

## **RULE AT-7. DISCIPLINE OF ATTORNEYS**

**(a) Standards of Professional Conduct.** Members of the bar of this court and any attorney permitted to practice before this court must comply with the standards of professional conduct set out in the Texas Disciplinary Rules of Professional Conduct, Texas Government Code, Title 2, Subtitle G, App. A, art. X, sec. 9 (Vernon) which are hereby adopted as the standards of professional conduct of this court. This specification is not exhaustive of the standards of professional conduct. For matters not covered by the Texas rules, the American Bar Association's Model Rules of Professional Conduct should be consulted.

**(b) District Disciplinary Committee.** There is constituted a District Disciplinary Committee, which assists the district court and the bankruptcy court in investigating complaints about the qualification, conduct, and performance of members of their bar.

**(1) Composition.** The committee has 15 members. Those eligible for service on the committee are attorneys licensed to practice in this district and in good standing, and residing within the district. The committee should include civil, criminal, and bankruptcy practitioners. Five members must be residents of the Austin and Waco Divisions, five members must be residents of the San Antonio and Del Rio Divisions, and five members must be residents of the El Paso, Midland-Odessa and Pecos Divisions. The members are appointed by the active judges resident in, or responsible for, those divisions. The chair and vice-chair are designated by the chief judge of the district.

**(2) Terms.** Membership terms should be staggered so that one third of the members' terms expire each year. The term is 3 years, unless a shorter period is required to achieve staggered terms. The terms of members and the chair may be renewed one or more times.

**(c) Grounds for Referral to the District Disciplinary Committee.** An attorney may be referred by any Magistrate Judge, Bankruptcy Judge or District Judge to the District Disciplinary Committee for appropriate review, investigation, and recommendation if there is reason to believe that the attorney:

**(1)** has been convicted of a felony offense or a crime involving dishonesty or false statement in any state or federal court;

**(2)** had his or her license to practice law in any jurisdiction suspended, revoked, or otherwise limited by any appropriate disciplinary authority;

**(3)** resigned his or her license to practice law in any state or any federal court;

**(4)** has engaged in conduct that violates the Texas Disciplinary Rules of Professional Conduct;

**(5)** fails to comply with any rule or order issued by a judge of this court;

**(6)** presents an impediment to the orderly administration of justice or the integrity of the court; or

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(7) represents a client in such a manner as to raise a serious question concerning the quality of the attorney's professional performance.

**(d) Discipline Imposed by a Judge Presiding.** Notwithstanding any other provision of these rules, any judge, including a bankruptcy judge or a magistrate judge, has inherent authority to discipline an attorney who appears before him or her. However, any judge contemplating disbaring an attorney or preventing an attorney from practicing district-wide will refer the attorney to the District Disciplinary Committee. If a judge believes emergency circumstances exist that require the immediate suspension of an attorney, that judge may request that all active district judges immediately consider the matter. Upon a majority vote of the active district judges, an attorney may immediately be suspended from practicing in the district pending a report and recommendation from the District Disciplinary Committee. If a bankruptcy judge believes emergency circumstances exist that requires the immediate suspension of an attorney, that bankruptcy judge may request that all active district and bankruptcy judges immediately consider the matter. Upon a majority vote of the active district and bankruptcy judges, an attorney may immediately be suspended from practicing in the district pending a report and recommendation from the District Disciplinary Committee.

**(e) Self-Reporting by Attorneys.** A member of the bar of this court must promptly report in writing to the clerk, with full details and copies of pertinent documents, if any of the following occur:

(1) the attorney is convicted of a felony or a crime involving dishonesty or false statement;

(2) the attorney loses or relinquishes, temporarily or permanently, the right to practice in any court of record (other than voluntarily relinquishment, not under any disciplinary order or threat of discipline); or

(3) the attorney is disciplined, publicly or privately, by any bar, court, court agency, or court committee.

**(f) Procedure upon a Referral.**

(1) **Notice.** Promptly upon receipt of a referral, the chair of the District Disciplinary Committee must inform the subject attorney in writing of the nature of the referral and the attorney's obligations under this rule.

(2) **Answer.** Within 14 days after receiving notice of a referral under this rule, the attorney must respond in writing to the committee chair. The respondent attorney must admit or deny each claim asserted, and state concisely any defense to a claim.

(3) **Screening.** The chair will assign the referral along with the respondent's response to a screening subcommittee. The subcommittee consists of one or more members of the full committee designated by the chair who reside in the same region as the referred attorney (e.g., Austin/Waco; San Antonio/Del Rio; West Texas). At least one member of the screening subcommittee must be an attorney who practices in the same area as the referred

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attorney (e.g., civil, criminal or bankruptcy). The subcommittee will conduct such preliminary inquiry it deems appropriate and may request the respondent to meet with it informally to provide an explanation. After this screening, if the subcommittee determines no further investigation is required and no discipline should be imposed, it will so inform the committee chair. The chair will then inform the chief judge and the respondent of the recommendation.

**(4) *Assignment to a Panel.*** If the screening subcommittee determines that the matter may warrant disciplinary action, it will inform the committee chair. The chair will then designate a panel and assign the matter to it. The panel must include three or more members of the full committee who reside in the same region as the respondent (e.g., Austin/Waco; San Antonio/Del Rio; West Texas). At least one member of the panel must be an attorney who practices in the same area as the referred attorney (e.g. civil, criminal or bankruptcy). Members of the initial screening subcommittee may serve as members of the panel. The chair will notify the respondent in writing of this assignment and what matters will be investigated.

**(5) *Investigation.*** No earlier than 10 days after notice to the respondent of the assignment, the panel will conduct such investigation it deems appropriate including questioning witnesses and holding a hearing with the respondent present. Full cooperation with any committee investigation is an obligation of any member of the bar of this court.

**(6) *Panel Report and Recommendation.*** After investigation the panel will render a report and recommendation as to whether the respondent committed any violation and what disciplinary action, if any, should be imposed. Absent good cause shown by the chair of the District Disciplinary Committee, the court expects that a report and recommendation will be completed within 6 months after the referral. The chair will send the complete report and recommendation to the chief judge and a summary of the report and recommendation to the respondent.

**(7) *Objections to Report and Recommendation.*** Within 14 days after receipt of the summary report and recommendation, the respondent may submit objections to it, seek revisions, and suggest alternatives to the recommendation. The panel, after considering the response, may modify, amend, revoke, or adhere to its original recommendation and will so inform the committee chair. The chair will then send a copy of the final report and recommendation to the chief judge and a summary final report and recommendation to the respondent.

**(g) *Determination by a District Judge.*** Within 7 days after receipt of the summary final report and recommendation, the respondent may contest any recommendation by written submission to the chief judge. Whether contested or not, the chief judge will assign the matter to a district judge for determination. The judge may conduct a hearing, and may appoint any member of the court's bar to assist in the hearing. The judge's decision as to whether disciplinary action is warranted, and what sanction to impose, is a final ruling of the court.

**(h) *Confidentiality.*** All papers pertaining to a matter referred to the committee must be kept confidential, except as otherwise provided above, unless the respondent requests in writing that the papers be opened to the public.

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**(i) Referral to Other Disciplinary Authority.** The chief judge may forward a copy of the committee's records and any court action regarding an attorney to the appropriate disciplinary authority of any bar or court that authorizes the attorney to practice law.