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**YVONNE ROSALES**

DISTRICT ATTORNEY

34<sup>TH</sup> JUDICIAL DISTRICT

El Paso, Hudspeth and Culberson Counties

July 1, 2021

The Honorable Ken Paxton  
Attorney General, State of Texas  
Attention Opinion Committee  
P.O. Box 12548  
El Paso, Texas 78711-2548

RE: **Opinion Regarding the Hiring of Graduate Law Students with Supervised Practice Cards as Assistant District Attorneys.**

Dear General Paxton:

The Office of the District Attorney for the 34<sup>th</sup> Judicial District request an opinion regarding the hiring of graduate law students, with Supervised Practice Cards for open Assistant District Attorney positions.

The District Attorney recently contacted the El Paso County Human Resources Department regarding hiring three recent law school graduates for open positions within the District Attorney's Office. The graduates are scheduled to take the Texas Bar Exam in July. District Attorney's Office further advised the Human Resources Department that the District Attorney's Office would like the job candidates to start work in mid-August and that the candidates would have their Supervised Practice Cards and would be working under a supervising attorney.

The El Paso County Human Resources Department stated that it was not sure if the District Attorney could hire candidates that only had Supervised Practice Cards. The Human Resources requested an opinion from the El Paso County Attorney's Office (*see attachment*). The El Paso County Attorney's Office opined that pursuant to Texas Gov't Code 41.103, all assistant prosecuting attorneys – to include those assistant prosecuting attorneys in the DA's, must be licensed in Texas.

The District Attorney's position is that a Supervised Practice Card satisfies the licensed requirement and that law school graduates who have a Supervised Practice Card may work as Assistant District Attorneys as provided for in the Texas State Bar's Rules Governing the Supervised Practice of Law by Qualified Law Students and Qualified Unlicensed Law School Graduates in Texas. The District Attorney points to Rule VII, Section B (3) which states that a supervising attorney "maintain professional malpractice and errors and omissions insurance covering the supervised qualified law student or qualified unlicensed law school graduate, unless the attorney is supervising the student or the graduate in the attorney's official capacity as a public prosecutor or is an attorney otherwise protected by governmental immunity." This section infers that a graduate may work as prosecutor.

The District Attorney's Office respectfully requests the Attorney General's opinion on the matter.

Sincerely,

/s/ Yvonne Rosales  
Yvonne Rosales  
District Attorney