

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

IN THE MATTER OF
AMENDMENTS TO THE
LOCAL RULES OF DISCIPLINE

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GENERAL ORDER NO. 2025-16

ORDER

The Court proposed the amendments included in the attached Local Rules of Discipline, Appendix A of the Southern District of Texas Local Rules. The rules have been approved by the Judicial Council of the Fifth Circuit through its Rules Committee. The Rules of Discipline are ADOPTED by the court effective September 15, 2025.

Signed the 15th day of September 2025.

A handwritten signature in black ink that reads "Randy Crane". The signature is written in a cursive, slightly stylized font. The "R" is large and loops around the "a", and the "C" is also large and loops around the "r". The "e" is written with a simple horizontal stroke.

RANDY CRANE
CHIEF JUDGE

APPENDIX A

RULES OF DISCIPLINE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS (Effective September 15, 2025)

Rule 1. *Standards of Professional Conduct.*

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

Rule 2. *Conviction of Crime.*

- A. An attorney who practices before this court convicted of a felony offense or a misdemeanor involving moral turpitude or a controlled substance (excluding controlled substance offenses punishable as fine-only misdemeanors) in any United States federal or state court must notify this court in writing within 30 days and furnish to the clerk of court a certified copy of the judgment of conviction.
- B. After the court has notice that an attorney who practices before this court has a felony conviction or a misdemeanor conviction as described in Rule 2.A., it will follow the procedures outlined in Rule 5 to determine whether discipline should be imposed on the attorney.

Rule 3. *Discipline by A Licensing Authority.*

- A. An attorney who practices before this court disciplined by a licensing authority of one of the fifty states, the District of Columbia, or a Territory of the United States, must notify this court in writing within 30 days and furnish to the clerk of the court a certified copy of the order of discipline.
- B. An attorney who practices before this court may be suspended by the Southern District of Texas if he or she receives discipline from a licensing authority for any reason other than nonpayment of dues or failure to meet continuing legal education requirements. This rule shall include, but is not limited to, instances where an attorney:

- i is disbarred,
- ii received an active suspension,
- iii resigns in lieu of discipline,
- iv received a probated suspension, or
- v has any other discipline affecting his or her right to practice law imposed, by agreement or otherwise, as a result of the attorney's failure to adhere to any applicable standard of professional conduct.

If a member of this bar voluntarily resigns from a licensing authority for reasons unrelated to a disciplinary proceeding or problem, he or she may maintain their membership to this bar as long as they retain the right to practice law with another licensing authority.

- C. After the court has notice that an attorney who practices before this court has received discipline as set for the in Rule 3.B.iv or v, it will follow that procedures outlined in Rule 5 to determine whether discipline should be imposed on the attorney.

Rule 4. *Discipline by Another Court.*

- A. An attorney who practices before this court disciplined by any United States federal or state court must notify this court in writing within 30 days and furnish to the clerk of the court a certified copy of the order of discipline.
- B. An attorney who practices before this court may be suspended by the Southern District of Texas if he or she receives discipline from a United States federal or state court for any reason other than nonpayment of dues or failure to meet continuing legal education requirements. This rule shall include, but is not limited to, instances where an attorney:
 - i is disbarred,
 - ii received a suspension,
 - iii resigns in lieu of discipline,

- iv received a sanction, or
 - v has any other discipline affecting his or her right to practice law imposed, by agreement or otherwise, as a result of the attorney's failure to adhere to any applicable standard of professional conduct.
- C. After this court has notice that an attorney who practices before this court has received discipline as set forth in Rule 4.B. it will follow the procedures outlined in Rule 5 to determine whether discipline should be imposed on the attorney.

Rule 5. *Procedure.*

- A. If an attorney who practices before this court receives discipline as set forth in Rule 3.B.iv or v, or Rule 4.B., the clerk will serve a notice and order upon the attorney involved which will become effective thirty days after the date of service, imposing reciprocal discipline in this district. The notice will be sent by mail and electronically to the last known address and email on file in the Southern District of Texas' CM/ECF data base.
- B. Within 30 days of service of the notice and order, the attorney may file a motion for modification or revocation of the order, unless good cause is shown why a longer period of time is warranted. The motion must set forth, with specificity, the facts and principles relied upon by the attorney as to why a different disposition should be entered by this court. See Rule 5.D. The motion must identify all cases currently pending in the Southern District of Texas and include the attorney's clients in each matter. Timely filing of such a motion will stay the order until further notice by the court.
- C. A motion seeking modification or revocation of the order will be assigned to the chief judge, or his or her designee, for review.
- D. Discipline shall be imposed under this section unless the attorney establishes that:
 - i the procedure followed in the other jurisdiction deprived the attorney of due process,
 - ii the proof was so clearly lacking that this court should not accept the final conclusion of the other jurisdiction,
 - iii the imposition of the identical discipline would result in a grave injustice,

- iv the misconduct established by the other jurisdiction warrants substantially different discipline in this court, or
 - v the misconduct for which the attorney was disciplined in the other jurisdiction does not constitute professional misconduct in this State or in this court.
- E. The chief judge, or his or her designee, will review the attorney's motion for modification or revocation and enter an order granting or denying the motion.
- F. The decision of the chief judge, or his or her designee, is final.

Rule 6. *Charges of Misconduct Warranting Discipline.*

- A. Written charges that an attorney who practices before this court engaged in conduct which might warrant disciplinary action must be addressed to the chief judge with a copy to the clerk of court.
- B. Conduct which may warrant disciplinary action include:
 - i conduct unbecoming an attorney who practices before this court, as defined in Rule 1,
 - ii failure to comply with these local rules or any other rule or order of this court,
 - iii unethical behavior, or
 - iv inability to conduct litigation properly.
- C. The chief judge, or his or her designee, will review the charge to determine whether the charge is frivolous. A frivolous charge will be dismissed. If the charge is deemed to be not frivolous, the clerk will open a sealed, miscellaneous matter and randomly assign it to an active district judge for further proceedings. The presiding judge or the chief judge may unseal the case sua sponte or by request. The chief judge may consolidate multiple charges filed against the same attorney or charges filed against multiple attorneys stemming from the same set of facts.
- D. The presiding judge will send the charged attorney a copy of the complaint and allow the attorney an opportunity to respond.

- E. After the charged attorney has responded, or if the time allotted for a response has lapsed with no response, the presiding judge may dismiss the charges or continue with the proceedings. If the presiding judge determines that a hearing is needed, the presiding judge will give at least 14 days' notice to the charged attorney of the time of the hearing, the charges to be heard, and the right to counsel at the hearing. The hearing will be held on the record in open court as a miscellaneous proceeding. Rule 1101(d)(3), Federal Rules of Evidence applies, and all witnesses must be sworn.
- F. The presiding judge may appoint an attorney to investigate and prosecute the charges. Costs of the prosecutor and fees allowed by the hearing judge may be paid from the Attorney Admission Fund.
- G. If the presiding judge determines that a mediation would be beneficial, the costs of such mediation may be paid from the Attorney Admission Fund.
- H. The presiding judge will file his or her judgment, providing a copy to the chief judge and the attorney. If the presiding judge determines that disciplinary action should be taken, the presiding judge will make findings of violations and order either permanent disbarment, a suspension, a written or oral reprimand and whether such should be public or private with such conditions as the judge may order.
- I. The presiding judge may assess costs of the proceedings incurred by the court upon the attorney if he or she is found in violation of conduct set forth in paragraph 6.B.
- J. The attorney may appeal the judgment by filing a notice of appeal within 14 days of the judgment. A panel of three other randomly assigned active district judges of the court will hear the appeal. The appeal will be on the record developed at the hearing. Facts found by the presiding judge are not reviewable unless clearly erroneous. The law determined by the presiding judge is reviewable de novo. The decision of the panel is final. There is no en banc review. (Amended by General Order 2009-17, effective December 1, 2009).
- K. If the membership in the Southern District Bar of the attorney being disciplined was not current at the time of the court order imposing discipline, the order can include that the attorney may not reapply for admission except under such conditions as the court may impose.

Rule 7. *Reinstatement.*

- A. A member of this bar who has been suspended or disbarred must apply to this court for reinstatement before resuming practice before this court. A member of this bar who has been suspended may apply for reinstatement before the end of his or her suspension, but reinstatement will not occur until the suspension has been fully served. A member of this bar who has been disbarred may apply for reinstatement, but not before five years from the effective date of the disbarment.
- B. All petitions for reinstatement will be filed with the clerk of the court who will promptly refer the petition to the Attorney Admission Committee for its recommendation on the petition. The recommendation will be presented to the full court for a final decision on the petition.
- C. Petitions for reinstatement must be accompanied by all documents related to any and all discipline ever received by the attorney, including but not limited to the Petition, the Judgment, and all documentation proving all requirements of each discipline have been met (i.e., receipts for fines paid, CLE classes taken, etc.). A short narrative is recommended to provide the Attorney Admission Committee any additional information relevant to the discipline received.
- D. No petition for reinstatement may be filed within one year following an adverse ruling on a previous petition.

Rule 8. *Attorneys Specially Admitted.*

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

Rule 9. *Service of Papers.*

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

Rule 10. *Special Duties of the Clerk.*

Upon final disciplinary action by the court, the clerk will send certified copies of the court's order to the State Bar of Texas.

Rule 11. *Inherent Power of Judges.*

The existence of these rules does not limit the power of district judges to exercise their inherent powers over attorneys who practice before them, and the chief judge has the right to designate another district judge to serve under these rules in the place of the chief judge.

Rule 12. *Effective Date.*

These rules are effective immediately; all pending disciplinary matters will be concluded under these rules; and the rules effective August 18, 2023, are superseded by them.