

Misc. Docket No. 93-0026

IN THE SUPREME COURT OF THE
STATE OF TEXAS

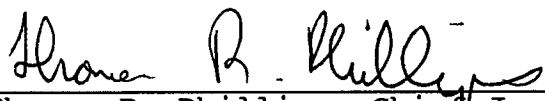
ORDER AMENDING SECTIONS 2.13 and 15.07
TEXAS RULES OF DISCIPLINARY PROCEDURE

WHEREAS, the State Bar of Texas has, by petition filed with the Clerk of this Court on October 13, 1992, 1992, petitioned the Supreme Court of Texas to approve, adopt, and promulgate amendments to Sections 2.13 and 15.07, Texas Rules of Disciplinary Procedure; and

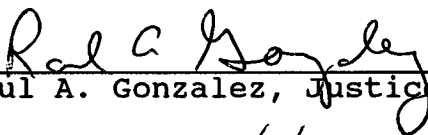
WHEREAS, the proposed amendments, as incorporated in such petition, have been presented to and considered by the Supreme Court of Texas, and the Court is of the opinion that such amendments are necessary and should be approved, adopted, and promulgated as set forth in such petition.

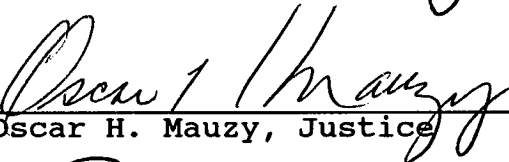
It is therefore ORDERED that the proposed amendments to Sections 2.13 and 15.07, Texas Rules of Disciplinary Procedure be, and the same are hereby approved, adopted and promulgated.


By the Court, en banc, in chambers this 23rd day of December, 1992.

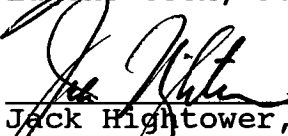


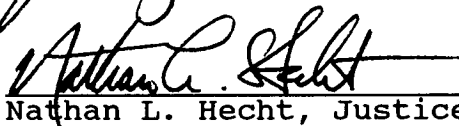
Thomas R. Phillips, Chief Justice



Raul A. Gonzalez, Justice

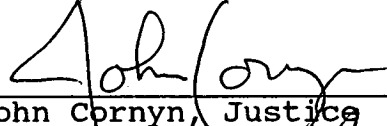

Oscar H. Mauzy, Justice


Eugene Cook, Justice


Jack Hightower, Justice


Nathan L. Hecht, Justice


Lloyd Doggett, Justice


John Cornyn, Justice


Bob Cammage, Justice

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2.13 Disposition Upon a Finding of Just Cause: Should an investigatory panel find Just Cause, it may, with the consent of Respondent, impose any Sanction available under these rules except disbarment. It may also, with or without Sanctions, impose a referral for rehabilitation with the consent of Respondent. If a negotiated result is reached, or if the investigatory panel wishes to offer an agreed result to the respondent, its terms shall be embodied in a written judgment which shall contain the findings, conclusions, Sanctions, or referral for rehabilitation agreed upon. Such judgment shall promptly be delivered to Respondent and Respondent shall have 20 days from receipt of such judgment to sign and return it to the Chief Disciplinary Counsel. If the Chief Disciplinary Counsel has not received the judgment signed by the Respondent 20 days after the Respondent received it, the matter shall proceed as if no negotiated result had been reached. If the investigatory panel is unable to negotiate a Sanction with the Respondent, it shall so notify the Complainant and the Respondent by U.S. certified mail, return receipt requested, and the matter will proceed. Such notice must include the following statement: "Further proceedings shall be conducted before an evidentiary panel of a District Grievance Committee, in accordance with the Texas Rules of Disciplinary Procedure, unless you timely elect, in accordance with Section 2.14 thereof, to have the Complaint heard in a district court of proper venue, with or without a jury, instead of by an evidentiary panel of the District Grievance Committee." The procedure for making such an election is as provided in Section 2.14.

15.07 Effect of Time Limitations: The time periods provided in Sections 2.09, 2.10, 2.13, 2.16(B), 2.16(G), 2.19, 2.20, 3.04, 4.06(A), 7.11, 8.06, 9.02, 10.02 and 11.01 are mandatory. All other time periods herein provided are directory only and the failure to comply with them does not result in the invalidation of an act or event by reason of the noncompliance with those time limits.

IN THE SUPREME COURT OF THE
STATE OF TEXAS

PETITION TO AMEND SECTIONS 2.13 and 15.07
TEXAS RULES OF DISCIPLINARY PROCEDURE

TO THE HONORABLE SUPREME COURT OF TEXAS:

COMES NOW the State Bar of Texas, by and through the undersigned, and would respectfully represent to the Supreme Court of Texas the following:

I.

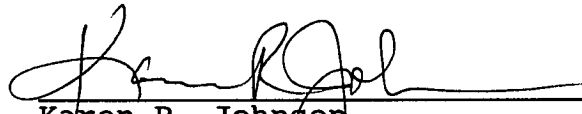
The Board of Directors of the State Bar of Texas, in a regularly called meeting on September 18, 1992, in Galveston, Texas, at which meeting a quorum was present, moved and adopted certain amendments to Sections 2.13 and 15.07 of the Texas Rules of Disciplinary Procedure, as set forth in Exhibit "A."

II.

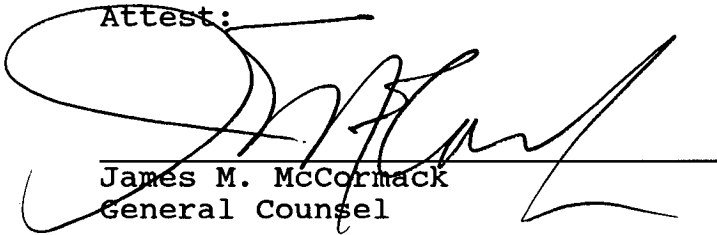
The Board of Directors also determined to request the Supreme Court of Texas approve, adopt and promulgate such amendments through the Supreme Court's inherent power to regulate the practice of law in the State of Texas.

WHEREFORE, the State Bar of Texas respectfully requests the Supreme Court approve, adopt and promulgate the amendments to Sections 2.13 and 15.07 Texas Rules of Disciplinary Procedure.

Respectfully submitted,



Karen R. Johnson
Executive Director

Attest: _____


James M. McCormack
General Counsel