

Board of Law Examiners
Appointed by the Supreme Court of Texas

WAIVER REQUEST FORM

Pursuant to Rule **XX(e)** the Board is given discretion in the interpretation and application of the Rules Governing Admission to the Bar of Texas. For good cause shown to the satisfaction of the Board, upon written request, waivers of specific requirements described in these Rules may be granted, unless it appears therefrom that no exceptions are contemplated by the Supreme Court.

(All data must be typed or printed clearly.)

Name (last, first, and middle)													
Work Address (include street address/P.O. Box, city, state, and zip code)													
Work Telephone Number	Fax Number												
Home Address (include street address/P.O. Box, city, state, and zip code)													
Home Telephone Number	Cellular Telephone Number												
<p>I request a waiver of Rule(s) _____ <i>(Be specific as to rule number and subsection.)</i></p> <p>NOTE: <i>If you seek waiver of any fees, attach copies of your federal income tax returns or evidence of your earnings for the previous two (2) years, and complete the attached Income and Expense Information. Otherwise, remove and ignore the attached Income and Expense Information, as we do not need this information to consider other waiver requests.</i></p>													
<p>I request (check all that apply):</p> <p>_____ a waiver of the filing fees / late fees (circle one) for the (check all that apply):</p> <table style="width: 100%;"><tr><td>_____ Declaration of Intention to Study Law.</td><td>_____ Application for Admission to the Bar of Texas.</td></tr><tr><td>_____ Re-Application.</td><td>_____ Supplemental Investigation.</td></tr><tr><td colspan="2">_____ other fee(s) (describe) _____</td></tr></table> <p style="text-align: center;">See additional requirements on pp. 3 - 6 for requests concerning fees</p> <p>_____ a waiver of the absolute deadline, <i>see</i> Rules VI(c) & IX(a)(3), for filing the (check all that apply):</p> <table style="width: 100%;"><tr><td>_____ Declaration of Intention to Study Law.</td><td>_____ Application for Admission to the Bar of Texas.</td></tr><tr><td>_____ Re-Application.</td><td>_____ Supplemental Investigation.</td></tr><tr><td colspan="2">_____ other (describe) _____</td></tr></table> <p style="text-align: center;">See additional requirements on p. 3 for requests concerning deadlines</p>		_____ Declaration of Intention to Study Law.	_____ Application for Admission to the Bar of Texas.	_____ Re-Application.	_____ Supplemental Investigation.	_____ other fee(s) (describe) _____		_____ Declaration of Intention to Study Law.	_____ Application for Admission to the Bar of Texas.	_____ Re-Application.	_____ Supplemental Investigation.	_____ other (describe) _____	
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_____ other (describe) _____													

I have read the *Rules Governing Admission to the Bar of Texas*, and I believe I should be given a waiver from the provisions of the above-referenced rule(s) because of the following facts:

I understand that my request must be submitted in writing and that if I intend to include any additional page(s) and/or supporting document(s), I am responsible for describing them above and attaching them at this time to my written request. By my signature below, I hereby affirm and swear all of the facts and statements contained herein are true and correct.

Signature of Affiant

Date of Signature

Notary attestation

SUBSCRIBED AND SWORN to before me on this _____ day of _____, _____

(Seal)

Signature of Notary

FEE AND DEADLINE WAIVER REQUESTS

The majority of waiver requests concern filing fees and missed deadlines. In general, lack of adequate preparation and planning to meet foreseeable deadlines and expenses or lack of familiarity with pertinent rules, policies and instructions are not favored.

FEES:

1. **Attach copies of your federal income tax return, or evidence of your earnings, for the previous two (2) years and complete the attached Income and Expense Information sheets, and**
2. **Attach an affidavit as to your efforts to obtain the fees from other sources (e.g. family members, friends, financial institutions).**
3. **In addition, if you are requesting a waiver of any late fees, you must attach an affidavit as to why you did not meet the timely filing deadline.**

Please specify the dollar amount for which waiver is sought. *See* fee schedule in Rule XVIII(a). Under Rule XVIII(b) the Board does not refund or transfer fees in the event of the withdrawal of any Declaration or Application, nor in the event a determination is made by the Board that the Applicant or Declarant does not meet admission requirements. However Rule XVIII(c) provides that any fee required under these Rules may be waived or lowered by the Board upon written request and proof of indigence.

For any request to waive, transfer or reduce any filing fee, **you must provide the financial disclosure and information requested by this form.** Moreover, since April of 1982 it has been the Board's policy that any individual making such a request must show that indigence is a result of circumstances that are unusual in relation to those of other law students (or similar applicants) and that those circumstances were generally caused by sudden and unexpected hardship for which there is no foreseeable resolution. Below are some factors an applicant may need to address in a request for waiver, refund, reduction or transfer of fees:

- a. apparent intent of Rules XVIII (b) and (c)
- b. evidence of financial condition, including required financial information from applicant
- c. indigence, if shown, is a result of circumstances that are unusual in relation to those of other law students, and those circumstances, if any, were generally caused by sudden, unexpected hardship for which there is no foreseeable resolution
- d. evidence of ability or inability to obtain or borrow funds from other sources to pay filing fee
- e. evidence as to employment, and efforts or ability to obtain even temporary employment
- f. efforts to plan, budget or forgo other items to pay filing fees
- g. evidence of ability or inability to obtain or borrow funds to pay for bar review courses

DEADLINES: Rules IX(a)(1) and (2) provide the January 30 and August 30 filing deadlines for the July and February exams, respectively. Except for a very limited exception in Rule IX(f), applicants who miss these deadlines are late. Rule IX(a)(3) does not permit late filing after October 30, for the February Examination, or after March 30, for the July Examination. *See* also Tex. Gov't Code §82.027(a) and (c). These are sometimes referred to as "absolute deadlines." Below are some factors an applicant may need to address in a request for waiver of a deadline:

- a. apparent intent of IX(a)(3) and Tex. Gov't Code §82.027 (c)
- b. the opinion of another jurisdiction's supreme court in holding that "we have fixed a deadline which this court maintains is absolute. In doing so, we have made a considered judgment that a strict cutoff is preferable to a case-by-case determination by the secretary of the Board or by this court of what circumstances amount to substantial compliance" with the specified filing deadline. *In re Charity Elmer*, 984 S.W. 2d 448 (Ark. 1999)
- c. evidence as to conscientiousness of effort to timely comply
- d. amount of delay (specify your deadline or due date, the date you filed and the number of days late)
- e. reasons why best efforts were unsuccessful
- f. conscious indifference or neglect, including applicant's lack of knowledge of deadline or familiarity with applicable rules and instructions
- g. sudden or unexpected adverse circumstances **other than** the usual or ordinary consequences of missing a bar application deadline and the resulting delay in obtaining professional status or employment

INCOME AND EXPENSE INFORMATION

I, _____, hereby state under oath that the following information is true and correct. I understand that, at any hearing, I may be required to prove these amounts by testimony and by records such as pay vouchers, canceled checks, receipts, and bills.

A. Total **monthly** income received by applicant and spouse, if applicable (attach copy of most recent pay statement from each employer). Enter N/A in any blank which is not applicable to your circumstances.

	<u>Gross</u>	<u>Deductions*</u>	<u>Net</u>	<u>Supplemental**</u>	<u>Adjust. Net</u>
1. Applicant's income	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
2. Spouse's income	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
TOTAL INCOME	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

* In the table below, itemize **only** compulsory deductions for federal income tax, Social Security, Medicare, etc.

Deduction	Purpose	Monthly Amount

** In the table below, itemize all supplemental income (i.e. child support, etc.)

Description	Monthly Amount

B. Total **monthly** expenses usually incurred by applicant and household members in addition to those itemized as being deducted from income as noted in Section A. Express amounts as a monthly average where applicable.

1. Rent or mortgage	\$ _____
2. Utilities	\$ _____
3. Telephone	
a. Cellular	\$ _____
b. other	\$ _____
4. Groceries & household items	\$ _____
5. Meals away from home	\$ _____

6. School lunches \$ _____
7. Dental/orthodontia \$ _____
8. Medical & prescriptions \$ _____
9. Laundry & dry cleaning \$ _____
10. Vehicle payment(s) \$ _____
11. Gas & vehicle maintenance \$ _____
12. Clothing \$ _____
13. Insurance -- car \$ _____
14. Insurance -- life \$ _____
15. Insurance -- health \$ _____
16. Child care \$ _____
17. Cable TV & newspaper \$ _____
18. Child support or alimony paid to other persons \$ _____
19. Total monthly payments for credit cards, installment loans, etc. \$ _____
(itemize in the table below)

Description of Debt	Balance	Minimum Monthly Payment

20. Other (Itemize in the table below) \$ _____

Description	Amount

TOTAL EXPENSES (add items 1 - 20 above) \$ _____

C. Total of funds remaining after expenses are deducted from _____ \$ _____
Adjusted Net Income listed in Section A (subtract Section A
Total from Section B total)

I have completed the Income and Expense Information sheets and I have attached (*check all that apply*):

- _____ copies of my federal income tax return, or evidence of my earnings, for the previous two (2) years
- _____ an affidavit as to my efforts to obtain the fees from other sources (e.g. family members, friends, financial institutions)
- _____ an affidavit as to why I did not meet the timely filing deadline (if I am requesting a waiver of any late fees)
- _____ other: _____

I hereby affirm and swear that all of the facts and statements contained herein are true and correct.

Signature of Affiant: _____ Date: _____

SUBSCRIBED AND SWORN to before me on this _____ day of _____, _____.

(Seal)

Signature of Notary