



GUIDE TO TEXAS ETHICS

Texas Bar Journal 2013

PROCEDURAL STEPS

FIVE STEPS of the Texas disciplinary process:

- 1. Filing of grievance with the Office of Chief Disciplinary Counsel**
- 2. Classification**
- 3. Response**
- 4. Just Cause Determination**
- 5. Election of Forum**

ELECTION OF FORUM: PROS AND CONS

In TX, an attorney facing discipline can elect whether to have his complaint tried before an evidentiary panel or in district court. Tradeoffs:

- The lowest form of sanction, a **private reprimand**, is available **only** if the complaint is before an evidentiary panel...

...but a **jury** is available only in district court, as are many of the **evidentiary exclusions** and **procedural protections** of court adjudications.

TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT GOVERNING COMMON COMPLAINTS

Of all the grievances filed against Texas attorneys each year, among the most common are allegations of **neglect, failure to communicate, and withdrawal or termination of representation.**

NEGLECT

Rule 1.01 (b) states that a lawyer “shall not: (1) neglect a legal matter entrusted to the lawyer; or (2) frequently fail to carry out completely the obligations that the lawyer owes to a client or clients.”

Neglect is defined as “inattentiveness involving a conscious disregard for the responsibilities owed to a client or clients.”

See Tex. Disciplinary R. Prof’l Conduct 1.01(b), (c).

2016 REPORT DATA

GRIEVANCES

Grievances filed and classified by CDC 7,760

Upgraded 2,383 (31%)

Dismissed 5,054 (69%)