

By: Thompson of Harris

H.B. No. 2102

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the state bar.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 81.003, Government Code, is amended to read as follows:

Sec. 81.003. SUNSET PROVISION. The state bar is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, this chapter expires September 1, 2029 [~~2017~~].

SECTION 2. Section 81.0201, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The training program must provide the person with information regarding:

(1) the law governing [~~legislation that created the~~] state bar operations [~~and the board~~];

(2) the programs operated by the state bar;

(3) the role and functions of the state bar;

(4) the rules of the state bar, with an emphasis on the rules that relate to disciplinary and investigatory authority;

(4-a) the scope of and limitations on the rulemaking authority of the state bar;

(5) the current budget for the state bar;

(6) the results of the most recent formal audit of the

1 state bar;

2 (7) the requirements of:

3 (A) laws relating to ~~[the]~~ open meetings ~~[law]~~,
4 ~~[Chapter 551,~~

5 ~~[(B) the]~~ public information ~~[law]~~,
6 administrative procedure, and the disclosure of conflicts of
7 interest ~~[Chapter 552]~~; and

8 (B) ~~[(C)]~~ other laws applicable to members of a
9 state policymaking body in performing their duties ~~[relating to~~
10 ~~public officials, including conflict-of-interest laws]~~; and

11 (8) any applicable ethics policies adopted by the
12 state bar or the Texas Ethics Commission.

13 (c) The executive director shall create a training manual
14 that includes the information required by Subsection (b). The
15 executive director shall distribute a copy of the training manual
16 annually to each member of the board of directors. On receipt of
17 the training manual, each member of the board shall sign and submit
18 to the executive director a statement acknowledging receipt of the
19 training manual.

20 SECTION 3. Section 81.022, Government Code, is amended by
21 adding Subsection (a-2) to read as follows:

22 (a-2) Any change in a membership fee or other fee for
23 members of the state bar must be clearly described and included in
24 the supreme court's proposed budget and considered by the supreme
25 court in its deliberations on the budget. The change may not be
26 implemented unless approved by the court as part of its budget.

27 SECTION 4. Sections 81.024(a) and (b), Government Code, are

1 amended to read as follows:

2 (a) The supreme court shall promulgate the rules governing
3 the state bar. [~~The rules may be amended as provided by this~~
4 ~~section.~~]

5 (b) The supreme court may:

6 (1) [~~either~~] as it considers necessary, [~~pursuant to~~
7 ~~a resolution of the board of directors of the state bar, or pursuant~~
8 ~~to a petition signed by at least 10 percent of the registered~~
9 ~~members of the state bar,~~] prepare, propose, and adopt rules or
10 amendments to rules for the operation, maintenance, and conduct of
11 the state bar; and

12 (2) in accordance with Subchapter E-1, adopt rules for
13 the discipline of state bar [~~its~~] members.

14 SECTION 5. Subchapter B, Chapter 81, Government Code, is
15 amended by adding Section 81.037 to read as follows:

16 Sec. 81.037. CRIMINAL HISTORY RECORD INFORMATION. (a) The
17 state bar shall require that each member of the state bar submit a
18 complete and legible set of fingerprints, on a form prescribed by
19 the state bar, to the state bar or to the Department of Public
20 Safety for the purpose of obtaining criminal history record
21 information from the department and the Federal Bureau of
22 Investigation. The state bar may obtain the information from the
23 Board of Law Examiners for a state bar member who has been issued an
24 initial license.

25 (b) A state bar member is not required to submit
26 fingerprints under this section if the member has previously
27 submitted fingerprints to:

1 (1) the Board of Law Examiners and the Board of Law
2 Examiners made the information accessible to the state bar; or

3 (2) the state bar or the Department of Public Safety
4 for a previous license renewal under this chapter.

5 (c) The board of directors shall conduct a criminal history
6 record check of each member of the state bar using information:

7 (1) provided by the state bar member or the Board of
8 Law Examiners under this section; or

9 (2) made available to the state bar by the Department
10 of Public Safety, the Federal Bureau of Investigation, and any
11 other criminal justice agency under Chapter 411, Government Code.

12 (d) The state bar may:

13 (1) enter into an agreement with the Department of
14 Public Safety to administer a criminal history record check
15 required under this section; and

16 (2) authorize the Department of Public Safety to
17 collect from each state bar member the costs incurred by the
18 department in conducting the criminal history record check.

19 (e) The state bar may administratively suspend or refuse to
20 renew the license of a member of the state bar who fails to assist
21 the state bar in obtaining criminal history record information
22 under this section.

23 SECTION 6. Section 81.054(a), Government Code, is amended
24 to read as follows:

25 (a) The supreme court shall set membership fees and other
26 fees for members of the state bar during the court's annual budget
27 process under Section 81.022. The fees, except as provided by

1 Subsection (j) and those set for associate members, must be set in
2 accordance with this section [~~and Section 81.024~~].

3 SECTION 7. Section 81.072(e), Government Code, is amended
4 to read as follows:

5 (e) The state bar shall establish a voluntary mediation and
6 dispute resolution procedure to:

7 (1) attempt to resolve each minor grievance referred
8 to the voluntary mediation and dispute resolution procedure by the
9 chief disciplinary counsel [~~allegation of attorney misconduct that~~
10 ~~is:~~

11 [~~(A) classified as an inquiry under Section~~
12 ~~81.073(a)(2)(A) because it does not constitute an offense~~
13 ~~cognizable under the Texas Disciplinary Rules of Professional~~
14 ~~Conduct; or~~

15 [~~(B) classified as a complaint and subsequently~~
16 ~~dismissed~~]; and

17 (2) facilitate coordination with other programs
18 administered by the state bar to address and attempt to resolve
19 inquiries and complaints referred to the voluntary mediation and
20 dispute resolution procedure.

21 SECTION 8. Subchapter E, Chapter 81, Government Code, is
22 amended by adding Sections 81.080, 81.081, 81.082, 81.083, 81.084,
23 81.085, and 81.086 to read as follows:

24 Sec. 81.080. ISSUANCE OF SUBPOENA; OBJECTION. (a) On
25 approval of the presiding officer of the appropriate district
26 grievance committee, the chief disciplinary counsel may, during an
27 investigation of a grievance, issue a subpoena that relates

1 directly to a specific allegation of attorney misconduct.

2 (b) The chief disciplinary counsel shall provide a process
3 for a respondent to object to a subpoena issued under this section.

4 Sec. 81.081. ATTORNEY SELF-REPORTING. The chief
5 disciplinary counsel shall develop guidelines and a procedure for
6 an attorney to self-report:

7 (1) any criminal offense committed by the attorney;
8 and

9 (2) any disciplinary action taken by another state's
10 bar against the attorney.

11 Sec. 81.082. PROCESS TO IDENTIFY COMPLAINTS SUITABLE FOR
12 SETTLEMENT OR INVESTIGATORY HEARING. (a) The chief disciplinary
13 counsel shall develop a process to identify a complaint that is
14 appropriate for a settlement attempt or an investigatory hearing
15 before a trial is requested or the complaint is placed on a hearing
16 docket.

17 (b) The chief disciplinary counsel may authorize a
18 settlement at any time during the disciplinary process.

19 Sec. 81.083. SANCTION GUIDELINES. (a) The chief
20 disciplinary counsel shall propose and the supreme court shall
21 adopt by rule sanction guidelines to:

22 (1) associate a specific rule violation or ethical
23 misconduct with a range of appropriate sanctions;

24 (2) provide aggravating and mitigating factors that
25 justify deviating from the established sanctions; and

26 (3) provide consistency between grievances heard by a
27 district grievance committee and grievances heard by a district

1 court.

2 (b) The chief disciplinary counsel shall ensure that
3 interested parties are provided an opportunity to comment on the
4 proposed sanction guidelines.

5 (c) The sanction guidelines adopted under this section do
6 not limit the authority of a district grievance committee or of a
7 district judge to make a finding or issue a decision.

8 Sec. 81.084. GRIEVANCE TRACKING SYSTEM. (a) The chief
9 disciplinary counsel shall create and maintain a grievance tracking
10 system for grievances filed and disciplinary decisions issued under
11 this subchapter.

12 (b) The grievance tracking system must:

13 (1) associate each rule violation or instance of
14 ethical misconduct with the sanction imposed or final action taken
15 for the violation or misconduct in a diversionary procedure adopted
16 under state bar rules;

17 (2) include any aggravating or mitigating factor used
18 in a sanction recommendation or imposition;

19 (3) address whether a sanction decision aligns with
20 the sanction guidelines adopted under Section 81.083;

21 (4) specify the district grievance committee or
22 district judge that imposed the sanction to evaluate sanction
23 patterns within the disciplinary districts and facilitate training
24 for district grievance committee members; and

25 (5) include sufficient information to evaluate and
26 track disciplinary trends over time.

27 (c) The chief disciplinary counsel shall:

1 (1) periodically evaluate and report information
2 gathered in the grievance tracking system to the commission and
3 district grievance committee members; and

4 (2) post the information reported under Subdivision
5 (1) on the state bar's Internet website.

6 Sec. 81.085. REGULAR SEARCH OF NATIONAL LAWYER REGULATORY
7 DATA BANK. The chief disciplinary counsel shall establish a
8 process to regularly search the National Lawyer Regulatory Data
9 Bank maintained by the American Bar Association to identify a
10 member of the state bar who is disciplined in another state.

11 Sec. 81.086. TELECONFERENCE. The chief disciplinary
12 counsel may hold investigatory and disciplinary hearings by
13 teleconference.

14 SECTION 9. Chapter 81, Government Code, is amended by
15 adding Subchapters E-1 and E-2 to read as follows:

16 SUBCHAPTER E-1. COMMITTEE ON DISCIPLINARY RULES AND REFERENDA;
17 DISCIPLINARY RULE PROPOSAL PROCESS

18 Sec. 81.0871. DEFINITION. In this subchapter, "committee"
19 means the Committee on Disciplinary Rules and Referenda.

20 Sec. 81.0872. ESTABLISHMENT OF COMMITTEE. (a) The
21 committee consists of nine members, including:

22 (1) four attorneys appointed by the president of the
23 state bar;

24 (2) two nonattorney public members appointed by the
25 president of the state bar;

26 (3) two attorneys appointed by the supreme court; and

27 (4) one nonattorney public member appointed by the

1 supreme court.

2 (b) The president of the state bar shall designate an
3 attorney member of the committee to serve as the presiding officer
4 of the committee for a term of one year.

5 (c) Committee members serve staggered three-year terms,
6 with one-third of the members' terms expiring each year.

7 Sec. 81.0873. COMMITTEE DUTIES. The committee shall:

8 (1) regularly review the Texas Disciplinary Rules of
9 Professional Conduct and the Texas Rules of Disciplinary Procedure;

10 (2) at least annually issue to the supreme court and
11 the board of directors a report on the adequacy of the rules
12 reviewed under Subdivision (1); and

13 (3) oversee the initial process for proposing a
14 disciplinary rule under Section 81.0875.

15 Sec. 81.0874. STAFF ATTORNEY. The state bar may hire a
16 staff attorney to assist the committee.

17 Sec. 81.0875. INITIATION OF RULE PROPOSAL PROCESS. (a) The
18 committee may initiate the process for proposing a disciplinary
19 rule for the state bar as the committee considers necessary or in
20 conjunction with the review of the Texas Disciplinary Rules of
21 Professional Conduct and the Texas Rules of Disciplinary Procedure
22 under Section 81.0873(1).

23 (b) Not later than the 60th day after the date the committee
24 receives a request to initiate the process for proposing a
25 disciplinary rule, the committee shall:

26 (1) initiate the process; or

27 (2) issue a written decision declining to initiate the

1 process and the reasons for declining.

2 (c) A request to initiate the process for proposing a
3 disciplinary rule under Subsection (b) may be made by:

4 (1) a resolution of the board of directors;

5 (2) a request of the supreme court;

6 (3) a request of the commission;

7 (4) a petition signed by at least 10 percent of the
8 registered members of the state bar;

9 (5) a concurrent resolution of the legislature; or

10 (6) a petition signed by at least 20,000 people.

11 Sec. 81.0876. RULE PROPOSAL. (a) On initiation of the
12 process for proposing a disciplinary rule, the committee shall:

13 (1) study the issue to be addressed by the proposed
14 rule;

15 (2) hold a public hearing on the issue; and

16 (3) draft the proposed rule, which may not address
17 more than one subject.

18 (b) The committee shall publish the proposed disciplinary
19 rule in:

20 (1) the Texas Register; and

21 (2) the Texas Bar Journal.

22 (c) The committee shall give interested parties at least 30
23 days from the date the proposed disciplinary rule is published as
24 required under Subsection (b) to submit comments on the rule to the
25 committee. The committee shall make all reasonable efforts to
26 solicit comments from:

27 (1) different geographic regions in this state;

1 (2) nonattorney members of the public; and

2 (3) members of the state bar.

3 (d) The committee shall hold a public hearing on the
4 proposed disciplinary rule if, during the comment period described
5 by Subsection (c), the hearing is requested by:

6 (1) at least 25 people;

7 (2) a state agency or political subdivision of this
8 state; or

9 (3) an association with at least 25 members.

10 (e) On conclusion of the comment period described by
11 Subsection (c), the committee may amend the proposed disciplinary
12 rule in response to the comments.

13 (f) The committee shall vote on whether to recommend a
14 proposed disciplinary rule to the board of directors not later than
15 the 60th day after the final day of the comment period described by
16 Subsection (c). The committee may not recommend a proposed
17 disciplinary rule unless at least five members of the committee
18 favor recommendation.

19 (g) The committee shall submit a proposed disciplinary rule
20 that is recommended by the committee to the board of directors for
21 review and consideration.

22 (h) A proposed disciplinary rule is withdrawn six months
23 after the date the rule proposal process is initiated under Section
24 81.0875(b)(1) if the committee does not recommend the rule to the
25 board of directors before expiration of that time.

26 Sec. 81.0877. APPROVAL OF PROPOSED DISCIPLINARY RULE BY
27 BOARD OF DIRECTORS. (a) The board of directors shall vote on each

1 proposed disciplinary rule recommended by the committee not later
2 than the 180th day after the date the rule is received from the
3 committee. The board shall vote for or against the rule or return
4 the rule to the committee for additional consideration.

5 (b) If a proposed disciplinary rule is approved by a
6 majority of the directors, the board of directors shall petition
7 the supreme court to order a referendum as provided by Section
8 81.0878 on the rule by the members of the state bar.

9 Sec. 81.0878. REFERENDUM VOTE BY STATE BAR MEMBERS. (a) On
10 receipt of a petition filed by the board of directors under Section
11 81.0877(b), the supreme court shall:

12 (1) distribute a copy of the rule in ballot form to
13 each member of the state bar and order a vote on the rule; and

14 (2) publish the rule in:

15 (A) the Texas Register; and

16 (B) the Texas Bar Journal.

17 (b) The supreme court shall give state bar members:

18 (1) at least 30 days to consider a proposed
19 disciplinary rule before voting begins; and

20 (2) 30 days to vote on the proposed disciplinary rule
21 following the period for considering the proposed rule under
22 Subdivision (1).

23 (c) The state bar shall provide proponents and opponents of
24 a proposed disciplinary rule an equal opportunity to present their
25 views at any bar sponsored forum at which the rule referendum is
26 discussed.

27 (d) One or more proposed disciplinary rules may appear on a

1 single referendum ballot. State bar members shall vote for or
2 against each rule. If a majority of the members who vote on the
3 proposed rule vote in favor of the rule, the rule is approved by the
4 members of the state bar.

5 Sec. 81.0879. SUPREME COURT APPROVAL OR REJECTION. The
6 supreme court by majority vote may approve or reject a proposed
7 disciplinary rule in its entirety, but may not approve or reject
8 only part of the rule. If the supreme court does not vote on the
9 rule on or before the 60th day after the date the rule is approved by
10 bar members under Section 81.0878, the rule is considered approved
11 by the supreme court.

12 Sec. 81.08791. RULE DELIBERATIONS. (a) The committee, the
13 board of directors, or the supreme court shall provide notice of any
14 deliberation on a proposed disciplinary rule, and the deliberation
15 must be open to the public.

16 (b) The board of directors and the supreme court shall
17 record and make public each vote for or against a proposed
18 disciplinary rule.

19 Sec. 81.08792. PROPOSED DISCIPLINARY RULE APPROVAL
20 REQUIRED BEFORE ADOPTION. A proposed disciplinary rule may not be
21 adopted by the supreme court unless the rule is approved by:

- 22 (1) the committee;
23 (2) the board of directors;
24 (3) the members of the state bar; and
25 (4) the supreme court.

26 Sec. 81.08793. USE OF TECHNOLOGY. The supreme court, the
27 committee, and the state bar shall use technological solutions

1 throughout the disciplinary rule proposal process to promote:

2 (1) financial efficiency; and

3 (2) comments from interested persons.

4 SUBCHAPTER E-2. OMBUDSMAN FOR ATTORNEY DISCIPLINE SYSTEM

5 Sec. 81.0881. DEFINITIONS. In this subchapter:

6 (1) "Ombudsman" means the ombudsman for the attorney
7 discipline system of the state bar.

8 (2) "System" means the attorney discipline system of
9 the state bar.

10 Sec. 81.0882. OMBUDSMAN FOR ATTORNEY DISCIPLINE SYSTEM.

11 (a) The state bar shall fund one full-time equivalent position of
12 ombudsman for the attorney discipline system.

13 (b) The ombudsman is selected by the members of the supreme
14 court and is independent of the state bar, the board of directors,
15 the commission, and the chief disciplinary counsel.

16 (c) The ombudsman shall report directly to the supreme
17 court.

18 Sec. 81.0883. POWERS AND DUTIES OF OMBUDSMAN. (a) The
19 ombudsman shall:

20 (1) review grievances to determine whether the state
21 bar followed the proper grievance procedures;

22 (2) receive complaints about the system;

23 (3) receive and investigate complaints on violations
24 of the system's procedural rules;

25 (4) answer questions from the public on the system's
26 operation, accessing the system, and the availability of other
27 state bar programs;

1 (5) assist members of the public wishing to submit a
2 lawyer grievance by explaining the information required and the
3 methods for submitting the information; and

4 (6) at least annually, make recommendations to the
5 board of directors and the supreme court for improvements to the
6 system, including ways to improve access to the system and changes
7 to the grievance form.

8 (b) The ombudsman may not:

9 (1) draft a complaint for a member of the public;
10 (2) act as an advocate for a member of the public; or
11 (3) reverse or modify a finding or judgment in any
12 disciplinary proceeding.

13 Sec. 81.0884. ACCESS TO INFORMATION. The chief
14 disciplinary counsel, a district grievance committee, the board of
15 directors, the commission, and state bar members shall share with
16 the ombudsman requested information that is necessary to:

17 (1) determine whether the state bar followed
18 procedural rules related to a particular grievance; or

19 (2) evaluate the system's efficacy and adequacy.

20 Sec. 81.0885. CONFIDENTIAL INFORMATION; PRIVILEGED
21 COMMUNICATIONS. (a) All types of information, proceedings,
22 hearing transcripts, and statements presented to the ombudsman are
23 confidential and may not be disclosed to any person other than the
24 chief disciplinary counsel unless disclosure is ordered by a court.

25 (b) The ombudsman may not access privileged communications
26 and information shared between the chief disciplinary counsel and
27 the commission.

1 SECTION 10. Section 81.115(b), Government Code, is amended
2 to read as follows:

3 (b) A profile must contain the following information on each
4 attorney:

5 (1) the name of each law school attended and the date
6 the attorney graduated;

7 (2) the date the attorney became licensed to practice
8 law in this state;

9 (3) any specialty certification recognized by the
10 state bar and held by the attorney;

11 (4) the attorney's primary practice location;

12 (5) any public disciplinary sanctions issued by the
13 state bar against the attorney, including a link on the attorney's
14 online profile to the full text of the disciplinary judgment
15 entered by a district grievance committee or district judge [~~during~~
16 ~~at least the 10-year period preceding the date of the profile~~]; and

17 (6) any public disciplinary sanctions issued by an
18 entity in another state responsible for attorney discipline in that
19 state against the attorney [~~during at least the 10-year period~~
20 ~~preceding the date of the profile~~].

21 SECTION 11. Section 411.100, Government Code, is amended to
22 read as follows:

23 Sec. 411.100. ACCESS TO CRIMINAL HISTORY RECORD
24 INFORMATION: BOARD OF LAW EXAMINERS AND STATE BAR OF TEXAS. (a)

25 The Board of Law Examiners is entitled to obtain from the department
26 criminal history record information maintained by the department
27 that relates to a person who is an applicant to take a bar

1 examination.

2 (a-1) The State Bar of Texas is entitled to obtain:

3 (1) from the department, criminal history record
4 information maintained by the department that relates to a person
5 who is a member of the state bar; or

6 (2) from the Board of Law Examiners, criminal history
7 record information obtained under Subsection (a).

8 (b) Criminal history record information obtained [~~by the~~
9 ~~board~~] under Subsection (a) or (a-1) may not be released or
10 disclosed to any person, except on court order or with consent of
11 the applicant.

12 (c) Immediately following the [~~board's~~] decision of the
13 Board of Law Examiners on recommending an applicant, the board
14 shall collect and make accessible to the State Bar of Texas [~~see~~]
15 all criminal history record information obtained by the board that
16 relates to that applicant.

17 SECTION 12. Section 411.1005(a), Government Code, is
18 amended to read as follows:

19 (a) The general counsel of the State Bar of Texas is
20 entitled to obtain from the department criminal history record
21 information maintained by the department that relates to a person
22 who is:

23 (1) [~~a person~~] licensed by the state bar;

24 (2) [~~and who is~~] the subject of or involved in an
25 investigation of:

26 (A) professional misconduct relating to a
27 grievance filed under the disciplinary rules of the state bar; or

1 (B) barratry, the unauthorized practice of law,
2 or falsely holding oneself out as a lawyer, in violation of Section
3 38.12, 38.122, or 38.123, Penal Code;

4 (3) [~~(2)~~] a witness in any disciplinary action or
5 proceeding conducted by the state bar, the Board of Disciplinary
6 Appeals, or any court; or

7 (4) [~~(3)~~] an applicant for reinstatement to practice
8 law.

9 SECTION 13. The following provisions of the Government Code
10 are repealed:

11 (1) Sections 81.024(c), (d), (e), (f), and (g); and

12 (2) Section 411.1005(c).

13 SECTION 14. (a) The State Bar of Texas shall obtain
14 criminal history record information on each person who is a member
15 of the state bar on the effective date of this Act as authorized by
16 Section 81.037, Government Code, as added by this Act, not later
17 than September 1, 2019.

18 (b) As soon as practicable after the effective date of this
19 Act, but not later than January 1, 2018, the president of the State
20 Bar of Texas and the Texas Supreme Court shall appoint the initial
21 members of the Committee on Disciplinary Rules and Referenda as
22 follows:

23 (1) the state bar president shall appoint two people
24 to terms expiring in 2018;

25 (2) the supreme court shall appoint one person to a
26 term expiring in 2018;

27 (3) the state bar president shall appoint two people

1 to terms expiring in 2019;

2 (4) the supreme court shall appoint one person to a
3 term expiring in 2019;

4 (5) the state bar president shall appoint two people
5 to terms expiring in 2020; and

6 (6) the supreme court shall appoint one person to a
7 term expiring in 2020.

8 (c) Notwithstanding Subchapter E-1, Government Code, as
9 added by this Act, not later than March 1, 2018, the Texas Supreme
10 Court shall adopt the rules necessary to:

11 (1) modify the voluntary mediation and dispute
12 resolution procedures for grievances as required by Section
13 81.072(e), Government Code, as amended by this Act;

14 (2) authorize the issuance of subpoenas under Section
15 81.080, Government Code, as added by this Act;

16 (3) implement Section 81.081, Government Code, as
17 added by this Act;

18 (4) revise the time provided for grievance
19 investigations, subpoena issuance, and investigatory hearings to
20 provide for voluntary mediation and dispute resolution under
21 Section 81.072(e), Government Code, as amended by this Act;

22 (5) establish the process to identify complaints
23 suitable for settlement attempts and authorize the chief
24 disciplinary counsel to conduct investigatory and disciplinary
25 hearings by teleconference under Sections 81.082 and 81.086,
26 Government Code, as added by this Act;

27 (6) establish the grievance referral program as

1 required by Subsection (d)(3) of this section; and

2 (7) establish the sanction guidelines proposed by the
3 chief disciplinary counsel under Section 81.083, Government Code,
4 as added by this Act.

5 (d) The chief disciplinary counsel shall:

6 (1) develop proposed changes to the disciplinary rules
7 regarding the time for conducting an investigation of a grievance
8 or issuing a subpoena related to an investigation or attempting a
9 settlement in an investigatory hearing under Section 81.082,
10 Government Code, as added by this Act;

11 (2) propose rules necessary to implement the
12 settlement process described by Section 81.082, Government Code, as
13 added by this Act; and

14 (3) propose rules to establish a grievance referral
15 program under the Texas Rules of Disciplinary Procedure, including
16 criteria for attorney participation and authorization for use of
17 the program at any point in the attorney disciplinary process.

18 (e) The State Bar of Texas shall assist the Texas Supreme
19 Court on rule modifications to the Texas Rules of Disciplinary
20 Procedure that are necessary to address Section 81.072(e)(1),
21 Government Code, as amended by this Act, including:

22 (1) types of grievances the chief disciplinary counsel
23 may refer to the voluntary mediation and dispute resolution
24 procedure and the criteria defining the grievance types;

25 (2) modifications to the time for processing
26 grievances to accommodate voluntary mediation and dispute
27 resolution and the establishment of a limit on the time for

1 resolution through voluntary mediation and dispute resolution or
2 referral to the formal grievance process for further action; and

3 (3) confidentiality rules to allow the chief
4 disciplinary counsel and client-attorney assistance program to
5 share appropriate information in a case referred for voluntary
6 mediation and dispute resolution.

7 (f) The State Bar of Texas shall include on attorneys'
8 online profiles any historical information on public disciplinary
9 sanctions as is practicable under Section 81.115(b), Government
10 Code, as amended by this Act. A public disciplinary action issued
11 on or after the effective date of this Act must be included on the
12 attorney's online profile as required by Section 81.115(b),
13 Government Code, as amended by this Act.

14 SECTION 15. (a) Except as provided by Subsection (b) of
15 this section, Section 81.0201, Government Code, as amended by this
16 Act, applies to a member of the board of directors of the State Bar
17 of Texas appointed before, on, or after the effective date of this
18 Act.

19 (b) A member of the board of directors of the State Bar of
20 Texas who, before the effective date of this Act, completed the
21 training program required by Section 81.0201, Government Code, as
22 that law existed before the effective date of this Act, is required
23 to complete additional training only on subjects added by this Act
24 to the training program as required by Section 81.0201, Government
25 Code, as amended by this Act. A board member described by this
26 subsection may not vote, deliberate, or be counted as a member in
27 attendance at a meeting of the board held on or after December 1,

1 2017, until the member completes the additional training.

2 SECTION 16. This Act takes effect September 1, 2017.