

IN THE SUPREME COURT

OF THE

STATE OF TEXAS

MISC. DOCKET NO. 910016

ORDER FOR IMPLEMENTATION

OF THE

TEXAS RULES OF DISCIPLINARY PROCEDURE

The Petition of the State Bar of Texas requesting an Order for the Implementation of the Texas Rules of Disciplinary Procedure ("Rules") has been considered by the Court together with the results of Referendum 90 wherein the members of the State Bar overwhelmingly passed the Rules by a vote of:

FOR	AGAINST	NOT VOTING
27,312	5,673	628

The Court finds that more than fifty percent of the ballots mailed to the members were cast in the referendum, 54,323 having been mailed and 33,613 having been returned and counted.

The Court further finds that the proper implementation of the Rules requires that they be implemented in a manner permitting the full implementation and promulgation of the Rules to be supervised by the Commission for Lawyer Discipline provided for in the Rules. The Court further finds that the Board of Disciplinary Appeals should be implemented for purposes of organization and rule making a sufficient time before it is necessary that it undertake its administrative, judicial and appellate authority.


It is **ORDERED** by the Court:

1. Part IV, The Commission for Lawyer Discipline ("Commission") is fully implemented immediately upon the signing of this Order.
2. Rule 4.06 A supersedes any provision of the current State Bar Rules, Chapter 81 of the Texas Government Code and any other law to the contrary. The commission shall exercise such authority for cases currently pending in the lawyer discipline system.
3. Part V, Chief Disciplinary Counsel ("Counsel") is fully implemented immediately upon the signing of this Order; provided, such implementation shall not affect, supersede nor limit the duties of the General Counsel of the State Bar of Texas with respect to any duties and responsibilities provided for in the State Bar Rules and Chapter 81 of the Texas Government Code.
4. Part VII, Board of Disciplinary Appeals ("Board") is implemented immediately upon the signing of this Order for the limited purpose of organization and rule making authority; provided the Board may not exercise any authority under Rule 7.08 C through J nor Rule 7.11 and shall have no judicial, administrative nor appellate authority until further order of this Court. The Board is directed to complete its organization and rule making as soon as practical after appointment.
5. Rules 15.10 and 15.11 of Part XV are effective immediately upon the signing of this Order, but are in addition to and do not supersede or repeal any of the current State Bar Rules.
6. Part I, General Rules, are effective on the date of this Order, to the extent necessary to permit the implementation of the other Rules hereunder, but not in degradation of any current State Bar Rule.
7. This Order is specifically not an order of promulgation of the complete Texas Rules of Disciplinary Procedure provided in Rule 1.04.
8. The Commission is directed to organize as soon as practical following appointment of all members and to work in conjunction with the Board of Directors of the State Bar in the orderly implementation of the Rules. The Commission shall, beginning with the 1992-93 bar year, submit to the Board of Directors of the State Bar a proposed budget for review and adoption; provided, however, that with respect to the 1991 budget, the Commission shall review and comment upon the budget proposed by the Board of Directors. Upon adoption by the Board, such budget together with the comments of the Commission shall be submitted to the Court in accordance with Article V, Section 3, Part A of the State Bar Rules.

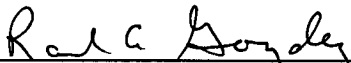
9. The Commission is directed to implement as soon as practical Part VI, Public Information and Access and Part XIV, Interim Suspension. The implementation of Part VI does not repeal nor supersede any of the current State Bar Rules in event of conflict. The Commission is further directed that Part II, The District Grievance Committees and Part III, Trial De Novo in District Court shall not be implemented and the entire Rules promulgated prior to September 1, 1991, nor later than January 1, 1992.

10. Except for purposes of implementation as herein set forth and the authority of the Commission under 4.06 A, the State Bar Rules shall continue to govern the lawyer discipline system in Texas.

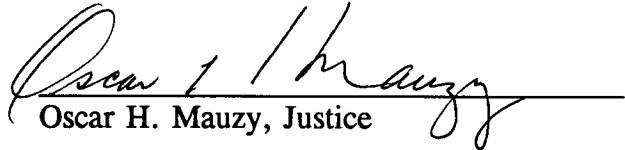
By the Court, in chambers, en banc, February 26, 1991.



Thomas R. Phillips, Chief Justice



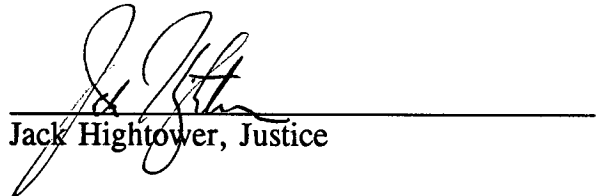
Raul A. Gonzalez, Justice




Oscar H. Mauzy, Justice



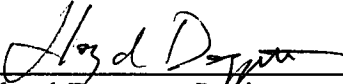
Eugene A. Cook, Justice

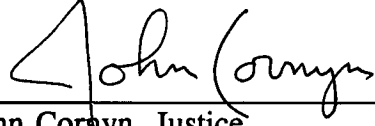


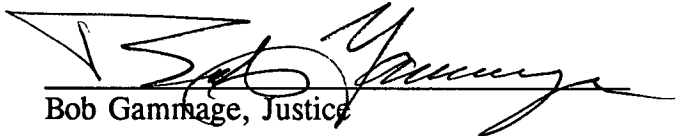
Jack Hightower, Justice



Nathan L. Hecht, Justice


Lloyd Doggett, Justice


John Cornyn, Justice


Bob Gammage, Justice

**IN THE SUPREME COURT
OF THE
STATE OF TEXAS**

**PETITION FOR AN ORDER FOR IMPLEMENTATION
OF THE
TEXAS RULES OF DISCIPLINARY PROCEDURE**

TO THE HONORABLE SUPREME COURT OF TEXAS:

The State Bar of Texas petitions the Court for an Order of implementation of the Texas Rules of Disciplinary Procedure.

1.

By Order of this Court dated October 9, 1990, a referendum of the membership of the State Bar of Texas was ordered conducted on the question of the adoption of the Texas Rules of Disciplinary Procedure ("Rules"). Pursuant to that Order, ballots were mailed to the membership on November 19, 1990, and upon return counted, on December 19, 1990, pursuant to the Order.

2.

A total of 54,323 ballots were mailed and 33,613 were returned and counted, which is more than fifty percent of the membership. The ballots cast and counted resulted in the following vote:

FOR	AGAINST	NO VOTE
27,312	5,673	628

3.

The State Bar requests the Court order the Texas Commission for Lawyer Discipline ("Commission"), working in conjunction with the State Bar Board of Directors, to effect the orderly implementation of the Rules.

4.

It is essential that the Board of Disciplinary Appeals ("Board") created by the Rules have ample time for organization, staffing, locating space and for making rules prior to assuming its administrative, judicial and appellate duties under the Rules.

5.

Consistent with the foregoing allegations, the State Bar moves the Court to implement the Rules as follows:

A. That Part IV, The Commission for Lawyer Discipline ("Commission") be fully implemented immediately upon the signing of this Order.

B. That Rule 4.06 A supersede any provision of the current State Bar Rules, Chapter 81 of the Texas Government Code and any other law to the contrary. That the Commission exercise such authority for cases currently pending in the lawyer discipline system.

C. That Part V, Chief Disciplinary Counsel ("Counsel") be fully implemented immediately upon the signing of this Order; provided, such implementation shall not affect, supersede nor limit the duties of the General Counsel of the State bar of Texas with respect to any duties and responsibilities provided for in the State Bar Rules and Chapter 81 of the Texas Government Code.

D. That Part VII, Board of Disciplinary Appeals ("Board") be implemented immediately upon the signing of this Order for the limited purpose of organization and rule making authority; provided the Board not exercise any authority under Rule 7.08 C through J nor Rule 7.11 and have no judicial, administrative nor appellate authority until further order of this Court.

E. That Rules 15.10 and 15.11 of Part XV be effective immediately upon the signing of this Order, but not supersede any of the current State Bar Rules.

F. That Part I, General Rules, be effective on the date of this Order to the extent necessary to permit the implementation of the other Rules hereunder, but not in degradation of any current State Bar Rule.

G. That the Order requested specifically not be an order of promulgation of the complete Texas Rules of Disciplinary Procedure as provided in Rule 1.04.

H. That the Board be directed to complete its organization and rule making as soon as practical after appointment.

I. The Commission is directed to organize as soon as practical following appointment of all members and to work in conjunction with the Board of Directors of the State Bar in the orderly implementation of the Rules. The Commission shall, beginning with the 1992-93 bar year, submit to the Board of Directors of the State Bar a proposed budget for review and adoption; provided, however, that the Commission shall have input and shall work with the Board of Directors concerning the 1991 budget. Upon adoption by the Board such budget shall be submitted to the Court in accordance with Article V, Section 3, Part A of the State Bar Rules.

J. That the Commission be directed to implement as soon as practical Part VI, Public Information and Access and Part XIV, Interim Suspension. That the implementation of Part VI not repeal nor supersede any of the current State Bar Rules in event of conflict.

K. That the Commission be further directed that Part II, The District Grievance Committees and Part III, Trial De Novo in District Court not be implemented nor the entire Rules promulgated prior to September 1, 1991, nor later than January 1, 1992.

L. That except for purposes of implementation as herein set forth and the authority of the Commission under 4.06 A, the State Bar Rules continue to govern the lawyer discipline system in Texas until further order of the Court.



PRAYER

The State Bar of Texas moves the Court to order the implementation of the Texas Rules of Disciplinary Procedure as herein requested.

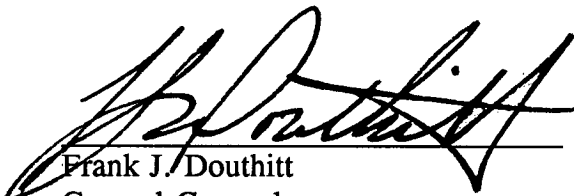
Respectfully submitted,

THE STATE BAR OF TEXAS
P. O. Box 12487
Austin, TX 78711



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Executive Director
512/463-1500
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ATTEST:



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SBN 06058000



**IN THE SUPREME COURT
OF THE
STATE OF TEXAS**

CERTIFICATE OF ELECTION

TO THE HONORABLE SUPREME COURT OF TEXAS:

In compliance with an order entered in the minutes of the Supreme Court on October 9, 1990, wherein the Executive Director of the State Bar of Texas was directed to submit to the registered members of the State Bar of Texas a referendum on the question of whether or not the members were in favor of adopting the proposed Texas Rules of Disciplinary Procedure. The referendum was conducted in accordance with the order of this Court, and we hereby certify as follows:

On November 19, 1990, the number of ballots mailed to the registered members of the State Bar of Texas was 54,323 and such ballots as were returned by December 19, 1990, numbering 33,613, have been counted in compliance with such order. We further certify that the results of the balloting through December 18, 1990, as ordered by the Court, and the results thereof are as follows:

FOR	AGAINST	NO VOTE
27,312	5,673	628

Respectfully submitted this 19th day of February, 1991.


John T. Adams, Clerk
Supreme Court of Texas


James N. Parsons, President
State Bar of Texas

STATE BAR REFERENDUM 90 PROPOSALS ARE ADOPTED; ATTORNEYS APPROVE DUES, GRIEVANCE PROCEDURE CHANGES

Attorneys licensed to practice law in Texas voted overwhelmingly in favor of the proposed changes in the dues structure and grievance procedure in balloting that ended Dec. 19.

The following is the summary of voting in each bar district.

BREAKDOWN ON BALLOTING IN TEXAS RULES OF DISCIPLINARY PROCEDURE

District	Total Mailed	Total Voted	% Voting	For	%	Against	%	No Vote	%
01	1,129	732	68.4	580	79.2	148	20.2	4	0.6
02	1,125	825	73.3	684	82.9	135	16.4	6	0.7
03	1,208	809	67.0	640	79.1	149	18.4	20	2.5
04	14,094	8,430	59.8	7,080	84.0	1,242	14.7	108	1.3
05	1,188	739	62.2	575	77.8	150	20.3	14	1.9
06	10,394	6,218	59.8	5,140	82.7	902	14.5	176	2.8
07	2,694	1,716	63.7	1,369	79.8	302	17.6	45	2.6
08	1,205	831	69.0	684	82.3	138	16.6	9	1.1
09	4,587	3,094	67.5	2,405	77.7	613	19.8	76	2.5
10	3,537	2,301	65.1	1,781	77.4	463	20.1	57	2.5
11	1,275	826	64.8	662	80.1	161	19.5	3	0.4
12	1,099	671	61.1	527	78.5	134	20.0	10	1.5
13	745	556	74.6	440	79.1	114	20.5	2	0.4
14	1,037	707	68.2	555	78.5	146	20.7	6	0.8
15	993	711	71.6	560	78.8	128	18.0	23	3.2
16	1,011	720	71.2	606	84.2	99	13.7	15	2.1
17	949	619	65.2	493	79.7	111	17.9	15	2.4
18	6,053	3,108	51.4	2,531	81.4	538	17.3	39	1.3
Total	54,323	33,613	61.9	27,312	81.2	5,673	16.9	628	1.9

BREAKDOWN ON BALLOTING IN MEMBERSHIP FEE ADJUSTMENT

District	Total Mailed	Total Voted	% Voting	For	%	Against	%	No Vote	%
01	1,129	732	68.4	463	63.2	264	36.0	5	0.8
02	1,125	825	73.3	546	66.2	266	32.2	13	1.6
03	1,208	809	67.0	471	58.2	317	39.2	21	2.6
04	14,094	8,430	59.8	5,642	66.9	2,684	31.9	104	1.2
05	1,188	739	62.2	444	60.1	286	38.7	9	1.2
06	10,394	6,218	59.8	4,041	65.0	2,080	33.5	97	1.5
07	2,694	1,716	63.7	1,083	63.1	586	34.2	47	2.7
08	1,205	831	69.0	547	65.8	279	33.6	5	0.6
09	4,587	3,094	67.5	1,712	55.3	1,360	44.0	22	0.7
10	3,537	2,301	65.1	1,393	60.5	878	38.2	30	1.3
11	1,275	826	64.8	522	63.2	298	36.1	6	0.7
12	1,099	671	61.1	433	64.5	227	33.8	11	1.6
13	745	556	74.6	376	67.6	176	31.7	4	0.7
14	1,037	707	68.2	438	62.0	257	36.3	12	1.7
15	993	711	71.6	418	58.8	270	38.0	23	3.2
16	1,011	720	71.2	516	71.7	191	26.5	13	1.8
17	949	619	65.2	399	64.5	216	34.9	4	0.6
18	6,053	3,108	51.4	1,774	57.1	1,303	41.9	31	1.0
Total	54,323	33,613	61.9	21,218	63.1	11,938	35.5	457	1.4