

BILL ANALYSIS

Senate Research Center
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S.B. 363
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Jurisprudence
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, attorneys licensed in other states are allowed to practice in Texas without taking the Texas bar examination if they have practiced in another state for five of the last seven years. However, in some states, such as California, lawyers licensed in Texas are required to take an examination despite their years of experience. This bill seeks to close this loophole by requiring attorneys licensed in other states to take the Texas bar examination if attorneys licensed in Texas are required to take an examination in order to be licensed in those other states.

As proposed, S.B. 363 amends current law relating to prohibited exemptions from state bar examination requirements for attorneys who hold law licenses issued by certain other states.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Supreme Court is modified in SECTION 1 (Section 82.036, Government Code) and SECTION 2 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 82.036, Government Code, as follows:

Sec. 82.036. New heading: FOREIGN ATTORNEYS; RECIPROCITY. (a) Creates this subsection from existing text and makes no further changes.

(b) Prohibits the rules adopted under this section from exempting an attorney licensed to practice law in another state from the requirement of successfully completing this state's bar examination unless the other state exempts attorneys licensed to practice law in this state from the requirement of successfully completing the other state's bar examination.

SECTION 2. (a) Requires the Texas Supreme Court, not later than December 1, 2013, to adopt the rules necessary to implement Section 82.036, Government Code, as amended by this Act.

(b) Provides that Section 82.036, Government Code, as amended by this Act, applies only to a person who files an application for a license to practice law with the Board of Law Examiners on or after December 1, 2013.

SECTION 3. Effective date: September 1, 2013.