

# Table of Contents

<b>Chapter 1. Introduction</b> .....	<b>1</b>	§ 3.08 Conspiracy.....	111
§ 1.01 Introduction and Scope.....	3	§ 3.09 Duress .....	115
§ 1.02 How To Use This Volume.....	5	§ 3.10 Breach of Contract.....	115
<b>Chapter 2. Guide to Lawyers’ Duties and Liabilities</b> .....	<b>7</b>	§ 3.11 Deceptive Trade Practices Act .....	117
§ 2.01 Guide.....	9	§ 3.11.1 Applications to Lawyers .....	117
I. Obtaining Clients—Advertising, Solicitations.....	10	§ 3.11.2 Scope of Liability.....	119
II. Fees.....	11	§ 3.12 Breach of Implied Warranty.....	127
III. Confidentiality of Client Information .....	12	§ 3.13 Breach of Disciplinary Rules .....	127
IV. Safeguarding Property.....	13	§ 3.14 False Advertising.....	138
V. Conflict of Interest .....	14	§ 3.15 Sanctions.....	138
VI. Advocacy .....	15	§ 3.16 Indemnity/Contribution Claims.....	151
VII. Obligations to Non-clients .....	19	§ 3.17 Securities Claims.....	153
VIII. Declining, Terminating Representation .....	20	§ 3.18 RICO.....	155
IX. Misconduct .....	21	§ 3.19 Vicarious Liability.....	156
<b>Chapter 3. Legal Malpractice in Texas</b> .....	<b>23</b>	§ 3.19.1 General Partnerships.....	157
<b>A. Background</b> .....	<b>25</b>	§ 3.19.2 Registered Limited Liability Partnerships.....	158
§ 3.01 Introduction and Scope .....	25	§ 3.19.3 Professional Corporations .....	159
<b>B. Statistics and Trends</b> .....	<b>38</b>	§ 3.19.4 Limited Liability Company .....	159
§ 3.02 Malpractice Statistics and Trends.....	38	§ 3.19.5 Respondeat Superior .....	160
<b>C. Liability Theories</b> .....	<b>41</b>	§ 3.20 Other Liability Theories.....	160
§ 3.03 Negligence .....	41	§ 3.20.1 Misrepresentation.....	160
§ 3.03.1 Gross Negligence.....	59	§ 3.20.2 Interference with Contractual Relations.....	165
§ 3.03.2 Duty to Warn .....	61	§ 3.20.3 Prima Facie Tort.....	165
§ 3.03.3 Scope of Engagement .....	65	§ 3.20.4 Retention of Client Funds.....	165
§ 3.04 Breach of Fiduciary Duty .....	65	§ 3.20.5 Other .....	166
§ 3.05 Fraud.....	100	<b>D. Standard of Care: Evidentiary Considerations</b> .....	<b>174</b>
§ 3.05.1 Constructive Fraud.....	106	§ 3.21 General Standard of Care.....	174
§ 3.06 Malicious Prosecution.....	108	§ 3.22 Locality Rule.....	176
§ 3.07 Abuse of Process.....	110	§ 3.23 Effect of Specialization.....	177
		§ 3.24 Expert Testimony Requirement .....	177

## Table of Contents

<p><b>E. Causation</b> ..... 196</p> <p>§ 3.25 Proximate Cause; Producing Cause ..... 196</p> <p>§ 3.26 Cause in Fact: Suit-Within-a-Suit Requirement ..... 204</p> <p style="padding-left: 20px;">§ 3.26.1 Collectibility ..... 214</p> <p style="padding-left: 20px;">§ 3.26.2 Defendants ..... 217</p> <p style="padding-left: 20px;">§ 3.26.3 Criminal Cases ..... 218</p> <p style="padding-left: 20px;">§ 3.26.4 Appellate Malpractice ..... 222</p> <p><b>F. Defenses</b> ..... 223</p> <p>§ 3.27 Statute of Limitations: In General ..... 223</p> <p style="padding-left: 20px;">§ 3.27.1 Legal Injury Rule ..... 223</p> <p style="padding-left: 20px;">§ 3.27.2 The Discovery Rule ..... 225</p> <p style="padding-left: 20px;">§ 3.27.3 Tolling During the Pendency of Litigation ..... 231</p> <p style="padding-left: 20px;">§ 3.27.4 Fraudulent Concealment ..... 238</p> <p style="padding-left: 20px;">§ 3.27.5 Legal Disability ..... 241</p> <p style="padding-left: 20px;">§ 3.27.6 Counterclaims, Cross-Claims ..... 241</p> <p style="padding-left: 20px;">§ 3.27.7 The Basic Two-Year and Four-Year Statutes ..... 241</p> <p style="padding-left: 20px;">§ 3.27.8 Particular Cases ..... 243</p> <p>§ 3.28 Lack of Privity ..... 268</p> <p style="padding-left: 20px;">§ 3.28.1 Privity Exception: Equitable Subrogation ..... 290</p> <p>§ 3.29 Comparative Negligence; Comparative Responsibility ..... 292</p> <p>§ 3.30 Good Faith Defense ..... 292</p> <p>§ 3.31 Underlying Claim Defense ..... 293</p> <p>§ 3.32 One-Satisfaction Rule ..... 293</p> <p>§ 3.33 Release ..... 294</p> <p>§ 3.34 Res Judicata; Estoppel ..... 295</p> <p>§ 3.35 Other Defenses ..... 300</p> <p style="padding-left: 20px;">§ 3.35.1 Judicial-Proceedings Immunity; Defamation Privilege; Texas Citizens Participation Act ..... 300</p> <p style="padding-left: 20px;">§ 3.35.2 Tortious Interference Privilege ..... 309</p> <p style="padding-left: 20px;">§ 3.35.3 Prematurity; Exhaustion of Remedies ..... 310</p>	<p style="padding-left: 20px;">§ 3.35.4 Election of Remedies ..... 310</p> <p style="padding-left: 20px;">§ 3.35.5 Failure of Consideration ..... 310</p> <p style="padding-left: 20px;">§ 3.35.6 Waiver; Estoppel; Laches ..... 311</p> <p style="padding-left: 20px;">§ 3.35.7 Ratification ..... 312</p> <p style="padding-left: 20px;">§ 3.35.8 New, Independent Cause ..... 313</p> <p style="padding-left: 20px;">§ 3.35.9 Criminal Conviction, Conduct ..... 313</p> <p style="padding-left: 20px;">§ 3.35.10 Defenses Available to Judges, Prosecutors, Appointed Counsel ..... 315</p> <p style="padding-left: 20px;">§ 3.35.11 Suits by Adverse Parties or Counsel ..... 322</p> <p style="padding-left: 20px;">§ 3.35.12 Assignment of Legal Malpractice Causes of Action ..... 341</p> <p style="padding-left: 20px;">§ 3.35.13 Turnover of Legal Malpractice Causes of Action ..... 345</p> <p style="padding-left: 20px;">§ 3.35.14 Sovereign Immunity ..... 346</p> <p style="padding-left: 20px;">§ 3.35.15 Legislative Immunity ..... 346</p> <p style="padding-left: 20px;">§ 3.35.16 Pro Bono Service ..... 347</p> <p><b>G. Damages</b> ..... 347</p> <p>§ 3.36 General ..... 347</p> <p style="padding-left: 20px;">§ 3.36.1 Emotional Distress Economic Damages ..... 350</p> <p style="padding-left: 20px;">§ 3.36.2 Exemplary Damages ..... 352</p> <p><b>H. Legal Malpractice Insurance</b> ..... 353</p> <p>§ 3.37 Legal Malpractice Insurance ..... 353</p>
---	--

  

<b>Chapter 4. Disciplinary Rules for Lawyers—Texas</b>	
<b>Disciplinary Rules of Professional Conduct</b> ..... 355	
<b>A. Introduction</b> ..... 357	
§ 4.01 Background ..... 357	
§ 4.02 Organization of the Rules ..... 358	
§ 4.03 Application to Disciplinary Proceedings ..... 359	
§ 4.04 Application in Nondisciplinary Proceedings ..... 360	
§ 4.05 Relationship to the Texas Rules of Disciplinary Procedure ..... 364	
<b>B. Commencing the Lawyer-Client Relationship: Advertising, Solicitation and Fees</b> ..... 364	

## Table of Contents

<p>§ 4.06 Advertising and Solicitation: Background.....364</p> <p>§ 4.07 Definitions of “Advertisements” and “Solicitation” .....365</p> <p>§ 4.08 Identity of responsible lawyer and primary practice location.....365</p> <p>§ 4.09 Communications Concerning a Lawyer’s Services.....365</p> <p>§ 4.10 Communications Concerning a Lawyer’s Qualifications and Fees .....371</p> <p>§ 4.11 Prohibited Solicitations and Payments .....372</p> <p>§ 4.12 Charges and Referrals by Legal Services Plans and Lawyer Referral Services; Paying for Client Leads.....375</p> <p>§ 4.13 Reciprocal Referral Arrangements .....376</p> <p>§ 4.14 Filing Requirements for Advertisements, Solicitations, and Websites.....376</p> <p>§ 4.15 Exemptions from Filing .....376</p> <p>§ 4.16 Advisory Opinions .....378</p> <p>§ 4.17 Prohibited Employment Obtained in Violation of the Rules .....379</p> <p>§ 4.18 Fees: Unconscionability, Reasonableness.....379</p> <p>§ 4.19 Contingent Fees .....398</p> <p style="padding-left: 20px;">§ 4.19.1 Criminal Case Prohibition .....398</p> <p style="padding-left: 20px;">§ 4.19.2 Family Law Matters.....398</p> <p style="padding-left: 20px;">§ 4.19.3 Class Actions.....399</p> <p>§ 4.20 Communication of Fees; Written Fee Agreements .....400</p> <p style="padding-left: 20px;">§ 4.20.1 Contingent Fee Rule.....401</p> <p>§ 4.21 Fee-Splitting with Lawyers.....409</p> <p style="padding-left: 20px;">§ 4.21.1 Payments to Former Members of the Firm; Lawyer Referral Programs ..... 418</p> <p>§ 4.22 Fee-Splitting with Non-Lawyers.....418</p> <p>§ 4.23 Fee Disputes.....421</p> <p><b>C. Confidentiality and Security of Client Information and Property .....423</b></p> <p>§ 4.24 Introduction .....423</p> <p>§ 4.25 Confidential Information Defined.....423</p> <p>§ 4.26 Restrictions on Disclosure and Use of Confidential Information..... 426</p>	<p>§ 4.26.1 Restrictions on Disclosure.....426</p> <p>§ 4.26.2 Restrictions on Use.....428</p> <p>§ 4.27 Permissive Disclosure of Confidential Information.....430</p> <p style="padding-left: 20px;">§ 4.27.1 Permissive Disclosures Applicable to All Confidential Information ..... 430</p> <p style="padding-left: 20px;">§ 4.27.2 Permissive Disclosure of Unprivileged Information .....434</p> <p>§ 4.28 Factors for Permissive Disclosure.....434</p> <p>§ 4.29 Mandatory Disclosures .....434</p> <p>§ 4.30 Client Fraud, Perjury, Other Crimes: Checklist of Duties.....435</p> <p>§ 4.31 Safeguarding Property .....436</p> <p style="padding-left: 20px;">§ 4.31.1 IOLTA.....438</p> <p style="padding-left: 20px;">§ 4.31.2 Joint Interest in Property .....439</p> <p><b>D. Conflict of Interest .....443</b></p> <p>§ 4.32 Conflict of Interest: Introduction.....443</p> <p style="padding-left: 20px;">§ 4.32.1 Conflict of Interest: The General Rule.....450</p> <p style="padding-left: 20px;">§ 4.32.2 Conflict of Interest: Intermediary.....486</p> <p style="padding-left: 20px;">§ 4.32.3 Conflict of Interest: Prohibited Transactions.....489</p> <p style="padding-left: 20px;">§ 4.32.4 Conflicts of Interest: Former Client .....504</p> <p style="padding-left: 20px;">§ 4.32.5 Conflict of Interest: Successive Government and Private Employment; Adjudicatory Officials and Law Clerks ..... 512</p> <p style="padding-left: 20px;">§ 4.32.6 Conflict of Interest: Organizations as Clients .....519</p> <p style="padding-left: 20px;">§ 4.32.7 Conflict of Interest: Public Interest Activities.....524</p> <p style="padding-left: 20px;">§ 4.32.8 Conflict of Interest: Nonprofit and Limited Pro Bono Legal Services ..... 524</p> <p>§ 4.33 Disqualification: In General..... 525</p> <p style="padding-left: 20px;">§ 4.33.1 The Disciplinary Rules as “Guidance” in Determining Motions to Disqualify..... 530</p> <p style="padding-left: 20px;">§ 4.33.2 Standards for Disqualification.....531</p> <p style="padding-left: 20px;">§ 4.33.3 Review of Disqualification Decisions ..... 564</p> <p style="padding-left: 20px;">§ 4.33.4 Waiver of Disqualification by Delay ..... 565</p> <p style="padding-left: 20px;">§ 4.33.5 Particular Cases: Cases Requiring Disqualification.....567</p> <p style="padding-left: 20px;">§ 4.33.6 Particular Cases: Cases Not Requiring Disqualification.....587</p>
--	--

## Table of Contents

<p>§ 4.33.7 Disqualification in Federal Court .....613</p> <p>§ 4.33A The Restatement.....642</p> <p><b>E. Advocacy .....644</b></p> <p>§ 4.34 Introduction .....644</p> <p>§ 4.35 Competent, Diligent Representation.....645</p> <p>§ 4.36 Neglect .....647</p> <p>§ 4.37 Communication.....648</p> <p>§ 4.38 Scope and Objectives of Representation.....652</p> <p>§ 4.39 Settlement Agreements .....654</p> <p>§ 4.40 Criminal, Fraudulent Client Conduct.....655</p> <p>    § 4.40.1 A Client’s Proposed Misconduct: Duty to Dissuade .....656</p> <p>    § 4.40.2 Prior Client Misconduct. Duty to Persuade .....656</p> <p>§ 4.41 Guardian, Legal Representatives.....657</p> <p>§ 4.42 Frivolous Claims.....657</p> <p>§ 4.43 Minimizing Litigation Burdens, Delays ..... 659</p> <p>§ 4.44 Candor Toward Tribunals.....661</p> <p>    § 4.44.1 False Statements, Evidence.....661</p> <p>    § 4.44.2 Subsequent Discovery of Falsity.....664</p> <p>    § 4.44.3 False Evidence Introduced by Another.....665</p> <p>    § 4.44.4 Disclosures to Avoid Criminal/Fraudulent Acts .....665</p> <p>    § 4.44.5 Disclosures in Ex Parte Proceedings .....666</p> <p>    § 4.44.6 Disclosure of Adverse Controlling Authority.....666</p> <p>    § 4.44.7 Duration of Obligations.....667</p> <p>§ 4.45 Fairness in Adjudicatory Proceedings.....667</p> <p>    § 4.45.1 Obstructing Access to Evidence.....667</p> <p>    § 4.45.2 Falsifying Evidence .....668</p> <p>    § 4.45.3 Payments to Witnesses .....668</p> <p>    § 4.45.4 Rule Violations .....670</p> <p>    § 4.45.5 References to Irrelevant, Inadmissible Matters.....671</p> <p>    § 4.45.6 Personal Opinions, Knowledge .....671</p>	<p>§ 4.45.7 Degrading Questions .....671</p> <p>§ 4.45.8 Disruptive Conduct .....671</p> <p>§ 4.45.9 Discriminatory Activities.....671</p> <p>§ 4.46 Maintaining the Impartiality of a Tribunal .....672</p> <p>§ 4.47 Maintaining the Integrity of the Jury System .....673</p> <p>    § 4.47.1 Juror Investigations .....673</p> <p>    § 4.47.2 Communications with Jurors .....673</p> <p>    § 4.47.3 Family Members.....675</p> <p>    § 4.47.4 Juror Misconduct.....675</p> <p>§ 4.48 Trial Publicity.....675</p> <p>    § 4.48.1 General Prohibition.....675</p> <p>    § 4.48.2 Impermissible Statements .....677</p> <p>    § 4.48.3 Permissible Statements .....677</p> <p>§ 4.49 Lawyer as Witness .....678</p> <p>    § 4.49.1 Lawyer Testimony for Client—Necessary Witness for     “Essential Fact.” ..... 678</p> <p>    § 4.49.2 Lawyer Testimony—Adverse to the Client.....681</p> <p>    § 4.49.3 Advocate From Same Firm as the Lawyer-Witness .....682</p> <p>    § 4.49.4 Disqualification Standards .....682</p> <p>§ 4.50 Prosecutor’s Duties .....684</p> <p>    § 4.50.1 Probable Cause Requirement .....685</p> <p>    § 4.50.2 Advising of Right to Counsel.....685</p> <p>    § 4.50.3 Waivers of Rights of Unrepresented Persons.....685</p> <p>    § 4.50.4 Disclosure of Mitigating Evidence.....685</p> <p>    § 4.50.5 Extrajudicial Statements by Employees or Agents .....686</p> <p>§ 4.51 Appointments and Pro Bono Service.....687</p> <p>§ 4.52 Nonadjudicative Proceedings .....689</p> <p><b>F. Obligations to Non-clients .....689</b></p> <p>§ 4.53 Truthfulness in Statements to Others.....690</p> <p>    § 4.53.1 Disclosures to Third Persons .....692</p>
--	--

## Table of Contents

<p>§ 4.54 Communications with Persons Represented by Counsel .....692</p> <p style="padding-left: 20px;">§ 4.54.1 Communication with an Adverse Party’s Employees .....695</p> <p style="padding-left: 20px;">§ 4.54.2 Client-to-Client Communications.....695</p> <p style="padding-left: 20px;">§ 4.54.3 Communications with Adverse Party’s Former Employees..... 696</p> <p style="padding-left: 20px;">§ 4.54.4 Communications with Adverse Party’s Expert Witnesses..... 697</p> <p style="padding-left: 20px;">§ 4.54.5 Second Opinions.....697</p> <p>§ 4.55 Communications with Unrepresented Persons .....697</p> <p>§ 4.56 Using Improper Tactics Against Third Persons.....698</p> <p style="padding-left: 20px;">§ 4.56.1 Threatening to Bring Charges.....698</p> <p><b>G. Unauthorized Practice of Law .....699</b></p> <p>§ 4.57 Unauthorized Practice of Law ..... 699</p> <p style="padding-left: 20px;">§ 4.57.1 Practice in Other Jurisdictions .....705</p> <p style="padding-left: 20px;">§ 4.57.2 Restrictions on the Right to Practice .....706</p> <p style="padding-left: 20px;">§ 4.57.3 Practice by or with Non-Lawyers .....708</p> <p style="padding-left: 20px;">§ 4.57.4 Nonlawyer Preparing Legal Instrument Affecting Title to Real Property ..... 711</p> <p><b>H. Declining or Terminating Representation .....711</b></p> <p>§ 4.58 Declining or Terminating Representation .....711</p> <p>§ 4.59 Mandatory Termination of Representation.....715</p> <p>§ 4.60 Representation Resulting in Violation of Rules.....715</p> <p>§ 4.61 Physical, Mental or Psychological Incompetence .....718</p> <p>§ 4.62 Discharge of Lawyer .....718</p> <p>§ 4.63 Permissive Withdrawal.....719</p> <p>§ 4.64 Assisting a Client Upon Withdrawal.....720</p> <p>§ 4.65 Clients with Diminished Capacity.....722</p> <p><b>I. Misconduct .....722</b></p> <p>§ 4.66 Misconduct.....722</p> <p style="padding-left: 20px;">§ 4.66.1 Violations.....723</p> <p style="padding-left: 20px;">§ 4.66.2 Associates and Lawyer Employees .....738</p>	<p style="padding-left: 20px;">§ 4.66.3 Non-Lawyer Assistants .....739</p> <p style="padding-left: 20px;">§ 4.66.4 Reporting Misconduct .....740</p> <p style="padding-left: 20px;">§ 4.66.5 Judicial Misconduct.....743</p> <p style="padding-left: 20px;">§ 4.66.6 Confidentiality Limitation.....744</p> <p style="padding-left: 20px;">§ 4.66.7 Jurisdiction..... 744</p> <p><b>J. Judicial Candidates and Criticism.....745</b></p> <p>§ 4.67 Judicial Candidates and Criticism .....745</p> <p><b>K. The Restatement of the Law Governing Lawyers.....746</b></p> <p>§ 4.68 Background .....746</p> <p>§ 4.69 Organization.....746</p> <p>§ 4.70 The Restatement and the Texas Disciplinary Rules.....748</p> <p><b>Chapter 5. Texas Rules of Disciplinary Procedure .....753</b></p> <p><b>A. Introduction .....755</b></p> <p>§ 5.01 Background; Grievance Statistics.....755</p> <p>§ 5.02 Organization, Summary .....756</p> <p><b>B. Commission for Lawyer Discipline .....757</b></p> <p>§ 5.03 Permanent Committee .....757</p> <p>§ 5.04 Composition; Appointment.....757</p> <p>§ 5.05 Commission Advisors .....757</p> <p>§ 5.06 Compensation .....758</p> <p>§ 5.07 Immunity.....758</p> <p>§ 5.08 Duties.....758</p> <p>§ 5.09 Public Information and Access .....759</p> <p style="padding-left: 20px;">§ 5.09.1 Public and Media Inquiries .....759</p> <p style="padding-left: 20px;">§ 5.09.2 Telephone Inquiries .....759</p> <p style="padding-left: 20px;">§ 5.09.3 Records; Reports.....759</p> <p><b>C. District Grievance Committees.....759</b></p> <p>§ 5.10 Disciplinary Districts and Grievance Committee Subdistricts ..... 759</p>
---	--

## Table of Contents

§ 5.11 Composition of Committees.....759	§ 5.31.2 Appeal to Supreme Court.....764
§ 5.12 Terms of Office.....760	§ 5.31.3 Trial Briefs .....764
§ 5.13 Compensation.....760	§ 5.31.4 Additional Rules .....764
§ 5.14 Immunity.....760	<b>E Procedural Matters.....764</b>
§ 5.15 Service on Grievance Panels; Disqualification .....760	§ 5.32 Subpoenas.....764
§ 5.16 Composition of Grievance Panels.....760	§ 5.33 Investigatory Hearings.....765
§ 5.17 Panel Voting.....760	§ 5.34 Enforcement of Judgments .....765
§ 5.18 District Disability Committees.....761	§ 5.34.1 Judgments Enforceable.....765
§ 5.18.1 Purpose.....761	§ 5.34.2 Enforcement .....765
§ 5.18.2 Composition.....761	§ 5.35 Related Litigation .....765
§ 5.18.3 Appointment .....761	§ 5.35.1 Delay or Abatement .....765
§ 5.18.4 Immunity.....761	§ 5.35.2 Res Judicata and Estoppel .....766
§ 5.18.5 Rules Governing Members .....761	§ 5.35.3 Texas Citizens Participation Act.....767
<b>D. Chief Disciplinary Counsel .....761</b>	§ 5.36 Delay or Settlement by Complainant .....767
§ 5.19 Selection.....761	§ 5.37 Time .....767
§ 5.20 Duties.....761	§ 5.37.1 Computation of Time .....767
§ 5.21 Accountability.....762	§ 5.37.2 Mandatory/Directory Time Limitations.....767
§ 5.22 Immunity.....762	§ 5.38 Limitations on Disciplinary Action .....767
<b>E. Board of Disciplinary Appeals.....762</b>	§ 5.39 Lawyer’s Residence .....768
§ 5.23 Purpose .....762	§ 5.40 Privilege.....768
§ 5.24 Composition.....762	§ 5.41 Maintenance of Funds or Other Property Held for Clients and Others.....768
§ 5.25 Terms of Office.....762	<b>G. Grievance Process .....768</b>
§ 5.26 Board Chairperson.....762	§ 5.42 In General.....768
§ 5.27 Quorum.....763	§ 5.43 Disciplinary Actions are “Civil” in Nature.....769
§ 5.28 Compensation.....763	§ 5.44 Classification of Inquiries and Complaints .....770
§ 5.29 Immunity .....763	§ 5.44.1 Inquiry .....770
§ 5.30 Recusal and Disqualification .....763	§ 5.44.2 Complaint.....770
§ 5.31 Duties and General Procedures .....763	§ 5.44.3 Discretionary Referral.....771
§ 5.31.1 Internal Procedural Rules .....763	§ 5.44.4 Professional Misconduct .....771

## Table of Contents

§ 5.45 Inquiries .....771	§ 5.53.7 Transfer of Case.....779
§ 5.46 Complaints .....771	§ 5.53.8 Answer.....780
§ 5.47 Appeal of Classification .....771	§ 5.53.9 Discovery .....780
§ 5.48 Venue.....771	§ 5.53.10 Trial by Jury.....780
§ 5.48.1 Evidentiary Panel Proceedings .....771	§ 5.53.11 Trial Setting.....780
§ 5.48.2 Summary Disposition Panel Proceedings.....772	§ 5.53.12 Burden of Proof.....781
§ 5.48.3 Investigatory Panel Proceedings.....772	§ 5.53.13 Abatement or Delay of Trial.....781
§ 5.49 Motion to Transfer .....772	§ 5.53.14 Judgment Expunction.....781
§ 5.50 Investigation by the Chief Disciplinary Counsel.....772	§ 5.53.15 Sanctions.....782
§ 5.51 Summary Disposition Docket.....773	§ 5.53.16 Terms of Judgment .....782
§ 5.52 Evidentiary Panel Proceedings .....773	§ 5.53.17 Restitution .....782
§ 5.52.1 Failure to Request a Trial De Novo.....773	§ 5.53.18 Revocation Procedure for Probated Suspension .....782
§ 5.52.2 Transfer of Matter.....773	§ 5.53.19 Supersedeas or Stay of Disbarment Probation Revocation.....783
§ 5.52.3 Appointment of Evidentiary Panel .....773	§ 5.53.20 Stay of Suspension .....783
§ 5.52.4 Composition of Evidentiary Panel .....773	§ 5.53.21 Cost and Appeal Bond.....783
§ 5.52.5 Procedure .....774	§ 5.53.22 Appeal .....783
§ 5.52.6 Sanctions .....776	<b>H. Compulsory Discipline.....783</b>
§ 5.52.7 Restitution.....776	§ 5.54 In General.....783
§ 5.52.8 Revocation Procedure for Probated Suspension .....777	§ 5.55 Petition.....785
§ 5.52.9 Appeal .....777	§ 5.56 Board of Disciplinary Appeals.....785
§ 5.52.10 Supersedeas or Stay of Disbarment Order.....778	§ 5.56.1 Review by Texas Supreme Court.....785
§ 5.52.11 Stay of Suspension .....778	§ 5.57 Suspension .....785
§ 5.53 Trial De Novo in District Court.....778	§ 5.58 Decision.....786
§ 5.53.1 Election of District Court .....778	§ 5.58.1 Conclusive Evidence.....786
§ 5.53.2 Disciplinary Petition.....778	§ 5.58.2 Affidavits .....786
§ 5.53.3 Assignment of Judge.....779	§ 5.58.3 Other Evidence.....786
§ 5.53.4 Recusal.....779	§ 5.58.4 Time for Decision.....787
§ 5.53.5 Venue.....779	§ 5.59 Disbarment.....787
§ 5.53.6 Filing .....779	<b>I. Reciprocal Discipline.....787</b>

## Table of Contents

<p>§ 5.60 Orders From Other Jurisdictions .....787</p> <p style="padding-left: 20px;">§ 5.60.1 Prima Facie Evidence.....787</p> <p>§ 5.61 Notice.....787</p> <p>§ 5.62 Answer .....788</p> <p>§ 5.63 Failure to File Answer.....788</p> <p>§ 5.64 Determination of Case .....788</p> <p><b>J. Interim Suspension .....788</b></p> <p>§ 5.65 In General.....788</p> <p>§ 5.66 Procedure.....788</p> <p style="padding-left: 20px;">§ 5.66.1 Irreparable Harm.....788</p> <p style="padding-left: 20px;">§ 5.66.2 Petition .....788</p> <p style="padding-left: 20px;">§ 5.66.3 Hearing.....789</p> <p style="padding-left: 20px;">§ 5.66.4 Burden of Proof.....789</p> <p style="padding-left: 20px;">§ 5.66.5 Evidentiary Standard.....789</p> <p>§ 5.67 Order.....789</p> <p>§ 5.68 Custodian .....789</p> <p>§ 5.69 Non-Sanction Effect .....789</p> <p><b>K. Resignation in Lieu of Disciplinary Action.....789</b></p> <p>§ 5.70 In General.....789</p> <p>§ 5.71 Motion.....789</p> <p>§ 5.72 Filing.....789</p> <p>§ 5.73 Effectiveness of Motion.....789</p> <p>§ 5.74 Response of Chief Disciplinary Counsel.....789</p> <p>§ 5.75 Withdrawal of Motion for Resignation.....790</p> <p>§ 5.76 Effect of Filing.....790</p> <p>§ 5.77 Notification of Disposition .....790</p> <p>§ 5.78 Effect of Resignation.....790</p> <p><b>L. Reinstatement after Disbarment or Resignation.....790</b></p> <p>§ 5.79 Eligibility.....790</p>	<p>§ 5.80 Venue .....790</p> <p>§ 5.81 Petition.....790</p> <p>§ 5.82 Duty to Amend Petition .....792</p> <p>§ 5.83 Burden of Proof .....792</p> <p>§ 5.84 False Statements.....792</p> <p>§ 5.85 Notice.....792</p> <p>§ 5.86 Nonjury Determination .....792</p> <p>§ 5.87 Relevant Factors for Determination .....792</p> <p>§ 5.88 Judgment .....793</p> <p style="padding-left: 20px;">§ 5.88.1 Reinstatement.....793</p> <p style="padding-left: 20px;">§ 5.88.2 Admissions Requirement .....793</p> <p style="padding-left: 20px;">§ 5.88.3 Default .....793</p> <p style="padding-left: 20px;">§ 5.88.4 Denial or Abeyance of Reinstatement .....793</p> <p style="padding-left: 20px;">§ 5.88.5 Protection of Public and Clients .....794</p> <p>§ 5.89 Appeal, Stay .....794</p> <p>§ 5.90 Readmission.....794</p> <p>§ 5.91 Repetitioning.....794</p> <p><b>M. Disability Suspension .....794</b></p> <p>§ 5.92 Disability.....794</p> <p>§ 5.93 Grounds for Suspension.....794</p> <p>§ 5.94 Procedure .....794</p> <p style="padding-left: 20px;">§ 5.94.1 Finding of Disability .....794</p> <p style="padding-left: 20px;">§ 5.94.2 Appointment of Lawyer .....794</p> <p style="padding-left: 20px;">§ 5.94.3 Forwarding the Record.....794</p> <p style="padding-left: 20px;">§ 5.94.4 Review of District Disability Committee .....794</p> <p>§ 5.95 Suspension .....795</p> <p>§ 5.96 Confidentiality .....795</p> <p>§ 5.97 Effect on Limitations .....795</p> <p>§ 5.98 Reinstatement.....795</p>
--	---

## Table of Contents

<p>§ 5.99 Disciplinary Probation .....796</p> <p style="padding-left: 20px;">§ 5.99.1 Eligibility .....796</p> <p style="padding-left: 20px;">§ 5.99.2 Period of Probation .....797</p> <p style="padding-left: 20px;">§ 5.99.3 Conditions of Probation.....797</p> <p style="padding-left: 20px;">§ 5.99.4 Administration of Disability Probation .....797</p> <p style="padding-left: 20px;">§ 5.99.5 Revocation of Probation; Imposition of Other Conditions.....797</p> <p>§ 5.100 Appeal .....798</p> <p style="padding-left: 20px;">§ 5.100.1 Appeal of District Court Decision.....798</p> <p style="padding-left: 20px;">§ 5.100.2 Appeal of Board of Disciplinary Appeals Decision .....798</p> <p><b>N. Cessation of Practice .....798</b></p> <p>§ 5.101 Requirement of Notice.....798</p> <p style="padding-left: 20px;">§ 5.101.1 Parties Receiving Notice.....798</p> <p style="padding-left: 20px;">§ 5.101.2 Person Supplying Notice.....798</p> <p>§ 5.102 Assumption of Jurisdiction.....798</p> <p style="padding-left: 20px;">§ 5.102.1 Petition.....798</p> <p style="padding-left: 20px;">§ 5.102.2 Hearing on an Application to Assume Jurisdiction.....799</p> <p style="padding-left: 20px;">§ 5.102.3 Assumption of Jurisdiction by a Court.....799</p> <p style="padding-left: 20px;">§ 5.102.4 Liability .....799</p> <p>§ 5.103 Voluntary Appointment of Custodian Attorney for Cessation of Practice ..... 799</p> <p><b>O. Guidelines for Imposing Sanctions .....800</b></p> <p>§ 5.104 Purpose .....800</p> <p>§ 5.105 General Factors.....801</p> <p>§ 5.106 Separate Hearing on Sanctions.....801</p> <p>§ 5.107 Sanctions Guidelines.....801</p> <p>§ 5.108.1 Violations of Duties Owed to Clients .....801</p> <p style="padding-left: 20px;">§ 5.108.1(A) Lack of Diligence (TRDP 15.04A).....801</p> <p style="padding-left: 20px;">§ 5.108.1(B) Failure to Preserve the Client’s Property (TRDP 15.04B) .....802</p>	<p style="padding-left: 20px;">§ 5.108.1(C) Failure to Preserve the Client’s Confidences (TRDP 15.04C).....802</p> <p style="padding-left: 20px;">§ 5.108.1(D) Failure to Avoid Conflicts of Interest (TRDP 15.04D).....802</p> <p style="padding-left: 20px;">§ 5.108.1(E) Lack of Candor (TRDP 15.04E).....803</p> <p>§ 5.108.2 Violations of Duties Owed to the Legal System.....803</p> <p style="padding-left: 20px;">§ 5.108.2(A) False Statements, Fraud and Misrepresentation (TRDP 15.05A) .....803</p> <p style="padding-left: 20px;">§ 5.108.2(B) Abuse of the Legal Process TRDP 15.05B .....804</p> <p style="padding-left: 20px;">§ 5.108.2(C) Improper Communications with Individuals in the Legal System (TRDP 15.05C) .....804</p> <p>§ 5.108.3 Violations of Duties Owed to the Public.....805</p> <p style="padding-left: 20px;">§ 5.108.3(A) Failure to Maintain Personal Integrity (TRDP 15.06A) .....805</p> <p style="padding-left: 20px;">§ 5.108.3(B) Failure to Maintain the Public Trust (TRDP 15.06B) .....806</p> <p style="padding-left: 20px;">§ 5.108.4 Violations of Other Duties as a Professional (TRDP 15.07).....806</p> <p style="padding-left: 20px;">§ 5.108.5 Prior Discipline Order (TRDP 15.08) .....806</p> <p style="padding-left: 20px;">§ 5.108.6 Private Reprimand Limited to Evidentiary Hearings.....807</p> <p style="padding-left: 20px;">§ 5.108.7 Sanction Guideline Cross-Reference Table .....807</p> <p>§ 5.109 Aggravation and Mitigation .....810</p> <p><b>P. Professional Enhancement Program; Grievance Referral Program .....812</b></p> <p>§ 5.110 PEP, GRP: In General.....812</p> <p>§ 5.111 GRP Program; Eligibility..... 812</p> <p>§ 5.112 GRP Program Procedure.....813</p> <p>§ 5.113 GRP Reporting .....813</p> <p><b>Q. Client-Attorney Assistance Program .....813</b></p> <p style="padding-left: 20px;">§ 5.114 CAAP.....813</p> <p style="padding-left: 20px;">§ 5.115 Discretionary Referral .....813</p> <p><b>R. Texas Lawyers’ Assistance Program.....813</b></p>
--	---

## Table of Contents

<p>§ 5.116 TLAP.....813</p> <p><b>S. Miscellaneous.....814</b></p> <p>§ 5.117 Confidentiality .....814</p> <p>§ 5.118 Limitations .....814</p> <p><b>Chapter 6. Texas Lawyer’s Creed.....815</b></p> <p><b>A. Introduction .....817</b></p> <p>§ 6.01 Background, Purpose .....817</p> <p>§ 6.02 Local Professionalism Codes.....818</p> <p><b>B. Duties Created by the Texas Lawyer’s Creed.....818</b></p> <p>§ 6.03 Generally.....818</p> <p>§ 6.04 Duties to the Legal System .....818</p> <p>§ 6.05 Duties to Clients.....818</p> <p style="padding-left: 20px;">§ 6.05.1 Mandatory Notices to Client.....818</p> <p style="padding-left: 20px;">§ 6.05.2 Other Duties to Clients.....819</p> <p style="padding-left: 20px;">§ 6.05.3 Limits on Duties to Clients.....820</p> <p>§ 6.06 Duties to Other Lawyers.....820</p> <p style="padding-left: 20px;">§ 6.06.1 General Duties.....820</p> <p style="padding-left: 20px;">§ 6.06.2 Client Attitudes .....820</p> <p style="padding-left: 20px;">§ 6.06.3 Non-retaliation .....821</p> <p style="padding-left: 20px;">§ 6.06.4 Communications.....821</p> <p style="padding-left: 20px;">§ 6.06.5 Document Revisions .....821</p> <p style="padding-left: 20px;">§ 6.06.6 Cancellations.....821</p> <p style="padding-left: 20px;">§ 6.06.7 Extensions of Time, Waiver of Formalities.....821</p> <p style="padding-left: 20px;">§ 6.06.8 Service .....821</p> <p style="padding-left: 20px;">§ 6.06.9 Objections.....822</p> <p style="padding-left: 20px;">§ 6.06.10 Disagreeable Conduct; Client Control .....822</p> <p style="padding-left: 20px;">§ 6.06.11 Default Judgments .....823</p> <p style="padding-left: 20px;">§ 6.06.12 Submission, Approval of Orders .....824</p> <p style="padding-left: 20px;">§ 6.06.13 Scheduling Depositions, Hearings .....824</p>	<p>§ 6.06.14 Stipulations .....824</p> <p>§ 6.06.15 Abusive Discovery .....824</p> <p>§ 6.07 Duties to and from Judges .....824</p> <p style="padding-left: 20px;">§ 6.07.1 Reciprocal Duties.....824</p> <p style="padding-left: 20px;">§ 6.07.2 Duties to Judges..... 825</p> <p><b>C. Enforcement.....826</b></p> <p>§ 6.08. Enforcement Generally .....826</p> <p>§ 6.09 Enforcement Under the Inherent Powers Doctrine .....826</p> <p>§ 6.10 Enforcement Under “Rules Already in Existence”—TRCP .....828</p> <p style="padding-left: 20px;">§ 6.10.1 TRCP 13.....828</p> <p style="padding-left: 20px;">§ 6.10.2 TRCP 18a.....828</p> <p style="padding-left: 20px;">§ 6.10.3 TRCP 21b .....828</p> <p style="padding-left: 20px;">§ 6.10.4 TRCP 166a.....829</p> <p style="padding-left: 20px;">§ 6.10.5 1999 Discovery Rules.....829</p> <p style="padding-left: 20px;">§ 6.10.6 TRCP 269 .....830</p> <p><b>Appendix A. Texas Disciplinary Rules of Professional Conduct.....831</b></p> <p style="padding-left: 20px;">Preamble: A Lawyer’s Responsibilities .....833</p> <p style="padding-left: 20px;">Preamble: Scope.....834</p> <p style="padding-left: 20px;">Preamble: Terminology .....835</p> <p><b>I. Client-Lawyer Relationship.....835</b></p> <p style="padding-left: 20px;">1.01 Competent and Diligent Representation.....835</p> <p style="padding-left: 20px;">1.02 Scope and Objectives of Representation.....836</p> <p style="padding-left: 20px;">1.03 Communication.....838</p> <p style="padding-left: 20px;">1.04 Fees .....838</p> <p style="padding-left: 20px;">1.05 Confidentiality of Information .....842</p> <p style="padding-left: 20px;">1.06 Conflict of Interest: General Rule.....845</p> <p style="padding-left: 20px;">1.07 Conflict of Interest: Intermediary .....847</p> <p style="padding-left: 20px;">1.08 Conflict of Interest: Prohibited Transactions .....849</p>
--	--

## Table of Contents

1.09 Conflict of Interest: Former Client .....850	5.03 Responsibilities Regarding Nonlawyer Assistants .....874
1.10 Successive Government and Private Employment .....852	5.04 Professional Independence of a Lawyer .....874
1.11 Adjudicatory Official or Law Clerk.....853	5.05 Unauthorized Practice of Law .....875
1.12 Organization as a Client.....854	5.06 Restrictions on Right to Practice.....876
1.13 Conflicts: Public Interests Activities.....856	5.07 [Blank].....876
1.14 Safekeeping Property .....856	5.08 Prohibited Discriminatory Activities .....876
1.15 Declining or Terminating Representation.....857	<b>VI. Public Service.....877</b>
1.16 Clients with Diminished Capacity .....858	6.01 Accepting Appointments by a Tribunal.....877
<b>II. Counselor .....860</b>	6.05 Conflict of Interest Exceptions for Nonprofit and Limited Pro Bono Legal Services .....878
2.01 Advisor .....860	<b>VII. Information About Legal Services .....880</b>
2.02 Evaluation for Use by Third Persons .....860	7.01 Communications Concerning a Lawyer’s Services .....880
<b>III. Advocate.....861</b>	7.02 Advertisements.....881
3.01 Meritorious Claims and Contentions .....861	7.03 Prohibited Solicitations and Payments .....882
3.02 Minimizing the Burdens and Delays of Litigation.....862	7.04 Filing Requirements for Advertisements and Solicitation Communications .....885
3.03 Candor Toward the Tribunal .....862	7.05 Communications Exempt from Filing Requirements .....885
3.04 Fairness in Adjudicatory Proceedings .....864	7.06 Prohibited Employment .....887
3.05 Maintaining Impartiality of Tribunal.....865	<b>VIII. Maintaining the Integrity of the Profession .....887</b>
3.06 Maintaining Integrity of Jury System .....866	8.01 Bar Admission, Reinstatement, and Disciplinary Matters .....887
3.07 Trial Publicity .....867	8.02 Judicial and Legal Officials.....888
3.08 Lawyer as Witness.....868	8.03 Reporting Professional Misconduct.....888
3.09 Special Responsibilities of a Prosecutor .....869	8.04 Misconduct .....889
3.10 Advocate in Nonadjudicative Proceedings .....870	8.05 Jurisdiction .....890
<b>IV. Non-Client Relationships.....870</b>	<b>IX. Severability of Rules .....891</b>
4.01 Truthfulness in Statements to Others .....870	9.01 Severability .....891
4.02 Communication with One Represented by Counsel.....871	<b>Appendix B. Texas Rules of Disciplinary Procedure Post-6/1/2018 .....893</b>
4.03 Dealing with Unrepresented Person .....872	<b>Part I General Rules.....895</b>
4.04 Respect for Rights of Third Persons .....872	1.01 Citation .....895
<b>V. Law Firms and Associations.....872</b>	
5.01 Responsibilities of a Partner or Supervisory Lawyer .....872	
5.02 Responsibilities of a Supervised Lawyer.....873	

## Table of Contents

1.02 Objective of the Rules .....	895	2.25 Disposition on Appeal.....	906
1.03 Construction of the Rules .....	895	2.26 Remand to Statewide Grievance Committee Panel .....	906
1.04 Integration and Concurrent-Application of the Rules .....	895	2.27 Appeal to Supreme Court of Texas .....	906
1.05 Texas Disciplinary Rules of Professional Conduct .....	895	<b>Part III Trial in District Court .....</b>	<b>906</b>
1.06 Definitions .....	895	3.01 Disciplinary Petition.....	906
<b>Part II The District Grievance Committees .....</b>	<b>898</b>	3.02 Assignment of Judge .....	907
2.01 Disciplinary Districts and Grievance Committee Subdistricts.....	898	3.03 Filing, Service and Venue .....	907
2.02 Composition of Members .....	898	3.04 Answer of the Respondent.....	908
2.03 Time for Appointment and Terms .....	898	3.05 Discovery.....	908
2.04 Organizational Meeting of Grievance Committees .....	898	3.06 Trial by Jury.....	908
2.05 Oath of Committee Members .....	898	3.07 Trial Setting .....	908
2.06 Assignment of Committee Members .....	899	3.08 Additional Rules of Procedure in the Trial of Disciplinary Actions .....	908
2.07 Duties of Committees .....	899	3.09 Judgment .....	908
2.08 Expenses.....	899	3.10 Terms of Judgment .....	909
2.09 Notice to Parties.....	899	3.11 Restitution.....	909
2.10 Classification of Grievances .....	899	3.12 Probation Suspension— Revocation Procedure.....	909
2.11 Venue.....	900	3.13 No Supersedeas.....	909
2.12 Investigation and Determination of Just Cause .....	900	3.14 Exemption from Cost and Appeal Bond.....	909
2.13 Summary Disposition Setting.....	901	3.15 Appeals.....	909
2.14 Proceeding Upon a Determination of Just Cause.....	901	<b>Part IV The Commission for Lawyer Discipline .....</b>	<b>909</b>
2.15 Election .....	902	4.01 Composition and Membership .....	909
2.16 Confidentiality.....	902	4.02 Appointment and Terms.....	910
2.17 Evidentiary Hearings.....	902	4.03 Initial Appointments .....	910
2.18 Terms of Judgment .....	905	4.04 Oath of Committee Members.....	910
2.19 Restitution.....	905	4.05 Chair .....	910
2.20 Notice of Decision .....	905	4.06 Duties and Authority of the Commission.....	910
2.21 Post Judgment Motions .....	905	4.07 Meetings.....	911
2.22 Probated Suspension—Revocation Procedure.....	905	4.08 Funding.....	911
2.23 Appeals by Respondent or Commission.....	905	4.09 Open Meetings and Open Records.....	911
2.24 No Supersedeas.....	906		

## Table of Contents

<b>Part V Chief Disciplinary Counsel .....911</b>	8.03 Commencement of Suit.....916
5.01 Selection.....911	8.04 Procedure .....916
5.02 Duties.....912	8.05 Disbarment.....916
5.03 Accountability.....912	8.06 Suspension .....916
<b>Part VI Public Information and Access .....912</b>	8.07 Early Termination.....916
6.01 Availability of Materials.....912	8.08 No Supersedeas.....916
6.02 Public and Media Inquiries.....913	<b>Part IX Reciprocal Discipline .....917</b>
6.03 Telephone Inquiries .....913	9.01 Orders from Other Jurisdictions.....917
6.04 Abstracts of Appeals .....913	9.02 Notice to the Respondent .....917
6.05 Report to the Clerk of the Supreme Court.....913	9.03 Discipline to be Imposed .....917
6.06 Publication of Court and Board of Disciplinary Appeals Opinions .....913	9.04 Defenses .....917
6.07 Publication of Disciplinary Results .....913	<b>Part X Resignation in Lieu of Discipline .....917</b>
6.08 Access to Confidential Information.....913	10.01 Disciplinary Resignation .....917
<b>Part VII Board of Disciplinary Appeals .....914</b>	10.02 Response of Chief Disciplinary Counsel .....917
7.01 Membership.....914	10.03 Effect of Filing.....918
7.02 Initial Appointments .....914	10.04 Acceptance of Resignation and Notification .....918
7.03 Election of Officers .....914	10.05 Effect of Resignation.....918
7.04 Oath of Committee Members.....914	<b>Part XI Reinstatement After Disbarment or Resignation .....918</b>
7.05 Quorum.....914	11.01 Eligibility and Venue .....918
7.06 Compensation and Expenses.....914	11.02 Petition for Reinstatement ..... 918
7.07 Recusal and Disqualification of Members.....914	11.03 Burden of Proof .....919
7.08 Powers and Duties .....914	11.04 Notice and Procedure.....919
7.09 Meetings.....915	11.05 Relevant Factors to be Considered .....919
7.10 Conference Calls.....915	11.06 Judgment and Conditions .....919
7.11 Judicial Review.....915	11.07 Appeal and Readmission.....920
7.12 Open Meetings and Open Records.....915	11.08 Repetitioning.....920
<b>Part VIII Compulsory Discipline .....915</b>	<b>Part XII Disability Suspension .....920</b>
8.01 Generally.....915	12.01 Grounds for Suspension.....920
8.02 Conclusive Evidence.....916	12.02 Procedure .....920
	12.03 District Disability Committee .....920

## Table of Contents

12.04 Board of Disciplinary Appeals' Responsibilities.....920	17.02 Effect of Related Litigation.....931
12.05 Effect on Limitations.....921	17.03 Effect on Related Litigation.....931
12.06 Reinstatement After Disability Suspension.....921	17.04 Effect of Delay or Settlement by Complainant.....932
12.07 Appeals.....922	17.05 Effect of Time Limitations.....932
<b>Part XIII Cessation of Practice.....922</b>	17.06 Limitations, General Rule and Exceptions.....932
13.01 Notice of Attorney's Cessation of Practice.....922	17.07 Residence.....932
13.02 Assumption of Jurisdiction.....922	17.08 Privilege.....932
13.03 Hearing and Order on Application to Assume Jurisdiction.....923	17.09 Immunity.....932
13.04 Voluntary Appointment of Custodian Attorney for Cessation of Practice.....923	17.10 Maintenance of Funds or Other Property Held for Clients and Others.....932
<b>Part XIV Interim Suspension.....924</b>	
14.01 Irreparable Harm to Clients.....924	<b>Appendix C. The Texas Lawyer's Creed.....937</b>
14.02 Burden of Proof and Evidentiary Standard.....924	I. Our Legal System.....939
<b>Part XV Guidelines for Imposing Sanctions.....924</b>	II. Lawyer To Client.....939
15.01 Purpose and Nature of Sanctions.....924	III. Lawyer To Lawyer.....939
15.02 General Factors to be Considered in Imposing Sanctions.....925	IV. Lawyer and Judge.....940
15.03 Imposition of Sanctions.....925	Order of the Supreme Court of Texas and the Court of Criminal Appeals.....941
15.04 Violations of Duties Owed to Clients.....925	
15.05. Violations of Duties Owed to the Legal System.....927	<b>Appendix D. Supreme Court of Texas Board of Disciplinary Appeals.....943</b>
15.06 Violations of Duties Owed to the Public.....928	<b>I. GENERAL PROVISIONS.....947</b>
15.07 Violations of Other Duties as a Professional.....929	Rule 1.01. Definitions.....947
15.08 Prior Discipline Orders.....929	Rule 1.02. General Powers.....947
15.09 Aggravation and Mitigation.....930	Rule 1.03. Additional Rules in Disciplinary Matters.....947
<b>Part XVI Grievance Referral Program.....931</b>	Rule 1.04. Appointment of Panels.....947
16.01 Grievance Referral Program.....931	Rule 1.05. Filing of Pleadings, Motions, and Other Papers.....947
16.02 Eligibility.....931	Rule 1.06. Service of Petition.....948
16.03 Procedure.....931	Rule 1.07. Hearing Setting and Notice.....948
16.04 Reporting.....931	Rule 1.08. Time to Answer.....948
<b>Part XVII Miscellaneous Provisions.....931</b>	Rule 1.09. Pretrial Procedure.....948
17.01 Enforcement of Judgments.....931	

## Table of Contents

<p>Rule 1.10. Decisions .....949</p> <p>Rule 1.11. Board of Disciplinary Appeals Opinions .....949</p> <p>Rule 1.12. BODA Work Product and Drafts .....949</p> <p>Rule 1.13. Record Retention .....949</p> <p>Rule 1.14. Costs of Reproduction of Records .....949</p> <p>Rule 1.15. Publication of These Rules .....949</p> <p><b>II. ETHICAL CONSIDERATIONS .....949</b></p> <p>Rule 2.01. Representing or Counseling Parties in Disciplinary Matters and Legal Malpractice Cases .....949</p> <p>Rule 2.02. Confidentiality .....950</p> <p>Rule 2.03. Disqualification and Recusal of BODA Members .....950</p> <p><b>III. CLASSIFICATION APPEALS .....950</b></p> <p>Rule 3.01. Notice of Right to Appeal .....950</p> <p>Rule 3.02. Record on Appeal .....950</p> <p><b>IV. APPEALS FROM EVIDENTIARY PANEL HEARINGS .....950</b></p> <p>Rule 4.01. Perfecting Appeal .....950</p> <p>Rule 4.02. Record on Appeal .....951</p> <p>Rule 4.03. Time to File Record .....952</p> <p>Rule 4.04. Copies of the Record .....952</p> <p>Rule 4.05. Requisites of Briefs .....952</p> <p>Rule 4.06. Oral Argument .....953</p> <p>Rule 4.07. Decision and Judgment .....953</p> <p>Rule 4.08. Appointment of Statewide Grievance Committee .....954</p> <p>Rule 4.09. Involuntary Dismissal .....954</p> <p><b>V. PETITIONS TO REVOKE PROBATION .....954</b></p> <p>Rule 5.01. Initiation and Service .....954</p> <p>Rule 5.02. Hearing .....954</p>	<p><b>VI. COMPULSORY DISCIPLINE .....954</b></p> <p>Rule 6.01. Initiation of Proceeding .....954</p> <p>Rule 6.02. Interlocutory Suspension .....954</p> <p><b>VII. RECIPROCAL DISCIPLINE .....955</b></p> <p>Rule 7.01. Initiation of Proceeding .....955</p> <p>Rule 7.02. Order to Show Cause .....955</p> <p>Rule 7.03. Attorney’s Response .....955</p> <p><b>VIII. DISTRICT DISABILITY COMMITTEE HEARINGS .....955</b></p> <p>Rule 8.01. Appointment of District Disability Committee .....955</p> <p>Rule 8.02. Petition and Answer .....955</p> <p>Rule 8.03. Discovery .....955</p> <p>Rule 8.04. Ability to Compel Attendance .....956</p> <p>Rule 8.05. Respondent’s Right to Counsel .....956</p> <p>Rule 8.06. Hearing .....956</p> <p>Rule 8.07. Notice of Decision .....956</p> <p>Rule 8.08. Confidentiality .....956</p> <p><b>IX. DISABILITY REINSTATEMENTS .....956</b></p> <p>Rule 9.01. Petition for Reinstatement .....956</p> <p>Rule 9.02. Discovery .....956</p> <p>Rule 9.03. Physical or Mental Examinations .....956</p> <p>Rule 9.04. Judgment .....956</p> <p><b>X. APPEALS FROM BODA TO THE SUPREME COURT OF TEXAS .....957</b></p> <p>Rule 10.01. Appeals to the Supreme Court .....957</p> <p><b>Appendix E: State Bar of Texas Pro Bono Policy .....959</b></p> <p><b>Table of Cases .....963</b></p> <p><b>Index .....1033</b></p>
--	---

