

# Table of Contents

---

<b>Chapter 1. Introduction</b> <span style="float: right;"><b>1</b></span>	
§ 1.01 Introduction and Scope.....	3
§ 1.02 How To Use This Volume.....	5
 <b>Chapter 2. Guide to Lawyers’ Duties and Liabilities.....</b>	 <b>7</b>
§ 2.01 Guide.....	9
I. Obtaining Clients—Advertising, Solicitations.....	10
II. Fees.....	11
III. Confidentiality of Client Information.....	12
IV. Safeguarding Property.....	13
V. Conflict of Interest.....	14
VI. Advocacy.....	15
VII. Obligations to Non-clients.....	19
VIII. Declining, Terminating Representation.....	20
IX. Misconduct.....	21
 <b>Chapter 3. Legal Malpractice in Texas.....</b>	 <b>23</b>
<b>A. Background.....</b>	<b>25</b>
§ 3.01 Introduction and Scope.....	25
<b>B. Statistics and Trends.....</b>	<b>39</b>
§ 3.02 Malpractice Statistics and Trends.....	39
<b>C. Liability Theories.....</b>	<b>42</b>
§ 3.03 Negligence.....	42
§ 3.03.1 Gross Negligence.....	60
§ 3.03.2 Duty to Warn.....	62
§ 3.03.3 Scope of Engagement.....	66
§ 3.04 Breach of Fiduciary Duty.....	67
§ 3.05 Fraud.....	103
§ 3.05.1 Constructive Fraud.....	109
§ 3.06 Malicious Prosecution.....	110
§ 3.07 Abuse of Process.....	113
§ 3.08 Conspiracy.....	114
§ 3.09 Duress.....	118
§ 3.10 Breach of Contract.....	119
§ 3.11 Deceptive Trade Practices Act.....	121
§ 3.11.1 Applications to Lawyers.....	121
§ 3.11.2 Scope of Liability.....	122
§ 3.12 Breach of Implied Warranty.....	130
§ 3.13 Breach of Disciplinary Rules.....	131
§ 3.14 False Advertising.....	142
§ 3.15 Sanctions.....	142
§ 3.16 Indemnity/Contribution Claims.....	155
§ 3.17 Securities Claims.....	157
§ 3.18 RICO.....	159
§ 3.19 Vicarious Liability.....	161
§ 3.19.1 General Partnerships.....	162
§ 3.19.2 Registered Limited Liability Partnerships.....	163
§ 3.19.3 Professional Corporations.....	164
§ 3.19.4 Limited Liability Company.....	164
§ 3.19.5 Respondeat Superior.....	165
§ 3.20 Other Liability Theories.....	165
§ 3.20.1 Misrepresentation.....	165
§ 3.20.2 Interference with Contractual Relations.....	169
§ 3.20.3 Prima Facie Tort.....	170
§ 3.20.4 Retention of Client Funds.....	170
§ 3.20.5 Other.....	170
<b>D. Standard of Care: Evidentiary Considerations.....</b>	<b>180</b>
§ 3.21 General Standard of Care.....	180
§ 3.22 Locality Rule.....	182

## Table of Contents

<p>§ 3.23 Effect of Specialization.....182</p> <p>§ 3.24 Expert Testimony Requirement .....183</p> <p><b>E. Causation .....203</b></p> <p>§ 3.25 Proximate Cause; Producing Cause .....203</p> <p>§ 3.26 Cause in Fact: Suit-Within-a-Suit Requirement.....210</p> <p style="padding-left: 20px;">§ 3.26.1 Collectibility.....221</p> <p style="padding-left: 20px;">§ 3.26.2 Defendants.....223</p> <p style="padding-left: 20px;">§ 3.26.3 Criminal Cases.....224</p> <p style="padding-left: 20px;">§ 3.26.4 Appellate Malpractice ..... 229</p> <p><b>F Defenses .....230</b></p> <p>§ 3.27 Statute of Limitations: In General .....230</p> <p style="padding-left: 20px;">§ 3.27.1 Legal Injury Rule .....231</p> <p style="padding-left: 20px;">§ 3.27.2 The Discovery Rule .....233</p> <p style="padding-left: 20px;">§ 3.27.3 Tolling During the Pendency of Litigation.....238</p> <p style="padding-left: 20px;">§ 3.27.4 Fraudulent Concealment .....245</p> <p style="padding-left: 20px;">§ 3.27.5 Legal Disability .....249</p> <p style="padding-left: 20px;">§ 3.27.6 Counterclaims, Cross-Claims .....249</p> <p style="padding-left: 20px;">§ 3.27.7 The Basic Two-Year and Four-Year Statutes..... 249</p> <p style="padding-left: 20px;">§ 3.27.8 Particular Cases.....250</p> <p>§ 3.28 Lack of Privity .....276</p> <p style="padding-left: 20px;">§ 3.28.1 Privity Exception: Equitable Subrogation .....299</p> <p>§ 3.29 Comparative Negligence; Comparative Responsibility.....300</p> <p>§ 3.30 Good Faith Defense .....301</p> <p>§ 3.31 Underlying Claim Defense .....301</p> <p>§ 3.32 One-Satisfaction Rule .....302</p> <p>§ 3.33 Release.....303</p> <p>§ 3.34 Res Judicata; Estoppel .....303</p> <p>§ 3.35 Other Defenses.....309</p>	<p>§ 3.35.1 Judicial-Proceedings Immunity; Defamation Privilege; Texas Citizens Participation Act.....310</p> <p>§ 3.35.2 Tortious Interference Privilege.....319</p> <p>§ 3.35.3 Prematurity; Exhaustion of Remedies.....320</p> <p>§ 3.35.4 Election of Remedies .....320</p> <p>§ 3.35.5 Failure of Consideration ..... 320</p> <p>§ 3.35.6 Waiver; Estoppel; Laches.....321</p> <p>§ 3.35.7 Ratification.....322</p> <p>§ 3.35.8 New, Independent Cause .....323</p> <p>§ 3.35.9 Criminal Conviction, Conduct ..... 323</p> <p>§ 3.35.10 Defenses Available to Judges, Prosecutors, Appointed Counsel .....325</p> <p>§ 3.35.11 Suits by Adverse Parties or Counsel.....332</p> <p>§ 3.35.12 Assignment of Legal Malpractice Causes of Action .....352</p> <p>§ 3.35.13 Turnover of Legal Malpractice Causes of Action.....358</p> <p>§ 3.35.14 Sovereign Immunity .....359</p> <p>§ 3.35.15 Legislative Immunity.....359</p> <p>§ 3.35.16 Pro Bono Service .....359</p> <p><b>G. Damages.....359</b></p> <p>§ 3.36 General.....359</p> <p style="padding-left: 20px;">§ 3.36.1 Emotional Distress Economic Damages.....363</p> <p style="padding-left: 20px;">§ 3.36.2 Exemplary Damages.....364</p> <p><b>H. Legal Malpractice Insurance.....365</b></p> <p>§ 3.37 Legal Malpractice Insurance .....365</p> <p><b>Chapter 4. Disciplinary Rules for Lawyers—Texas</b></p> <p style="padding-left: 20px;"><b>Disciplinary Rules of Professional Conduct.....367</b></p> <p><b>A. Introduction .....370</b></p> <p>§ 4.01 Background .....370</p> <p>§ 4.02 Organization of the Rules .....371</p>
---	---

## Table of Contents

---

§ 4.03 Application to Disciplinary Proceedings .....	371	§ 4.23 Fee Disputes.....	436
§ 4.04 Application in Nondisciplinary Proceedings.....	373	<b>C. Confidentiality and Security of Client Information and Property .....</b>	<b>438</b>
§ 4.05 Relationship to the Texas Rules of Disciplinary Procedure .....	377	§ 4.24 Introduction .....	438
<b>B. Commencing the Lawyer-Client Relationship: Advertising, Solicitation and Fees.....</b>	<b>377</b>	§ 4.25 Confidential Information Defined.....	438
§ 4.06 Advertising and Solicitation: Background.....	377	§ 4.26 Restrictions on Disclosure and Use of Confidential Information .....	442
§ 4.07 Definitions of “Advertisements” and “Solicitation” .....	378	§ 4.26.1 Restrictions on Disclosure.....	442
§ 4.08 Identity of responsible lawyer and primary practice location.....	378	§ 4.26.2 Restrictions on Use.....	444
§ 4.09 Communications Concerning a Lawyer’s Services.....	378	§ 4.27 Permissive Disclosure of Confidential Information.....	446
§ 4.10 Communications Concerning a Lawyer’s Qualifications and Fees .....	383	§ 4.27.1 Permissive Disclosures Applicable to All Confidential Information .....	447
§ 4.11 Prohibited Solicitations and Payments .....	384	§ 4.27.2 Permissive Disclosure of Unprivileged Information .....	452
§ 4.12 Charges and Referrals by Legal Services Plans and Lawyer Referral Services; Paying for Client Leads.....	388	§ 4.28 Factors for Permissive Disclosure.....	452
§ 4.13 Reciprocal Referral Arrangements .....	388	§ 4.29 Mandatory Disclosures .....	453
§ 4.14 Filing Requirements for Advertisements, Solicitations, and Websites .....	389	§ 4.30 Client Fraud, Perjury, Other Crimes: Checklist of Duties.....	453
§ 4.15 Exemptions from Filing.....	389	§ 4.31 Safeguarding Property .....	454
§ 4.16 Advisory Opinions .....	391	§ 4.31.1 IOLTA.....	456
§ 4.17 Prohibited Employment Obtained in Violation of the Rules .....	392	§ 4.31.2 Joint Interest in Property.....	457
§ 4.18 Fees: Unconscionability, Reasonableness .....	392	<b>D. Conflict of Interest .....</b>	<b>461</b>
§ 4.19 Contingent Fees .....	412	§ 4.32 Conflict of Interest: Introduction.....	461
§ 4.19.1 Criminal Case Prohibition .....	412	§ 4.32.1 Conflict of Interest: The General Rule.....	468
§ 4.19.2 Family Law Matters.....	413	§ 4.32.2 Conflict of Interest: Intermediary .....	504
§ 4.19.3 Class Actions.....	413	§ 4.32.3 Conflict of Interest: Prohibited Transactions .....	507
§ 4.20 Communication of Fees; Written Fee Agreements.....	414	§ 4.32.4 Conflicts of Interest: Former Client or Prospective Client .....	522
§ 4.20.1 Contingent Fee Rule.....	415	§ 4.32.5 Conflict of Interest: Successive Government and Private Employment; Adjudicatory Officials and Law Clerks .....	526
§ 4.21 Fee-Splitting with Lawyers.....	423	§ 4.32.6 Conflict of Interest: Organizations as Clients.....	534
§ 4.21.1 Payments to Former Members of the Firm; Lawyer Referral Programs .....	432	§ 4.32.7 Conflict of Interest: Public Interest Activities .....	540
§ 4.22 Fee-Splitting with Non-Lawyers.....	433		

## Table of Contents

---

§ 4.32.8 Conflict of Interest: Nonprofit and Limited Pro Bono Legal Services .....	540	§ 4.44.4 Disclosures to Avoid Criminal/Fraudulent Acts .....	695
§ 4.32.9 Imputation of Conflicts of Interest; Screening to Avoid Imputation .....	541	§ 4.44.5 Disclosures in Ex Parte Proceedings .....	695
§ 4.33 Disqualification: In General.....	544	§ 4.44.6 Disclosure of Adverse Controlling Authority.....	696
§ 4.33.1 The Disciplinary Rules as “Guidance” in Determining Motions to Disqualify.....	548	§ 4.44.7 Duration of Obligations.....	697
§ 4.33.2 Standards for Disqualification.....	550	§ 4.45 Fairness in Adjudicatory Proceedings.....	697
§ 4.33.3 Review of Disqualification Decisions.....	582	§ 4.45.1 Obstructing Access to Evidence.....	697
§ 4.33.4 Waiver of Disqualification by Delay .....	583	§ 4.45.2 Falsifying Evidence .....	697
§ 4.33.5 Particular Cases: Cases Requiring Disqualification.....	586	§ 4.45.3 Payments to Witnesses .....	698
§ 4.33.6 Particular Cases: Cases Not Requiring Disqualification.....	607	§ 4.45.4 Rule Violations .....	699
§ 4.33.7 Disqualification in Federal Court .....	635	§ 4.45.5 References to Irrelevant, Inadmissible Matters.....	700
§ 4.33A The Restatement.....	667	§ 4.45.6 Personal Opinions, Knowledge .....	701
<b>E. Advocacy .....</b>	<b>669</b>	§ 4.45.7 Degrading Questions .....	701
§ 4.34 Introduction .....	669	§ 4.45.8 Disruptive Conduct .....	701
§ 4.35 Competent, Diligent Representation.....	669	§ 4.45.9 Discriminatory Activities.....	701
§ 4.36 Neglect.....	673	§ 4.46 Maintaining the Impartiality of a Tribunal .....	702
§ 4.37 Communication.....	674	§ 4.47 Maintaining the Integrity of the Jury System .....	703
§ 4.38 Scope and Objectives of Representation .....	679	§ 4.47.1 Juror Investigations.....	703
§ 4.39 Settlement Agreements .....	682	§ 4.47.2 Communications with Jurors .....	703
§ 4.40 Criminal, Fraudulent Client Conduct.....	683	§ 4.47.3 Family Members.....	705
§ 4.40.1 A Client’s Proposed Misconduct: Duty to Dissuade .....	684	§ 4.47.4 Juror Misconduct.....	705
§ 4.40.2 Prior Client Misconduct. Duty to Persuade .....	684	§ 4.48 Trial Publicity.....	705
§ 4.41 Guardian, Legal Representatives.....	685	§ 4.48.1 General Prohibition.....	705
§ 4.42 Frivolous Claims.....	685	§ 4.48.2 Impermissible Statements .....	706
§ 4.43 Minimizing Litigation Burdens, Delays .....	688	§ 4.48.3 Permissible Statements .....	707
§ 4.44 Candor Toward Tribunals .....	689	§ 4.49 Lawyer as Witness .....	707
§ 4.44.1 False Statements, Evidence.....	689	§ 4.49.1 Lawyer Testimony for Client—Necessary Witness for “Essential Fact.” .....	708
§ 4.44.2 Subsequent Discovery of Falsity.....	694	§ 4.49.2 Lawyer Testimony—Adverse to the Client.....	711
§ 4.44.3 False Evidence Introduced by Another.....	694	§ 4.49.3 Advocate From Same Firm as the Lawyer-Witness .....	711
		§ 4.49.4 Disqualification Standards .....	711

## Table of Contents

---

§ 4.50 Prosecutor's Duties .....	714	§ 4.59 Mandatory Termination of Representation.....	747
§ 4.50.1 Probable Cause Requirement .....	714	§ 4.60 Representation Resulting in Violation of Rules.....	748
§ 4.50.2 Advising of Right to Counsel.....	714	§ 4.61 Physical, Mental or Psychological Incompetence .....	750
§ 4.50.3 Waivers of Rights of Unrepresented Persons.....	715	§ 4.62 Discharge of Lawyer .....	751
§ 4.50.4 Disclosure of Mitigating Evidence.....	715	§ 4.63 Permissive Withdrawal.....	751
§ 4.50.5 Extrajudicial Statements by Employees or Agents.....	716	§ 4.64 Assisting a Client Upon Withdrawal.....	753
§ 4.51 Appointments and Pro Bono Service.....	716	§ 4.65 Clients with Diminished Capacity.....	755
§ 4.52 Nonadjudicative Proceedings .....	719	<b>I. Misconduct.....</b>	<b>756</b>
<b>F. Obligations to Non-clients .....</b>	<b>719</b>	§ 4.66 Misconduct.....	756
§ 4.53 Truthfulness in Statements to Others.....	719	§ 4.66.1 Violations .....	756
§ 4.53.1 Disclosures to Third Persons .....	721	§ 4.66.2 Associates and Lawyer Employees .....	771
§ 4.54 Communications with Persons Represented by Counsel.....	722	§ 4.66.3 Non-Lawyer Assistants.....	772
§ 4.54.1 Communication with an Adverse Party's Employees.....	724	§ 4.66.4 Reporting Misconduct.....	774
§ 4.54.2 Client-to-Client Communications.....	725	§ 4.66.5 Judicial Misconduct.....	777
§ 4.54.3 Communications with Adverse Party's Former Employees.....	726	§ 4.66.6 Confidentiality Limitation.....	777
§ 4.54.4 Communications with Adverse Party's Expert Witnesses.....	726	§ 4.66.7 Jurisdiction.....	778
§ 4.54.5 Second Opinions.....	726	<b>J. Judicial Candidates and Criticism.....</b>	<b>779</b>
§ 4.55 Communications with Unrepresented Persons .....	727	§ 4.67 Judicial Candidates and Criticism .....	779
§ 4.56 Using Improper Tactics Against Third Persons.....	727	<b>K. The Restatement of the Law Governing Lawyers.....</b>	<b>780</b>
§ 4.56.1 Threatening to Bring Charges.....	728	§ 4.68 Background .....	780
<b>G. Unauthorized Practice of Law.....</b>	<b>729</b>	§ 4.69 Organization.....	780
§ 4.57 Unauthorized Practice of Law .....	729	§ 4.70 The Restatement and the Texas Disciplinary Rules.....	782
§ 4.57.1 Practice in Other Jurisdictions .....	735	<b>Chapter 5. Texas Rules of Disciplinary Procedure.....</b>	<b>787</b>
§ 4.57.2 Restrictions on the Right to Practice .....	736	<b>A. Introduction .....</b>	<b>789</b>
§ 4.57.3 Practice by or with Non-Lawyers .....	739	§ 5.01 Background; Grievance Statistics.....	789
§ 4.57.4 Nonlawyer Preparing Legal Instrument Affecting Title to Real Property .....	742	§ 5.02 Organization, Summary .....	790
<b>H. Declining or Terminating Representation.....</b>	<b>742</b>	<b>B. Commission for Lawyer Discipline .....</b>	<b>791</b>
§ 4.58 Declining or Terminating Representation .....	742	§ 5.03 Permanent Committee .....	791
		§ 5.04 Composition; Appointment.....	791

## Table of Contents

---

§ 5.05 Commission Advisors .....	792	<b>E. Board of Disciplinary Appeals.....</b>	<b>796</b>
§ 5.06 Compensation .....	792	§ 5.23 Purpose .....	796
§ 5.07 Immunity.....	792	§ 5.24 Composition.....	796
§ 5.08 Duties.....	792	§ 5.25 Terms of Office .....	796
§ 5.09 Public Information and Access .....	793	§ 5.26 Board Chairperson .....	796
§ 5.09.1 Public and Media Inquiries.....	793	§ 5.27 Quorum.....	797
§ 5.09.2 Telephone Inquiries .....	793	§ 5.28 Compensation .....	797
§ 5.09.3 Records; Reports.....	793	§ 5.29 Immunity .....	797
<b>C. District Grievance Committees.....</b>	<b>793</b>	§ 5.30 Recusal and Disqualification .....	797
§ 5.10 Disciplinary Districts and Grievance Committee Subdistricts .....	793	§ 5.31 Duties and General Procedures .....	797
§ 5.11 Composition of Committees.....	794	§ 5.31.1 Internal Procedural Rules .....	797
§ 5.12 Terms of Office.....	794	§ 5.31.2 Appeal to Supreme Court .....	798
§ 5.13 Compensation .....	794	§ 5.31.3 Trial Briefs .....	798
§ 5.14 Immunity.....	794	§ 5.31.4 Additional Rules .....	798
§ 5.15 Service on Grievance Panels; Disqualification .....	794	<b>F. Procedural Matters.....</b>	<b>798</b>
§ 5.16 Composition of Grievance Panels.....	794	§ 5.32 Subpoenas.....	798
§ 5.17 Panel Voting.....	795	§ 5.33 Investigatory Hearings.....	799
§ 5.18 District Disability Committees.....	795	§ 5.34 Enforcement of Judgments .....	799
§ 5.18.1 Purpose.....	795	§ 5.34.1 Judgments Enforceable.....	799
§ 5.18.2 Composition.....	795	§ 5.34.2 Enforcement .....	799
§ 5.18.3 Appointment .....	795	§ 5.35 Related Litigation .....	799
§ 5.18.4 Immunity.....	795	§ 5.35.1 Delay or Abatement .....	799
§ 5.18.5 Rules Governing Members.....	795	§ 5.35.2 Res Judicata and Estoppel .....	800
<b>D. Chief Disciplinary Counsel.....</b>	<b>795</b>	§ 5.35.3 Texas Citizens Participation Act.....	801
§ 5.19 Selection.....	795	§ 5.36 Delay or Settlement by Complainant .....	801
§ 5.20 Duties.....	795	§ 5.37 Time .....	801
§ 5.21 Accountability.....	796	§ 5.37.1 Computation of Time .....	801
§ 5.22 Immunity.....	796	§ 5.37.2 Mandatory/Directory Time Limitations.....	801
		§ 5.38 Limitations on Disciplinary Action .....	801

---

## Table of Contents

<p>§ 5.39 Lawyer’s Residence .....802</p> <p>§ 5.40 Privilege.....802</p> <p>§ 5.41 Maintenance of Funds or Other Property Held for Clients and Others..... 802</p> <p><b>G. Grievance Process .....802</b></p> <p>§ 5.42 In General.....802</p> <p>§ 5.43 Disciplinary Actions are “Civil” in Nature.....803</p> <p>§ 5.44 Classification of Inquiries and Complaints .....805</p> <p style="padding-left: 20px;">§ 5.44.1 Inquiry .....805</p> <p style="padding-left: 20px;">§ 5.44.2 Complaint.....805</p> <p style="padding-left: 20px;">§ 5.44.3 Discretionary Referral.....805</p> <p style="padding-left: 20px;">§ 5.44.4 Professional Misconduct .....806</p> <p>§ 5.45 Inquiries .....806</p> <p>§ 5.46 Complaints .....806</p> <p>§ 5.47 Appeal of Classification .....806</p> <p>§ 5.48 Venue.....806</p> <p style="padding-left: 20px;">§ 5.48.1 Evidentiary Panel Proceedings .....807</p> <p style="padding-left: 20px;">§ 5.48.2 Summary Disposition Panel Proceedings.....807</p> <p style="padding-left: 20px;">§ 5.48.3 Investigatory Panel Proceedings.....807</p> <p>§ 5.49 Motion to Transfer .....807</p> <p>§ 5.50 Investigation by the Chief Disciplinary Counsel.....807</p> <p>§ 5.51 Summary Disposition Docket.....808</p> <p>§ 5.52 Evidentiary Panel Proceedings .....808</p> <p style="padding-left: 20px;">§ 5.52.1 Failure to Request a Trial De Novo.....808</p> <p style="padding-left: 20px;">§ 5.52.2 Transfer of Matter.....808</p> <p style="padding-left: 20px;">§ 5.52.3 Appointment of Evidentiary Panel .....808</p> <p style="padding-left: 20px;">§ 5.52.4 Composition of Evidentiary Panel .....809</p> <p style="padding-left: 20px;">§ 5.52.5 Procedure .....809</p> <p style="padding-left: 20px;">§ 5.52.6 Sanctions .....812</p>	<p>§ 5.52.7 Restitution.....812</p> <p>§ 5.52.8 Revocation Procedure for Probated Suspension .....812</p> <p>§ 5.52.9 Appeal .....812</p> <p>§ 5.52.10 Supersedeas or Stay of Disbarment Order.....813</p> <p>§ 5.52.11 Stay of Suspension .....813</p> <p>§ 5.53 Trial De Novo in District Court.....813</p> <p style="padding-left: 20px;">§ 5.53.1 Election of District Court .....813</p> <p style="padding-left: 20px;">§ 5.53.2 Disciplinary Petition.....814</p> <p style="padding-left: 20px;">§ 5.53.3 Assignment of Judge .....814</p> <p style="padding-left: 20px;">§ 5.53.4 Recusal..... 814</p> <p style="padding-left: 20px;">§ 5.53.5 Venue.....814</p> <p style="padding-left: 20px;">§ 5.53.6 Filing .....815</p> <p style="padding-left: 20px;">§ 5.53.7 Transfer of Case.....815</p> <p style="padding-left: 20px;">§ 5.53.8 Answer.....815</p> <p style="padding-left: 20px;">§ 5.53.9 Discovery .....815</p> <p style="padding-left: 20px;">§ 5.53.10 Trial by Jury.....815</p> <p style="padding-left: 20px;">§ 5.53.11 Trial Setting.....816</p> <p style="padding-left: 20px;">§ 5.53.12 Burden of Proof .....816</p> <p style="padding-left: 20px;">§ 5.53.13 Abatement or Delay of Trial.....816</p> <p style="padding-left: 20px;">§ 5.53.14 Judgment Expunction.....817</p> <p style="padding-left: 20px;">§ 5.53.15 Sanctions.....817</p> <p style="padding-left: 20px;">§ 5.53.16 Terms of Judgment .....817</p> <p style="padding-left: 20px;">§ 5.53.17 Restitution .....817</p> <p style="padding-left: 20px;">§ 5.53.18 Revocation Procedure for Probated Suspension .....818</p> <p style="padding-left: 20px;">§ 5.53.19 Supersedeas or Stay of Disbarment Probation Revocation.....818</p> <p style="padding-left: 20px;">§ 5.53.20 Stay of Suspension .....818</p> <p style="padding-left: 20px;">§ 5.53.21 Cost and Appeal Bond.....818</p> <p style="padding-left: 20px;">§ 5.53.22 Appeal .....818</p>
--	--

## Table of Contents

---

<b>H. Compulsory Discipline.....</b>	<b>818</b>	<b>K. Resignation in Lieu of Disciplinary Action.....</b>	<b>824</b>
§ 5.54 In General.....	818	§ 5.70 In General.....	824
§ 5.55 Petition.....	820	§ 5.71 Motion.....	824
§ 5.56 Board of Disciplinary Appeals.....	820	§ 5.72 Filing.....	824
§ 5.56.1 Review by Texas Supreme Court.....	820	§ 5.73 Effectiveness of Motion.....	825
§ 5.57 Suspension.....	821	§ 5.74 Response of Chief Disciplinary Counsel.....	825
§ 5.58 Decision.....	821	§ 5.75 Withdrawal of Motion for Resignation.....	825
§ 5.58.1 Conclusive Evidence.....	821	§ 5.76 Effect of Filing.....	825
§ 5.58.2 Affidavits.....	822	§ 5.77 Notification of Disposition.....	825
§ 5.58.3 Other Evidence.....	822	§ 5.78 Effect of Resignation.....	825
§ 5.58.4 Time for Decision.....	822	<b>L. Reinstatement after Disbarment or Resignation.....</b>	<b>825</b>
§ 5.59 Disbarment.....	822	§ 5.79 Eligibility.....	825
<b>I. Reciprocal Discipline.....</b>	<b>822</b>	§ 5.80 Venue.....	825
§ 5.60 Orders From Other Jurisdictions.....	822	§ 5.81 Petition.....	825
§ 5.60.1 Prima Facie Evidence.....	822	§ 5.82 Duty to Amend Petition.....	827
§ 5.61 Notice.....	822	§ 5.83 Burden of Proof.....	827
§ 5.62 Answer.....	823	§ 5.84 False Statements.....	827
§ 5.63 Failure to File Answer.....	823	§ 5.85 Notice.....	827
§ 5.64 Determination of Case.....	823	§ 5.86 Nonjury Determination.....	827
<b>J. Interim Suspension.....</b>	<b>823</b>	§ 5.87 Relevant Factors for Determination.....	827
§ 5.65 In General.....	823	§ 5.88 Judgment.....	828
§ 5.66 Procedure.....	823	§ 5.88.1 Reinstatement.....	828
§ 5.66.1 Irreparable Harm.....	823	§ 5.88.2 Admissions Requirement.....	828
§ 5.66.2 Petition.....	824	§ 5.88.3 Default.....	829
§ 5.66.3 Hearing.....	824	§ 5.88.4 Denial or Abeyance of Reinstatement.....	829
§ 5.66.4 Burden of Proof.....	824	§ 5.88.5 Protection of Public and Clients.....	829
§ 5.66.5 Evidentiary Standard.....	824	§ 5.89 Appeal, Stay.....	829
§ 5.67 Order.....	824	§ 5.90 Readmission.....	829
§ 5.68 Custodian.....	824	§ 5.91 Repetitioning.....	829
§ 5.69 Non-Sanction Effect.....	824	<b>M. Disability Suspension.....</b>	<b>829</b>

---

## Table of Contents

---

§ 5.92 Disability.....	829	§ 5.102.4 Liability .....	834
§ 5.93 Grounds for Suspension.....	829	§ 5.103 Voluntary Appointment of Custodian Attorney for Cessation of Practice.....	835
§ 5.94 Procedure .....	829	<b>O. Imposing Sanctions.....</b>	<b>835</b>
§ 5.94.1 Finding of Disability.....	829	§ 5.104 Purpose .....	835
§ 5.94.2 Appointment of Lawyer .....	829	§ 5.105 General Factors.....	836
§ 5.94.3 Forwarding the Record.....	830	§ 5.106 Separate Hearing on Sanctions.....	836
§ 5.94.4 Review of District Disability Committee .....	830	§ 5.107 Sanctions Guidelines.....	836
§ 5.95 Suspension .....	830	§ 5.108.1 Violations of Duties Owed to Clients.....	836
§ 5.96 Confidentiality .....	830	§ 5.108.1(A) Lack of Diligence (TRDP 15.04A).....	836
§ 5.97 Effect on Limitations .....	830	§ 5.108.1(B) Failure to Preserve the Client’s Property (TRDP 15.04B) .....	837
§ 5.98 Reinstatement.....	830	§ 5.108.1(C) Failure to Preserve the Client’s Confidences (TRDP 15.04C).....	837
§ 5.99 Disciplinary Probation.....	831	§ 5.108.1(D) Failure to Avoid Conflicts of Interest (TRDP 15.04D).....	838
§ 5.99.1 Eligibility.....	831	§ 5.108.1(E) Lack of Candor (TRDP 15.04E).....	838
§ 5.99.2 Period of Probation .....	832	§ 5.108.2 Violations of Duties Owed to the Legal System.....	838
§ 5.99.3 Conditions of Probation.....	832	§ 5.108.2(A) False Statements, Fraud and Misrepresentation (TRDP 15.05A) .....	838
§ 5.99.4 Administration of Disability Probation .....	832	§ 5.108.2(B) Abuse of the Legal Process TRDP 15.05B .....	839
§ 5.99.5 Revocation of Probation; Imposition of Other Conditions.....	832	§ 5.108.2(C) Improper Communications with Individuals in the Legal System (TRDP 15.05C).....	839
§ 5.100 Appeal.....	833	§ 5.108.3 Violations of Duties Owed to the Public.....	840
§ 5.100.1 Appeal of District Court Decision.....	833	§ 5.108.3(A) Failure to Maintain Personal Integrity (TRDP 15.06A) .....	840
§ 5.100.2 Appeal of Board of Disciplinary Appeals Decision .....	833	§ 5.108.3(B) Failure to Maintain the Public Trust (TRDP 15.06B) .....	841
<b>N. Cessation of Practice .....</b>	<b>833</b>	§ 5.108.4 Violations of Other Duties as a Professional (TRDP 15.07).....	841
§ 5.101 Requirement of Notice.....	833	§ 5.108.5 Violation of a Prior Discipline Order (TRDP 15.08).....	842
§ 5.101.1 Parties Receiving Notice.....	833	§ 5.108.6 Private Reprimand Limited to Evidentiary Hearings.....	842
§ 5.101.2 Person Supplying Notice.....	833		
§ 5.102 Assumption of Jurisdiction.....	834		
§ 5.102.1 Petition.....	834		
§ 5.102.2 Hearing on an Application to Assume Jurisdiction.....	834		
§ 5.102.3 Assumption of Jurisdiction by a Court.....	834		

## Table of Contents

---

§ 5.108.7 Sanction Guideline Cross-Reference Table .....	842	§ 6.06.1 General Duties.....	856
§ 5.109 Aggravation and Mitigation .....	845	§ 6.06.2 Client Attitudes .....	857
<b>P. Grievance Referral Program .....</b>	<b>847</b>	§ 6.06.3 Non-retaliation .....	857
§ 5.110 PEP, GRP: In General.....	847	§ 6.06.4 Communications.....	857
§ 5.111 GRP Program; Eligibility.....	847	§ 6.06.5 Document Revisions.....	857
§ 5.112 GRP Program Procedure.....	847	§ 6.06.6 Cancellations.....	857
§ 5.113 GRP Reporting.....	848	§ 6.06.7 Extensions of Time, Waiver of Formalities.....	857
<b>Q. Client-Attorney Assistance Program .....</b>	<b>848</b>	§ 6.06.8 Service .....	857
§ 5.114 CAAP.....	848	§ 6.06.9 Objections.....	858
§ 5.115 Discretionary Referral .....	848	§ 6.06.10 Disagreeable Conduct; Client Control .....	858
<b>R. Texas Lawyers' Assistance Program.....</b>	<b>848</b>	§ 6.06.11 Default Judgments .....	859
§ 5.116 TLAP.....	848	§ 6.06.12 Submission, Approval of Orders.....	860
<b>S. Miscellaneous.....</b>	<b>849</b>	§ 6.06.13 Scheduling Depositions, Hearings .....	860
§ 5.117 Confidentiality .....	849	§ 6.06.14 Stipulations .....	860
§ 5.118 Limitations .....	849	§ 6.06.15 Abusive Discovery .....	860
<b>Chapter 6. Texas Lawyer's Creed.....</b>	<b>851</b>	§ 6.07 Duties to and from Judges.....	860
<b>A. Introduction .....</b>	<b>853</b>	§ 6.07.1 Reciprocal Duties.....	860
§ 6.01 Background, Purpose .....	853	§ 6.07.2 Duties to Judges.....	861
§ 6.02 Local Professionalism Codes.....	854	<b>C. Enforcement.....</b>	<b>862</b>
<b>B. Duties Created by the Texas Lawyer's Creed.....</b>	<b>854</b>	§ 6.08. Enforcement Generally.....	862
§ 6.03 Generally.....	854	§ 6.09 Enforcement Under the Inherent Powers Doctrine .....	863
§ 6.04 Duties to the Legal System .....	854	§ 6.10 Enforcement Under "Rules Already in Existence"—TRCP .....	864
§ 6.05 Duties to Clients.....	854	§ 6.10.1 TRCP 13.....	864
§ 6.05.1 Mandatory Notices to Client.....	855	§ 6.10.2 TRCP 18a.....	864
§ 6.05.2 Other Duties to Clients.....	855	§ 6.10.3 TRCP 21b .....	865
§ 6.05.3 Limits on Duties to Clients.....	856	§ 6.10.4 TRCP 166a.....	865
§ 6.06 Duties to Other Lawyers.....	856	§ 6.10.5 1999 Discovery Rules.....	865
		§ 6.10.6 TRCP 269 .....	866

## Table of Contents

---

<b>Appendix A. Texas Disciplinary Rules of Professional Conduct.....</b>	<b>867</b>
Preamble: A Lawyer’s Responsibilities .....	869
Preamble: Scope .....	870
Preamble: Terminology.....	871
<b>I. Client-Lawyer Relationship.....</b>	<b>872</b>
1.01 Competent and Diligent Representation.....	872
1.02 Scope and Objectives of Representation.....	873
1.03 Communication .....	875
1.04 Fees .....	875
1.05 Confidentiality of Information .....	879
1.06 Conflict of Interest: General Rule .....	882
1.07 Conflict of Interest: Intermediary .....	884
1.08 Conflict of Interest: Prohibited Transactions .....	886
1.09 Conflict of Interest: Former Client .....	888
1.10. Imputation of Conflicts of Interest: General Rule .....	889
1.11 Successive Government and Private Employment .....	890
1.12 Adjudicatory Official or Law Clerk.....	891
1.13 Organization as a Client.....	892
1.14 Conflicts: Public Interests Activities.....	894
1.15 Safekeeping Property .....	894
1.16 Declining or Terminating Representation.....	895
1.17 Clients with Diminished Capacity .....	896
1.18. Duties to Prospective Client.....	898
<b>II. Counselor .....</b>	<b>899</b>
2.01 Advisor .....	899
2.02 Evaluation for Use by Third Persons .....	899
<b>III. Advocate.....</b>	<b>900</b>
3.01 Meritorious Claims and Contentions .....	900
3.02 Minimizing the Burdens and Delays of Litigation.....	901
3.03 Candor Toward the Tribunal .....	901
3.04 Fairness in Adjudicatory Proceedings .....	903
3.05 Maintaining Impartiality of Tribunal.....	904
3.06 Maintaining Integrity of Jury System .....	905
3.07 Trial Publicity .....	906
3.08 Lawyer as Witness.....	907
3.09 Special Responsibilities of a Prosecutor .....	908
3.10 Advocate in Nonadjudicative Proceedings.....	909
<b>IV. Non-Client Relationships.....</b>	<b>910</b>
4.01 Truthfulness in Statements to Others .....	910
4.02 Communication with One Represented by Counsel.....	910
4.03 Dealing with Unrepresented Person .....	911
4.04 Respect for Rights of Third Persons .....	912
<b>V. Law Firms and Associations.....</b>	<b>912</b>
5.01 Responsibilities of a Partner or Supervisory Lawyer.....	912
5.02 Responsibilities of a Supervised Lawyer.....	913
5.03 Responsibilities Regarding Nonlawyer Assistants .....	914
5.04 Professional Independence of a Lawyer .....	914
5.05 Unauthorized Practice of Law; Remote Practice of Law .....	915
5.06 Restrictions on Right to Practice.....	916
5.07 [Blank].....	916
5.08 Prohibited Discriminatory Activities .....	916
<b>VI. Public Service.....</b>	<b>917</b>
6.01 Accepting Appointments by a Tribunal.....	917
6.05 Conflict of Interest Exceptions for Nonprofit and Limited Pro Bono Legal Services .....	918
<b>VII. Information About Legal Services .....</b>	<b>920</b>
7.01 Communications Concerning a Lawyer’s Services .....	920

## Table of Contents

---

7.02 Advertisements.....	921	2.07 Duties of Committees .....	939
7.03 Solicitation and Other Prohibited Communications.....	922	2.08 Expenses.....	939
7.04 Filing Requirements for Advertisements and Solicitation Communications .....	925	2.09 Notice to Parties.....	939
7.05 Communications Exempt from Filing Requirements .....	925	2.10 Classification of Grievances .....	940
7.06 Prohibited Employment .....	927	2.11 Venue.....	940
<b>VIII. Maintaining the Integrity of the Profession .....</b>	<b>927</b>	2.12 Investigation and Determination of Just Cause .....	941
8.01 Bar Admission, Reinstatement, and Disciplinary Matters .....	927	2.13 Summary Disposition Setting.....	941
8.02 Judicial and Legal Officials.....	928	2.14 Proceeding Upon a Determination of Just Cause.....	942
8.03 Reporting Professional Misconduct.....	928	2.15 Election .....	942
8.04 Misconduct.....	929	2.16 Confidentiality.....	942
8.05 Jurisdiction .....	930	2.17 Evidentiary Hearings .....	943
<b>IX. Severability of Rules .....</b>	<b>930</b>	2.18 Terms of Judgment .....	946
9.01 Severability .....	930	2.19 Restitution.....	946
 		2.20 Notice of Decision .....	946
<b>Appendix B. Texas Rules of Disciplinary Procedure .....</b>	<b>933</b>	2.21 Post Judgment Motions .....	946
<b>Part I General Rules.....</b>	<b>935</b>	2.22 Probated Suspension—Revocation Procedure.....	946
1.01 Citation .....	935	2.23 Appeals by Respondent or Commission.....	946
1.02 Objective of the Rules .....	935	2.24 No Supersedes.....	946
1.03 Construction of the Rules .....	935	2.25 Disposition on Appeal.....	947
1.04 Integration and Concurrent-Application of the Rules.....	935	2.26 Remand to Statewide Grievance Committee Panel .....	947
1.05 Texas Disciplinary Rules of Professional Conduct .....	935	2.27 Appeal to Supreme Court of Texas .....	947
1.06 Definitions .....	935	<b>Part III Trial in District Court .....</b>	<b>947</b>
<b>Part II The District Grievance Committees .....</b>	<b>938</b>	3.01 Disciplinary Petition.....	947
2.01 Disciplinary Districts and Grievance Committee Subdistricts.....	938	3.02 Assignment of Judge .....	948
2.02 Composition of Members.....	938	3.03 Filing, Service and Venue .....	948
2.03 Time for Appointment and Terms .....	938	3.04 Answer of the Respondent .....	948
2.04 Organizational Meeting of Grievance Committees .....	939	3.05 Discovery.....	949
2.05 Oath of Committee Members .....	939	3.06 Trial by Jury.....	949
2.06 Assignment of Committee Members .....	939	3.07 Trial Setting.....	949

## Table of Contents

---

3.08 Additional Rules of Procedure in the Trial of Disciplinary Actions .....	949	6.06 Publication of Court and Board of Disciplinary Appeals Opinions .....	954
3.09 Judgment .....	949	6.07 Publication of Disciplinary Results .....	954
3.10 Terms of Judgment .....	949	6.08 Access to Confidential Information.....	954
3.11 Restitution.....	950	<b>Part VII Board of Disciplinary Appeals .....</b>	<b>955</b>
3.12 Probation Suspension— Revocation Procedure.....	950	7.01 Membership.....	955
3.13 No Supersedeas.....	950	7.02 Initial Appointments .....	955
3.14 Exemption from Cost and Appeal Bond .....	950	7.03 Election of Officers .....	955
3.15 Appeals.....	950	7.04 Oath of Committee Members .....	955
<b>Part IV The Commission for Lawyer Discipline .....</b>	<b>950</b>	7.05 Quorum.....	955
4.01 Composition and Membership.....	950	7.06 Compensation and Expenses.....	955
4.02 Appointment and Terms.....	950	7.07 Recusal and Disqualification of Members.....	955
4.03 Initial Appointments .....	951	7.08 Powers and Duties .....	955
4.04 Oath of Committee Members .....	951	7.09 Meetings.....	956
4.05 Chair .....	951	7.10 Conference Calls.....	956
4.06 Duties and Authority of the Commission.....	951	7.11 Judicial Review.....	956
4.07 Meetings.....	952	7.12 Open Meetings and Open Records.....	956
4.08 Funding.....	952	<b>Part VIII Compulsory Discipline .....</b>	<b>956</b>
4.09 Open Meetings and Open Records.....	952	8.01 Generally.....	956
<b>Part V Chief Disciplinary Counsel .....</b>	<b>952</b>	8.02 Conclusive Evidence.....	957
5.01 Selection .....	952	8.03 Commencement of Suit.....	957
5.02 Duties .....	953	8.04 Procedure .....	957
5.03 Accountability.....	953	8.05 Disbarment .....	957
<b>Part VI Public Information and Access .....</b>	<b>953</b>	8.06 Suspension .....	957
6.01 Availability of Materials.....	953	8.07 Early Termination.....	957
6.02 Public and Media Inquiries .....	953	8.08 No Supersedeas.....	957
6.03 Telephone Inquiries .....	954	<b>Part IX Reciprocal Discipline .....</b>	<b>958</b>
6.04 Abstracts of Appeals .....	954	9.01 Orders from Other Jurisdictions.....	958
6.05 Report to the Clerk of the Supreme Court.....	954	9.02 Notice to the Respondent .....	958
		9.03 Discipline to be Imposed .....	958

## Table of Contents

---

9.04 Defenses .....	958	13.05 Termination of Custodianship.....	965
<b>Part X Resignation in Lieu of Discipline.....</b>	<b>958</b>	<b>Part XIV Interim Suspension.....</b>	<b>965</b>
10.01 Disciplinary Resignation.....	958	14.01 Irreparable Harm to Clients.....	965
10.02 Response of Chief Disciplinary Counsel.....	958	14.02 Burden of Proof and Evidentiary Standard .....	966
10.03 Effect of Filing.....	959	<b>Part XV Guidelines for Imposing Sanctions.....</b>	<b>966</b>
10.04 Acceptance of Resignation and Notification.....	959	15.01 Purpose and Nature of Sanctions.....	966
10.05 Effect of Resignation.....	959	15.02 General Factors to be Considered in Imposing Sanctions .....	966
<b>Part XI Reinstatement After Disbarment or Resignation.....</b>	<b>959</b>	15.03 Imposition of Sanctions.....	966
11.01 Eligibility and Venue .....	959	15.04 Violations of Duties Owed to Clients .....	966
11.02 Petition for Reinstatement .....	959	15.05. Violations of Duties Owed to the Legal System .....	968
11.03 Burden of Proof.....	960	15.06 Violations of Duties Owed to the Public.....	969
11.04 Notice and Procedure.....	960	15.07 Violations of Other Duties as a Professional.....	970
11.05 Relevant Factors to be Considered .....	960	15.08 Prior Discipline Orders .....	971
11.06 Judgment and Conditions .....	960	15.09 Aggravation and Mitigation.....	971
11.07 Appeal and Readmission.....	961	<b>Part XVI Grievance Referral Program.....</b>	<b>972</b>
11.08 Repetitioning.....	961	16.01 Grievance Referral Program.....	972
<b>Part XII Disability Suspension .....</b>	<b>961</b>	16.02 Eligibility.....	972
12.01 Grounds for Suspension.....	961	16.03 Procedure .....	973
12.02 Procedure.....	961	16.04 Reporting.....	973
12.03 District Disability Committee.....	961	<b>Part XVII Miscellaneous Provisions .....</b>	<b>973</b>
12.04 Board of Disciplinary Appeals' Responsibilities .....	962	17.01 Enforcement of Judgments .....	973
12.05 Effect on Limitations.....	962	17.02 Effect of Related Litigation.....	973
12.06 Reinstatement After Disability Suspension.....	962	17.03 Effect on Related Litigation .....	973
12.07 Appeals.....	963	17.04 Effect of Delay or Settlement by Complainant.....	973
<b>Part XIII Cessation of Practice .....</b>	<b>963</b>	17.05 Effect of Time Limitations .....	973
13.01 Notice of Attorney's Cessation of Practice .....	963	17.06 Limitations, General Rule and Exceptions .....	973
13.02 Assumption of Jurisdiction.....	964	17.07 Residence .....	974
13.03 Hearing and Order on Application to Assume Jurisdiction.....	964	17.08 Privilege.....	974
13.04 Voluntary Appointment of Custodian Attorney for Cessation of Practice .....	964	17.09 Immunity.....	974

---

## Table of Contents

---

17.10 Maintenance of Funds or Other Property Held for Clients and Others .....	974	Rule 2.02. Confidentiality .....	993
<b>Appendix C. The Texas Lawyer’s Creed .....</b>	<b>979</b>	Rule 2.03. Disqualification and Recusal of BODA Members.....	994
I. Our Legal System .....	981	<b>III. CLASSIFICATION APPEALS .....</b>	<b>994</b>
II. Lawyer To Client.....	981	Rule 3.01. Notice of Right to Appeal.....	994
III. Lawyer To Lawyer.....	981	Rule 3.02. Record on Appeal .....	994
IV. Lawyer and Judge.....	982	Rule 3.03. Disposition of Classification Appeal.....	994
Order of the Supreme Court of Texas and the Court of Criminal Appeals.....	983	<b>IV. APPEALS FROM EVIDENTIARY PANEL HEARINGS .....</b>	<b>995</b>
<b>Appendix D. Supreme Court of Texas Board of Disciplinary Appeals.....</b>	<b>985</b>	Rule 4.01. Perfecting Appeal .....	995
<b>I. GENERAL PROVISIONS.....</b>	<b>989</b>	Rule 4.02. Record on Appeal .....	996
Rule 1.01. Definitions .....	989	Rule 4.03. Time to File Record .....	998
Rule 1.02. General Powers.....	989	Rule 4.04. Copies of the Record .....	998
Rule 1.03. Additional Rules in Disciplinary Matters .....	989	Rule 4.05. Requisites of Briefs .....	998
Rule 1.04. Appointment of Panels .....	989	Rule 4.06. Oral Argument .....	999
Rule 1.05. Filing of Pleadings, Motions, and Other Papers.....	990	Rule 4.07. Decision and Judgment.....	1000
Rule 1.06. Service of Petition.....	991	Rule 4.08. Appointment of Statewide Grievance Committee.....	1000
Rule 1.07. Hearing Setting and Notice.....	991	Rule 4.09. Involuntary Dismissal.....	1000
Rule 1.08. Time to Answer.....	991	<b>V. PETITIONS TO REVOKE PROBATION .....</b>	<b>1001</b>
Rule 1.09. Pretrial Procedure.....	991	Rule 5.01. Initiation and Service.....	1001
Rule 1.10. Decisions .....	992	Rule 5.02. Hearing.....	1001
Rule 1.11. Board of Disciplinary Appeals Opinions .....	992	<b>VI. COMPULSORY DISCIPLINE.....</b>	<b>1001</b>
Rule 1.12. BODA Work Product and Drafts .....	993	Rule 6.01. Initiation of Proceeding.....	1001
Rule 1.13. Record Retention.....	993	Rule 6.02. Interlocutory Suspension.....	1001
Rule 1.14. Costs of Reproduction of Records.....	993	<b>VII. RECIPROCAL DISCIPLINE.....</b>	<b>1002</b>
Rule 1.15. Publication of These Rules.....	993	Rule 7.01. Initiation of Proceeding.....	1002
<b>II. ETHICAL CONSIDERATIONS .....</b>	<b>993</b>	Rule 7.02. Order to Show Cause .....	1002
Rule 2.01. Representing or Counseling Parties in Disciplinary Matters and Legal Malpractice Cases .....	993	Rule 7.03. Attorney’s Response .....	1002
		<b>VIII. DISTRICT DISABILITY COMMITTEE HEARINGS .....</b>	<b>1002</b>
		Rule 8.01. Appointment of District Disability Committee.....	1002
		Rule 8.02. Petition and Answer.....	1003
		Rule 8.03. Discovery.....	1003

---

## Table of Contents

---

Rule 8.04. Ability to Compel Attendance .....	1003	Rule 9.04. Judgment.....	1005
Rule 8.05. Respondent’s Right to Counsel.....	1003	<b>X. APPEALS FROM BODA TO THE SUPREME COURT OF TEXAS.....</b>	<b>1005</b>
Rule 8.06. Hearing.....	1004	Rule 10.01. Appeals to the Supreme Court.....	1005
Rule 8.07. Notice of Decision .....	1004	<b>Appendix E: State Bar of Texas Pro Bono Policy.....</b>	<b>1009</b>
Rule 8.08. Confidentiality.....	1004	<b>Table of Cases.....</b>	<b>1011</b>
<b>IX. DISABILITY REINSTATEMENTS.....</b>	<b>1004</b>	<b>Index .....</b>	<b>1085</b>
Rule 9.01. Petition for Reinstatement.....	1004		
Rule 9.02. Discovery.....	1004		
Rule 9.03. Physical or Mental Examinations .....	1004		