

SUBJECT: Criteria for appointing the Board of Law Examiners

COMMITTEE: Judicial Affairs — favorable, without amendment

VOTE: 5 ayes — Thompson, Hartnett, Capelo, Deshotel, Uresti
1 nay — Shields
3 absent — Garcia, Hinojosa, Jim Solis

WITNESSES: For — Jim Harrington, Texas Civil Rights Project
Against — None

BACKGROUND: The Board of Law Examiners determines the eligibility of persons seeking to become licensed attorneys, prepares and administers the bar exam, and determines whether attorneys from other states qualify to practice in Texas. The Texas Supreme Court, which licenses attorneys, appoints the members of the board, and appointments are required to be made without regard to race, creed, sex, religion, or national origin.

DIGEST: HB 221 would amend Government Code, sec. 82.001(c) by adding color, disability, and age to the list of factors that may not be considered in appointing members to the Board of Law Examiners. HB 221 also would remove “creed” as a nondiscriminatory factor.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. The proposed changes would not affect appointments made before the effective date.

SUPPORTERS SAY: HB 221 simply would track the criteria used in other statutes for ensuring that appointments to state boards are made in a nondiscriminatory fashion. The bill is necessary to make the appointment process for the Board of Law Examiners conform with other laws such as the federal Americans with Disabilities Act. HB 221 also would encourage greater diversity among the board’s membership.

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OPPONENTS
SAY:

HB 221 proposes needless changes to a statute that already tracks the language of the Texas Constitution and to an appointment process that already is fair. There is no indication that the Texas Supreme Court has ever discriminated because of age, color, or disability in appointing members to the Board of Law Examiners.