

By: Hall

S.B. No. 246

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of applicants for the state bar examination.

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 82.025 to read as follows:

Sec. 82.025. ATTORNEY LICENSED IN ANOTHER STATE. (a) Notwithstanding Sections 82.024, 82.0241, and 82.036, an attorney licensed to practice law in another state is eligible to take this

1 state's bar examination if the attorney:

2 (1) is a citizen of the United States; and

3 (2) satisfies all other requirements to be licensed in
4 this state.

5 (b) An attorney eligible to take the examination under this
6 section must comply with the procedures and deadlines prescribed by
7 the Texas Supreme Court.

8 SECTION 3. Section 82.027(b), Government Code, is amended
9 to read as follows:

10 (b) The application consists of a statement confirming
11 ~~[verified affidavit stating]~~ that, since the filing of the
12 applicant's original declaration of intention to study law, the
13 applicant:

14 (1) has not been formally charged with any violation
15 of law, excluding:

16 (A) cases that have been dismissed for reasons
17 other than technical defects in the charging instrument;

18 (B) cases in which the applicant has been found
19 not guilty;

20 (C) minor traffic violations;

21 (D) cases in which the record of arrest or
22 conviction was expunged by court order;

23 (E) pardoned offenses; and

24 (F) Class C misdemeanors;

25 (2) ~~[is not mentally ill,~~

26 ~~(3)]~~ has not been charged with fraud in any legal
27 proceeding; and

1 (3) [~~(4)~~] has not been involved in civil litigation or
2 bankruptcy proceedings that reasonably bear on the applicant's
3 fitness to practice law.

4 SECTION 4. Sections 82.024 and 82.027, Government Code, as
5 amended by this Act, apply only to an application to take the state
6 bar examination that is submitted to the Board of Law Examiners on
7 or after September 1, 2017.

8 SECTION 5. This Act takes effect September 1, 2017.