 1. Section 82.024, Government Code, is amended to read as follows:

Sec. 82.024. LAW STUDY REQUIREMENTS; ELIGIBILITY FOR EXAMINATION. (a) A person who has completed the prescribed study in an approved law school has satisfied the law study requirements for taking the examination for a license to practice law and is eligible to take the bar examination. An approved law school is one that is approved by the supreme court for the time period designated by the court as maintaining the additional standards to retain approval.

(b) The supreme court may not adopt 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. Subchapter B, Chapter 82, Government Code, is amended by adding Section 82.026 to read as follows:

Sec. 82.026. EXEMPTION FROM EXAMINATION FOR CERTAIN APPLICANTS FOLLOWING DISBARMENT. Rules adopted by the supreme court relating to the reinstatement of the license of a disbarred attorney must allow an attorney to be reinstated without having to

1 take the bar examination if the court with jurisdiction over the
2 proceeding finds that the attorney was licensed in this state for at
3 least 20 years before the disbarment and was in good standing for
4 that period.

5 SECTION 3. Section 82.036, Government Code, is amended to
6 read as follows:

7 Sec. 82.036. FOREIGN ATTORNEYS. (a) The supreme court
8 shall make such rules and regulations as to admitting attorneys
9 from other jurisdictions to practice law in this state as it shall
10 deem proper and just. All such attorneys shall be required to
11 furnish satisfactory proof as to good moral character.

12 (b) The rules adopted under this section must allow an
13 attorney licensed to practice law in another jurisdiction to be
14 admitted to practice law in this state without examination if the
15 attorney:

16 (1) completed the law study requirements for admission
17 at an approved law school in this state;

18 (2) has been actively and substantially engaged in the
19 practice of law in the other jurisdiction for:

20 (A) at least three of the last seven years
21 immediately preceding the date the attorney filed the application
22 for a license in Texas, if the attorney has never taken and failed
23 the Texas bar examination; or

24 (B) at least five of the last seven years
25 immediately preceding the date the attorney filed the application
26 for a license in Texas, if the attorney failed the last Texas bar
27 examination taken by the attorney; and

1 (3) is otherwise eligible for admission to practice
2 law without examination.

3 SECTION 4. As soon as practicable after the effective date
4 of this Act, the Texas Supreme Court shall adopt rules to implement
5 Section 82.026, Government Code, as added by this Act, and Section
6 82.036, Government Code, as amended by this Act.

7 SECTION 5. Sections 82.024 and 82.036, Government Code, as
8 amended by this Act, apply only to a person who files an application
9 for admission to the State Bar of Texas on or after September 1,
10 2005.

11 SECTION 6. Section 82.026, Government Code, as added by
12 this Act, applies only to a person whose application for
13 reinstatement to the State Bar of Texas is pending on or filed on or
14 after September 1, 2005.

15 SECTION 7. This Act takes effect September 1, 2005.