

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 21-9106

ORDER ADOPTING COMMENT TO PART VII OF THE TEXAS RULES OF DISCIPLINARY PROCEDURE AND APPROVING AMENDMENTS TO THE INTERNAL OPERATING PROCEDURES OF THE BOARD OF DISCIPLINARY APPEALS

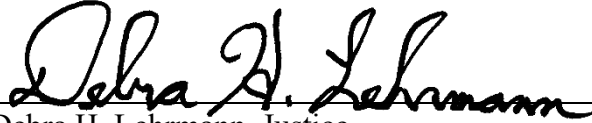
ORDERED that:

1. The Court approves the following comment to Part VII of the Texas Rules of Disciplinary Procedure, effective immediately.
2. The Court also approves the following amendments to the Internal Operating Procedures of the Board of Disciplinary Appeals, effective immediately.
3. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to each elected member of the Legislature; and
 - d. submit a copy of the Order for publication in the *Texas Register*.

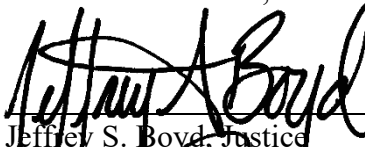
Dated: August 27, 2021



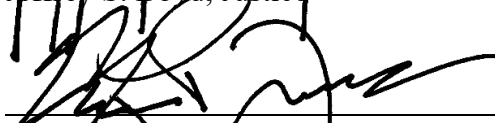
Nathan L. Hecht, Chief Justice



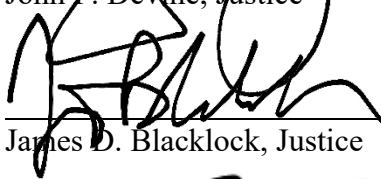
Debra H. Lehrmann, Justice



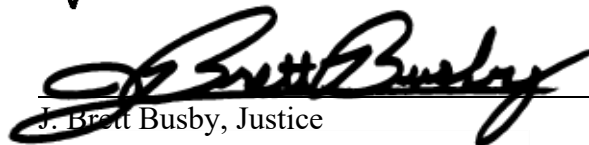
Jeffrey S. Boyd, Justice



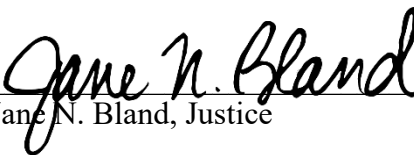
John F. Devine, Justice



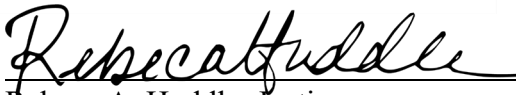
James D. Blacklock, Justice



J. Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice

TEXAS RULES OF DISCIPLINARY PROCEDURE

PART VII. BOARD OF DISCIPLINARY APPEALS

Comment: These rules permit the Board of Disciplinary Appeals, upon decision of its chair, to allow or require anyone involved in a matter before the Board—including but not limited to a party, attorney, witness, court reporter, or Board member—to participate remotely, such as by teleconferencing, videoconferencing, or other means. The Board may consider as evidence sworn statements or sworn testimony given remotely.

Internal Operating Procedures of the Board of Disciplinary Appeals

Rule 1.04. Appointment of Panels

- (a) BODA may consider any matter or motion by panel, except as specified in (b). The Chair may delegate to the Executive Director the duty to appoint a panel for any BODA action. Decisions are made by a majority vote of the panel; however, any panel member may refer a matter for consideration by BODA sitting en banc. Nothing in these rules gives a party the right to be heard by BODA sitting en banc.
- (b) Any disciplinary matter naming a BODA member as Respondent must be considered by BODA sitting en banc. A disciplinary matter naming a BODA staff member as Respondent need not be heard en banc.
- (c) ~~BODA may, upon decision of the Chair, conduct any business or proceedings—
including any hearing, pretrial conference, or consideration of any matter or motion—
remotely.~~