

United States District Court
Southern District of Texas

Attorney Admission Committee
Reinstatement Procedure

1. *Policy*

The Rules of Discipline and the general order appointing the Attorney Admissions Committee govern the reinstatement of attorneys to this District's bar. The steps taken to refer a reinstatement request to the Attorney Admissions Committee are given in this manual.

2. *Scope*

These procedures apply to every Division of this District.

3. *Attorney Admissions Committee*

Local rule 83.1.D. establishes one Attorney Admissions Committee, with seven members, for the District. The participation of five members, either in person or by electronic means, shall constitute a quorum. In constituting a quorum the Committee will pay a particular deference to Committee members residing in the geographic region of the referred applicant. The Chief Judge shall appoint a chairman of the Committee.

4. *Attorney Admissions Liaison*

The Clerk's office in the Houston Division will appoint a deputy clerk to serve as a liaison between the Attorney Admissions Committee and the attorney requesting reinstatement. The liaison is informed by the State Bar of Texas and the Fifth Circuit of discipline assessed by the respective courts.

If the discipline includes suspension of the attorney's license and/or a term of probation, the liaison will notify each disciplined attorney who is a practicing member of the Southern District of Texas that under the District's reciprocal policy, said attorney is suspended from practice in the Southern District.

Reinstatement is not automatic and must be requested by the attorney through the liaison. Upon suspension of an attorney in this District, the liaison will file the discipline in the attorney's electronic file and disable his electronic password.

If the attorney has active cases, the liaison will notify the case manager and ask if the Judge would like the CM/ECF account to remain active.

5. *Timing of Submission of Reinstatement Request*

No application for reinstatement shall be filed or submitted to the Committee until such time as the applicant shall have successfully completed any state bar ordered suspension or probation.

6. *Receipt of Reinstatement Request*

Upon receipt of a request for reinstatement, the liaison will forward to the Committee all information regarding the attorney and the disciplinary action that resulted in the attorney's suspension. The liaison shall also forward all information the attorney submitted in support of the attorney's request for reinstatement.

7. *Notifying an Applicant of the Referral*

The liaison shall give written notice to an attorney that his request for reinstatement has been referred to the Attorney Admissions Committee. The applicant must provide a Certification of Good Standing from a state bar and must provide any other information and documentation requested by the Committee or the liaison.

8. *Committee to Make Recommendation*

After consideration of all material submitted to and requested by the Committee, the Committee will confer and make a recommendation regarding reinstatement.

9. *Chairman Responsibilities*

Upon receiving a reinstatement request from the liaison, the chairman shall review the documents and may request additional information, including the use of an investigator. The chairman will inform the other committee members of the reinstatement request. The chairman will monitor the Committee's work on the reinstatement request to ensure a prompt resolution of the matter.

10. *Deadline to Consider the Request*

The Committee will complete consideration of a request for reinstatement within 120 days of the later of the date (i) the Committee has received the applicant's request, or (ii) if the Committee requests additional information, the date the Committee receives the requested additional information. If the Committee for good cause needs additional time for consideration of the request, the Chairman shall request an enlargement of time from the Chief Judge along with an explanation of the reasons.

11. *Pro Hac Vice Status*

Sometimes a district judge may admit a suspended lawyer *pro hac vice* due to exigent circumstances related to a particular case and/or without the judge having all facts that are available to the Committee. Although the Committee may consider such *pro hac vice* admissions, such admissions are not dispositive on whether to grant readmission and may not reflect the consensus of the full Court. Accordingly, the Committee is encouraged to make an independent recommendation on readmission based on all facts and circumstances available to the Committee.

12. *Areas of Consideration*

During its investigation into and consideration of a request for reinstatement, the Committee is requested to bear in mind the Standards of Conduct described in Rule 1 of the Court's Rules of Discipline.

Also, because readmission to practice in this District is not automatic upon one's having a state bar license and having completed a period of suspension, the Committee's investigation and consideration shall include but is not limited to the following:

- Disciplinary actions by any court or bar association against the applicant;
- The nature and circumstances, and relative seriousness, of the conduct resulting in each disciplinary action;
- Whether the applicant has had prior or repeated disciplinary actions;
- Whether the applicant has timely and fully provided to the Committee any additional information requested;
- Whether the applicant has been fully forthcoming and candid regarding conduct for which disciplinary action was received;
- Whether the applicant (to the extent known by members of the Committee) is respected by judges of this and other courts as a "mature and responsible professional," whose professional conduct can be expected at least to meet "the minimum standard of practice" expected by the Texas Disciplinary Rules of Professional Conduct.

13. *Recommendation*

The Committee's recommendation on the request for reinstatement shall be submitted to the Court by letter addressed to the liaison and signed by the Chairman. The recommendation shall include whether the vote on the recommendation was unanimous or by a majority of the Committee, a brief summary of the applicant's request, and a brief

summary of any issue(s) that impacted the Committee's recommendation or that the Committee feels should be brought to the Court's attention.

14. *Referral of Recommendation to Full Court*

The Committee's recommendation, whether to approve or deny an attorney's request for reinstatement, will be placed on the agenda of the Executive Session for discussion by the full Court. The Court will either agree with or overrule the Committee's recommendation, or defer ruling pending submission of additional information requested by the Court.

15. *Reinstatement Approved*

If the Court determines the attorney should be reinstated to practice law in the Southern District, the liaison will notify the attorney of the decision, return the attorney to "active" status and reset the attorney's electronic account.

16. *Reinstatement Denied*

If the Court determines the attorney should NOT be reinstated to practice law in the Southern District, the liaison will notify the attorney of the decision.