

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

IN THE MATTER OF
AMENDMENT OF THE
RULES OF DISCIPLINE

Entered July 19, 1995
GENERAL ORDER NO. 95-11

ORDER

The amendment to the Rules of Discipline having been approved by the Council Liaison Judges for the Southern District of Texas and having been found by the Circuit staff attorney to comply with the Federal Rules of Civil Procedure, the form of Rules of Discipline, a copy of which is attached, are hereby adopted by the Court primarily to reduce the number of reviewing judges from three to one.

Done by approval of the Court this the 17th day of July, 1995.

/Signed/
NORMAN W. BLACK
Chief Judge

RULES OF DISCIPLINE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

Rule 1. *Standards of Conduct.*

- A. Lawyers who practice before this court are required to act as mature and responsible professionals, and the minimum standard of practice shall be the Texas Disciplinary Rules of Professional Conduct.
- B. Violation of the Disciplinary Rules of Professional Conduct shall be grounds for disciplinary action, but the court is not limited by that code.

Rule 2. *Conviction of Crime.*

- A. A lawyer convicted of a felony shall promptly notify the clerk of court and furnish to the clerk a certified copy of the judgment of conviction. Without prior notice, the court may suspend the attorney temporarily.
- B. After the court has notice, the court will follow the due process procedure in these rules to determine whether discipline should be imposed on the lawyer.

Rule 3. *Discipline by Another Court.*

- A. A lawyer suspended or disbarred by another court in the United States shall promptly notify the clerk of court in writing of that action and immediately cease to practice before this court. The lawyer will furnish a certified copy of the order of suspension or disbarment. A lawyer subjected to a published reprimand by a state bar shall notify the clerk of court, but may continue to practice, pending review by this court.
- B. A final adjudication in another court that the lawyer has been guilty of an offense leading to the action referred to in Rule 3A shall establish conclusively the conduct for the purposes of proceeding in this court unless the lawyer requests a hearing and carries the burden of showing that such action lacked due process.

Rule 4. *Disbarment by Consent or Resignation in Other Courts.*

- A. A lawyer who is disbarred on consent or resigns from the bar of another court in the United States to avoid further discipline must advise the clerk of the action and immediately cease to practice before this court. The lawyer shall furnish a certified copy of the disciplinary order to the clerk.
- B. Upon request by the lawyer, the court will follow the due process procedure in these rules to determine under what conditions the lawyer might continue to practice.

Rule 5. *Charges of Misconduct Warranting Discipline.*

- A. Charges that any lawyer of this bar has engaged in conduct which might warrant disciplinary action shall be brought to the attention of the court by a writing addressed to the chief judge with a copy to the clerk of court.
- B. Upon receipt of a charge, the chief judge shall refer any non-frivolous charge to a district judge to determine whether further disciplinary proceedings should be held. The reviewing judge will notify the charged lawyer of the charges made and give that lawyer an opportunity to respond.

- C. If the reviewing judge determines that further disciplinary proceedings are warranted, the chief judge will be notified and will immediately designate one district judge of the court as the hearing judge.
- D. At the hearing, the charged lawyer shall have the right to counsel and at least 14 days' notice of the time and charges so that the lawyer has a full opportunity to present any defense. The hearing shall be held in open court as a miscellaneous proceeding under Rule 1101(d)(3), Federal Rules of Evidence, reported, and all witnesses sworn.
- E. In the prosecuting of charges before the hearing judge, the prosecution will be by an attorney specially appointed by the hearing judge. Costs of the prosecutor and fees allowed by the hearing judge will be paid from the Attorney Admissions Fund.
- F. If the hearing judge determines that disciplinary action should be taken, the judge shall send a confidential report to the court recommending either permanent disbarment; a suspension for a time; a written or oral reprimand and whether such should be public or private. The court shall act by a majority vote based on the record established at the hearing.
- G. If the membership in the Southern District Bar of the lawyer being disciplined was not current at the time of the court order imposing discipline, the order may include that the lawyer shall not reapply for admission except under such conditions as the court may impose.

Rule 6. *Reinstatement.*

- A. Any lawyer who is suspended by this court is automatically reinstated at the end of the period of suspension or upon satisfying the chief judge that any special condition of suspension has been met.
- B. Any lawyer who has been disbarred may not apply for reinstatement until at least five years from the effective date of his disbarment.
- C. Petitions for reinstatement shall be delivered to the chief judge who will promptly refer the petition to a hearing judge. The hearing judge may appoint counsel as provided in Rule 5E or investigate the application without counsel. The hearing judge will make a recommendation on the petition to the chief judge for action by the court.
- D. Petitions for reinstatement shall be accompanied by an advance cost deposit in an amount to be set by the court to cover anticipated costs of the proceeding.
- E. No petition for reinstatement may be filed within one year following an adverse ruling on a previous petition.

Rule 7. *Lawyers Specially Admitted.*

An appearance by a lawyer before the court, by writing, or in person, confers disciplinary jurisdiction upon the court under these rules.

Rule 8. *Service of Papers.*

Service of papers under these rules shall be by personal service or by first class mail addressed to the respondent or respondent's attorney.

Rule 9. *Special Duties of the Clerk.*

- A. In addition to all other duties assigned, the clerk shall collect advance

cost deposits and place them in the Attorney Admissions Fund. These sums shall be maintained by the clerk as trustee and administered by the court for expenses incurred under these rules and not on behalf of the United States.

- B. Upon final disciplinary action by the court, the clerk shall send certified copies of the court's order to the State Bar of Texas and the National Discipline Data Bank operated by the American Bar Association.

Rule 10. *Inherent Power of Judges.*

The existence of these rules shall not limit the power of district judges to exercise their inherent powers over lawyers who practice before them.

Rule 11. *Effective Date.*

These rules are effective immediately; all pending disciplinary matters will be concluded under these rules; and the rules effective February 22, 1994 are superseded by them.