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State Bar Rules, Article III - Membership

Section 2. Enrollment in the State Bar

A. Each person ~~who is~~ licensed to practice law in Texas ~~shall~~must, in accordance with the applicable Supreme Court rules governing admission to the bar, and no later than ten (10) days following the date of admission, (i) file with the clerk an enrollment form stating his or her name, preferred physical address or post office box, telephone number, facsimile number, primary e-mail address, registered e-mail address (which, at the enrollee's option, may be different from or the same as the primary e-mail address), and such other information as may be required by the clerk and (ii) pay all fees and assessments then required. This filing and payment ~~shall~~constitutes enrollment in the State Bar. The preferred physical address or post office box will be made available to the public and may not be designated confidential. shall constitute the member's registered address and will be used for receiving official notices from the State Bar, including membership compliance information, member benefits, and disciplinary matters. A ~~Except as otherwise provided, each~~ member is mandated to notify the State Bar of any change in the information required above within thirty (30) days of such change. Each member must notify the State Bar of any change in the registered e-mail address within twenty four (24) hours of such change.

B. A member's preferred physical address or post office box and the primary e-mail address will constitute the member's addresses for receiving communications from the State Bar, including notices of membership compliance information, member benefits, and disciplinary matters.

C. A member's registered e-mail address will constitute the member's e-mail address for electronic service through the statewide e-filing system and for receiving communications from Texas courts, including official notices and disaster contingency information. The State Bar will provide the registered e-mail addresses to the Office of Court Administration (OCA) and the electronic filing manager established by the OCA.

BD. Associate members, as authorized by the Act, may be enrolled under rules prescribed by the Court.

E. No later than September 1, 2016, each person licensed to practice law in Texas must update their attorney profile with the State Bar to include a registered e-mail address (which, at the enrollee's option, may be different from or the same as the attorney's primary e-mail address). Should any person licensed to practice law in Texas not provide a registered e-mail address in accordance with this rule, such person's primary e-mail address will be deemed to be their registered e-mail address.

F. Every entity receiving registered e-mail addresses from the State Bar must limit the use of the e-mail addresses to official state business, including e-filing, e-service, and court notices and announcements. E-mail addresses are otherwise confidential and may not be disclosed, pursuant to Rule 12 of the Rules of Judicial Administration and, if so designated by an attorney, pursuant to Texas Public Information Act Section 552.1176.

State Bar Rules, Article III - Membership

Proposed new section 6

Section 6. Resignation from Membership Other Than in Face of Pending Disciplinary Action

A. A member may voluntarily resign from membership by completing the form provided by the State Bar, addressed to the Clerk and delivered to the State Bar accompanied by the member's bar card, and a certificate by the chief disciplinary counsel that there are no disciplinary actions pending against such member and that such member is not the subject of an investigation for professional misconduct.

B. The member's resignation will become effective upon receipt and verification of the above by the State Bar of Texas and will be so reflected in the member's record.

(See next page for form)

STATE OF TEXAS

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COUNTY OF _____

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**VOLUNTARY RESIGNATION FROM MEMBERSHIP
IN THE STATE BAR OF TEXAS
OTHER THAN IN FACE OF
PENDING DISCIPLINARY ACTION**

Before me, the undersigned authority, personally appeared _____, who by me being duly sworn, deposed as follows:

My name is _____ and my State Bar Card Number is _____. I am of sound mind and capable of making this affidavit.

I hereby resign from membership in the State Bar of Texas pursuant to State Bar Rules, Article III, Section 6.

I acknowledge that re-admission as a member of the Bar would require me to apply for admission to the Board of Law Examiners and take the bar examination.

My purpose in resigning is not to avoid disciplinary action.

I have no knowledge of any unresolved allegation of professional misconduct against me.

I acknowledge that I cannot avoid disciplinary action by resigning pursuant to State Bar Rules, Article III, Section 6.

AFFIANT:

NAME: _____

BAR CARD NO. _____

SWORN TO AND SUBSCRIBED before me on the _____ day of _____, _____.

Notary Public, State of Texas

Notary's printed name: _____ My commission expires: _____.

State Bar Rules, Article III - Membership

Proposed new section 7 (renumber subsequent sections)

Section 7. Waivers

A. For purposes of this section:

1. "Membership fees" means the annual membership fees set by the Court in accordance with Tex. Govt. Code section 81.054(a). The term does not include those fees set by Tex. Govt. Code 81.054(j).
2. "Assessments" means the amounts assessed for late payment of membership fees by Tex. Govt. Code 81.054(g) or levied by the Court pursuant to Art. III section 5.

B. Service Waiver.

1. Texas licensed attorneys who are serving in the Armed Forces of the United States and are also performing services in a combat zone as designated by an executive Order of the President of the United States may have their State of Texas bar membership fees waived for any year, Eligible attorneys must send the State Bar an Active Military Dues Waiver Form certifying that the member is or will be serving in a combat zone as a member of the Armed Forces of the United States. Dues will be waived only for bar years in which a member is serving in a combat zone.
2. Such member's membership fees obligation will be reactivated starting the next dues year upon notification of the member's release from duty in a combat zone.

C. Undue Hardship Waiver.

1. The executive director may, each year, waive up to 80% of membership fees and assessments of an active or inactive member upon a showing of undue hardship.
2. Undue hardship exists when a member is unable to meet the obligation of payment of membership fees and assessments because of illness, medical disability, or other extraordinary or extenuating circumstances beyond the control of the member. Undue hardship will not include solely financial hardship or lack of time due to a busy professional or personal schedule.
2. Requests for an undue hardship waiver must be filed each year on or before August 31 on a form provided by the State Bar and must include all supporting documentation required by the State Bar. At a minimum, supporting documentation must include:
 - a. independent verification of the illness, medical disability, or other extraordinary or extenuating circumstances creating the undue hardship; and

b. the applicant's sworn affidavit that the underlying causes of the undue hardship are beyond the control of the member and are the direct cause of the member's inability to pay membership fees and assessments.

3. Approval or non-approval of an extreme hardship waiver is within the sole discretion of the executive director.

D. Within thirty (30) days after granting a waiver pursuant to this rule, the State Bar will report such waiver to the Clerk of the Supreme Court.

State Bar Rules, Article III - Membership

Proposed new section 8, renumber subsequent sections (current Section 8 is obsolete - occupation tax)

Section 8. One-Time Expunction of Administrative Suspension for Non-payment of Membership Fees

A. The State Bar is authorized to transmit to the Clerk of the Court the name of any member who meets all of the following criteria, along with a recommendation that the member's record of suspension for non-payment of membership fees be expunged:

1. The member has sent a written request for expunction under this rule;
2. The member has not previously obtained an expunction under this rule;
3. The suspension for non-payment of membership fees was for 90 days or less;
4. The member has no record of prior suspension for non-payment of membership fees;
5. The suspension ended at least 3 years before the receipt by the State Bar of the member's written request for expunction under this rule;
6. The member is not currently the subject of any disciplinary proceeding or investigation; and
7. The member has no record of disciplinary suspension, probated or active, or of prior disbarment or resignation in lieu of disciplinary action.

B. Upon approval of the written request by the Clerk of the Court, the suspension will be expunged from the member's record. The State Bar may keep a record of the expunction; such record of expunction, however, shall be confidential and may not be disclosed.

C. The suspension expunged under this rule is deemed not to have occurred and the member and the State Bar may answer any questions relating to the member's record accordingly; provided, however, that such expunction shall not affect any past, current, or future proceeding for discipline of the member for professional misconduct.

D. Nothing in this rule may be construed as affecting the Court's inherent power to direct the State Bar to expunge its records relating to administrative suspensions.

E. Expunction is possible only for administrative suspensions and not for disciplinary suspensions resulting from professional misconduct.

**Rules Governing Suspension of Attorneys in Default
On Texas Guaranteed Student Loans**

1. These Rules Governing Suspension of Attorneys in Default on Texas Guaranteed Student Loans are promulgated pursuant to Tex. Govt. Code section 82.022(c).
2. If the Texas Guaranteed Student Loan Corporation (the Corporation) reports that an attorney is in default of a student loan, the Clerk of the Supreme Court shall promptly send notice to the attorney at the current address shown in the State Bar's membership records, advising the attorney that the Supreme Court will suspend the attorney's license sixty days after the notice's date unless, before the expiration of the sixty day period:
 1. the attorney submits to the Clerk a certificate issued by the Corporation that the attorney has entered a repayment agreement with the Corporation on the defaulted loan; or
 2. the attorney submits to the Clerk a certificate issued by the Corporation that the attorney is not in default on a student loan guaranteed by the Corporation.
3. For the sole purpose of contesting the accuracy of the Corporation's default reporting, the attorney may, within 20 days of the date of the notice, submit to the Clerk of the Supreme Court a request for reconsideration by the Appeals Committee of the State Bar of Texas Board of Directors (the Appeals Committee), stating in the request the specific grounds for contest.
4. Upon receipt of a request for reconsideration meeting the requirements of these rules, the Clerk shall forward the request to the Legal Counsel of the State Bar of Texas acting on behalf of the Appeals Committee, with a copy to the attorney.
5. Within 30 days of the Legal Counsel's receipt of the request, the Appeals Committee shall convene to consider the request pursuant to procedures adopted by the State Bar of Texas Board of Directors. The attorney shall be granted an opportunity to address the Appeals Committee and to present evidence. The Appeals Committee may consider evidence submitted by the Corporation.
6. The attorney shall bear the burden of proof to show, by substantial evidence, that the Corporation's default reporting was inaccurate.
7. Within 30 days of concluding its consideration of the request, the Appeals Committee shall submit its findings on the matter to the Supreme Court. The Clerk shall then send notice of the determination to the attorney and the Corporation.
8. If the Appeals Committee finds that the Corporation's default reporting was inaccurate, the Clerk of the Supreme Court shall withdraw the Notice of Suspension for Student Loan Default.
9. If the Appeals Committee denies the contest of suspension, the attorney's license shall be suspended as of the twenty-first (21st) day after the date of the Notice of the Decision.

10. If an attorney's license has been suspended for default on a Texas guaranteed student loan, the suspension may be lifted only upon the receipt by the Clerk of a certificate issued by the Corporation that the attorney has entered a repayment agreement with the Corporation on the defaulted loan or that the attorney is no longer in default on a student loan guaranteed by the Corporation. The reactivation of the attorney's license shall be effective as of the date of the Corporation's certificate.