

## Recommendations Involving the Texas Board of Law Examiners

1) **Rule 13, §1** of the Rules Governing Admission to the Bar of Texas adopted by the Supreme Court of Texas allows out-of-state attorneys to join the Texas Bar without even passing the Texas bar exam:

<http://www.ble.state.tx.us/Rules/NewRules/Rule13.pdf>

Nevertheless, states such as California, Florida, Arizona and Nevada (etc.) apparently still do not let members of the Texas Bar waive-in to become active bar members out there in the absence of passing a bar exam out there, too. So why is Texas nevertheless so accommodating for attorneys from there who want to join the Texas bar without passing our own bar exam? Decades of experience has already shown that only if we erect a comparable admissions barrier to such state bars' attorneys will those bars more seriously consider *finally* entering a reciprocity agreement with Texas so that Texas attorneys can join those states' bars without having to study for and pass even more state bar exams.

Meanwhile, is it in Texas' best interest to facilitate our businesses' and people's being sued by out-of-state attorneys who get licensed here (too) without even having to pass a Texas bar exam? Texans tend to care about Texas' well-being more so than out-of-staters typically do. If other state bars' membership is reciprocally open to Texans in the absence of a bar exam requirement, then that should give such attorneys special membership privileges that otherwise should *not* continue to be extended to attorneys whose state bars still do not allow Texan attorneys to join without passing a bar exam out there, too. A reciprocity requirement regarding bar exam-waivers is warranted. Indeed its adoption could ultimately facilitate increased exporting from Texas to other states as many Texas manufacturers and vendors prefer to be able to work with their local (Texas-based) legal counsel even when navigating the regulatory and other hurdles in *other* states. Meanwhile...

2) The Texas Board of Law Examiners could seemingly benefit from being encouraged and even required *not* to dilute its admissions standards like the New York attorney licensing authority reportedly did, as the following article about a new lawsuit details. As a preface, it is worth remembering the saying that “[a] chain is only as strong as its weakest link.” If laypersons in Texas need to fear that the Texas Board of Law Examiners dilutes its admissions standards as much as Harvard Law School and subsequently the New York licensing authority recently did for **Plaintiff Tamara Wyche**, then Texas attorneys' winning clients' trust will become considerably more difficult. The public could suffer too. To put the following litigation report in perspective, it seems worth asking the following: **Should we license people as lifeguards even if they have “water anxiety” and “swimming difficulties” which prevent their passing lifeguard tests under ordinary circumstances?**

[http://taxprof.typepad.com/taxprof\\_blog/2016/06/harvard-grad-who-flunked-bar-sues-over-loss-of-big-law-job.html](http://taxprof.typepad.com/taxprof_blog/2016/06/harvard-grad-who-flunked-bar-sues-over-loss-of-big-law-job.html)

Wednesday, June 15, 2016 (by Paul Caron & Karen Sloan, National Law Journal)

***Harvard Law Grad Who Flunked Bar Sues Over Loss Of Big-Law Job***



A 2013 Harvard Law graduate who twice failed the bar exam has sued the New York State Board of Law Examiners, claiming its refusal to provide testing accommodations derailed her career at Ropes & Gray.

[Tamara Wyche](#), who alleges she suffers from anxiety and cognitive impairment, asserts that the board's decision not to grant all of her requested accommodations the first two times she took the exam led to her termination from the Boston-based law firm. She passed the exam on the third try in 2015 with additional accommodations but hasn't been able to find work at a large firm, [according to the complaint](#), filed June 10 in the U.S. District Court for the Eastern District of New York. ...

Wyche, 29, claims she was first diagnosed with depression and anxiety as a first-year law student at Harvard. She also suffered several head injuries that resulted in memory problems and cognitive difficulties, according to her complaint, and took several leaves of absence. She returned to campus and earned her law degree in 2013 while receiving doctor-recommended accommodations including 50 percent extra time on tests, a separate testing room, and extra break time. Due to anxiety and panic attacks, she also was exempt from "cold calls" by professors. When Wyche applied to take the bar exam in July 2013, she asked for the same accommodations Harvard had provided.

The board initially denied all her requests but upon appeal allowed her extra break time and a smaller testing room, her suit claims. She failed after having panic attacks during

the exam, she alleges, and her standing as a “star” associate at Ropes & Gray took a hit, she alleges. (The firm did not respond to a request to confirm Wyche’s employment.) She also failed the July 2014 bar exam after the board granted her 50 percent extra time and a smaller testing room, but denied any extra break time. Ropes & Gray terminated her employment after her second failure, Wyche claims.

**The board granted her request for *double* time on the February 2015 bar exam, and Wyche passed, according to her suit.** “[Wyche] was gratified to receive notice in April 2015 that she had passed, but her career already had been damaged beyond repair by the Board’s inexplicable failure to provide her with appropriate accommodations,” her complaint reads. Wyche has thus far been unable to secure another large-firm job because of her bar failures, and has been working in temporary positions, according to her suit.

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**Respectfully submitted,**

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