

# COMMITTEE ON DISCIPLINARY RULES AND REFERENDA

## Texas Disciplinary Rules of Professional Conduct

### Rule 1.02. Scope and Objectives of Representation

### Rule 1.05. Confidentiality of Information

### Rule 1.16. Clients with Diminished Capacity

Below is the timeline for proposed changes to Rules 1.02 and 1.05 of the Texas Disciplinary Rules of Professional Conduct, as well as for proposed Rule 1.16 of the Texas Disciplinary Rules of Professional Conduct.

**INITIATED – June 11, 2018**

**PUBLICATION** – A proposed rule is withdrawn if it is not published in (1) the Texas Register and (2) the Texas Bar Journal within six months of initiation of the rule proposal process.

- **Texas Bar Journal – September 1, 2018 (Complete)**
- **Texas Register – August 31, 2018 (Complete)**

*NOTE: Publications include details on dates and participation methods for the comment period and the public hearing.*

**COMMENT PERIOD** – The Committee shall give interested parties at least 30 days from the date a proposed rule is published to submit comments on the rule to the Committee. The Committee extended the comment period to two months.

Public comments were accepted through **November 1, 2018**.

**PUBLIC HEARING** – The Committee held a public hearing on **October 10, 2018**, at the Texas Law Center.

**FINAL VOTE BY COMMITTEE** – The Committee shall vote on whether to recommend a proposed rule to the Board of Directors not later than the 60th day after the final day of the comment period. This vote must be held at a meeting open to the public and with notice to the public.

The Committee voted at its **November 7, 2018**, meeting to recommend the proposed rule changes to the Board of Directors.

**SUBMISSION TO BOARD OF DIRECTORS** – The Committee submitted the proposed rule changes to the Chair of the Board of Directors on **January 10, 2019**.

**VOTE BY BOARD OF DIRECTORS** – The Board of Directors shall vote on each proposed disciplinary rule recommended by the Committee not later than the 120th day after the date the rule is received from the Committee. The Board shall vote for or against the rule or return the rule to the Committee for additional consideration.

The Board voted to approve the proposed rule changes at its **April 26, 2019**, Board Meeting. The Board voted to hold the rule change proposals for submission to the Supreme Court of Texas at a later date with additional proposed rules as deemed appropriate by the Board. Ultimately, the Board will petition the Supreme Court of Texas to order a vote by Bar membership on the rule proposals.

**VOTE BY BAR MEMBERSHIP** – On September 25, 2020, the Board of Directors approved the submission of a petition to the Supreme Court of Texas for a rules vote by Bar membership. On September 29, 2020, the Supreme Court ordered a membership vote to take place from **February 2 to March 4, 2021**, on these and other rule proposals. For more information, go to [texasbar.com/rulesvote](https://texasbar.com/rulesvote).