

Scope of the Texas Attorney Disciplinary System

- The attorney grievance system is not designed to handle all disputes between lawyers and clients – **only those alleging professional misconduct**. Disagreements or dissatisfaction with a lawyer’s strategy or the outcome of a trial, for example, doesn’t necessarily mean that professional misconduct was committed.
- The involvement of **non-lawyer volunteers at all stages of the process** helps ensure that the system is fair to both the public and lawyers. Public members comprise 50 percent of the 12-member Commission for Lawyer Discipline and 33 percent of grievance panels.
- The Commission reports annually to the Supreme Court of Texas, the Texas Legislature, and the State Bar Board of Directors on the state of the system and **makes recommendations for improvement**.
- The **Texas Disciplinary Rules of Professional Conduct** set out the requirements necessary to uphold the highest professional and ethical standards. The **Texas Rules of Disciplinary Procedure** (disciplinary rules) are intended to protect the public by providing a forum for investigating and addressing attorney complaints involving professional misconduct. The disciplinary rules also afford lawyers an opportunity to respond to allegations of professional misconduct.
- Texas lawyers are **required to make available information on the grievance process** by including information in client contracts or billing information, posting signs in their offices, or making grievance forms available.
- The State Bar’s **Texas Lawyers’ Assistance Program (TLAP)** provides assistance to attorneys who may be dealing with alcoholism, chemical dependency, depression and other mental health issues that could lead to a decline in performance if left unchecked, possibly resulting in disciplinary action.
- The State Bar of Texas works diligently to **protect the public from the small minority of lawyers who violate public trust** and engage in professional misconduct. The actions of unscrupulous lawyers negatively affect the entire profession and the bar is committed to holding offenders accountable.

How the Disciplinary System Works

- Complaints providing no **evidence of professional misconduct** are forwarded to a summary disposition panel. The Chief Disciplinary Counsel (CDC) presents the

complaints to a panel of the grievance committee to explain why the matter should be dismissed. This **streamlines the process and eliminates lengthy delays** in the resolution of cases by allowing the CDC to focus on cases in which professional conduct is alleged and supported.

- The panel of the grievance committee, which is **comprised of one-third non-lawyer public members**, determines whether cases will be dismissed as inquiries.
- All dismissed cases are referred to the **Client-Attorney Assistance Program (CAAP)** for voluntary mediation and dispute resolution.
- Grievances providing evidence of professional misconduct are classified as **formal complaints** and advance. CDC offices in Houston, Dallas, San Antonio and Austin **investigate all complaints**. In every case where a grievance is classified as a complaint, complainants are contacted by CDC staff as the complaint is investigated.
- The respondent attorney receives a description of **the factual allegations and rule violations** and has an option to litigate the complaint either before an evidentiary panel or in district court.
- If district court is elected, **proceedings are public**. The case may be heard before a judge – appointed by the Supreme Court from outside the region – or a jury. Appropriate sanctions are determined by the presiding judge.
- If an evidentiary panel is elected, **proceedings are confidential** unless and until a public sanction is imposed.
- The **range of sanctions** for lawyers found engaging in professional misconduct includes private or public reprimand, suspension from the practice of law, resignation in lieu of disbarment, or disbarment.
- The Office of the Chief Disciplinary Counsel is committed to conducting thorough investigations into supported allegations of attorney misconduct, and **prosecuting Texas lawyers** who violate the public trust by not adhering to the conduct required by the profession.
- The State Bar of Texas is dedicated to improving and advancing the quality of legal services to the public, **protecting the public** through the lawyer disciplinary and disability system, and fostering integrity and ethical conduct in the legal profession.

- **2005-06 Grievance Statistics**
 - Grievances were filed on 9% of Texas lawyers
 - Of the grievances filed, 33% alleged professional misconduct
 - Formal complaints (those alleging professional misconduct) were filed against 3% of Texas lawyers and were fully investigated

 - 4,654 cases were filed without providing evidence of professional misconduct and were presented to the summary disposition panel
 - 2,495 cases were fully investigated
 - 344 lawyers were sanctioned
 - 38 Texas lawyers were disbarred

- The **Texas Rules of Disciplinary Procedure** and **Texas Disciplinary Rules of Professional Conduct** are available under “client assistance and grievance” on texasbar.com.

- For more information call:

Grievance Hotline - 800.932.1900

Office of the Chief Disciplinary Counsel - 877.953.5535