

# Committee on Disciplinary Rules and Referenda Proposed Rule Changes

## Texas Disciplinary Rules of Professional Conduct Rule 8.03. Reporting Professional Misconduct

### Texas Rules of Disciplinary Procedure Rule 1.06. Definitions

#### Rule 9.01. Orders From Other Jurisdictions (Reciprocal Discipline)

The Committee on Disciplinary Rules and Referenda, or CDRR, was created by Government Code section 81.0872 and is responsible for overseeing the initial process for proposing a disciplinary rule. Pursuant to Government Code section 81.0876, the Committee publishes the following proposed rules. The Committee will accept comments concerning the proposed rules through June 20, 2020. Comments can be submitted at [texasbar.com/CDRR](http://texasbar.com/CDRR) or by email to [CDRR@texasbar.com](mailto:CDRR@texasbar.com). A public hearing on the proposed rules will be held at 10:30 a.m. on June 18, 2020, in Room 101 of the Texas Law Center (1414 Colorado St., Austin, Texas, 78701).

#### Proposed Rules (Redline Version)

##### Texas Disciplinary Rules of Professional Conduct Rule 8.03. Reporting Professional Misconduct

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(f) A lawyer who has been disciplined by the attorney-regulatory agency of another jurisdiction, or by a federal court or federal agency, must notify the chief disciplinary counsel within 30 days of the date of the order or judgment. The notice must include a copy of the order or judgment. For purposes of this paragraph, "discipline" by a federal court or federal agency includes any action affecting the lawyer's ability to practice before that court or agency or any public reprimand; the term does not include a letter of "warning" or "admonishment" or a similar advisory by a federal court or federal agency.

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#### Texas Rules of Disciplinary Procedure

##### 1.06. Definitions:

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CC. "Professional Misconduct" includes:

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2. Attorney conduct that occurs in another ~~state or in the District of Columbia~~ jurisdiction, including before any federal court or federal agency, and results in the disciplining of an attorney in that other jurisdiction, if the conduct is Professional Misconduct under the Texas Disciplinary Rules of Professional Conduct.

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**9.01. Orders From Other Jurisdictions:** Upon receipt of information indicating that an attorney licensed to practice law in Texas has been disciplined in another jurisdiction, including by any federal court or federal agency, the Chief Disciplinary Counsel shall diligently seek to obtain a certified copy of the order or judgment of discipline from the other jurisdiction, and file it with the Board of Disciplinary Appeals along with a petition requesting that the attorney be disciplined in Texas. A certified copy of the order or judgment is prima facie evidence of the matters contained therein, and a final adjudication in another jurisdiction that an attorney licensed to practice law in Texas has committed Professional Misconduct is conclusive for the purposes of a Disciplinary Action under this Part, subject to the defenses set forth in Rule 9.04 below. For purposes of this Part, "discipline" by a federal court or federal agency includes any action affecting the lawyer's ability to practice before that court or agency or any public reprimand; the term does not include a letter of "warning" or "admonishment" or a similar advisory by a federal court or federal agency.

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#### Proposed Rules (Clean Version)

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