

By: Watson, et al.
(Thompson of Harris)

S.B. No. 302

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 Subsections (a-2), (a-3), and (a-4) to read as follows:

22 (a-2) Any change in a membership fee or other fee for state
23 bar members must be:

24 (1) clearly described and included in the proposed
25 budget; and

26 (2) considered by the supreme court in the state bar
27 budget deliberations.

1 (a-3) Except as provided by Subsection (a-4), an increase in
2 a membership fee or other fee for state bar members may not take
3 effect until the supreme court:

4 (1) distributes the proposed fee change in ballot form
5 to each member of the state bar and orders a vote;

6 (2) counts the returned ballots following the 30th day
7 after the date the ballots are distributed; and

8 (3) promulgates the proposed fee, effective
9 immediately, only on approval of the fee increase by a majority of
10 the state bar members who voted on the increase.

11 (a-4) The board of directors may increase a membership fee
12 or other fee for state bar members, without distributing the
13 proposed fee to the state bar members for a vote, on or after the
14 sixth anniversary of the preceding fee increase provided the fee
15 increase amount is not more than 10 percent of the previous fee
16 amount.

17 SECTION 4. Sections 81.024(a) and (b), Government Code, are
18 amended to read as follows:

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

22 (b) The supreme court may:

23 (1) [~~either~~] as it considers necessary, pursuant to
24 a resolution of the board of directors of the state bar, or pursuant
25 to a petition signed by at least 10 percent of the registered
26 members of the state bar, prepare, propose, and adopt rules or
27 amendments to rules for the operation, maintenance, and

1 administration [~~conduct~~] of the state bar; and

2 (2) in accordance with Subchapter E-1, adopt rules,
3 including the Texas Disciplinary Rules of Professional Conduct and
4 the Texas Rules of Disciplinary Procedure, for the discipline of
5 state bar [~~its~~] members.

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

8 Sec. 81.037. CRIMINAL HISTORY RECORD INFORMATION. (a) The
9 state bar shall require that each member of the state bar submit a
10 complete and legible set of fingerprints, on a form prescribed by
11 the state bar, to the state bar or to the Department of Public
12 Safety for the purpose of obtaining criminal history record
13 information from the department and the Federal Bureau of
14 Investigation. The state bar may obtain the information from the
15 Board of Law Examiners for a state bar member who has been issued an
16 initial license.

17 (b) A state bar member is not required to submit
18 fingerprints under this section if the member has previously
19 submitted fingerprints to:

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

22 (2) the state bar or the Department of Public Safety
23 under this chapter.

24 (c) The state bar shall conduct a criminal history record
25 check of each member of the state bar using information:

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

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

4 (d) The state bar may:

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

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

11 (e) The state bar may administratively suspend the license
12 of a member of the state bar who fails to assist the state bar in
13 obtaining criminal history record information under this section.

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

16 (a) The supreme court shall set membership fees and other
17 fees for members of the state bar during the court's annual budget
18 process under Section 81.022. The fees, except as provided by
19 Subsection (j) and those set for associate members, must be set in
20 accordance with this section [~~and Section 81.024~~].

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

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

25 (1) attempt to resolve each minor grievance referred
26 to the voluntary mediation and dispute resolution procedure by the
27 chief disciplinary counsel [~~allegation of attorney misconduct that~~

1 ~~is:~~

2 [~~(A) classified as an inquiry under Section~~
3 ~~81.073(a)(2)(A) because it does not constitute an offense~~
4 ~~cognizable under the Texas Disciplinary Rules of Professional~~
5 ~~Conduct; or~~

6 [~~(B) classified as a complaint and subsequently~~
7 ~~dismissed]; and~~

8 (2) facilitate coordination with other programs
9 administered by the state bar to address and attempt to resolve
10 inquiries and complaints referred to the voluntary mediation and
11 dispute resolution procedure.

12 SECTION 8. Subchapter E, Chapter 81, Government Code, is
13 amended by adding Sections 81.080, 81.081, 81.082, 81.083, 81.084,
14 81.085, and 81.086 to read as follows:

15 Sec. 81.080. ISSUANCE OF SUBPOENA; OBJECTION. (a) On
16 approval of the presiding officer of the appropriate district
17 grievance committee, the chief disciplinary counsel may, during an
18 investigation of a grievance, issue a subpoena that relates
19 directly to a specific allegation of attorney misconduct.

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

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

25 (1) any criminal offense committed by the attorney;
26 and

27 (2) any disciplinary action taken by another state's

1 bar against the attorney.

2 Sec. 81.082. PROCESS TO IDENTIFY COMPLAINTS SUITABLE FOR
3 SETTLEMENT OR INVESTIGATORY HEARING. (a) The chief disciplinary
4 counsel shall develop a process to identify a complaint that is
5 appropriate for a settlement attempt or an investigatory hearing
6 before a trial is requested or the complaint is placed on a hearing
7 docket.

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

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

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

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

17 (3) provide consistency between complaints heard by a
18 district grievance committee and complaints heard by a district
19 court.

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

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

26 Sec. 81.084. GRIEVANCE TRACKING SYSTEM. (a) The chief
27 disciplinary counsel shall create and maintain a grievance tracking

1 system for grievances filed and disciplinary decisions issued under
2 this subchapter.

3 (b) The grievance tracking system must:

4 (1) associate each rule violation or instance of
5 ethical misconduct with the sanction imposed or final action taken
6 for the violation or misconduct in a diversionary procedure adopted
7 under state bar rules;

8 (2) address whether a sanction decision aligns with
9 the sanction guidelines adopted under Section 81.083;

10 (3) specify the district grievance committee or
11 district judge that imposed the sanction to evaluate sanction
12 patterns within the disciplinary districts and facilitate training
13 for district grievance committee members; and

14 (4) include sufficient information to evaluate and
15 track disciplinary trends over time.

16 (c) The chief disciplinary counsel shall:

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

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

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

27 Sec. 81.086. TELECONFERENCE. The chief disciplinary

1 counsel may hold investigatory and disciplinary hearings by
2 teleconference.

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

5 SUBCHAPTER E-1. COMMITTEE ON DISCIPLINARY RULES AND REFERENDA;
6 DISCIPLINARY RULE PROPOSAL PROCESS

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

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

11 (1) three attorneys appointed by the president of the
12 state bar;

13 (2) one nonattorney public member appointed by the
14 president of the state bar;

15 (3) four attorneys appointed by the supreme court; and

16 (4) one nonattorney public member appointed by the
17 supreme court.

18 (b) The president of the state bar and the chief justice of
19 the supreme court shall alternate designating an attorney member of
20 the committee to serve as the presiding officer of the committee for
21 a term of one year.

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

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

25 (1) regularly review the Texas Disciplinary Rules of
26 Professional Conduct and the Texas Rules of Disciplinary Procedure;

27 (2) at least annually issue to the supreme court and

1 the board of directors a report on the adequacy of the rules
2 reviewed under Subdivision (1); and

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

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

7 Sec. 81.0875. INITIATION OF RULE PROPOSAL PROCESS.

8 (a) The committee may initiate the process for proposing a
9 disciplinary rule for the state bar as the committee considers
10 necessary or in conjunction with the review of the Texas
11 Disciplinary Rules of Professional Conduct and the Texas Rules of
12 Disciplinary Procedure under Section 81.0873(1).

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

16 (1) initiate the process; or

17 (2) issue a written decision declining to initiate the
18 process and the reasons for declining.

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

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

22 (2) a request of the supreme court;

23 (3) a request of the commission;

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

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

27 (6) a petition signed by at least 20,000 people, of

1 which at least 51 percent, or 10,200 or more, must be residents of
2 this state.

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

5 (1) study the issue to be addressed by the proposed
6 rule;

7 (2) hold a public hearing on the issue;

8 (3) draft the proposed rule, which may not address
9 more than one subject; and

10 (4) make all reasonable efforts to solicit comments
11 from different geographic regions in this state, nonattorney
12 members of the public, and members of the state bar.

13 (b) A proposed disciplinary rule is withdrawn six months
14 after the date the rule proposal process is initiated under Section
15 81.0875(b)(1) if the proposed disciplinary rule is not published on
16 or before that date in:

17 (1) the Texas Register; and

18 (2) the Texas Bar Journal.

19 (c) The committee shall give interested parties at least 30
20 days from the date the proposed disciplinary rule is published as
21 required under Subsection (b) to submit comments on the rule to the
22 committee.

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

26 (1) at least 25 people;

27 (2) a state agency or political subdivision of this

1 state; or

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

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

6 (f) The committee shall vote on whether to recommend a
7 proposed disciplinary rule to the board of directors not later than
8 the 60th day after the final day of the comment period described by
9 Subsection (c). The committee may not recommend a proposed
10 disciplinary rule unless at least five members of the committee
11 favor recommendation.

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

15 Sec. 81.0877. APPROVAL OF PROPOSED DISCIPLINARY RULE BY
16 BOARD OF DIRECTORS. (a) The board of directors shall vote on each
17 proposed disciplinary rule recommended by the committee not later
18 than the 120th day after the date the rule is received from the
19 committee. The board shall vote for or against the rule or return
20 the rule to the committee for additional consideration.

21 (b) If a proposed disciplinary rule is approved by a
22 majority of the directors, the board of directors shall petition
23 the supreme court to order a referendum as provided by Section
24 81.0878 on the rule by the members of the state bar.

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

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

3 (2) publish the rule in:

4 (A) the Texas Register; and

5 (B) the Texas Bar Journal.

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

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

9 (2) 30 days to vote on the proposed disciplinary rule
10 following the period for considering the proposed rule under
11 Subdivision (1).

12 (c) The state bar shall provide proponents and opponents of
13 a proposed disciplinary rule an equal opportunity to present their
14 views at any bar-sponsored forum at which the rule referendum is
15 discussed.

16 (d) One or more proposed disciplinary rules may appear on a
17 single referendum ballot. State bar members shall vote for or
18 against each rule. If a majority of the members who vote on the
19 proposed rule vote in favor of the rule, the rule is approved by the
20 members of the state bar.

21 Sec. 81.0879. SUPREME COURT APPROVAL OR REJECTION. The
22 supreme court by majority vote may approve or reject a proposed
23 disciplinary rule in its entirety, but may not approve or reject
24 only part of the rule. If the supreme court does not vote on the
25 rule on or before the 120th day after the date the rule is approved
26 by bar members under Section 81.0878, the rule is considered
27 approved by the supreme court.

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

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

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

11 (1) the committee;

12 (2) the board of directors;

13 (3) the members of the state bar; and

14 (4) the supreme court.

15 Sec. 81.08793. USE OF TECHNOLOGY. The supreme court, the
16 committee, and the state bar shall use technological solutions
17 throughout the disciplinary rule proposal process to promote:

18 (1) financial efficiency; and

19 (2) comments from interested persons.

20 Sec. 81.08794. EXPIRED TIME AND DEFEATED RULE PROPOSAL.

21 (a) If a time limit provided by this subchapter expires or a
22 disciplinary rule proposal is otherwise defeated, the process for
23 initiating the proposed disciplinary rule may again be initiated in
24 accordance with this subchapter.

25 (b) For good cause shown, the supreme court may grant a
26 petition to extend any time limit provided by this subchapter until
27 a date that is not later than the 90th day after the original

1 deadline.

2 SUBCHAPTER E-2. OMBUDSMAN FOR ATTORNEY DISCIPLINE SYSTEM

3 Sec. 81.0881. DEFINITIONS. In this subchapter:

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

6 (2) "System" means the attorney discipline system of
7 the state bar.

8 Sec. 81.0882. OMBUDSMAN FOR ATTORNEY DISCIPLINE SYSTEM.

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

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

14 (c) The ombudsman shall report directly to the supreme
15 court.

16 Sec. 81.0883. POWERS AND DUTIES OF OMBUDSMAN. (a) The
17 ombudsman shall:

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

20 (2) receive complaints about the system;

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

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

26 (5) assist members of the public wishing to submit a
27 lawyer grievance by explaining the information required and the

1 methods for submitting the information; and

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

6 (b) The ombudsman may not:

7 (1) draft a complaint for a member of the public;

8 (2) act as an advocate for a member of the public;

9 (3) reverse or modify a finding or judgment in any
10 disciplinary proceeding; or

11 (4) intervene in any disciplinary matter.

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

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

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

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

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

27 SECTION 10. Section 81.115(b), Government Code, is amended

1 to read as follows:

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

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

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

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

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

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

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

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

22 Sec. 411.100. ACCESS TO CRIMINAL HISTORY RECORD
23 INFORMATION: BOARD OF LAW EXAMINERS AND STATE BAR OF TEXAS.

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

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

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

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

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

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

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

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

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

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

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

27 (B) barratry, the unauthorized practice of law,

1 or falsely holding oneself out as a lawyer, in violation of Section
2 38.12, 38.122, or 38.123, Penal Code;

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

6 (4) [~~(3)~~] an applicant for reinstatement to practice
7 law.

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

- 10 (1) Sections 81.024(c), (d), (e), (f), and (g); and
11 (2) Section 411.1005(c).

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

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

22 (1) the state bar president shall appoint one person
23 to a term expiring in 2018;

24 (2) the supreme court shall appoint two people to
25 terms expiring in 2018;

26 (3) the state bar president shall appoint two people
27 to terms expiring in 2019;

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

3 (5) the state bar president shall appoint one person
4 to a term expiring in 2020; and

5 (6) the supreme court shall appoint two people to
6 terms expiring in 2020.

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

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

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

15 (3) implement Section [81.081](#), Government Code, as
16 added by this Act;

17 (4) revise the time provided for grievance
18 investigations, subpoena issuance, investigatory hearings, and
19 providing voluntary mediation and dispute resolution under Section
20 [81.072\(e\)](#), Government Code, as amended by this Act;

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

26 (6) establish the grievance referral program as
27 required by Subsection (d)(3) of this section; and

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

4 (d) The chief disciplinary counsel shall:

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

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

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

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

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

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

1 referral to the formal grievance process for further action; and

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

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

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

18 (b) A member of the board of directors of the State Bar of
19 Texas who, before the effective date of this Act, completed the
20 training program required by Section 81.0201, Government Code, as
21 that law existed before the effective date of this Act, is required
22 to complete additional training only on subjects added by this Act
23 to the training program as required by Section 81.0201, Government
24 Code, as amended by this Act. A board member described by this
25 subsection may not vote, deliberate, or be counted as a member in
26 attendance at a meeting of the board held on or after December 1,
27 2017, until the member completes the additional training.

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