

**Summary of Proposed Disciplinary Rules
For Tentative 2021 Rules Vote
(Updated 8.10.20)**

In 2017, the Texas Legislature amended Chapter 81 of the Government Code to create the Committee on Disciplinary Rules and Referenda (CDRR) and to overhaul the disciplinary rule proposal process. In order to be adopted under the new process, a proposed rule must be approved by the CDRR, the State Bar Board of Directors, State Bar membership, and the Supreme Court of Texas. The following is a summary of proposed rules or rule changes that may be included in a tentative February 2021 Rules Vote. Each proposal relates to the Texas Disciplinary Rules of Professional Conduct (TDRPC) and/or the Texas Rules of Disciplinary Procedure (TRDP).

Recommended by CDRR and Approved by Board

Confidentiality of Information – Exception to Permit Disclosure to Secure Legal Ethics Advice

Adds Rule 1.05(c)(9), TDRPC, which permits a lawyer to disclose confidential information to secure legal advice about the lawyer’s compliance with TDRPC. For more information, see the [proposed rule submission packet](#).

Scope and Objectives of Representation; Clients with Diminished Capacity

Amends Rule 1.02, TDRPC, by deleting paragraph (g) and revising an internal reference, and adds Rule 1.16, TDRPC, which is intended to provide improved guidance to lawyers when representing a client with diminished capacity. For more information, see the [proposed rule submission packet](#).

Conflict of Interest Exceptions for Nonprofit and Limited Pro Bono Legal Services

Adds Rule 6.05, TDRPC, which provides very narrow exceptions to certain conflict of interest rules when a lawyer provides limited pro bono legal services through a pro bono or assisted pro se program sponsored by a court, bar association, accredited law school, or nonprofit legal services program. For more information, see the [proposed rule submission packet](#).

Assignment of Judges in Disciplinary Complaints and Related Provisions

Amends Rules 3.01 to 3.03, TRDP, by transferring assignment duties from the Supreme Court to the Presiding Judges of the Administrative Judicial Regions when a respondent in a disciplinary complaint elects to proceed in district court, relaxing geographic restrictions on assignments, and clarifying procedures involved. For more information, see the [proposed rule submission packet](#).

Information About Legal Services (Lawyer Advertising and Solicitation)

Amends Part VII, TDRPC, by simplifying and modernizing lawyer solicitation and advertising rules. Among other changes, the proposal simplifies disclaimer and filing requirements, while maintaining the prohibition on false or misleading communications about a lawyer’s qualifications or services. The proposal permits a lawyer to practice law under a trade name that is not false or misleading. For more information, see the [proposed rule submission packet](#).

Voluntary Appointment of Custodian Attorney for Cessation of Practice

Adds Rule 13.04, TRDP, which authorizes a lawyer to voluntarily designate a custodian attorney to assist with the designating attorney’s cessation of practice and provides limited liability protection for the custodian attorney. For more information, see the [proposed rule submission packet](#).

Approved by CDRR and Board Vote Expected in September 2020

Confidentiality of Information – Exception to Permit Disclosure to Prevent Client Death by Suicide

Adds Rule 1.05(c)(10), TDRPC, which permits a lawyer to disclose confidential information when the lawyer has reason to believe it is necessary to do so in order to prevent a client from dying by suicide. For more information, see the [proposed rule submission packet](#).

Reporting Professional Misconduct and Reciprocal Discipline for Federal Court or Federal Agency Discipline

Amends Rule 8.03, TDRPC, and Rules 1.06 and 9.01, TRDP, by extending self-reporting and reciprocal-discipline provisions to cover certain discipline by a federal court or federal agency. For more information, see the [proposed rule submission packet](#).

For additional information, or for information about new rule proposals, please go to the CDRR [Docketed Requests](#) page.