

Disciplinary Rule Proposal Process

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Subtopics

- Get Involved!
- Overview of the Rule Proposal Process
- Possible Voting Timeline
- Resources

Get Involved!

- The new rule proposal process is designed to facilitate public/membership feedback
- Communicate relevant information to section members
- If possible, designate 1-2 section members to follow the rule proposal process and encourage feedback/involvement
 - Those persons can collect comments from the section that indicate a change is needed, or that an issue should be considered
- Visit texasbar.com/CDRR for more information

How the Disciplinary Rules are Changed



New Rule Proposal Process

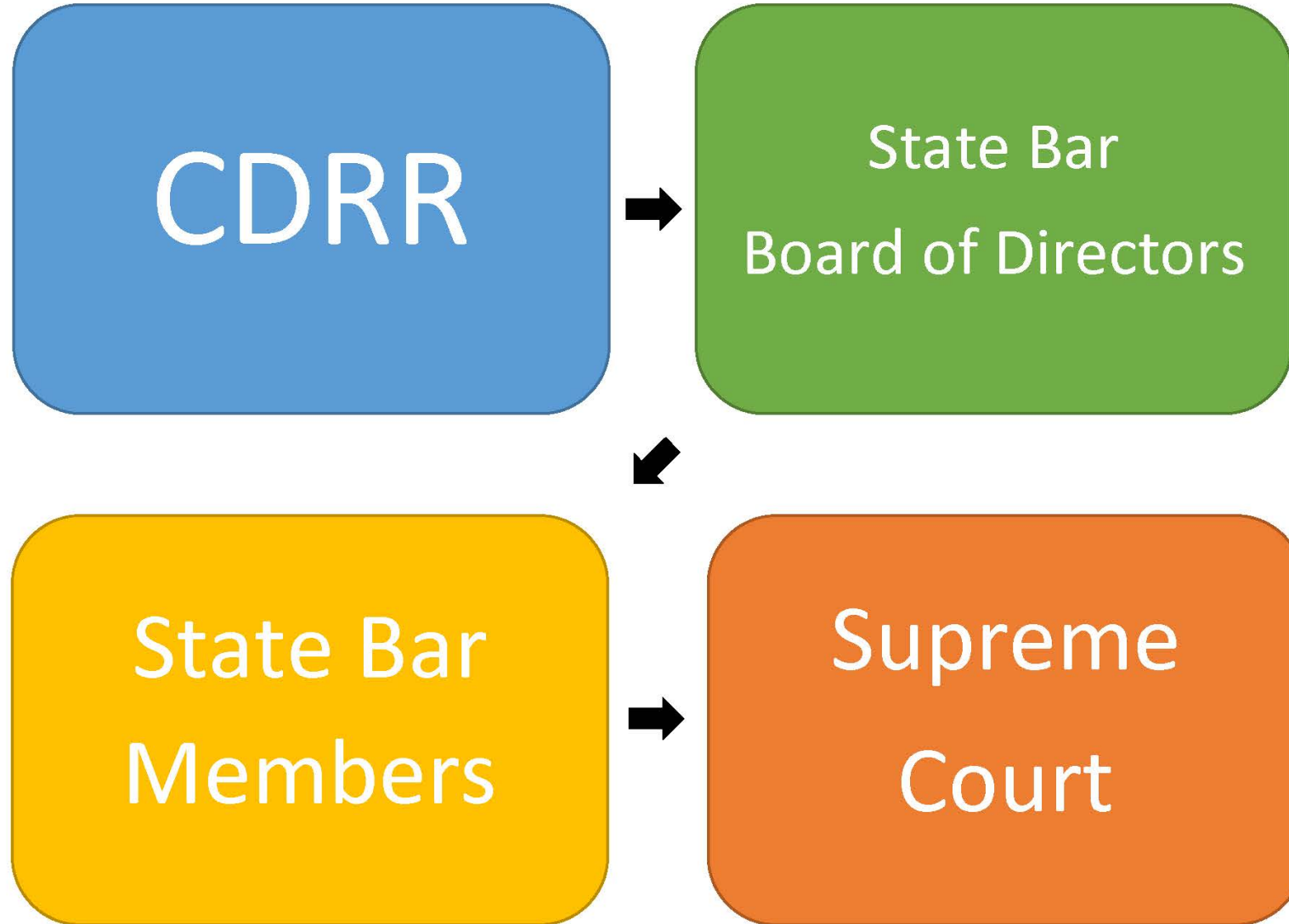
- During the Bar's 2017 Sunset Review, the Texas Legislature adopted a new process for proposing and enacting changes to the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure.
- The new rule proposal process was designed to maximize transparency and increase participation from State Bar members and the public.
- The rule proposal process preserves Texas lawyers' ability to vote on proposed rule changes.



Committee on Disciplinary Rules and Referenda

- The 2017 legislation created the Committee on Disciplinary Rules and Referenda, or CDRR.
- 9 Members
 - 5 appointed by Chief Justice of the Supreme Court and 4 appointed by the State Bar President
 - 7 attorney members and 2 non-attorney members
- Charged with regularly reviewing the TDRPC and TRDP, as well as overseeing the initial process for proposing a disciplinary rule.

Disciplinary Rule Proposal Process



Rule Process Part 1 – CDRR

- Initiates rule proposal process in response to a request or on its own initiative
 - Gov't Code § 81.0875 specifies methods for request: Board resolution; SCOT request; Commission for Lawyer Discipline request; petition signed by at least 10% of SBOT members; concurrent resolution of legislature; petition signed by at least 20,000 people (at least 51% or 10,200 must be Texas residents)
- Rule proposals published in *Texas Bar Journal* and *Texas Register* for public comment
- Public comment period and public hearings
- Votes on whether to recommend proposal to SBOT Board of Directors
 - Can amend proposal in response to public comments

Rule Process Part 2 – Board of Directors

- SBOT Board shall vote on each proposed rule recommended by the CDRR within 120 days of receipt of rule
- Board can approve, reject, or return the rule to CDRR for additional consideration
- If approved by Board, Board petitions Supreme Court to order a vote by Bar membership

Rule Process Part 3 – Membership Vote

- On receipt of Board petition, Supreme Court distributes a copy of the proposed rule to SBOT members and orders a vote; proposed rule published in *Texas Bar Journal* and *Texas Register*
- SBOT members have at least 30 days to consider a proposed rule before voting begins and 30 days to vote on the proposed rule
- Multiple rule proposals can appear on same ballot
- If a majority of the members who vote on the proposed rule vote in favor of the rule, the rule is approved by members

Rule Process Part 4 – Supreme Court

- If approved by Bar membership, Supreme Court may approve or reject within 120 days (if no action, deemed approved)
- Supreme Court can only approve or reject a proposed rule in its entirety

Possible Voting Timeline

- 2 proposals approved by Board
 - 2 proposals recently submitted to Board
 - 1 proposal recommended by CDRR and to be submitted to Board
 - 1 proposal could be published for public comment soon
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- Possible 2020 vote by membership

texasbar.com/CDRR

- Subscribe for e-mail updates regarding CDRR and proposed rules
- Schedule of meetings and participation methods
- View meeting agendas and materials
- View proposed rules, proposed rule comments, proposed rule timelines, public comments
- Submit public comments
- Learn more about the CDRR and the rule proposal process
- “Docketed Requests” page lists rule proposals in progress

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