



## *Disciplinary Rule Updates Are* **A WIN FOR SELF-GOVERNANCE**

**ON MAY 25, THE TEXAS SUPREME COURT** issued final approval of amendments to the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure. Texas lawyers approved the proposals earlier this year as part of the first rules vote referendum in a decade. The court's order adopts each of those proposals, along with interpretive comments, effective July 1.

Among other changes to the Texas Disciplinary Rules of Professional Conduct, the court's order adopts amendments to Part VII (lawyer advertising and solicitation) and Rule 1.05 (confidentiality of information) and adopts new Rules 1.16 (clients with diminished capacity) and 6.05 (conflict of interest exceptions for nonprofit and limited pro bono legal services). I encourage you to read the court order and the adopted changes on page 630 of this issue.

The State Bar Board of Directors reviewed and approved each of the proposals, and I personally supported them because I believe they modernize our rules and help lawyers better serve their clients. Regardless of one's views on any individual proposal, however, this outcome is a win for our profession. By updating our disciplinary rules, Texas lawyers have shown once again we are reliable stewards of the power and responsibility entrusted to us in our unique system of self-governance.

The seeds of this rules vote were planted all the way back in 2017, when the Texas Legislature adopted a new rule-making process. Lawmakers empowered a new body—the Committee on Disciplinary Rules and Referenda, or CDRR—to oversee the initial process for proposing rule changes and ensured multiple opportunities for input from lawyers and all Texans.

From the start, everyone involved committed themselves to making the process successful. That meant carefully reviewing all proposed changes, gathering as much feedback as possible from Texas lawyers and the public, adjusting the proposals based on that feedback, and educating our members on the opportunity to vote through free CLE presentations, articles, videos, and other communications. Texas lawyers owe a special debt of gratitude to the members of the CDRR—volunteer lawyers and public members—who devoted countless hours to this effort.

In the end, nearly 20,000 lawyers cast a ballot, representing a turnout of about 18.5% of eligible voters. Each proposal passed overwhelmingly, with voter support of between 79% and 94%.<sup>1</sup> While I would always like to see higher turnout, I am encouraged that so many lawyers provided input throughout the process and ensured these proposals were well vetted.

To everyone who voted (yea or nay), submitted comments, attended CLE presentations, and otherwise had a role in the rule-making process—thank you for participating in this successful exercise of self-governance!

Sincerely,

**TREY APFFEL**

Executive Director, State Bar of Texas  
Editor-in-Chief, *Texas Bar Journal*

#### NOTES

1. [https://www.texasbar.com/Content/NavigationMenu/RulesVote/Rules\\_Vote\\_Results/2021RulesVoteResults.pdf](https://www.texasbar.com/Content/NavigationMenu/RulesVote/Rules_Vote_Results/2021RulesVoteResults.pdf).